



Hildale City Planning Commission

Thursday, August 19, 2021 at 6:00 PM
320 East Newel Avenue, Hildale City, Utah 84784

Agenda

Notice is hereby given to the members of the Hildale City Planning Commission and to the public, that the Planning Commission will hold a regular meeting on **Thursday, August 19, 2021**, at 320 East Newel Avenue, Hildale, Utah 84784 at **6:00 pm (MDT)**.

<https://www.facebook.com/hildalecity/live/>

Join Zoom Meeting

<https://zoom.us/j/95770171318?pwd=aUVSU0hRSFFHcGQvcUIPT3ZYK0p5UT09>

Meeting ID: 957 7017 1318

Passcode: 993804

One tap mobile

+16699006833,,95770171318#,,,,*993804# US (San Jose)

+12532158782,,95770171318#,,,,*993804# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston) +1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago)

Comments during the public comment or public hearing portions of the meeting may be emailed to planning@hildalecity.com or privately messaged to Hildale City's Facebook page. All comments sent before the meeting may be read during the meeting and messages or emails sent during the meeting may be read at the Chair's discretion.

Call to Order: *Meeting Chair*

Roll Call: *City Recorder*

Pledge of Allegiance: *Invitation of Meeting Chair*

Public Comment: *Members of the Public*

*** May be limited to 3 minutes in discretion of Board Chair. ***

Commissioner Comment: *Commissioners*

*** No final action will be taken. May be limited to 3 minutes in discretion of Board Chair ***

Approval of Minutes: *Meeting Chair*

1. July 22, 2021 Meeting Minutes

ACTION ITEMS

2. Public hearing, discussion, and possible recommendation on **adoption of a zoning map amendment to re-zone Lot HD-SHCR-8-9-B, 345 East Utah Avenue, from Residential Agricultural .5 (RA-.5) to Multi-Family Residential 1 (RM-1).** *(Presented by ZA Kesselring)*

The Commission will receive public comment on this item in person or via email or social media.

3. Discussion and possible approval of **conditional use permit for oversized accessory building at 765 N Willow Street, Hildale, Utah.** *(Presented by ZA Kesselring)*

4. Public hearing, discussion, and possible recommendation on **adoption of Hildale City General Plan.** *(Presented by Consultant Ryan Robinson)*

The Commission will receive public comment on this item in person or via email or social media.

5. Consideration, discussion, and possible approval of a **site plan for Parcel HD-HDIP-21, commonly addressed as 1385 W Field Avenue, Hildale, Utah for the establishment of a storage facility.** *(Presented by ZA Kesselring)*

6. Public hearing, discussion, and possible recommendation on **adoption of a text amendment to Section 152-7-4 of the Hildale Land Use Ordinance to update the notice requirements for general plan and ordinance adoptions and amendments.** *(Presented by ZA Kesselring)*

The Commission will receive public comment on this item in person or via email or social media.

7. Public hearing, discussion, and possible recommendation on **adoption of a text amendment to Section 156-08 of the Hildale Development Standards Ordinance to re-adopt the APWA design standards.** *(Presented by ZA Kesselring)*

The Commission will receive public comment on this item in person or via email or social media.

8. Public hearing, discussion, and possible recommendation on **adoption of a text amendment to Chapter 52 of the Hildale Land Use Ordinance and related sections regarding standards applicable to Camping Hosting Facilities.** *(Presented by ZA Kesselring)*

The Commission will receive public comment on this item in person or via email or social media.

9. Public hearing, discussion, and possible recommendation on **adoption of a text amendment to Sections 152-3-4 and 152-39-3 of the Hildale Land Use Ordinance to update definitions of words and phrases consistent with recent legislation.** *(Presented by ZA Kesselring)*

The Commission will receive public comment on this item in person or via email or social media.

10. Discussion and possible action on **selection of Board Chair and other officers.** *(Meeting Chair)*

NEW COMMISSION BUSINESS

**** Items set for first time consideration - final action may be taken in discretion of Meeting Chair. ****

11. Discussion and possible direction to staff on **minimum number of lots for small subdivisions and subdivision enforcement practices.** *(Presented by ZA Kesselring)*

Adjournment: Meeting Chair

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. The Hildale City Planning Commission may, by motion, recess into executive session which is not open to the public, to receive legal advice from the City attorney(s) on any agenda item, to discuss sensitive personnel matters, or concerning negotiations for the purchase, sale or lease of real property.

Hildale City Planning Commission Members may be attending by telephone. Agenda and items therein subject to change up to 24 hours prior to the meeting. Individuals needing special accommodations should notify the City Recorder at 435-874-2323 at least three days prior to the meeting.

Hildale City Planning Commission

320 East Newel Avenue, Hildale, Utah 84784

Thursday, July 22, 2021, 6:00 pm

Present:

Commissioners: Charles Hammon, Jenn Kesselring (excused), Nathan Fischer, Tracy Barlow, Brigham Holm (excused), Derick Holm, Rex Jessop

Recorder: Athena Cawley

Staff: Eric Duthie, Christian Kesselring, Athena Cawley, Miranda Jeffs

Public: Shane Tooke, (this list may be incomplete)

Court Monitor: Roger Carter

Nathan Fischer conducted the meeting.

#1. Call to Order.

Meeting called to order at 6:04 pm.

#2. Roll Call

Roll was taken, quorum present.

#3. Pledge of Allegiance

The crowd joined in the pledge of allegiance.

#4. Public Comment: None

#5. Approval of Minutes

May 3, 2021 Meeting Minutes

Tracy Barlow moved to approve Meeting Minutes for May 3, 2021.

Rex Jessop seconded. Roll call vote:

	YES	NO	ABSTAIN
Derick Holm	X		
Rex Jessop	X		
Charles Hammon	X		
Tracy Barlow	X		
Nathan Fischer	X		

Motion carried.

#6. Introduction of Zoning Administrator:

A. Introduction of designated Zoning Administrator Kesselring

City Manager Duthie introduced Christian Kesselring as Zoning Administrator. He reminded the Commission Board of what the guidelines are for Process and Procedures of the Zoning Codes.

Zoning Administrator Kesselring introduced himself and talked about the zoning code updates and improvements.

#7. Public Hearings

Tracy Barlow moved to go into the Public Hearing for Rezone of Parcel HD-SHCR-4-9, commonly addressed as 985 N. Pinion Street, Hildale, Utah and Parcel HD-SHCR-3-14, commonly addressed as 920 N. Elm Street, Hildale, Utah.

Motion carried by general consensus.

- A. The Commission will receive public comment concerning a requested Rezone of Parcel HD-SHCR-4-9, commonly addressed as 985 N. Pinion Street, Hildale, Utah.**
Zoning Administrator Kesselring presented a report for a zone change at 985 N. Pinion Street and talked about how zoning codes correlate with the new General Plan. The applicant is looking to split the lot into two lots.
- B. The Commission will receive public comment concerning a requested Rezone of Parcel HD-SHCR-3-14, commonly addressed as 920 N. Elm Street, Hildale, Utah.**
Zoning Administrator Kesselring presented a report for a zone change at 920 N. Elm Street. The intent for this lot is to split it into approximately two half acres and zoned to the right zoning codes in relation to the new General Plan.
- C. The Commission will receive public comment concerning final Site Plan approval for Parcel HD-HDIP-21, commonly addressed as 1385 W. Field Avenue, Hildale, Utah for the establishment of a storage facility.**
Zoning Administrator Kesselring presented a Final Site Plan application for an industrial property. The applicant is looking to get approval for developing a storage unit complex that will be done in phases.

Tracy Barlow moved to go out of the Public Hearing for Rezone of Parcel HD-SHCR-4-9, commonly addressed as 985 N. Pinion Street, Hildale, Utah and Parcel HD-SHCR-3-14, commonly addressed as 920 N. Elm Street, Hildale, Utah.

Motion carried by general consensus.

#8. New Commission Business

A. Consideration and discussion of the draft Hildale City General Plan

Mike Hansen addressed the Commission with an overview of the General Plan. He presented an advisory document with the community's vision for the City's future. He recommended to Hildale City to move forward with improving City Codes to coincide with the City's new General Plan. He talked about ways to reach out to the public for feedback. He presented and discussed land use maps of the City limits, the progression and growth that the City has seen in the last 20 years, and differences in residential, industrial, and commercial zones. A draft for the General Plan will be presented and approved in a future meeting.

B. Consideration, discussion, and possible approval of a Rezone of Parcel HD-SHCR-4-9, commonly addressed as 985 N. Pinion Street, Hildale, Utah.

Zoning Administrator Kesselring presented a request from the applicant concerning the lot addressed as 985 N. Pinion Street, Hildale, Utah, to be rezone.

Rex Jessop moved to recommend that the City Council approve the Zoning Map amendment requested for lot HD-SHCR-4-9, (commonly addressed as 985 N. Pinion Street, Hildale, Utah) based on the findings set forth in the staff report.

Tracy Barlow seconded. Roll call vote:

	YES	NO	ABSTAIN
Derick Holm	X		
Rex Jessop	X		
Tracy Barlow	X		
Charles Hammon	X		
Nathan Fischer	X		

Motion carried.

C. Consideration, discussion, and possible approval of a Rezone of Parcel HD-SHCR-3-14, commonly addressed as 920 N. Elm Street, Hildale, Utah

Zoning Administrator Kesselring presented a brief review of the applicants request for a zone change at the address 920 N. Pinion Street, Hildale, Utah.

Rex Jessop moved to recommend that the City Council approve the Zoning Map amendment requested for lot HD-SHCR-3-14, (commonly addressed as 920 N. Pinion Street, Hildale, Utah) based on the findings set forth in the staff report.

Charles Hammon seconded. Roll call vote:

	YES	NO	ABSTAIN
Derick Holm	X		
Rex Jessop	X		
Charles Hammon	X		
Nathan Fischer	X		
Tracy Barlow	X		

Motion carried.

D. Consideration, discussion, and possible final Site Plan approval for Parcel HD-HDIP-21, commonly addressed as 1385 W. Field Avenue, Hildale, Utah for the establishment of a storage facility.

Commissioner Jessop declared a conflict of interest with this agenda item. Zoning Administrator Kesselring presented on the final Site Plan for the address 1385 West Field Avenue. The lot is currently undeveloped, and the applicant is proposing to develop the site into a storage unit project. City Manager Duthie talked about the correct process of rezoning and approving site plans. There was a discussion on tabling the

approval of this item until a revised layout/design of the storage units are considered in more depth.

E. Consideration, discussion, and possible selection of Board Chair and other officers.

This item was tabled and will be discussed in the next meeting.

#9. Adjournment

With no other business meeting adjourned at 8:07 pm.

Minutes were approved at Planning Commission meeting on _____.

Athena Cawley, City Recorder

Pending Minutes - Subject to Approval



August 3, 2021

RE: Notice of Public Hearing — Re-Zone Request
Parcel Number(s): HD-SHCR-8-9-B
Address: 345 East Utah Avenue, Hildale, Utah

To Whom it May Concern:

You are invited to a public hearing to give any input you may have as a neighboring property owner regarding a request to re-zone the above-listed parcel(s) from Residential Agricultural .5 (RA-.5) to Multi-Family Residential 1 (RM-1). The regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map amendment is adopted can be found in the Hildale City Land Use Ordinance, available in the City Recorder’s office or at:

https://hildale.municipalcodeonline.com/book?type=ordinances#name=TITLE_XV_LAND_DEVELOPMENT

The hearing will be held Thursday, August 19th, 2021 at 6:00 PM (MDT), at Hildale City Hall, which is located at 320 East Newel Avenue, Hildale, Utah. Any objections, questions or comments can be submitted in person or directed by mail to:

City of Hildale
Attn: Zoning Administrator
40 W Utah Ave
PO Box 840490
Hildale, UT 84784

The Zoning Administrator can also be reached by phone at (435) 874-2323, or by email at planning@hildalecity.com.

Any owner of property located entirely or partially within the proposed zoning map amendment may file a written objection to the inclusion of their property in the proposed zoning map amendment not later than 10 days after day of the first public hearing, which will be provided to the Hildale City Council.

Sincerely,

Christian Kesselring
Interim Zoning Administrator



HILDALE CITY PLANNING COMMISSION APPLICATION STAFF REPORT

Application Type: Conditional Use Permit (Greater Building Size)

Applicant Name: Heber Black

Project Address: 765 N Willow St

Current Zoning: RA-1

Legislative/Administrative Proceeding: Administrative

Approval Authority: Hildale Planning Commission

Appeal Authority: Hildale City Council

SUMMARY OF APPLICATION

The applicant is requesting a conditional use permit pursuant to Hildale City Code Sections 152-7-9 and 152-14-7(b) to increase the maximum size of an accessory building on Lot HD-SHCR-1-3, commonly addressed as 765 North Willow Street.

BACKGROUND

The subject lot is located on the west side of Willow Street between Utah Avenue and Field Avenue (see map). It was zoned RA-1 with the adoption of the zoning map in 2018.

The applicant has applied for a building permit to construct a 2,550 square foot canvas tent on the subject lot, which will be supported by metal hoops bolted to a concrete foundation, and which he asserts will be a temporary structure. Membrane-covered structures that will be erected for more than 180 days require a building permit. The Hildale Land Use Ordinance provides for some temporary uses, but a storage building is not one of them. The plans submitted indicate the planned tent will exceed the 2,000 square foot maximum size for accessory buildings in the RA-1 zone. Otherwise, the tent will conform to the development standards for the zone.

The Planning & Zoning Department staff is required and authorized by Section 152-7-13 to review all building permit applications for zoning compliance. A building permit cannot be issued unless the proposed structure conforms to the Land Use Ordinance. In this case, a conditional use permit will have to be approved prior to issuance of the building permit.

STAFF ANALYSIS

Standards for Approval/Denial

The standards for approval of a conditional use permit allowing a greater size building than ordinarily permitted are defined in Section 152-7-9(e)(2)(g), which requires that the building:

1. Must be of compatible architecture with immediately adjacent buildings;
2. Must leave at least thirty five percent (35%) of the lot on which it is located as a pervious surface; and
3. Must be for a use permitted in the zone in which it is located.

Compatible Architecture

The proposed tent structure is only fifteen feet high and will be covered with neutral-colored canvas. The immediately adjacent buildings consist of traditional wood frame construction single-family homes in various states of completion. Given that it only exceeds the allowable square footage by 27.5%, staff believes that from the lot line the visual appearance of the tent will not be materially different from that of a similar structure within the 2,000 square foot limit.

Pervious Surface

The subject lot contains 0.80 acres, or 34,848 square feet. Staff did not verify the square footage of the residence and the concrete driveway and patio on the site, because it is clear that over 35% of the lot area will be left pervious.

Permitted Use

Accessory uses in residential agricultural zones are defined to include “incidental storage buildings.” (HCC § 152-14-3(b)(3).)

Staff Recommendation

Based on the foregoing analysis, staff recommends granting the conditional use permit.



Caution

Ask yourself the following questions before voting.

1. Do I have a conflict of interest that has not been disclosed?
2. Am I granting this application based on who the applicant is?
3. In our discussion or in my own personal deliberations, did I/we consider the applicant's:
 - Color
 - Disability
 - Family Status
 - Sex/Gender
 - Race
 - Religion
 - National Origin
 - Familial Status
 - Military Service

If the answer is yes to any of the questions above, STOP. Consult with City Planning and Zoning Administrator, City Manager, City Attorney or Court Appointed Monitor Roger Carter (435) 319-0840 or rcivicus@gmail.com).



Sample Motions

(Approve without conditions) I move we approve a conditional use permit allowing a 2,550 square foot tent for storage purposes as presented for lot(s) HD-SHCR-1-3 based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Approve with conditions) I move we approve a conditional use permit allowing a 2,550 square foot tent for storage purposes as presented for lot(s) HD-SHCR-1-3 with the following additional conditions: **[list conditions]**.

(Deny) I move we deny a conditional use permit allowing a 2,550 square foot tent for storage purposes for lot(s) HD-SHCR-1-3 based on the findings set forth in the staff report and (if applicable) for the following additional reasons:

(Postpone) I move we postpone considering the conditional use permit application to the next regular planning commission meeting, and direct staff to provide more information about _____.

Hildale City Zoning Map



8/18/2021, 3:00:54 PM

📏 Municipal Boundary

📐 Parcels

Zoning District Overlays

🟩 PDO - Planned development overlay

Zoning Districts

🟨 RA-1 - Residential-agricultural 1

🟩 RA-.5 - Residential-agricultural .5

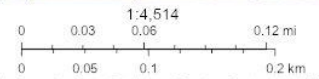
🟠 RM-1 - Multiple-family residential 1

🟩 RM-2 - Multiple-family residential 2

🟪 NC - Neighborhood commercial

🟪 GC - General commercial

🟩 OS - Open space



Esri, Community Maps Contributors, Coconino County, Utah AGRC, BuildingFootprintsUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI, NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Sunrise Cloud SMART GIS®, Maxar

Hildale City
Sunrise Cloud SMART GIS®

Mayor: Donia Jessop
City Council: Maha Layton, Lawrence Barlow
 Stacy Seay, JVar Dutson, Jared Nicol

320 East Newel Ave.
 P.O. Box 840490
 Hildale, UT 84784



435-874-2323

435-874-2603

www.hildalecity.com

CONDITIONAL USE PERMIT

City of Hildale
320 East Newel Avenue
Hildale, Utah 84784
(435) 874-1160
FAX (435) 874-2603

Fee: \$100

<i>For Office Use Only:</i>	
File No.	_____
Receipt No.	_____

APPLICATION & SUBMITTAL CHECKLIST

Name: Heber Black Telephone: 435.619.2443

Address: 765 N Willow St. #2396, Hildale, UT 84784 Fax No. _____

Email: beehivefire@gmail.com

Agent (If applicable): _____ Agent's Phone: _____

Agent email: _____

Address of Subject Property: 765 N. Willow St. #2396, Hildale, UT 84784

Tax ID of Subject Property: _____ Zone District: _____

Proposed Conditional Use: (Describe, use extra sheet if necessary) Temporary canvas tent for storage purposes

that is 2,550 square feet.

This application shall be accompanied by the following:

- _____ 1. A plot plan showing the following:
 - _____ Property boundaries, dimensions and existing streets.
 - _____ Location of existing and proposed building or livestock facility
 - _____ Adjoining property lines and uses within one hundred (100) feet of subject property.
- _____ 2) A reduced copy of all plans (8 1/2 x 11 if readable, or 11 x 17) if original plans are larger.
- _____ 3) Building floor plans for new construction
- _____ 4) Digital copy of all plans sent to planning@hildalecity.com
- _____ 5) A statement of how the applicant intends to meet the conditions for the use desired
- _____ 6) Signed and notarized Affidavit of Property owner showing evidence that the applicant has control of the property or copy of warranty deed

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 Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to 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: _____

Received by: _____

Date application deemed to be complete: _____

Completion determination made by: _____

Canvas Tent located at 765 N Willow St in Hildale UT is 85'L x 30'W x 15'H. The structure of the tent is made of metal poles with a canvas covering. The tent will be held down to prevent the wind picking it up and blowing it into other property with a concrete foundation and titan bolt holddowns. The tent will be used for storage.

The structure is not a permanent structure. It is a tent that is able to be taken apart easily and quickly. It is a temporary structure meant to be taken down and set up as needed. It is mean to protect property located at the lot.

Per the comment from C. Kesselring on 7/20/2021, to review code 152-7-9 for a conditional use permit. There are not any uses listed that fit the description of usage for this building. It will be used for storage. Please see below of permitted conditional uses per code.

Agricultural industry
 Agricultural Sales and Service
 Assisted living facility Automobile wrecking yard
 Camping Hosting Facility
 Dwelling, multi-family
 Dwelling, single-family
 Dwelling, temporary
 Dwelling, two-family
 Kennel, Commercial
 Gas and fuel, storage and sales
 Greater heights and size than permitted by the Code.
 Guesthouse or casita without direct access to main dwelling unit
 Metal buildings in commercial and residential zones
 Off Road Recreational Vehicle Rental
 Public stable
 Licensed family child care
 Reception center
 Recreation and entertainment, outdoor
 Residential facility for troubled youth

 Animals and fowl for recreation and family food production
 Guesthouse or casita without direct access to main dwelling unit
 Dwelling, multi-family
 Dwelling, single-family
 Dwelling, temporary
 Dwelling, two-family



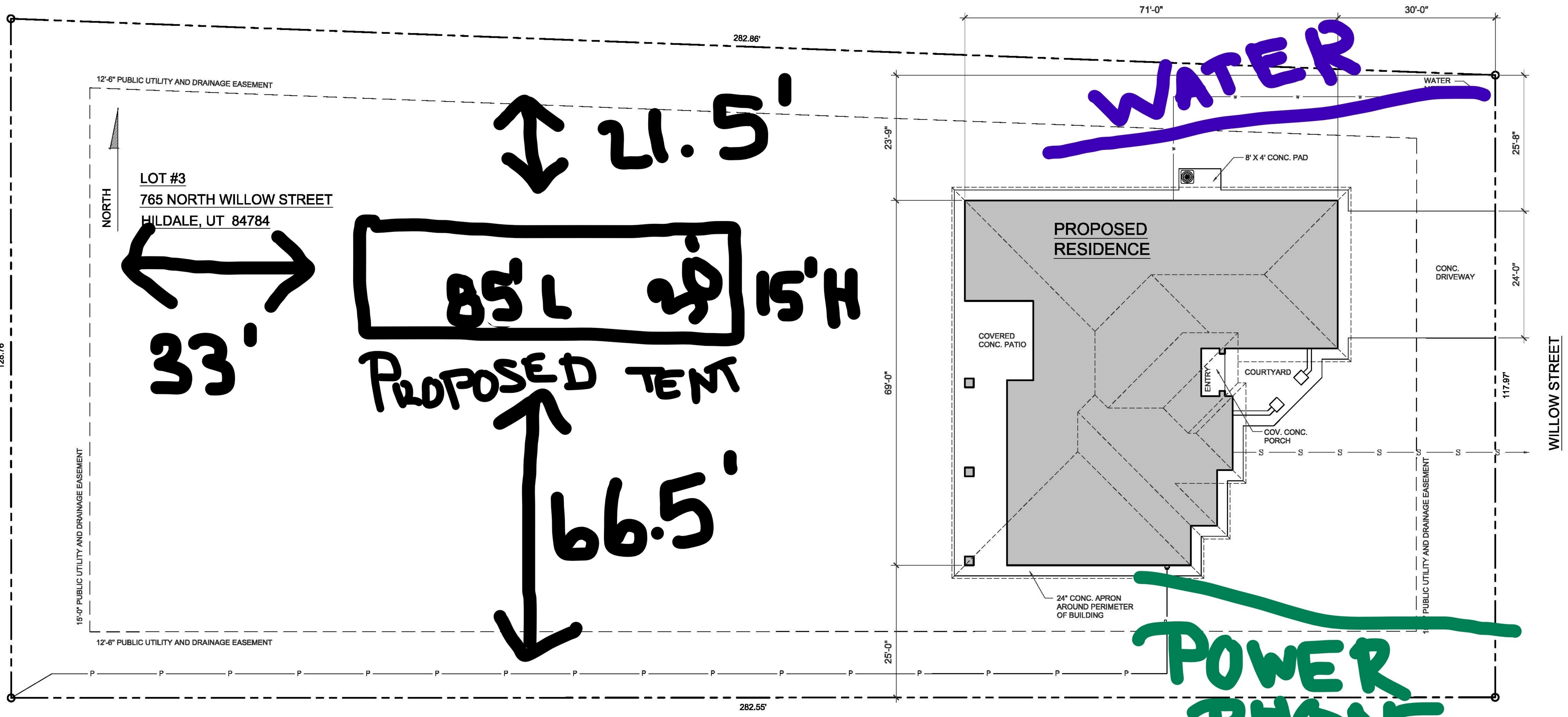
EXCEL DESIGN ASSOCIATES
 "ENGINEERING EXCELLENCE"
 DESIGN - ENGINEERING - LAND PLANNING - REAL ESTATE
 473 SOUTH RIVER ROAD ST. GEORGE, UTAH 84790
 TEL. (435) 414-1442 FAX (435) 608-4586
 E-MAIL: Charles@ExcelCivilDesign.com WEB SITE AT www.ExcelCivilDesign.com

HEBER BLACK
 PROPOSED RESIDENCE
 LOT 3, SHORT CREEK SUBDIVISION #1
 765 NORTH WILLOW STREET
 HILDALE, UTAH

REVISIONS		
REV#	DATE	DESCRIPTION

PROJECT NO:
 DRAWN BY: C.T.
 DESIGNED BY:
 FIELD CREW:
 CHECKED BY:

DATE: 10 - 30 - 18
 SHEET TITLE:
PLOT PLAN
1



GENERAL NOTES

DESIGN CRITERIA: 2015 I.R.C.

- PROVIDE 5% MINIMUM SLOPE TO 10'-0" AWAY ON ALL SIDES OF HOUSE
- PROPERTY IS SUBJECT TO UTILITY AND DRAINAGE EASEMENTS AS FOLLOWS:
 - 7'-8" SIDES
 - 10'-0" FRONT & REAR
- PROPERTY IS SUBJECT TO MINIMUM SETBACKS AS FOLLOWS:
 - 25'-0" FRONT
 - 10'-0" SIDES
 - 25'-0" REAR

LEGEND

- S — S — SEWER LINE
- W — W — WATER LINE
- P — P — POWER LINE

PLOT PLAN

SCALE: 1" = 10'-0"

COMMON ABBREVIATIONS

AT ABOVE FINISHED FLOOR APPROXIMATE BOARD BUILDING BOTTOM OF CASEMENT WINDOW CEILING CONCRETE MASONRY UNIT CONCRETE DOUBLE DOUBLE HUNG WINDOW DIAMETER D.W. DN.	EA ELECT. ELEV. EXT. FOTM. F.D. FLR. FTG. GAL. G.I. G.T. GYP. HDR. HGT.	DRYER EACH ELECTRICAL ELEVATION EXTERIOR FOUNDATION FLOOR DRAIN FLOOR FTG. GAL. G.I. GIRDER TRUSS GYPSUM HDR. HGT.	INSUL. INT. L. LVL. L.S. MAX. MICRO. MIN. MISC. N.T.S. O.C. OPENING R. RAD.	INSULATION / INSULATED INTERIOR LENGTH LAMINATED VENEER LUMBER LINEN LAZY SUSAN MAXIMUM MICROWAVE TRANSOM TYP. MINIMUM MISCELLANEOUS NOT TO SCALE ON CENTER OPENING RADIUS	REF. S.H. SQ.FT. STD. T & G TRANS. T.O. TYP. W. W.D. W.H. W.S.	REFRIGERATOR SINGLE HUNG WINDOW SQUARE FEET STANDARD TOUNGE AND GROOVE TRANSOM TOP OF TYPICAL WITH WASHER W.D. WASHER / DRYER STACK WATER HEATER WATER SOFTENER
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SYMBOLS LEGEND

	WOOD OR METAL STUD WALL.		SECTION OR DETAIL "X" ON SHEET "Y"
	WOOD OR METAL STUD WALL, STUCCO OR SIDING EXTERIOR.		WOOD, FINISH, ROUGH-SAWN, OR VENEER
	WOOD OR METAL STUD WALL, CULTURED STONE OR THIN BRICK VENEER.		WOOD, CONTINUOUS MEMBER
	BRICK OR C.M.U. WALL OR VENEER.		WOOD, NON-CONTINUOUS MEMBER
	PRECAST OR POURED-IN-PLACE CONCRETE WALL.		MINERAL WOOL OR FIBERGLASS BATT INSULATION.
			DIFFERENTIAL IN FLOOR LEVELS OR FINISH SURFACES.

BUILDING AREAS

MAIN FLOOR LIVING AREA:	2,807 SQ.FT.
GARAGE AREA:	776 SQ.FT.
COVERED OUTDOOR AREA:	515 SQ.FT.

EQUIPEMNT AND TOOLS FOR INSTALIATION

- 1. Measuring tape
- 2. String for alignment
- 3. Step ladder
- 4. Welder
- 5. Sledge hammer
- 6. Wrench
- 7. Scissors

INSTALLATION PROCESS

A—BASE INSTALLATION

Please refer to the diagram (Figure 1) to place the base plates.

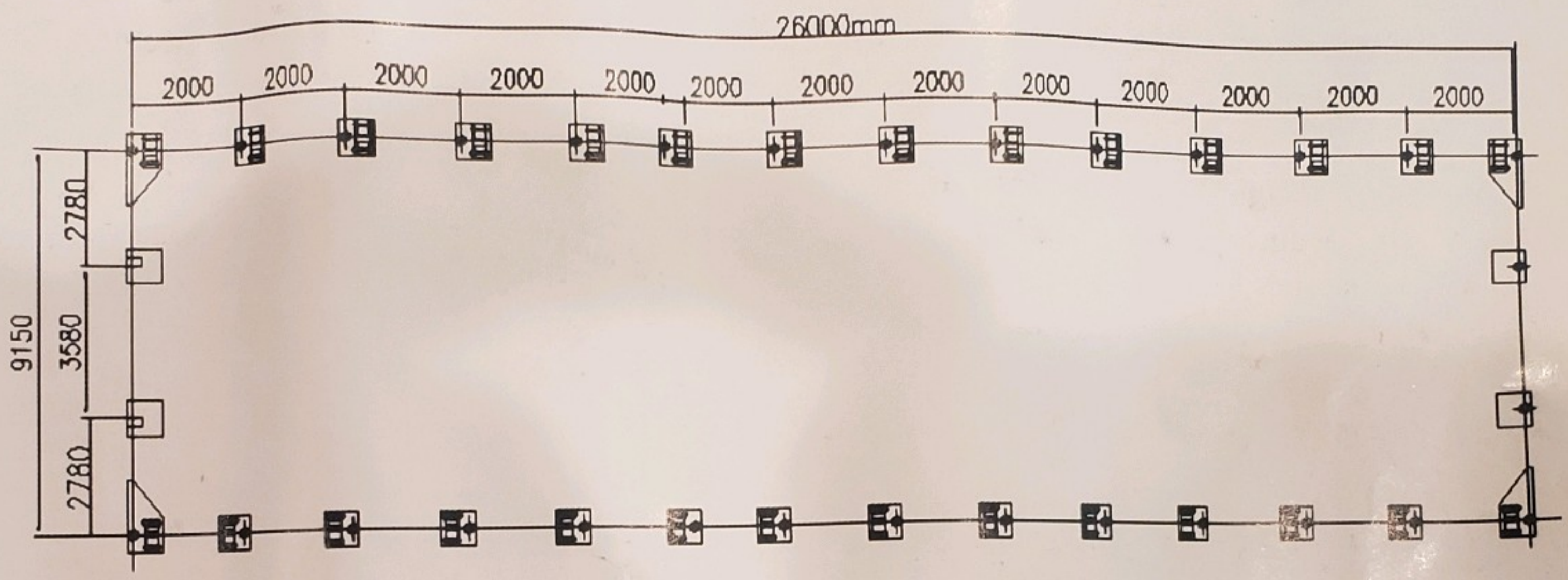


Figure 1

- The measure if from center to center of the tubes. Referring to the above diagram and confirm the place of the base plates. ENSURE THAT THE FOUNDATIONS IS SQUARE.
- There are three holes on the Base Plates (No.5, 7) and two holes on the Base Plate (No.6), for Stake Peg (No.16). THUS ALL BASE PLATES ARE SECURED.

Foundation Placement

As Figure 2 shows each Base Plate is equipped with three pieces of Stake Peg (No.16).

(Not included available upon st.)

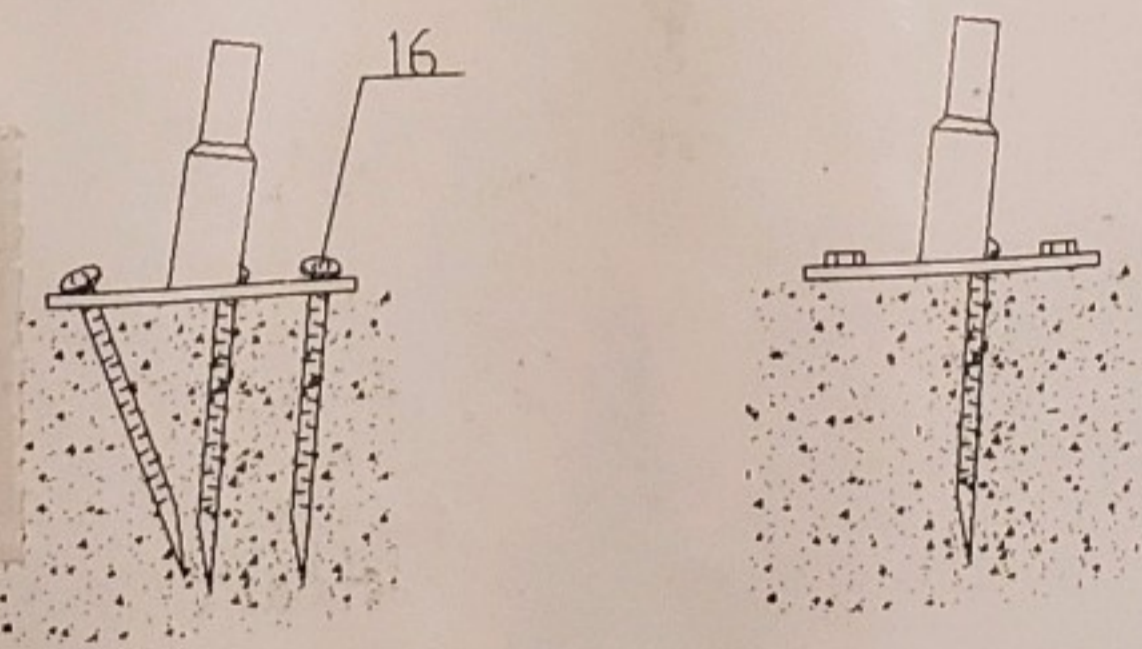
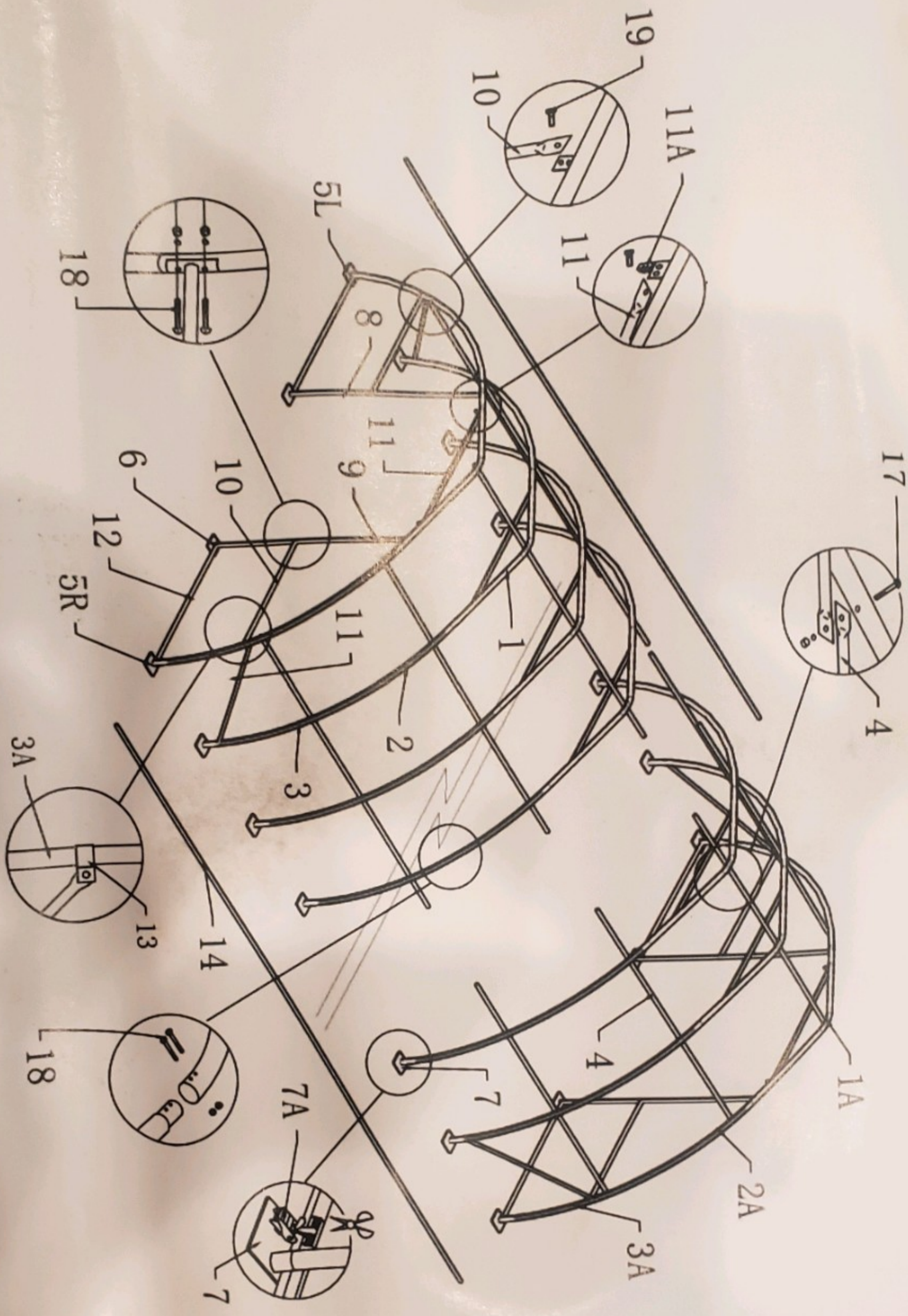


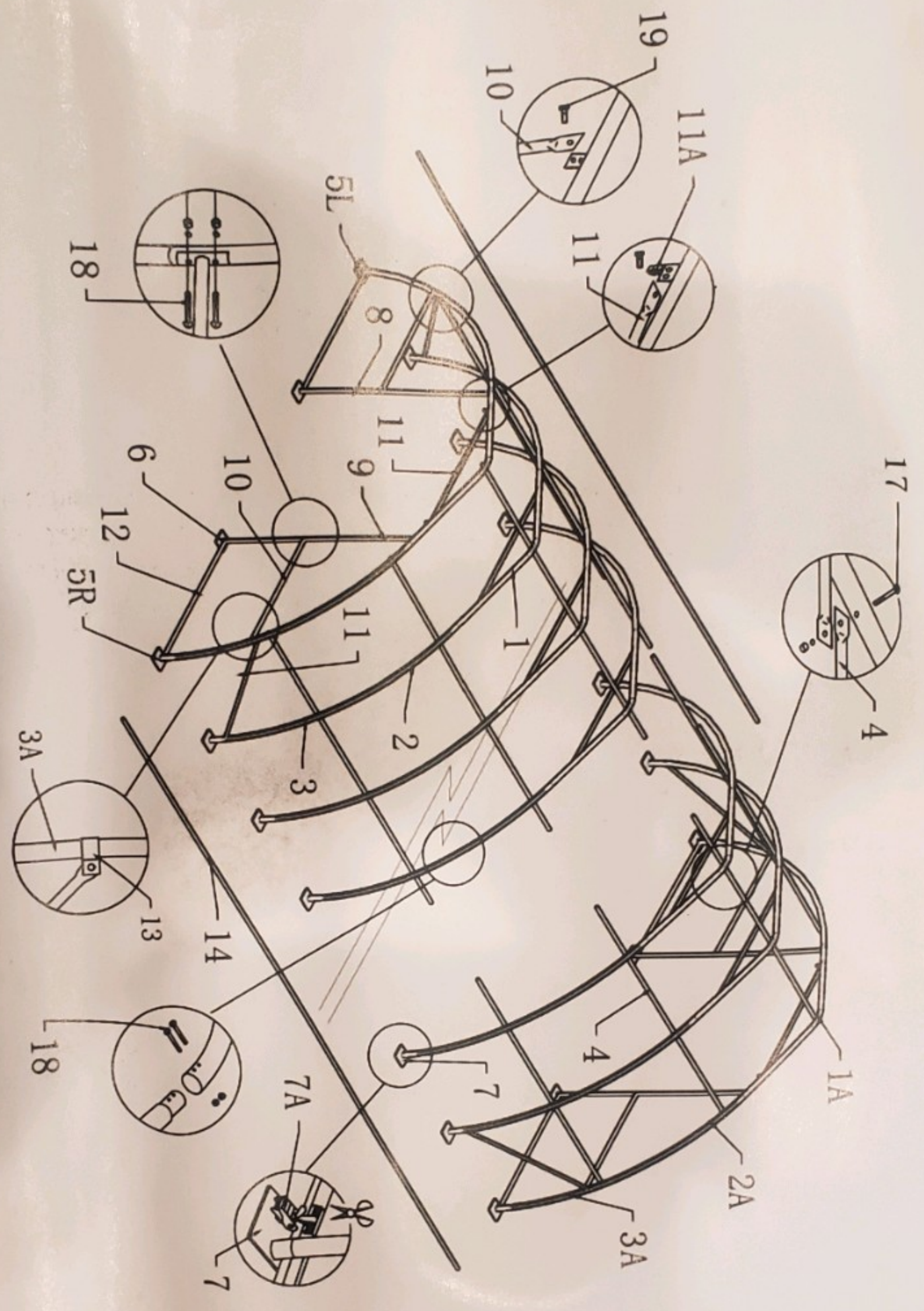
Figure 2

Note: The Stake Pegs apply for normal conditions, not suitable to the rock ground, frozen soil and concrete ground.



(W30'x H85' x L15') FRAME SKETCH

Figure 3



-4-

(W30' x H85' x L15') FRAME SKETCH

Figure 3

B—FRAME INSTALLATION

1. As Figure 4 shown to find one Roof Bent Tube (No.1), two Middle Bent Tubes (No. 2), Lower Bent Tube (No. 3A) and assemble every group arch with Screw M8x70 (No.18). DO NOT install the screw on the top of the truss where the fabric will rest.

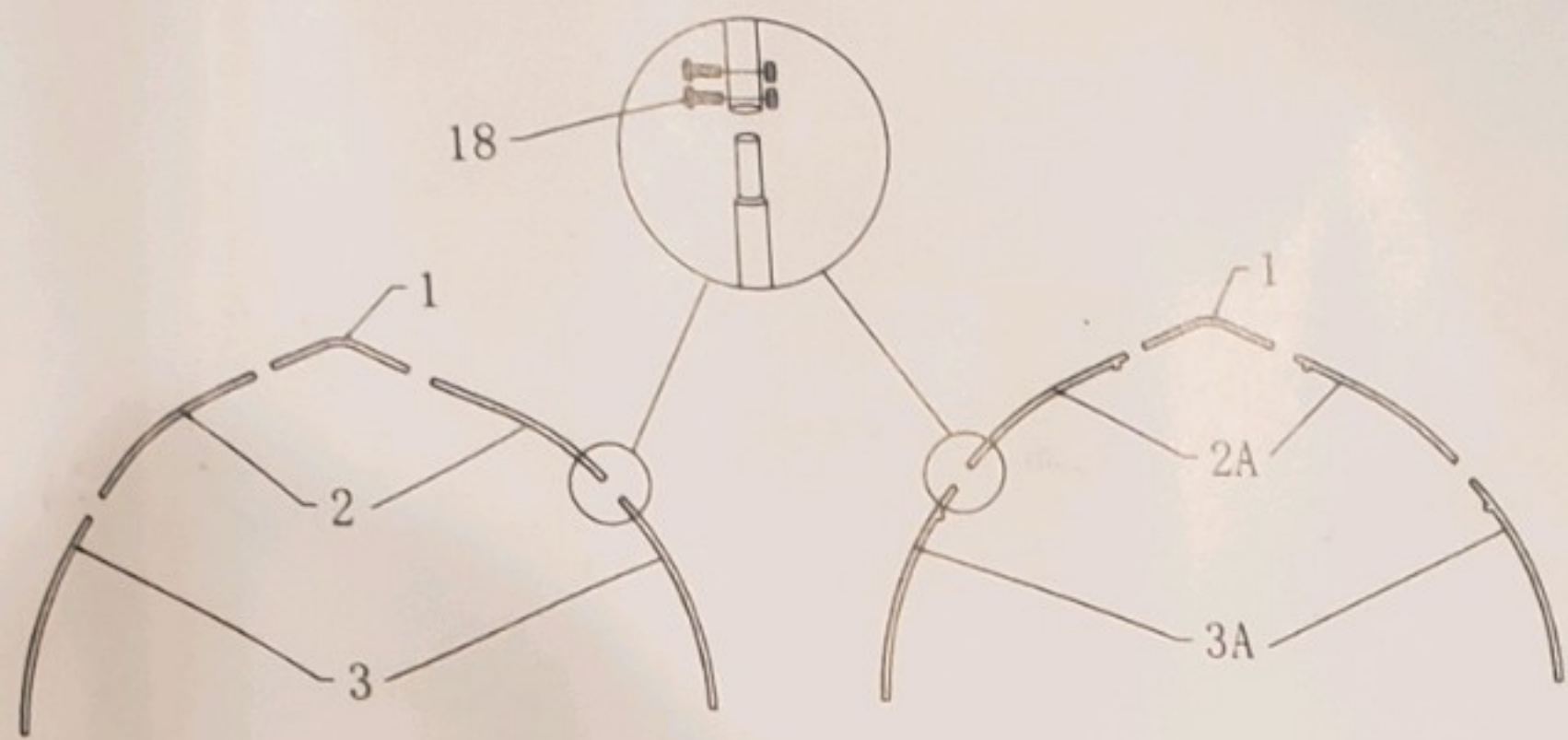


Figure 4

Note: Middle Bent Tube and Lower Bent Tube for two end tubes (No.2A&3A) which are welded with steel plates for upper portal (No.9) and Upper horizontal connection tube for doors (No.10) are different from the middle arch.

2. Lift an assembled arch onto one base plate and force the other end of the arch onto the opposite base plate.

IMPORTANT: THE ARCHED WILL BE WIDER THAN THE BASE PLATES

3. When finish installing the first two arches into the base plates, use Purlins (No.4) to connect them by Screw M10x80 (No.17). Then install the third arch into the third arch into the plate and connect the Purlins. In this turn, fix all other arches and other purlins. Then come to install the front panel and back panel. Find the relative components and assemble them.

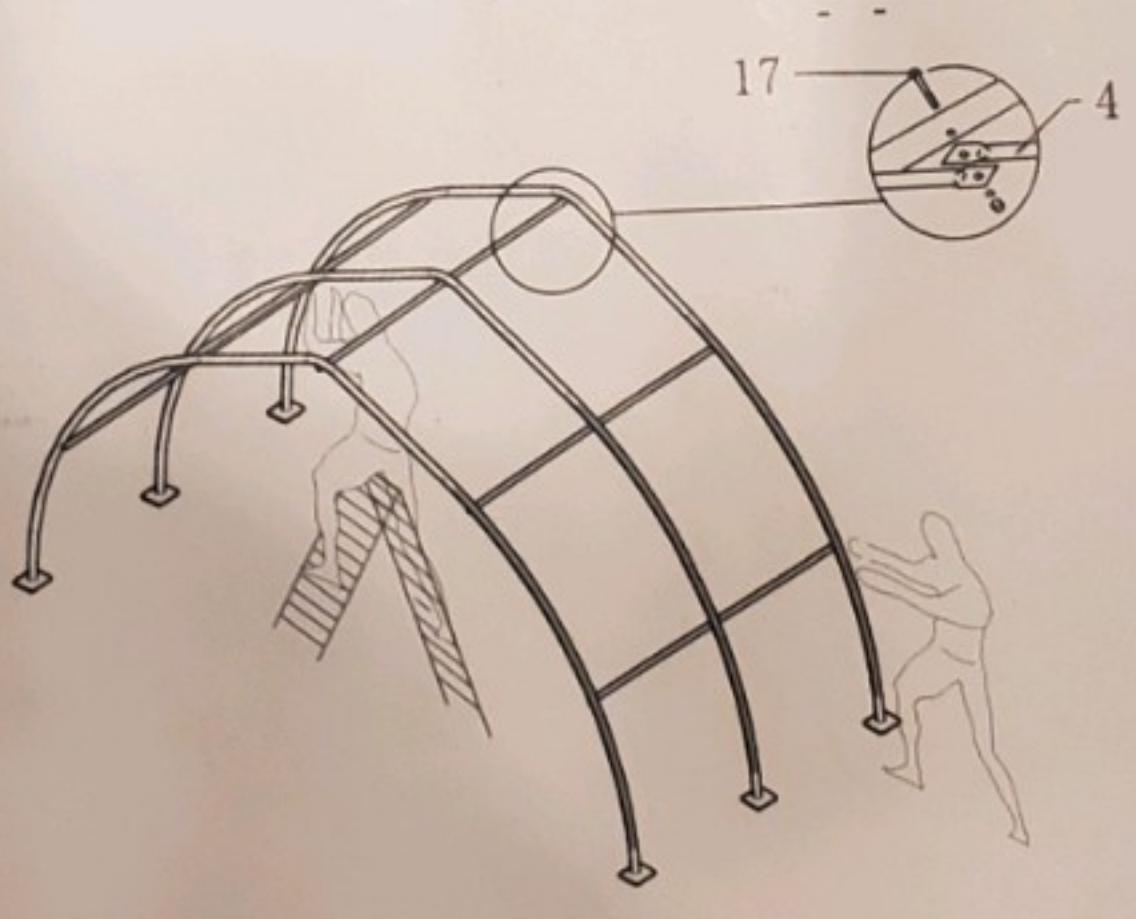


Figure 5

4. Connect the Support Crossbeam for roof cover and Diagonal Bracing Tube (No.11) and clip (No.13) for frame as **FRAME SKETCH (figure 3)**.

C—INSTRUCTION THE FRONT AND BACK COVER

1. Install the front and back door frame as Figure 6.

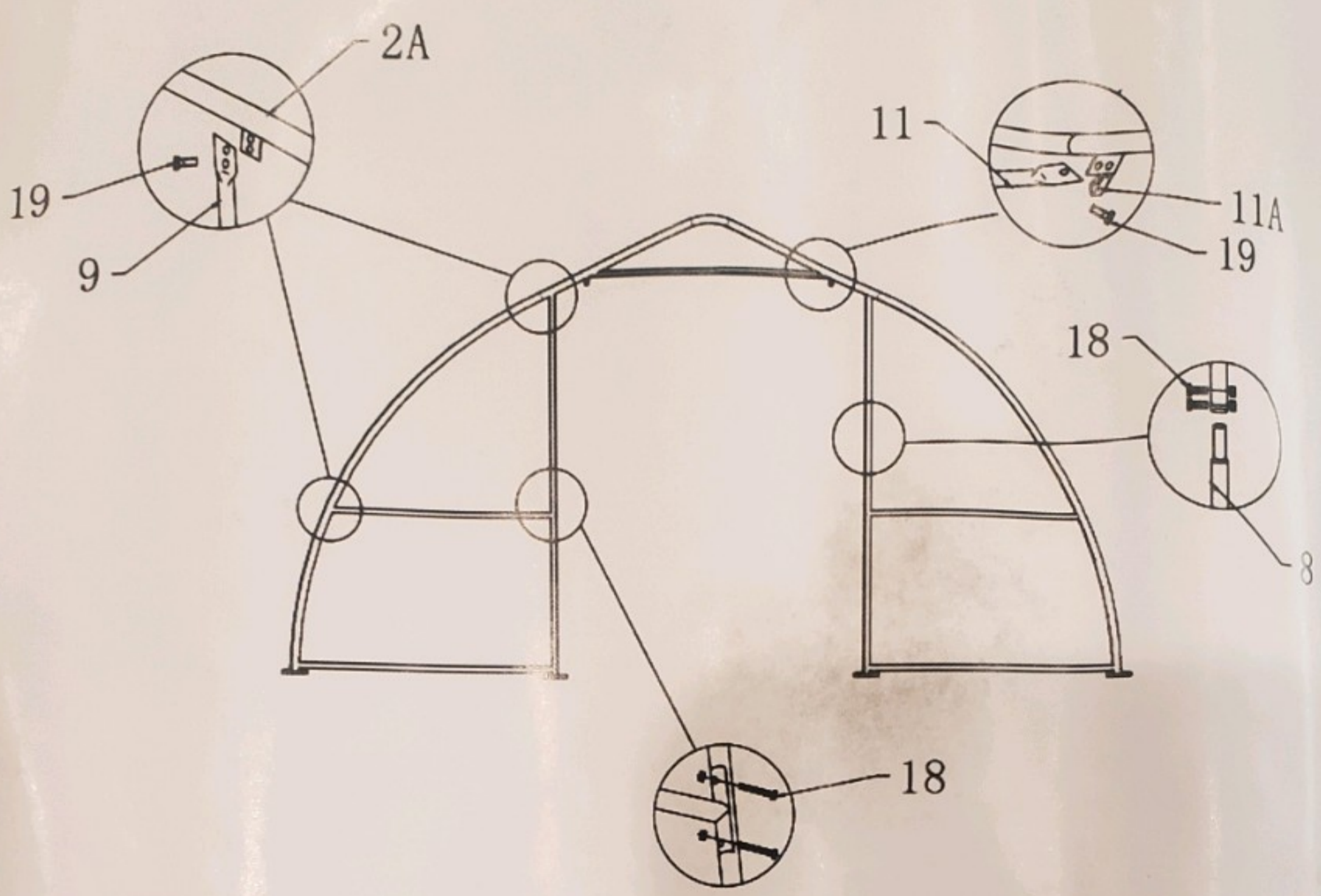


Figure 6

2. Use Knitting Rope (No.24) on Front and Back cover to lace the grommets in the end to the tensioning tubes evenly. The end covers are tied to the frame (Roof, Middle & Lower Bent Tube) by Knitting Rope. They are also been secured to the end frame (door tube and side rail) by Knitting Rope.
3. **Method of Fastening Front and Back Cover**
 Insert the Door Bracing Tube (No.15) into the bottom of Front and Back door cover (No.23). Put the Nylon Rope for ratchet (No.20) into the door cover and the Small Pulley onto Support Crossbeam for roof cover like the Figure 7. Finally fix it onto the Base Plate (No.5L or 5R).
4. Tidy the Back Cover and Front Cover. Fasten the band inside the end of the roof cover, make the cover well fold to the frame and tie the end of the band to the Clips on Base Plates at four corners.

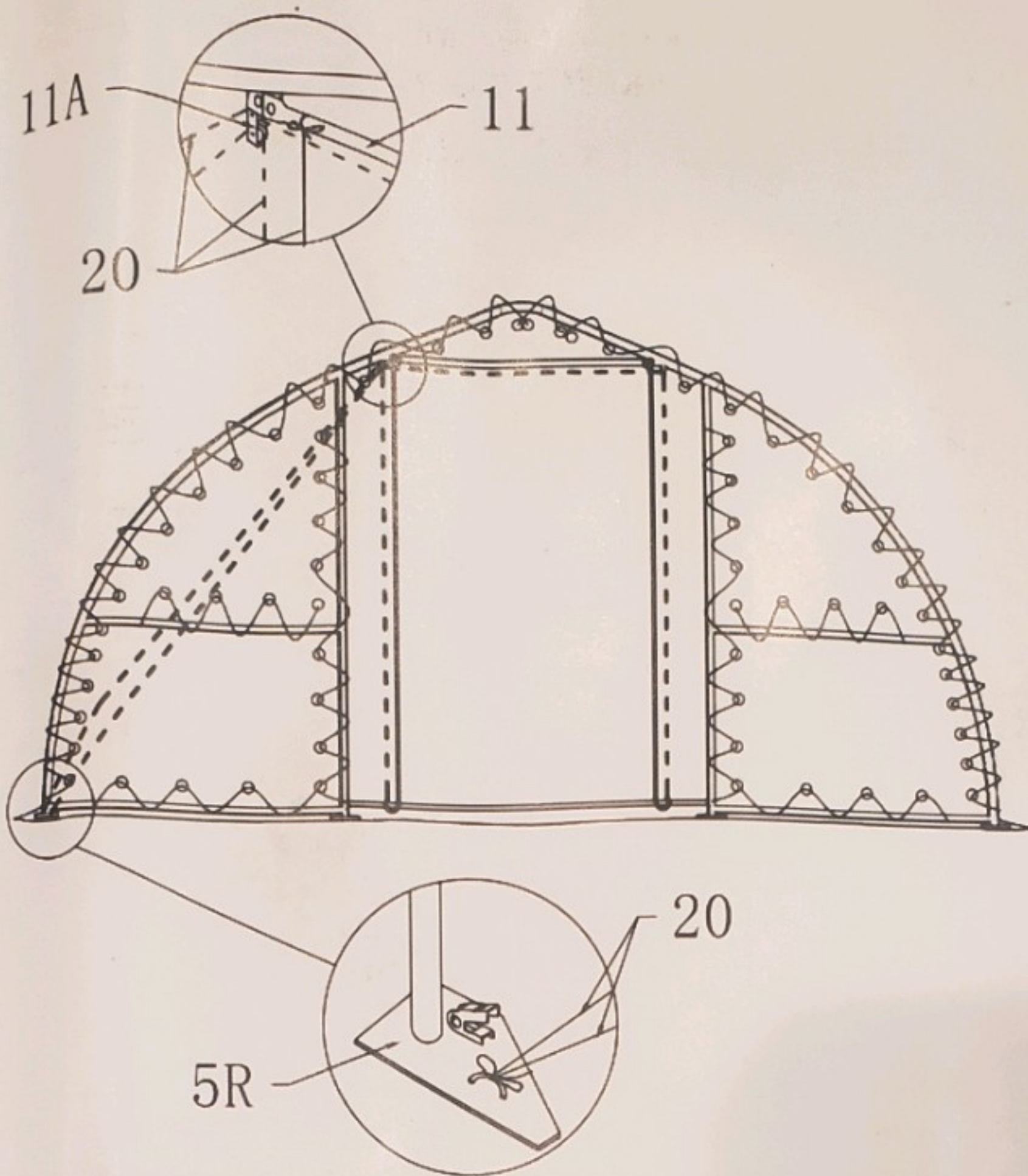


Figure 7

D—INSTRUCTION THE ROOF COVER

NOTE: DO NOT install the cover onto the frame of your building in high wind conditions. A slight breeze is the most advantageous for cover installation. To take advantage of the breeze, pull the cover up over the arches with breeze blowing in the cover like a sail filled with air.

1. Assemble Tensioning Tube for Roof Cover (No. 14) before installing the cover.
2. Roll out the roof cover on a ground sheet. Align the cover evenly to each end of the frame.

Note: Be sure doing not pullover the end of the roof cover.

3. Pull the cover over the frame **EVENLY, CAREFULLY AND SLOWLY**. Insert the tensioning tubes (No. 14) into the cover pipe pockets and loosely secure the Nylon Band (No. 25) for ratchet in the Ratchet (No. 7A). **DO NOT TIGHTEN**. Adjust the cover so that it is square and evenly centered on the frame. Put the lower tensioning tube inside.

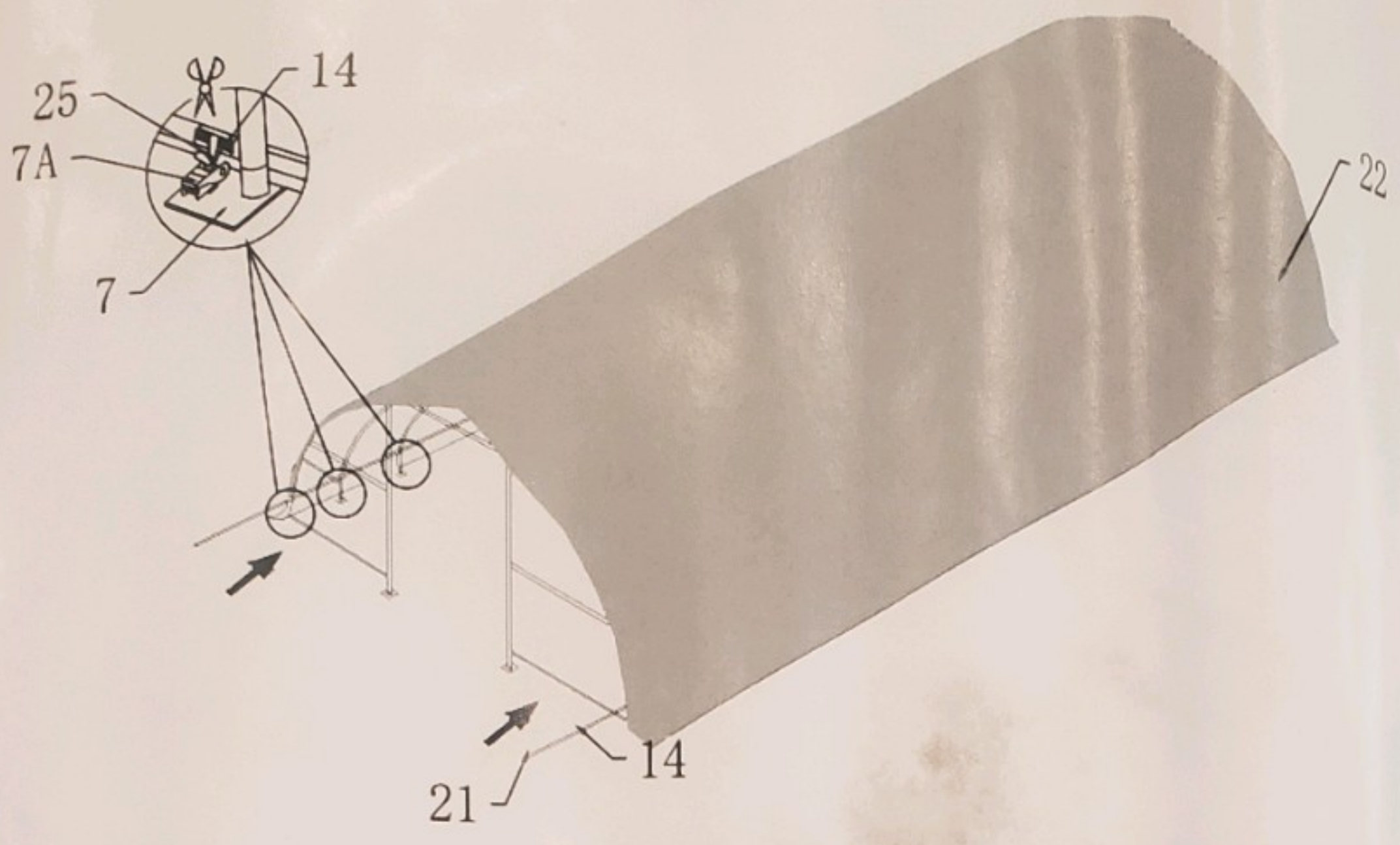


Figure 8

Note: The end flaps must overhang evenly at both ends.

4. With the end flaps flipped back and out of the way, use the supplied Knitting Rope (Part No. 24) to tighten the roof cover to the end arches. The rope should be cut as your requirements when using. The recommended procedure is to use separate pieces of rope and start by first lacing the cover from the bottom edges up to the top center. Secure the ropes at the top center and then apply tension as you lace down both sides. Fasten the rope at the bottom edge. Put the Plastic Plug (No.21) for part No. 12& 14 onto the end of tubes. Drive the Ratchet Tie Down forth and back and then roof cover is tightened. NOW THE INSTALLATION IS FINISHED.

NOTE: DO NOT LEAVE THE ROOF COVER UNATTACHED UNDER ANY CIRCUMSTANCES until the final assembly and tightening has been completed. The process is quite easy. But some tightening adjustments will be necessary to produce a flat, tensioned roof cover. Please adjust the roof cover every month.

RE: Hildale GP: Hearing Questions?

Item 4.

Michael Hansen <mhansen@jonesanddemille.com>

Tue 7/20/2021 3:29 PM

To: Christian Kesselring <ChristianK@hildalecity.com>; Eric Duthie <EricD@hildalecity.com>; Recorder <recorder@hildalecity.com>; Athena Cawley <athenac@hildalecity.com>

You should be able to download the latest version of the plan at this link:

<https://docs.google.com/document/d/1OxkN3JQxQM6X5TWA4oDVNe-xsDeMZZVYFRUcFS0hE3w/edit?usp=sharing>



Mike Hansen, AICP

Planning Director

Rural Community Consultants

m: 801.550.5075

From: Christian Kesselring <ChristianK@hildalecity.com>

Sent: Tuesday, July 20, 2021 3:27 PM

To: Eric Duthie <EricD@hildalecity.com>; Michael Hansen <mhansen@jonesanddemille.com>; Recorder <recorder@hildalecity.com>; Athena Cawley <athenac@hildalecity.com>

Subject: RE: Hildale GP: Hearing Questions?

We will need materials for our packet by tomorrow morning at the very latest. Eric, do you already have everything?

Christian Kesselring
City Attorney

phone: 435.874.2323
mobile: 801.860.9384



320 E Newel Ave
PO Box 840490, Hildale, UT 84784

From: Eric Duthie <EricD@hildalecity.com>

Sent: Tuesday, July 20, 2021 11:54 AM

To: Michael Hansen <mhansen@jonesanddemille.com>; Recorder <recorder@hildalecity.com>; Athena Cawley <athenac@hildalecity.com>; Christian Kesselring <ChristianK@hildalecity.com>

Subject: Re: Hildale GP: Hearing Questions?

OK.

Thanks Mike.

I look forward to turning attention to closing this project.

eric

Eric Duthie

City Manager

ericd@hildalecity.com

Mobile: 435.592.5346 Office: 435.874.2323 Fax: 435.874.2603

320 E Newel Ave. PO Box 840490, Hildale, UT 84784



**HILDALE CITY
ORDINANCE 2021-008**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF HILDALE CITY, UTAH
AMENDING THE TEXT OF THE HILDALE LAND USE ORDINANCE WITH
REGARD TO PUBLIC NOTICE**

NOW THEREFORE, be it ordained by the Council of the Hildale City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Sec 152-7-4 Public Hearings And Meetings” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-7-4 Public Hearings And Meetings

Any public hearing or meeting required under this chapter, as the case may be, shall be scheduled and held subject to the requirements of this section.

(a) Scheduling A Public Hearing Or Meeting:

An application requiring a public hearing or meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or meeting shall be considered in light of:

- (1) The complexity of the application submitted;
- (2) The number of other applications received which require a public hearing or meeting;
- (3) Available staff resources; and
- (4) Applicable public notice requirements.

(b) Notice Requirements:

The notice required by this land use ordinance shall be satisfied by actual notice or the notice specified as follows:

- (1) Applicant Notice: For each land use application or appeal, the city shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application or appeal and of any final action thereon. In an appeal, the same notice shall be given to each party in interest to the action appealed from.
- (2) ~~Re-Zone Applications: In addition to all other noticing requirements of this chapter and of Utah Code 10-9a-101, all adjacent property owners will be notified by mail post marked ten (10) days before the approval of any re-zone application.~~ Notice Of Public Hearings And Public Meetings To Consider

General Plan ~~Or Modifications:~~

- a. The city shall ~~give~~provide:
 1. Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
 2. Notice of each public meeting on the subject.
- b. Each notice of a public ~~meeting~~hearing under subsection B~~23~~a(~~21~~) of this section shall be at least ten (10) calendar days before the public hearing and shall be:
 1. ~~Published in a newspaper of general circulation in the area;~~Published on the Utah Public Notice Website;
 2. Mailed to each affected entity; and
 3. Posted in at least three (3) public locations within the city or on the city's official website.
- c. Each notice of a public meeting under subsection B~~23~~a(2) of this section shall be ~~posted~~at least twenty four (24) hours before the meeting and shall be:
 1. Published on the Utah Public Notice Website; and
 2. ~~p~~Posted in at least three (3) public locations within the city or on the city's official website.

(3) Notice Of Public Hearing and Public Meetings to Consider Land Use Regulations~~On Adoption Of Modification:~~

~~Notice of public hearings and public meetings on adoption of modification of the land use ordinance.~~

- (+) a. The city shall give:
 1. Notice of the date, time, and place of the first public hearing to consider the adoption ~~of~~or any modification of a land use ordinance or regulation, or of the zoning map; and
 2. Notice of each public meeting on the subject.
- b. Each notice of a public hearing under subsection B~~34~~a(~~21~~) of this section shall be at least ten (10) calendar days before the public hearing and shall be:
 1. Published on the Utah Public Notice Website;
 2. Mailed to each affected entity~~at least ten (10) calendar days before the public hearing;~~
 3. Posted in at least three (3) public locations within the city or on the city's official website; and
 4. Mailed to::
 5. ~~Published in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; or mailed at least three (3) days before the public hearing to:~~
 - i. Each property owner whose land is directly affected by the land use ordinance change; and
 - ii. Each adjacent property owner ~~within the parameters specified by this chapter.~~

- c. Each notice of a public meeting under subsection B~~3~~4a(2) of this section shall be at least twenty four (24) hours before the meeting and shall be:
1. Published on the Utah Public Notice Website; and
 2. ~~p~~Posted in at least three (3) public locations within the city or on the city's official website.
- (c) Challenge Of Notice:
If notice required by this section is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.
- (d) Examination And Copying Of Application And Other Documents:
Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate city office. Copies of such materials shall be made available at reasonable cost.
- (e) Public Hearing And Meeting Procedures:
An application shall be considered pursuant to policies and procedures established by the decision making body or official for the conduct of its meetings.
- (f) Withdrawal Of Application:
An applicant may withdraw an application at any time prior to action on the application by the decision making body or official. Application fees shall not be refundable if prior to withdrawal:
- (1) A staff review of the application has been undertaken; or
 - (2) Notice for a public hearing or meeting on the application has been mailed, posted or published.
- (g) Record Of Public Hearing Or Meeting:
- (1) Written minutes or a digital or tape recording shall be kept of all public hearings or meetings. Such minutes or a digital or tape recording shall include:
 - a. The date, time, and place of the meeting;
 - b. The names of members present and absent;
 - c. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
 - d. The names of all citizens who appeared and the substance in brief of their testimony; and
 - e. Any other information that any member requests be entered in the minutes.
 - (2) The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision making body or official, and the decision of the decision making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in subsection D of this section.
- (h) Notification:
Notice of a decision by the decision making body or official shall be provided to an applicant within a reasonable time.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember JVar Dutson	_____	_____	_____	_____
Councilmember Maha Layton	_____	_____	_____	_____
Councilmember Stacy Seay	_____	_____	_____	_____
Councilmember Jared Nicol	_____	_____	_____	_____
Councilmember Lawrence Barlow	_____	_____	_____	_____

Presiding Officer

Attest

Donia Jessop, Mayor, Hildale City

Athena Cawley, City Recorder
Hildale City

**HILDALE CITY
ORDINANCE 2021-009**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF HILDALE CITY, UTAH
ADOPTING THE DESIGN STANDARDS OF THE AMERICAN PUBLIC WORKS
ASSOCIATION**

WHEREAS, the City of Hildale is a political subdivision of the State of Utah, authorized and organized under the provisions of Utah law and is authorized pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9a of the Utah Code to enact land use regulations;

WHEREAS, on August 19, 2021, the Hildale City Planning Commission held a duly convened public hearing for the purpose of obtaining public input for the proposed land use regulation, and considered each written objection filed prior to the public hearing;

WHEREAS, the Planning Commission has prepared and recommended to the Hildale City Council a proposed land use regulation that represents the Planning Commission's recommendation for regulating the use and development of land within all the area of the City of Hildale, and has forwarded to the City Council all objections filed with it;

WHEREAS, the court appointed fair housing monitor has reviewed the proposed land use regulation and has indicated he is not opposed to its adoption; and

WHEREAS, the City Council has given careful consideration to the recommendation of the Planning Commission as well as any public comments, and has determined that it is in the best interest of the health, safety and welfare of the inhabitants of the City to adopt the proposed land use regulation.

NOW THEREFORE, be it ordained by the Council of Hildale City, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “CHAPTER 156 DEVELOPMENT STANDARDS” of the Hildale Municipal Code is hereby *added* as follows:

ADOPTION

CHAPTER 156 DEVELOPMENT STANDARDS(*Added*)

SECTION 2: **ADOPTION** “Sec 156-08 Design Standards” of the Hildale Municipal Code is hereby *added* as follows:

ADOPTION

Sec 156-08 Design Standards(Added)

(A) The City hereby adopts the design standards found in the latest Manual of Standard Plans, and the latest Manual of Standard Specifications developed by and published by the Utah Chapter of the American Public Works Association (hereinafter referred to as the "APWA Standards").

(B) In the case of a conflict between the APWA Standards and the design standards in this chapter, the design standards in this chapter shall apply.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember JVar Dutson	_____	_____	_____	_____
Councilmember Maha Layton	_____	_____	_____	_____
Councilmember Stacy Seay	_____	_____	_____	_____
Councilmember Jared Nicol	_____	_____	_____	_____
Councilmember Lawrence Barlow	_____	_____	_____	_____

Presiding Officer

Attest

Donia Jessop, Mayor, Hildale City

Athena Cawley, City Recorder
Hildale City

**HILDALE CITY
ORDINANCE 2021-**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF HILDALE CITY, UTAH
AMENDING THE HILDALE CITY LAND USE ORDINANCE RELATING TO
CAMPING HOSTING FACILITIES**

NOW THEREFORE, be it ordained by the Council of the Hildale City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Sec 152-7-9 Conditional Use Permit” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-7-9 Conditional Use Permit

(a) Purpose:

This section sets forth procedures for considering and approving conditional use permits.

(b) Authority:

(1) The Planning Commission is authorized to issue conditional use permits for the following uses:

- Agricultural industry
- Agricultural Sales and Service
- Assisted living facility
- Automobile wrecking yard
- ~~Camping Hosting Facility~~
- Dwelling, multi-family
- Dwelling, single-family
- Dwelling, temporary
- Dwelling, two-family
- Kennel, Commercial
- Gas and fuel, storage and sales
- Greater heights and size than permitted by the Code.
- Guesthouse or casita without direct access to main dwelling unit
- Metal buildings in commercial and residential zones
- Off Road Recreational Vehicle Rental
- Public stable
- Licensed family child care
- Reception center
- Recreation and entertainment, outdoor
- Residential facility for troubled youth

(2) The Zoning Administrator is authorized to issue conditional use permits for the following uses:

- Animals and fowl for recreation and family food production

Guesthouse or casita without direct access to main dwelling unit
 Dwelling, multi-family
 Dwelling, single-family
 Dwelling, temporary
 Dwelling, two-family

(c) Initiation:

A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.

(d) Procedure:

An application for a conditional use permit shall be considered and processed as provided in this subsection.

- (1) A complete application shall be submitted to the Office of the Zoning Administrator in a form established by the Administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 1. Applicant's name;
 2. Site address;
 3. Property boundaries and dimensions;
 4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 5. Adjoining property lines and uses within one hundred feet (100') of the subject property;
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
- (2) After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 152-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
- (3) A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
- (4) The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in

accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

- (5) After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
- (6) A record of all conditional use permits shall be maintained in the Office of the Zoning Administrator.

(e) Approval Standards:

The following standards shall apply to the issuance of a conditional use permit:

- (1) A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this chapter.
- (2) Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2o of this section:
 - a. Standards for agricultural industry:
 - 1. Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - 2. Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - 3. Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - b. Standards for agricultural sales and service:
 - 1. Adequate safeguards must be provided to ensure safe storage and handling of agricultural chemicals.
 - 2. Evidence must be provided on how the applicant will maintain control of vermin.
 - 3. All outdoor storage areas for agricultural sales and service uses, and all areas to be used for servicing implements shall be enclosed by a sight-obscuring fence. Aesthetically pleasing landscaping shall be provided around the perimeter of the fence.
 - 4. No more than five percent of retail shelf, floor, counter and overhead display space may be devoted to the sale of grocery or other non-agricultural products, and there shall be no exterior advertisement of the availability of such products.
 - c. Standards for assisted living facility:
 - 1. The facility shall comply with building, safety, and health regulations applicable to similar structures.
 - 2. The facility shall be licensed by the State of Utah.
 - 3. A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
 - d. Standards for automobile wrecking yard:
 - 1. All storage areas for vehicles, parts, materials or junk shall be enclosed by a sight-obscuring fence not less than six feet

high, and in any event of sufficient height that all such stored items will be obscured from view. Aesthetically pleasing landscaping shall be provided around the perimeter of the fence.

2. A concrete slab, equipped with appropriate equipment to collect and contain hazardous materials, shall be provided for all dismantling operations.
 3. Any "crusher" operation must be during the hours of 8 a.m. to 5 p.m. Monday through Friday with no holiday operations.
 4. There shall be multiple entrances with aisles wide enough to accommodate access by the appropriate emergency vehicles. No aisles shall dead end into another aisle, fence or building.
- e. Standards for dwelling, multi-family; dwelling, single-family; dwelling, temporary; dwelling, two-family:
1. A two-family dwelling, or a multi-family dwelling contained within a standalone structure shall be governed by the development standards of the RM-2 zone, to the extent that such standards are inconsistent with the development standards of the applicable zone.
 2. A single-family dwelling shall be governed by the development standards of the R-1-8 zone, to the extent that such standards are inconsistent with the development standards of the applicable zone.
 3. A conditional use permit shall be valid for a period not to exceed thirty years.
- f. Standards for kennel, commercial;
1. Adequate fencing and/or enclosures must be provided to ensure dogs are confined safely and in conformance with acceptable animal husbandry standards.
 2. Applicant must provide a plan for how excrement will be handled to prevent it becoming a nuisance and must follow the plan.
 3. Evidence must be provided on how the applicant will maintain control of flies and vermin.
 4. A minimum parcel size of 1 acre will be required.
 5. Kennels shall not be constructed closer than 100 feet from any dwelling on adjacent parcels.
 6. A sign shall be provided identifying the operator of the kennel and a 24-hour emergency phone number.
 7. If breeding or whelping operations will be conducted on the property, the applicant must provide a plan to staff the kennel a minimum of eighteen hours per day.
 8. No more than six dogs over the age of four months shall be allowed per acre of lot area.
- g. Standards for greater heights and size than permitted by the Code:
1. The height may not be greater than two (2) stories or 1.5 times the average height of the immediately adjacent

- buildings, whichever is greater.
2. The greater size building desired must be of compatible architecture with immediately adjacent buildings, must leave at least thirty five percent (35%) of the lot on which it is located as a pervious surface, and must be for a use permitted in the zone in which it is located.
- h. Standards for guesthouse or casita without direct access to main dwelling unit:
1. Applicant must be willing to sign a restrictive notice that will be recorded in the Office of the Washington County Recorder limiting the use of the guesthouse or casita to family members or nonpaying guests unless the casita meets the development standards for a rental unit.
 2. Guesthouse or casita must meet size, setback, and height restrictions for the zone in which it is located.
 3. Guesthouse or casita must be served by the same utility connections as the main structure on the site.
- i. Standards for metal buildings in commercial and residential zones:
1. In Residential (R-1) Zones the height and size may not be greater than permitted in the zone.
 2. The building must meet the following design standards:
 - i. Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - ii. Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - iii. Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - iv. In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
- j. Standards for public stable:
1. Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
 2. Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 3. Evidence must be provided on how the applicant will maintain control of flies and vermin.
 4. Site must contain adequate off street parking for customers. All trailers must be contained on site.

- k. Standards for licensed family child care:
 1. Applicant must obtain and maintain compliance with all required licenses/approvals from applicable agencies and all regulations applicable to licensed family child care.
 2. Child care activities shall be clearly incidental to the dwelling or residential use.
 3. Signage shall be limited to one nonilluminated nameplate sign that does not exceed twelve square feet in area.
 4. Alterations shall not be made to the dwelling or the yard area that change the residential character.
 5. There must be no more than one employee that does not reside on the premises.
 6. Any vehicles associated with the child care use that are regularly parked on-site must have a gross vehicle weight rating of ten thousand pounds or less, and have no more than two axles.
- l. Standards for a reception center:
 1. Hours of operation must be compatible with adjoining uses and comply with Hildale City noise regulations.
 2. Parking must be provided.
 3. The use of on street parking to provide up to forty percent (40%) of the required parking may be permitted if adjoining uses are not residential uses and the street is fully Improved.
 4. The center must have an approved site plan.
 5. If beer, wine, or other alcoholic beverages are served, the center must be licensed by the State Alcohol Control Board
- m. Standards for recreation and entertainment, outdoor:
 1. Any structure established in connection with the use shall have a setback of not less than 100 feet from any lot line, except that where such lot line abuts a street, the front setback from the development standards for the applicable zone shall apply.
- n. Standards for residential facility troubled youth:
 1. The operator must be willing to enter into a non-disclosure agreement with the City and confidentially share information about occupants as necessary to make a decision regarding or to enforce a conditional use permit.
 2. The operator must adopt and enforce a policy that the facility may not be occupied by any youth who has previously been found guilty of a crime of moral turpitude or a sex-related offense.
 3. The facility must be supervised 24 hours a day by a qualified adult at least ten years older than the oldest youth resident.
 4. The facility must not be located within one-half mile of another existing residential facility for troubled youth, a public or private school, a public library, a public park or playground, measured in a straight line between the nearest property boundaries.

5. Alterations shall not be made to the dwelling or the yard area that change the residential character.
 6. There must be no more than one employee that does not reside on the premises.
 7. Any vehicles associated with the residential facility use that are regularly parked on-site must have a gross vehicle weight rating of ten thousand pounds or less, and have no more than two axles.
- o. Standards for animals and fowl for recreation and family food production:
1. Adequate fencing must be provided to ensure animals and fowl are confined safely.
 2. Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 3. Evidence must be provided on how the applicant will maintain control of flies and vermin.
 4. The number of fowl will be limited by the point system used in section 152-37-15 of this chapter.
 5. Livestock numbers may be limited at the Administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
- p. Standards for off-highway vehicle rentals:
1. Applicant must be operating a bed and breakfast or residential hosting facility on the same property in conformity with this chapter.
 2. Applicant must have a valid Hildale City business license for off-highway vehicle rentals.
 3. Off-highway vehicles may only be rented to guests of the bed and breakfast or residential hosting facility.
 4. Only one off-highway vehicle may be rented per guest room.
- (f) Appeal Of Decision:
Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.
- (g) Effect Of Approval:
A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this chapter or any other title of this Code.
- (1) A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 - (2) Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- (h) Amendment:
The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

(i) Revocation:

A conditional use permit may be revoked as provided in section 152-9-6 of this chapter.

- (1) In addition to the grounds set forth in section 152-9-6 of this chapter, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
- (2) No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

(j) Expiration:

A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

SECTION 2: **AMENDMENT** “Sec 152-12-2 Scope” of the Hildale Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 152-12-2 Scope

The provisions of this chapter shall apply to any real property located in an agricultural zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other laws.

SECTION 3: AMENDMENT “Sec 152-12-3 Uses Allowed” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-12-3 Uses Allowed

(a) Permitted And Conditional Uses:

Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 152-12-1 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 152-12-1 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 152-12-1 PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Agricultural Permitted Uses				
Use	Zones			
	A-40	A-20	A-10	A-5
Agricultural uses:				
Accessory building	P	P	P	P
Agricultural business	P	P	P	P
Agricultural industry	P	P	P	P
Agriculture	P	P	P	P
Animal specialties	P	P	P	P
Animals and fowl for recreation and family food production	P	P	P	P
Stable, private	P	P	P	P
Residential uses:				
Assisted living facility	P	P	P	P
Building, accessory	P	P	P	P
Dwelling, earth sheltered	P	P	P	P
Dwelling, single-family	P	P	P	P
Dwelling, single-family with accessory dwelling unit	P	P	P	P
Dwelling, temporary	P	P	P	P
Guesthouse	P	P	P	P

Manufactured home	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P
Residential facility for persons with a disability ¹	P	P	P	P
Residential facility for troubled youth	N	N	N	N
Short term rental	N	N	N	N
Public and civic uses:				
Auditorium or stadium	N	N	N	N
Cemetery	P	P	P	P
Church or place of worship	P	P	P	P
Club or service organization	P	P	P	P
Convalescent care facility	N	N	N	N
Cultural service	P	P	P	P
Golf course	N	N	N	N
Hospital	N	N	N	N
Park	P	P	P	P
Protective service	P	P	P	P
Reception center	C	C	C	C
Stable, public	P	P	P	P
Utility, minor	P	P	P	P
Utility substation	P	P	P	P
Commercial uses:				
Agricultural sales and service	P	P	C	C
Animal hospital	P	P	P	P
Bed and breakfast, INN	C	C	C	C
Bed and breakfast, home	C	C	C	C
Camping Hosting Facility	E	E	E	E
<u>Camping Hosting Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Family child daycare facility ²	P	P	P	P
Licensed family child care ²	C	C	C	C
Residential certificate child care ²	P	P	P	P
Garden center	P	P	P	P

Kennel, residential	P	P	P	P
Media service	N	N	N	N
Off-Road Recreational Vehicle Rental	C	C	C	C
Personal care service, home based ²	P	P	P	P
Personal instruction service, home based ²	P	P	P	P
Produce stand	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C
Vehicle repair, limited	N	N	N	N
Veterinary service	P	P	P	P
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	P	P	P	P

(b) Accessory Uses:

Permitted and conditional uses set forth in table 152-12-1 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 agricultural zones shall include, but are not limited to, the following: Garage sales, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter. Garages, carports, 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 applicable provision of this code. Home based businesses, subject to applicable standards of chapter 42, "Home Based Businesses", of this chapter. Household pets. Keeping of machinery, livestock, and farming equipment as needed for agricultural use. Nurseries and greenhouses. Playhouses, patios, porches, gazebos, and incidental storage buildings. Produce stands. Swimming pools and hot tubs for use by residents and their guests. Temporary real estate offices, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

SECTION 4:**AMENDMENT** "Sec 152-43-2 Scope" of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-43-2 Scope

No manufactured/mobile home or recreational vehicle shall be used or occupied except within an approved manufactured/mobile home park or subdivision, or recreational vehicle park, or as specifically provided by a provision of this chapter or this ~~chapter~~code. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other Laws.

SECTION 5: AMENDMENT “Sec 152-43-3 Uses Allowed” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-43-3 Uses Allowed

(a) Permitted And Conditional Use:

A manufactured/mobile home park or subdivision, and recreational vehicle park may be established in an MH/RV zone as set forth in chapter 13, "Residential Zones", of this chapter, subject to the provisions of this chapter, or as otherwise specifically provided in this chapter or this chapter. In the event a provision of this chapter conflicts with a provision in another chapter of this chapter, the provision of this chapter shall apply.

(b) Location Of An Occupied Manufactured/Mobile Home:

No occupied manufactured/mobile home shall be located anywhere within the city except as follows:

- (1) A manufactured home, when attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with applicable building code, may be located within any single-family residential zone subject to the requirements of that zone; or
- (2) Within an approved manufactured/mobile home park or subdivision; or
- (3) As a dwelling unit on a bona fide farm or ranch when allowed by the zone where the ranch or farm is located; or
- (4) Any of the following temporary uses, subject to the issuance of a temporary use permit pursuant to the requirements of section 152-7-16 and chapter 48 of this chapter:
 - a. Construction field office for use by contractors or as a temporary place of business for an owner or lessee while a permanent building is under construction on the same site;
 - b. Dwelling for members of an immediate family (parents, children, brothers, or sisters), subject to the requirements of section 152-43-4 of this chapter;
 - c. Sales office for manufactured/mobile homes or recreational vehicles, when allowed by the zone where the office is located;
 - d. Sales office for the sale of dwellings in a subdivision or other

- residential project.
- (c) Location Of An Occupied Recreational Vehicle:
No occupied recreational vehicle shall be located anywhere within the city except as follows:
- (1) Within a:
 - a. Recreational vehicle park;
 - b. Manufactured/mobile home park, subject to the requirements of subsection 152-43-6A2b of this chapter; or
 - c. ~~Designated camping area~~ Campground, subject to the requirements of Chapter 52 of this code; and
 - (2) As a dwelling for members of an immediate family (parents, children, brothers, or sisters), subject to the requirements of section 152-43-4 of this chapter.
 - (3) This section shall not be construed to prohibit the occupation of a recreational vehicle by visitors to occupants of a single-family residential lot improved with one single-family residence for a time not exceeding two (2) weeks (14 days) in any ninety (90) day period.
- (d) Location Of An Unoccupied Manufactured/Mobile Home Or Recreational Vehicle:
An unoccupied manufactured/mobile home or recreational vehicle may be located as follows:
- (1) On a sales lot, when allowed by the zone where the lot is located; and
 - (2) Long term storage of a recreational vehicle or manufactured/mobile home for maintenance operations, reconstruction, or construction is permitted only within an enclosed area and only in a zone allowing such use.
 - (3) This subsection shall not be construed to prohibit the storage of an unoccupied recreational vehicle on the property of the vehicle's owner or in a commercial lot approved for the storage of recreational vehicles.
- (e) Emergency Or Temporary Parking:
Emergency or temporary parking of an unoccupied manufactured/mobile home or recreational vehicle outside an approved manufactured/mobile home park or subdivision, or recreational vehicle park, or other authorized place may be permitted for a period not exceeding forty eight (48) hours. This limitation does not apply to an unoccupied manufactured/mobile home or recreational vehicle located in an authorized sales area.

SECTION 6: AMENDMENT “Sec 152-43-6 Development Standards” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-43-6 Development Standards

The development of a manufactured home park or subdivision, or recreational vehicle park or park model development shall conform to applicable standards and requirements of this section and as set forth in table 152-43-1 of this section unless modified by a planned development approved pursuant to chapter 23 of this chapter.

(a) General Requirements:

- (1) Layout: Land not contained within individual lots or spaces, roads or parking shall be set aside and developed as parks, playgrounds, trails, and service areas for the common use and enjoyment of occupants of the development, and the visitors thereto.
- (2) Location:
 - a. A manufactured home subdivision may be located on any lot as allowed by the zone where the lot is located;
 - b. A recreational vehicle park should generally be located:
 1. Adjacent to or in close proximity to a major collector or arterial road as shown in the city's transportation master plan;
 2. Near adequate shopping facilities; and
 - c. A park model development shall be located on property zoned MH/RV.
- (3) Plan Preparation:

Plans for a manufactured home park or subdivision, or recreational vehicle park or park model development shall be prepared by a licensed architect, licensed engineer and/or licensed land surveyor.

(b) Building Standards:

All standards shown in table 152-43-1 of this section must be met.

(c) Site Improvements:

- (1) Access To Lots And Spaces:

Sufficient access shall be provided to each manufactured home, or recreational vehicle lot or space or park model to allow maneuvering of homes or vehicles into position.

 - a. The accessway shall be kept free from trees and other obstructions.
 - b. Paving under a manufactured home is not required if adequate support is provided as required by applicable building codes. Use of planks, steel mats or other means to support the manufactured home during placement is allowed so long as the same are removed upon completion of placement.
- (2) Common Area:

Except for a manufactured home subdivision, one or more common areas equal to at least ten percent (10%) of the land area of the development shall be set aside for the joint use and enjoyment of occupants. Land covered by vehicular roadways, sidewalks and off street parking shall not be included in calculating this ten percent (10%) common area requirement; provided, however, that in initial phases of development, the minimum area shall be not less than one-half (1/2) acre or ten percent (10%) of the land area under development, whichever is greater.
- (3) Connection To City Services:

Each manufactured home, recreational vehicle, or park model shall be connected to the city water system and wastewater disposal system, except as otherwise allowed by the regulations for such systems.
- (4) Landscaping:

Any area not covered by a manufactured home or recreational vehicle or park model, hard surfacing, or a building shall be landscaped per an approved site plan.

- (5) Laundry:
A laundry may be provided for the convenience of residents within a manufactured home park or subdivision, or recreational vehicle park or park model development, but not for the general public.
- (6) Lighting:
Shall be provided to meet safety standards and shall be shown on the site plan.
- (7) Parking:
Off street parking requirements for a manufactured home park or subdivision, or recreational vehicle park or park model development shall be provided on each lot or space as follows:
- a. Manufactured home park or subdivision: Two (2) parking spaces per lot or space.
 - b. Recreational vehicle park: One parking space per RV space.
 - c. Park model development: One parking space per park model space.
 - d. Each parking space shall have a minimum width of nine feet (9') and minimum depth of eighteen feet (18').
 - e. Before a lot or space may be occupied, all off street parking areas and driveways shall be surfaced with a material acceptable to the city.
- (8) Roadway Design:
Accessways within a manufactured home park or recreational vehicle park or park model park shall conform to construction design standards and specifications adopted by the city, with a minimum width of thirty feet (30'), unless modified by a planned development approved pursuant to chapter 23 of this chapter.
- (9) Roads Within A Manufactured Home Subdivision:
Roads within a manufactured home subdivision shall conform to construction design standards and specifications adopted by the city unless modified by a planned development approved pursuant to chapter 23 of this chapter.
- (10) Skirting:
Each manufactured home shall be skirted.
- (11) Storage,
Waste Receptacles, And Additions:
- a. All storage and solid waste receptacles other than individual homeowner trash receptacles shall be contained within an enclosure at least six feet (6') high.
 - b. All patios, carports, garages and other additions to a manufactured home shall be compatible in design and construction with the associated home. Such facilities shall be constructed in accordance with applicable building codes and kept in good repair.
- (12) Storm Drainage Facilities:
Storm drainage facilities shall be constructed to protect residents of the development as well as adjacent property owners in accordance with applicable provisions of this code and the adopted storm drainage plan as reasonably determined by the city engineer.
- (d) Standards Specific To Recreational Vehicle Parks And Park Model Parks:
- (1) No manufactured homes or site built dwelling units shall be permitted, except for that of the owner/manager and permanent maintenance personnel.
 - (2) Recreational vehicle parks shall not be used as permanent residences, except

for that of the owner/manager and permanent maintenance personnel. All recreational vehicles within a recreational vehicle park shall display current license plates/tags.

- (3) No "park model" units shall be permitted within a recreational vehicle park except a number of park models may be approved in the park to be used as short term vacation rentals. However, a park model development may be approved to allow recreational vehicles but not campers or tents in the development.
- (4) Each park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the recreational vehicle park.
- (5) Each self-propelled recreational vehicle unit shall be equipped with wheels, which remain on the unit; however, the wheels may be blocked for stability.
- (6) No permanent room addition shall be attached to recreational vehicle nor shall any permanent structure be constructed on a recreational vehicle lot.
- (7) Room additions may be permitted on park models if all setbacks are met and pursuant to the issuance of a building permit before construction.
- (8) A minimum of one toilet, one sink, and one hot shower, each designed for complete privacy, for each forty (40) spaces, or fraction thereof.
- (9) Conversion of an established residential park or park model development to another residential use, shall be subject to review and approval based on codes and zones in place at the time of conversion. A zone change will be required.

(e) Table 152-43-1:

TABLE 152-43-1 DEVELOPMENT STANDARDS MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS AND SUBDIVISIONS

Development Standard	Manufactured Home Subdivision	Manufactured Home Park	Recreational Vehicle Park/ Park Model Development
General standards:			
Location	See subsection A2 of this section		
Minimum development size	10 acres	10 acres	5 acres
Ownership	Individual lots	Park must remain single parcel	Park must remain single parcel
Plan preparation	Licensed architect, licensed engineer and/or licensed land surveyor required; see subsection A3 of this section		
Required zone	MH/RV; see chapter 13 of this title		
Building standards:			
Maximum height, service building	35 ft.	35 ft.	35 ft.

Maximum height, accessory building	12 ft.	12 ft.	12 ft.
Lot/space standards:			
Minimum lot/space area	5,700 sq. ft.	4,000 sq. ft.	1,400 sq. ft.
Minimum lot/space width	60 ft.	50 ft.	35 ft.
Minimum lot/space depth	95 ft.	70 ft.	40 ft.
Setback standards:			
Front yard	15 ft.	15 ft.	5 ft.
Rear yard	10 ft.	10 ft.	5 ft.
Side yard, interior	10 ft.	8 ft.	7 ft.
Side yard, street	20 ft.	15 ft.	7 ft.
Accessory building	5 ft.; if adjacent to exterior boundary or utility easement, then 10 ft.	3 ft.; if adjacent to exterior boundary or utility easement, then 7.5 ft.	5 ft.
Separation between structures	20 ft.	20 ft.	14 ft.
Site improvements:			
Access to lots and spaces	Sufficient area to maneuver homes or vehicles required; see subsection C1 of this section		
Common area	Not required	10% of land area; see subsection C2 of this section	
Connection to city services	Must connect to city water system and wastewater disposal system; see subsection C3 of this section		
Landscaping	Open and unpaved areas must be landscaped; see subsection C4 of		

	g	this section
	Laundry	Laundry may be provided for residents, but not general public; see subsection C5 of this section
	Roadway and accessway design	See subsections C8 and C9 of this section

SECTION 7: AMENDMENT “Sec 152-52-1 Purpose” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-52-1 Purpose

The purpose of this chapter is to establish use and development regulations for camping hosting facilities to minimize, as applicable, the impact on the natural environment, and to assure ~~their~~the compatibility of camping hosting facilities with adjoining uses.

SECTION 8: AMENDMENT “Sec 152-52-3 Definitions” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-52-3 Definitions

Reserved

~~For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter: Hosting Facility; Camping; Campsite; Designated for Fire; Designated for Sleeping; Cooking Device; Lighting Device; Vehicle Parking Space;~~

SECTION 9: AMENDMENT “Sec 152-52-4 Conformity With Standards And Business License Required” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-52-4 Conformity With Standards And Business License Required

No camping hosting facility shall be established unless:

- (a) The facility can meet the development standards of this chapter and regulations of general applicability in this Code;
- (b) A business license has been issued in accordance with the regulations in title 11 of this Code;
- (c) Operation of a camping hosting facility without a current Hildale City business license is considered a violation and each day of operation shall be considered a separate offense.

SECTION 10: AMENDMENT “Sec 152-52-5 Development Standards; Camping Hosting Facilities” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-52-5 Development Standards; Camping Hosting Facilities

The development standards set forth in this section shall apply to all camping hosting facilities.

- (a) Location:
A camping hosting facility may be established in any zone where allowed as a permitted or conditional use, and shall conform to applicable commercial construction codes, zoning requirements, ~~Utah State Health Department requirements~~ and the requirements of any other applicable codes and/or ordinances adopted by Hildale City.
- (b) Prior to and at all times after commencing operations, a camping hosting facility shall obtain and maintain local public health department approval, and shall comply with all applicable health codes.
- (c) The owner of a camping hosting facility shall appoint a property manager and provide the Hildale City business licensing office with contact information for the property manager, who shall be:
 - (1) Authorized to represent the owner with respect to all aspects of the management and maintenance of the facility;
 - (2) Authorized to receive official notices on the owner's behalf, including service of legal process; and
 - (3) Within a reasonable distance to enable the property manager to appear and respond to emergencies during all times that the camping hosting facility is occupied.
- (d) Maximum Length of Stay:
No campsite in a camping hosting facility shall be occupied for any consecutive period of more than twenty-nine (29) days. For purposes of this subsection, a guest who has occupied any campsite in the same camping hosting facility for twenty-nine consecutive days may not rent another campsite in the same camping hosting facility for a period of at least forty-eight (48) hours.
- (e) Number of Campsites:
Rentable campsites shall be limited to not more than eight (8) campsites per acre.
- (f) Fire Safety Requirements:
 - (1) Each rentable campsite will have at least (1) fire extinguisher that meets the

specifications ~~inspection requirements~~ deemed necessary by the Fire Chief of Hildale City which shall be inspected annually by a qualified inspector.

- (2) Open burning shall only be permitted within the confines of an approved fire ring or fireplace, which shall be at least twenty-five (25) feet from any tent, recreational vehicle, structure or other combustible material, shall be completely extinguished whenever not attended, and shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.
- (3) Charcoal, gas or other open-flame cooking devices shall be operated at least ten (10) feet from any tent, recreational vehicle, structure or other combustible material.
- (4) There shall be a 2clearing with a horizontal radius of at least fifteen (15) feet and a vertical height of at least eight (8) feet, which shall be kept relatively free of trees, brush, and tall weeds and grass, around any permanent structure, stationary recreational vehicle, or tent.
is designated for fire,Is designated for sleeping,is a cooking device,is a lighting device,or is a vehicle parking space.
- (5) To the extent that the requirements of this section may be inconsistent with applicable building or fire codes, the provisions of the building and fire codes shall apply

(g) Tents:

Any tent provided by a camping hosting facility to overnight guests shall be maintained in good repair, and shall be adequately roped, braced and anchored to withstand the elements of weather and prevent against collapsing.

(h) Recreational Vehicles:

- (1) Any recreational vehicle provide by a camping hosting facility to overnight guests shall be maintained in good repair and, if designed to be self-propelled, shall be capable of moving under its own power.
- (2) No more than 50% of the campsites in a camping hosting facility may be designated, marketed or used to accommodate a recreational vehicle.
- (3) Any camping hosting facility having two (2) or more campsites designated, marketed, or used to accommodate recreational vehicles shall, in addition to the development standards set forth in this section, be subject to the development standards set forth in Chapter 43 of this code applicable to recreational vehicle parks. To the extent that the development standards applicable to recreational vehicle parks conflict with the development standards set forth in this section, the conflicting provisions of Chapter 43 shall apply.

(i) Structures:

- (1) Any structure used in connection with a camping hosting facility shall be of permanent construction, meeting the requirements of Building Code.
- (2) No structure shall be permitted on a lot containing a camping hosting facility except for accessory uses permitted in, and conforming to the development standards applicable to the zone in which the camping hosting facility is located.

(j) Lighting:

Whenever a camping hosting facility abuts a residential use, any exterior lighting shall comply with the following:

- (1) All lighting devices shall be shielded or hooded so as to prevent light from producing glare onto adjacent properties that may reasonably be expected to result in visual discomfort or loss of privacy;
- (2) Lighting devices mounted eight (8) feet or more above the ground shall be aimed perpendicular to the ground, and shall be designed or shielded such that all light emitted by the fixture is projected below a horizontal plane;
- (3) Parking spaces and aisles, roads and driveways shall be illuminated only to the extent necessary to meet the functional needs of safe circulation and protection of pedestrians; and
- (4) For upward directed architectural, landscape, and decorative lighting, direct light emissions shall not exceed 0.2 foot-candles above the object being illuminated.

(k) Meals:

If meals are offered, meals shall be served only:

- (1) To overnight guests.

(l) Landscaping:

Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

(m) Parking:

Non-frontage, off street parking shall be provided as follows:

- (1) Two (2) spaces for owner.
- (2) One (1) space per campsite.
- (3) Parking must be located on the same property as the campsites.
- (4) Tandem parking ~~is permitted for~~ shall be counted as one (1) space only for purposes of this subsection.
- (5) Off street parking may not be provided within the front yard setback other than the existing driveway.
- (6) Landscaping is required between parking and adjoining residential properties.

(n) Signs:

Only one (1) sign not larger than one foot by two foot (1' x 2') in size may be used to advertise a camping hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.

(o) Setbacks:

No tent, stationary recreational vehicle, or permanent structure shall be located within any setbacks required under the development standards applicable to the zone in which a camping hosting facility is located.

(p) Street Standards:

A camping hosting facility shall ~~front upon~~ be located on a street that meets Fire Code requirements as a fire apparatus access road.

(q) Sensitive Lands:

Development of any camping hosting facility, including driveways, roads, trails, campsites, and common areas, is hereby expressly made subject to Chapter 24 of this code, "Sensitive Lands."

(r) Drainage:
Any camping hosting facility shall be engineered to provide adequate surface drainage to ensure that stormwater and wastewater will not be discharged onto adjacent properties.

(s) Other Regulations:

A camping hosting facility is subject to all other applicable sections of this Code, including, but not limited to, Building and Fire Codes, transient lodging facility regulations, and transient room tax requirements.

SECTION 11: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 12: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 13: EFFECTIVE DATE This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember JVar Dutson	_____	_____	_____	_____
Councilmember Maha Layton	_____	_____	_____	_____
Councilmember Stacy Seay	_____	_____	_____	_____
Councilmember Jared Nicol	_____	_____	_____	_____
Councilmember Lawrence Barlow	_____	_____	_____	_____

Presiding Officer

Attest

Donia Jessop, Mayor, Hildale City

Athena Cawley, City Recorder Hildale City

**HILDALE CITY
ORDINANCE 2021-010**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF HILDALE CITY, UTAH
AMENDING THE HILDALE CITY LAND USE ORDINANCE TO UPDATE
CERTAIN LAND USE DEFINITIONS**

NOW THEREFORE, be it ordained by the Council of the Hildale City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Sec 152-1-1 Short Title” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-1-1 Short Title

This chapter shall be known as the LAND USE ORDINANCE OF HILDALE CITY and may be so cited and pleaded and may be cited as the "Land Use Code" wherever referenced in this chapter.

SECTION 2: **AMENDMENT** “Sec 152-3-4 Definitions Of Words And Phrases” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-3-4 Definitions Of Words And Phrases

As used in ~~this chapter~~ the Land Use Code, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

ACCESSORY BUILDING: A detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located.

ACCESSORY DWELLING UNIT: A subordinate residential living area created within a single-family dwelling or on the same residential lot as a single-family dwelling which meets the requirements of Article XLI of this ~~chapter~~ Land Use Code.

ACCESSORY USE: See definition of Use, Accessory.

ADJACENT ~~PROPERTY OWNERS~~~~LANDOWNERS~~: A property owner of record, according to the records of the county recorder, whose property abuts all or part of property proposed for development, disregarding any street or political subdivision boundary that may separate the properties.

AFFECTED ENTITY: A county, municipality, ~~independent special district under title 17A, chapter 2, independent special districts,~~ local district ~~under title 17B, chapter 2, local districts,~~ special service district, school district, interlocal cooperation entity ~~established under title 11, chapter 13, interlocal cooperation act,~~ specified public utility, property owner, property owners association, or the Utah Department of Transportation, if:

- (a) The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- (b) The entity has filed with the ~~City~~~~municipality~~ a copy of the entity's general or long range plan; or
- (c) The entity has filed with the City a request for notice during the same calendar year and before the City provides notice to an affected entity in compliance with a requirement imposed under Title 10, Chapter 9a of the Utah Code.
~~'s boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.~~

AGRICULTURAL BUSINESS: The conduct of agricultural activity involving the keeping, grazing and pasturing of domestic animals or growing and harvesting of crops for commercial gain. Typical uses include the raising of animals for food or for the production of food in excess of that required for a household and the boarding or stabling of animals other than those owned and used by household members.

AGRICULTURAL INDUSTRY: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage and the initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include packinghouses, commercial feed yards, fur farms, commercial milk production, food packaging or processing plants, and commercial poultry or egg production. Slaughterhouses and intensive animal feeding operations are specifically excluded from this definition.

AGRICULTURAL SALES AND SERVICE: An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses which are used for wholesale and/or retail purposes.

AGRICULTURE: The tilling of soil, raising of crops, horticultural activities, gardening, keeping or grazing of domestic animals and noncommercial feed yards, but not including any agricultural business or industry.

ALLEY: A public thoroughfare less than twenty six feet (26') wide for the use of pedestrians and vehicles providing a secondary means of access to the rear of abutting properties.

ANIMAL HOSPITAL: A building where small animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. "Animal hospital" does not include use of the premises as a kennel or a place where animals or pets are boarded for remuneration except when incidental to a principal use.

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken, turkey, and rabbit raising, egg production, apiaries, and aviaries.

ANIMAL UNIT: The number of animals equivalent to one mature beef cow, based on the daily output (in pounds) of manure.

ANIMALS AND FOWL FOR RECREATION AND FAMILY FOOD PRODUCTION: The keeping of animals on a lot for exclusive use by persons residing thereon so long as the animals and fowl are not used for commercial purposes.

APARTMENT COURT: Any building or group of buildings which contain dwelling units. See definition of Dwelling, Group.

APARTMENT HOUSE: See definition of Dwelling, Multiple-Family.

APPEAL AUTHORITY: The person, board, commission, agency or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

ASSISTED LIVING FACILITY: See section 152-46-3 of this chapter.

AUDITORIUM OR STADIUM: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

AUTOMOBILE WRECKING YARD: Any lot, land or area used for the storage, keeping, dismantling or salvaging of three (3) or more unlicensed automobiles or parts thereof.

BAIL BOND SERVICE: An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.

BANK OR FINANCIAL INSTITUTION: An organization involved in deposit banking, finance, investment, mortgages, trusts, and the like. Typical uses include commercial banks, credit unions, finance companies, and savings institutions.

BASE DENSITY: The number of dwelling units allowed in a planned development calculated pursuant to the provisions of chapter 24 of ~~this chapter~~ [the Land Use Code](#).

BASEMENT: That portion of a building that is partly or completely below grade plane. A basement shall not be considered as a story above grade plane where the finished surface of the floor above the basement is:

- (a) More than six feet (6') above grade plane;
- (b) More than six feet (6') above the finished ground level for more than fifty percent (50%) of the total building perimeter; or
- (c) More than twelve feet (12') above the finished ground level at any point.

BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than three (3) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of ~~this chapter~~ [the Land Use Code](#).

BED AND BREAKFAST INN: A commercial activity within a residential structure where not less than four (4) nor more than ten (10) rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of ~~this chapter~~ [the Land Use Code](#).

BERM: A mound of earth, generally two (2) to six feet (6') high, used to shield, screen, and buffer undesirable views and to separate land uses.

BILLBOARD: See chapter 36 of ~~this chapter~~ [the Land Use Code](#).

BLOCK: Land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BOARDING HOUSE: A building with not more than five (5) guestrooms, where, for compensation, meals are provided for not more than fifteen (15) persons.

BUILDABLE AREA: The area of a lot within front, rear and side yard setback lines where a main building may be constructed.

BUILDING: A permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

BUILDING AREA: The area included within the surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of a building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

BUILDING FACADE: Any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

BUILDING, HISTORIC: Any building listed in the national register of historic places, the Utah state register of historic sites, or the Hildale City historic landmarks register.

BUILDING LINE, FRONT: A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the entire width of the lot.

BUILDING LINE, REAR: A line parallel to the rear lot line and at a distance therefrom equal to the required depth of the rear yard and extending across the entire width of the lot.

BUILDING LINE, SIDE: A line parallel to the side lot line and at a distance therefrom equal to the required depth of the side yard and extending between the front and rear building lines.

BUILDING, MAIN: The principal building or one of the principal buildings located on a lot designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one "lot" as defined herein shall be deemed a main building.

BUILDING OR STRUCTURE HEIGHT: The vertical distance from the grade plane to the average height of the highest roof surface.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah or any of its Subdivisions.

BUS TERMINAL: A building or premises for the transient housing or parking of commercial motor vehicles and for the pick up and discharge of fare paying intercity passengers. Accessory uses may include ticket offices, luggage checking facilities, and similar uses.

BUSINESS EQUIPMENT RENTAL AND SUPPLIES: An establishment primarily engaged in the display, storage, and sale of goods or services used by office, professional and service establishments. Includes the sale, rental or repair of equipment and supplies used by office, professional, and service establishments, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

CAMPGROUND: Any site, tract, or parcel of land on which one or more campsites is provided for temporary human occupation, with or without additional facilities, services and amenities.

CAMPING HOSTING FACILITY: A privately owned, commercial campground where campsites may be rented to paying guests on a nightly basis.

CAMPSITE: a space within a campground designed for the accommodation of a tent or recreational vehicle.

CAPITAL FACILITIES: Any or all of the following facilities that have a life expectancy of ten (10) or more years: water rights and water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage, and flood control facilities; roadway facilities; parks and recreation facilities, open space and trails; and public safety facilities.

CAPITAL FACILITIES PLAN: That plan required by section 11-36-201 of the Utah Code for public facilities, including, but not limited to, water, stormwater, parks, open space, and transportation, as the same may be amended from time to time.

CAR WASH: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

CARPOR: A covered automobile parking space with at least two (2) sides open. For the purposes of this [chapter Land Use Code](#), a carport shall be subject to all of the regulations prescribed for a private Garage.

CEMETERY: Land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums and mausoleums.

CHILD CARE CENTER: Child care provided in a non-residential setting on a regular schedule. The number of children allowed will be determined by the facility's total square footage. Excludes the following:

- (a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;
- (b) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or
- (c) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations.

CHURCH OR PLACE OF WORSHIP: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used primarily for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions, and for church related activities.

CITY: The City of Hildale, Utah, a [Municipal](#) corporation.

CITY COUNCIL: [The city council of the City of Hildale, Utah.](#)

CITY ENGINEER: A registered civil engineer so appointed or employed by the City.

CITY PLANNER: [The professional planner of Hildale City, Utah, or person designated as such by the Hildale City council.](#)

CLEAR VIEW AREA: Areas at intersecting streets and driveways where unobstructed vision is maintained as required by this ~~chapter~~ [Land Use Code](#). See subsection 152-37-9E of this chapter.

CLINIC: See definition of medical service.

CLUB OR SERVICE ORGANIZATION: An establishment or organization providing meeting, recreational or social facilities for a private or nonprofit association, except a private club as defined herein. Typical uses include lodges, meeting halls, recreation centers, and areas operated by social clubs, fraternal and service organizations.

CLUB, PRIVATE: Any nonprofit corporation operating as a social club, recreational, fraternal, or athletic association, or kindred association which allows the consumption of liquor on its premises pursuant to a license granted by the Utah Alcoholic Beverage Control Commission.

COLLEGE OR UNIVERSITY: An institution of higher education offering undergraduate or graduate degrees and including, but not limited to, such accessory uses as dormitories, museums, stadiums, and theaters.

CONDITIONAL USE: See definition of Use, Conditional.

CONDOMINIUM: The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property created pursuant to the Utah condominium ownership act.

CONDOMINIUM DECLARATION: See definition of Declaration.

CONDOMINIUM PROJECT: A real estate plan, project, or property where two (2) or more units, whether contained in existing or proposed apartments, commercial, or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale pursuant to the Utah condominium ownership act.

CONSTITUTIONAL TAKING: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the fifth or fourteenth amendment of the Constitution of the United States or article I, section 22 of the Utah Constitution.

CONSTRUCTION: The materials, architecture, assembly, and installation of a building or structure.

CONSTRUCTION SALES AND SERVICE: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors' offices and storage yards, and public utility corporation storage yards.

CONVALESCENT CARE FACILITY: An establishment providing bed care and inpatient services for persons needing regular medical attention but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Typical uses include nursing homes and rest homes.

CONVENIENCE STORE: An establishment, not exceeding five thousand (5,000) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales.

CONVERTIBLE LAND: A building site which is a portion of the common areas and facilities described by metes and bounds, within which additional units or limited common areas and facilities may be created pursuant to the Utah condominium ownership act.

CORRECTIONAL FACILITY: A facility providing housing and care for individuals legally confined for violations of law.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building or group of buildings.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject Property.

CULTURAL SERVICE: A library, museum or similar public or registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

DECIBEL (dB): A unit of measure used to express intensity of noise.

DECLARATION: The legal instrument by which property is subjected to the provisions of the Utah condominium ownership act.

DEDICATION: The setting aside of land by an owner for any general and/or public uses, reserving for himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is devoted.

DENSITY, BASE: The number of dwelling units per acre allowed in a planned development as determined pursuant to the yield plan method set forth in subsection 152-23-8B of this chapter.

DENSITY BONUS: The number of additional dwelling units per acre allowed in a planned development pursuant to subsection 152-23-8C of this chapter.

DENSITY, GROSS: The number of dwelling units per acre within a subdivision or other development based on the total tract area whether developable or not, including streets, water areas, and open space conservation areas.

DENSITY, NET: The number of dwelling units per acre within a subdivision or other development, not including public streets and other public property.

DEVELOPABLE LAND: Land under thirty percent (30%) slope which is capable of being improved, subject to the requirements of this ~~code~~ [Land Use Code](#).

DEVELOPER: The person, association or corporation developing or causing to be developed the property subject to the provisions of ~~this chapter~~ [the Land Use Code](#).

DEVELOPMENT APPROVAL: Any written authorization from the city that authorizes the commencement of development activity.

DEVELOPMENT OR DEVELOPMENT ACTIVITY:

Any of the following:

- (a) Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (b) Any construction, reconstruction, or expansion of a building, structure, or use.
- (c) Any change in the use of a building or structure.
- (d) The total area of a lot on which a building permit is to be issued or the total area of property being improved.
- (e) Any change in the use of land that creates additional demand and need for capital facilities.
- (f) The property being developed and/or subdivided.
- (g) The act, process or result of developing.

Not to include; any remodeling of a dwelling that does not increase the square footage of any structure.

DISABILITY: See section 152-46-3 of this chapter.

DISTRICT: See definition of Zone.

DUPLEX: See definition of Dwelling, Two-Family.

DWELLING: Any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this ~~chapter~~ [Land Use Code](#), but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

DWELLING, EARTH SHELTERED: An engineered dwelling unit located primarily underground for the purpose of energy conservation.

DWELLING, GROUP: Two (2) or more dwellings which occupy the same lot and have yards and open space in common.

DWELLING, MULTIPLE-FAMILY: A dwelling having three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one (1) family and having only one (1) dwelling unit.

DWELLING, SINGLE-FAMILY WITH ACCESSORY APARTMENT: A building having only one (1) dwelling unit and one (1) accessory apartment.

DWELLING, TEMPORARY: A manufactured/mobile home used for temporary residential purposes as provided in chapter 43 of ~~this chapter~~ the Land Use Code.

DWELLING, TOWNHOUSE: A dwelling unit in a row of at least three (3) such units where each unit has its own front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other unit by one (1) or more vertical common fire resistant walls.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families and having only two (2) dwelling units.

DWELLING UNIT: One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes kitchen facilities, all for exclusive use by a single family maintaining a household.

ELDERLY PERSON: See section 152-46-3 of this chapter.

EXTERNAL ILLUMINATION: Lighting which illuminates a building or structure from a remote position or from outside of the building or structure.

FAMILY: Any one (1) of the following who occupies a dwelling unit:

- (a) One (1) person living alone.
- (b) Two (2) or more persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two (2) other unrelated persons residing on the same premises where the housekeeping unit is located.
- (c) Two (2) unrelated persons and the children of either of them.
- (d) Five (5), or fewer, unrelated individuals living together as a single housekeeping unit.

FARMERS' MARKET: An establishment or premises where farm products from local farmers are sold at retail from covered or open air areas designated for individual retailers.

FENCE: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space.

FENCE, OPAQUE: A fence that permits vision through not less than fifty percent (50%) of each square foot of fencing.

FENCE, SIGHT OBSCURING: A fence that permits vision through not more than ten percent (10%) of each square foot of fencing.

FINAL PLAT: The final drawing of a subdivision and dedication prepared for filing with the County Recorder which complies with applicable requirements set forth in this [chapter](#) [Land Use Code](#), other titles of this Code, and the Utah Code.

FLOOR AREA, TOTAL: See definition of gross floor area.

FREIGHT TERMINAL: A building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

FRONTAGE: All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

FUNERAL HOME: An establishment engaged in preparing human deceased for burial and conducting funerals.

GARAGE, PRIVATE: An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

GARDEN CENTER: An establishment primarily engaged in the retail sales of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

GAS AND FUEL, STORAGE AND SALES: An establishment or site used for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding below ground storage that is ancillary to an allowed principal use on the site.

GASOLINE SERVICE STATION: An establishment engaged in the retail sales of gasoline and petroleum products, including gasoline sales conducted as part of a convenience store.

GENERAL PLAN: A document adopted by the City Council that sets forth general guidelines for proposed future development of the land within the City as set forth in section 152-2-2 of this chapter.

GOLF COURSE: A facility providing private or public golf recreation services and support facilities, but excluding miniature golf facilities.

GOVERNMENT SERVICE: Any building or facility used, owned or operated by a government entity which provides services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where finished ground level slopes away from an exterior wall, the reference plane shall be established by the lowest point within the area between the building and the lot line or, where the lot line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

GROSS FLOOR AREA: The total floor area of a building expressed in square feet measured from the exterior of outside walls.

GUESTHOUSE OR CASITA: A secondary dwelling unit, with or without kitchen facilities, located on a lot with one or more main dwelling units which is:

- (a) Used for housing of guests without compensation, and
- (b) Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot and encumbered by a recorded agreement which provides notice of these conditions.

HEAVY INDUSTRY: An establishment engaged in basic processing and manufacturing of materials or products predominantly from extracted or raw materials; or a use engaged in manufacturing processes utilizing flammable or explosive materials; or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, slaughterhouses, steelworks and tanneries.

HEIGHT, BUILDING OR STRUCTURE: See definition of Building Or Structure Height.

HEIGHT, STORY: The vertical distance from top to top of two (2) successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

HOME BASED BUSINESS: A commercial or other nonresidential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes as provided in chapter 42 of ~~this chapter~~ [the Land Use Code](#).

HOMELESS SHELTER: A place of temporary abode for persons who have no residence.

HOSPITAL: A facility that:

- (a) Offers services more intensive than those required for room, board, personal services and general nursing care;
- (b) Offers facilities and beds for use beyond twenty four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; or
- (c) Regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care or other definitive

medical treatment of similar extent; and

- (d) Any accessory use such as offices for medical and dental personnel and central service facilities such as pharmacies, medical laboratories, and other related uses.

HOSTEL: An establishment in which people are lodged for a single night or less than a week at a time, but excluding bed and breakfast, home; bed and breakfast inn; hotel; or motel.

HOTEL: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

HOUSEHOLD: A family living together in a one-dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

HOUSEHOLD PET: Animals or fowl ordinarily permitted in a house and kept for company or pleasure, not profit, such as dogs, cats, pigeons, or rabbits, but not including:

- (a) Chickens, ducks, geese, pigs or other domestic farm variety animals nor any animals which are likely to inflict harm or endanger the health, safety or welfare of any person or property; and
- (b) A sufficient number of dogs to constitute a commercial kennel.

IMPACT FEE: A payment of money imposed upon development activity as a condition of development approval as provided in title 5, chapter 55 of this code.

JUNK OR SALVAGE YARD: Any place, establishment, or part of a lot maintained, used, or operated for collection, storage, keeping, or abandonment of wastepaper, rags, scrap metal or discard material, including dismantling, demolition of machinery or parts thereof, but excluding an automobile wrecking yard and any use which is clearly accessory and incidental to a permitted or conditional use.

KENNEL, COMMERCIAL: A commercial establishment having three (3) or more dogs over the age of four (4) months for the purpose of boarding, breeding, buying, selling, grooming, letting for hire, or training for a fee.

KENNEL, RESIDENTIAL: The keeping or maintaining of more than two (2), but no more than four (4) dogs, in connection with the occupation of any dwelling for residential purposes.

KIOSK: A small structure, typically located within a pedestrian walkway or similar circulation area, intended for use as a small shop, or for use as a display space for posters, notices and Exhibits.

KITCHEN: An area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

LAND USE APPLICATION: An application required by any land use ordinance or regulation.

LAND USE AUTHORITY: A person, board, commission, agency or other body designated by the city council to act upon a land use application.

LAUNDRY OR DRY CLEANING, LIMITED: An establishment providing household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop off and pick up; or an establishment providing home type washing, drying, and/or ironing machines for hire to be used by customers on the premises. The term excludes large scale dry cleaning activities permitted under the definition of "laundry services".

LAUNDRY SERVICES: An establishment primarily engaged in the large scale cleaning of laundry or that includes dry cleaning activities other than those classified as low hazard in applicable codes, but excluding laundry or dry cleaning, limited.

LEGALLY EXISTED: For the structures built before September 5, 2018, in addition to the term's meaning at common law, legally existed means that the land owner/occupant has a Certificate of Occupancy from the building department, or is in the (3) year grace period provided for in Section 152-1-9(B) without a permit.

LICENSED FAMILY CHILD CARE: Child care provided in a private home for up to sixteen (16) children. Two (2) qualified caregivers are required when there are more than eight (8) children in care, or when there are more than two (2) children under the age of two (2) in care. With two (2) caregivers, a licensed family provider can care for up to (but not more than) four (4) children under the age of two (2).

LIGHT SOURCE: Neon, fluorescent or similar tube lighting, an incandescent bulb, including the light producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes a light source.

LIQUOR STORE: An establishment licensed by the Utah Alcoholic Beverage Control Commission for the sale of alcoholic beverages for off site consumption.

LOT: A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded subdivision plat.

LOT AREA: The total land area of a lot measured on a horizontal plane.

LOT, CORNER: A lot abutting two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT COVERAGE: The total horizontal area of a lot covered by any building or structure which extends above the surface of the ground level, including any covered parking spaces.

LOT DEPTH: The mean horizontal distance from a front lot line to a rear lot line.

LOT, DOUBLE FRONTAGE: A lot abutting two (2) parallel or approximately parallel streets.

LOT, FLAG: A lot located to the rear of another lot, the main body of which does not front on a street and is accessed by a narrow corridor.

LOT FRONTAGE: The distance, measured along the front lot line, that a lot adjoins a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot that divides one lot from another or from a street.

LOT LINE ADJUSTMENT: The relocation of a lot line between ~~two (2)~~ adjoining subdivided lots, or between one (1) subdivided lot and one or more adjoining parcels, with the consent of the owners of record and which does not create a new lot.

LOT LINE, FRONT: A lot line separating a lot from an existing street or, where a new street is proposed, the proposed street right-of-way line as shown on the road master plan. For an interior lot, the lot line adjoining the street; for a double frontage lot, a lot line adjoining one (1) of the streets as elected by the City.

LOT LINE, REAR: The lot line generally opposite and most distant from the front lot line, except in the case of a triangular or gore shaped lot, a "constructive" line ten feet (10') in length within the lot, parallel to the front lot line which intercepts the side lot lines at points most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or rear lot line. A side lot line separating one lot from another is an interior side lot line.

LOT, NON-CONFORMING: A lot that because of subsequent land use ordinance or zoning changes, does not conform with the lot size or other dimensional or property development standards applicable in the zone where the lot is located, and that:

- (a) Legally existed (See definition for "Legally Existed") before its current zoning designation; or
- (b) Has been shown continuously on the records of the County Recorder as an independent parcel prior to annexation.

LOT WIDTH: The distance between side lot lines, measured at the required front yard setback line as required by the zone in which the lot is located.

MANUFACTURED HOME: A transportable factory built dwelling unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, which:

- (a) In the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or

- more in length, or when erected on site, is four hundred (400) or more square feet;
- (b) Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;
 - (c) Includes plumbing, heating, air conditioning, and electrical systems; and
 - (d) Is identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MANUFACTURED/MOBILE HOME: A manufactured home or mobile home.

MANUFACTURED/MOBILE HOME LOT: A plot of ground within a manufactured/mobile home park or subdivision designed for the accommodation of one manufactured home or mobile home.

MANUFACTURED/MOBILE HOME PARK: A lot (or contiguous lots) under single ownership or control designed and planned to accommodate the placement of manufactured/mobile homes on leased or rented spaces pursuant to the requirements of chapter 43 of ~~this chapter~~ [the Land Use Code](#).

MANUFACTURED/MOBILE HOME SUBDIVISION: A platted and recorded subdivision zoned and designed for manufactured/mobile home use pursuant to the requirements of chapter 43 of ~~this chapter~~ [the Land Use Code](#) where such homes may be placed on permanent foundations.

MANUFACTURING, ALCOHOLIC BEVERAGE: a liquor manufacturing establishment operated by a person in compliance with a current license issued by the State of Utah pursuant to Part 3, Part 4, or Part 5 of Title 32B, Chapter 11 of the Utah Code, as amended.

MANUFACTURING, GENERAL: An establishment engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment and packaging, and incidental storage, sales and/or distribution of such products, but excluding basic industrial processing and manufacturing activities.

MANUFACTURING, LIMITED: An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:

- (a) Have no noise, odor, vibration, or other impacts discernible outside a building, and
- (b) Do not violate any applicable noise ordinance.

MASONRY: Stone, brick, dyed block or split faced concrete block.

MEDIA SERVICE: An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film or sound recording studios.

MEDICAL OR DENTAL LABORATORY: An establishment that conducts basic medical or dental research and analysis, but excluding a facility providing any type of in-house patient services typically provided by hospitals and clinics.

MEDICAL SERVICE: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical or dental laboratories.

MINERAL EXTRACTION: Removal of sand, gravel, dirt, or other materials by grading or excavating.

MIXED USE CENTER: See definition of Planned Center.

MOBILE HOME: A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code).

MOBILE HOME PARK: See definition of Manufactured/Mobile Home Park.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Washington County.

MODERATE INCOME HOUSING PLAN: A written document conforming to the requirements of the Utah Code.

MODULAR HOME: A dwelling unit designed for long term occupancy built on a permanent foundation from component elements manufactured off site in accordance with the construction standards adopted pursuant to section 58-56-4 of the Utah Code and transported to the building site.

MORTUARY: See definition of Funeral Home.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients, with a garage attached or parking space conveniently located to each unit.

MOTOR HOME: A self-propelled motor vehicle built on a truck, van or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.

NATURAL FEATURES: Non-manmade land characteristics, including drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

NATURAL STATE: Land which has not been subjected to grading, removal of vegetation or building development.

NATURAL WATERWAY: Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels.

NON-COMPLYING STRUCTURE: A structure that:

- (a) Legally existed before its current zoning designation; and
- (b) Because of subsequent [land use ordinance](#) zoning changes, does not conform with the setback, height restrictions, or other regulations that govern the structure.

NON-CONFORMING LOT: See definition of Lot, non-conforming.

NON-CONFORMING USE: See definition of Use, non-conforming.

NONCONFORMITY, OTHER: See definition of Other Nonconformity.

OFFICE, GENERAL: A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that:

- (a) Shows actual and proposed rights of way, centerline alignments, and setbacks for highways and other transportation facilities;
- (b) Provides a basis for restricting development in designated rights of way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- (c) Has been adopted as an element of the [municipality](#) [City](#)'s general plan.

OPEN SPACE: Generally unobstructed land such as, but not limited to, landscaped buffers and yards, parks, trails, meadows, forested areas, pastures, and farm fields.

OPERATIONS CENTER: A maintenance, repair, or service facility operated by a local, state, or federal government agency.

OTHER NONCONFORMITY: A situation other than a non-conforming lot, use, or non-complying structure that:

- (a) Legally existed before the current zoning designation of the lot where the

- nonconformity is located; and
- (b) Because of subsequent land use ordinance or zoning changes, does not conform with applicable requirements of this ~~chapter~~ Land Use Code.

OWNER: Any person who alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

PARK: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities. Excludes areas for motocross, drag racing, shooting and similar activities.

PARK MODEL DEVELOPMENT: Any site, tract, or parcel of land on which facilities have been developed to accommodate two (2) or more park model trailers or RVs as temporary living quarters pursuant to the requirements of chapter 43 of ~~this chapter~~ the Land Use Code.

~~**PARK MODEL RECREATIONAL VEHICLE:** A unit that is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use; Requires a special highway movement permit for transit; and is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode; and is not self-contained, requiring outside water, power, and sewer connections.~~

PARK MODEL TRAILER: A transportable dwelling unit built on a single chassis which:

- (a) In the traveling mode, is eight (8) body feet or more in width and not more than forty (40) body feet in length, or when is erected on site, has a gross area of at least three hundred twenty (320) square feet and less than four hundred (400) square feet;
- (b) Is designed to be connected to utilities necessary for operation of installed fixtures and appliances; and
- (c) Meets the standards set forth in ANSI A-119.5 or its successor.

PARK STRIP: The area located between a street right of way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

PARKING BAY: A parking area within a parking lot consisting of one or two (2) rows of parking spaces and the aisle from which motor vehicles may enter and exit parking spaces.

PARKING GARAGE, PUBLIC: A structure, or portion thereof, used for parking and storage of more than four (4) motor vehicles.

PARKING LOT, PUBLIC: A paved, open area other than a street, alley, or driveway, used for temporary parking of more than four (4) motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. **PARKING SPACE:** An area designated within a building, parking lot, or other parking area for the parking or storage of one motor vehicle.

PARKING, TANDEM: A secondary parking space located directly to the rear of a primary parking space, and which when occupied, restricts access to the primary parking space.

PAWNSHOP: Any person or establishment engaged in any of the following:

- (a) Lending money on deposit of personal property.
- (b) Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor.
- (c) Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property.
- (d) Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property.

PERIMETER BUILDING PAD: A separate building location, usually along the street frontage, developed or designated in connection with a larger commercial site.

PERSON: An individual, firm, partnership, corporation, company, [partnership](#), [organization](#), association, joint stock association, [trust](#), or governmental entity, including a trustee, receiver, assignee or similar representative of any of the foregoing.

PERSONAL CARE SERVICE: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, custom tailoring and seamstress shops, electrolysis studios, licensed massage therapists, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers, but excludes tattoo establishments.

PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, martial arts training, and swimming clubs.

PLAN FOR MODERATE INCOME HOUSING: A written document adopted by the city council that includes:

- (a) An estimate of the existing supply of moderate income housing located within the city;
- (b) An estimate of the need for moderate income housing in the city for the next five (5) years as revised biennially;
- (c) A survey of total residential land use;
- (d) An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) A description of the city's program to encourage an adequate supply of moderate income housing.

PLANNED CENTER: A development comprised of a variety of uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion.

PLANNING COMMISSION: The Planning Commission of Hildale City, Utah.

PLAT: A map or depiction of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, and streets.

PLOT PLAN: A schematic scaled drawing of a building lot or a development which:

- (a) Is less detailed than a site plan, and
- (b) Indicates, as may be required by this ~~chapter~~ **Land Use Code**, the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

POST OFFICE: A facility or structure owned or leased by the U.S. postal service and used for collecting, sorting or distributing mail within one or more zip code areas, or providing limited retail services for the general public, such as the sale of stamps, postcards, postal insurance, and related items.

PRINTING AND COPYING, LIMITED: A business establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.

PRINTING, GENERAL: The production of books, magazines, newspapers and other printed matter, as well as publishing, engraving and photoengraving, but excluding printing and copying, limited.

PRODUCE STAND: A booth, stall or other area located on agricultural property where produce is sold to the general public.

PROTECTIVE HOUSING FACILITY: See section 152-46-3 of this chapter.

PROTECTIVE SERVICE: A facility providing public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

PUBLIC: That which is under the ownership or control of the United States government, the State of Utah or any subdivision thereof, Washington County, or the city (or any departments or agencies thereof).

PUBLIC ENTRANCE: An entrance to a building or premises customarily used or intended for use by the general public but excluding fire exits, special employee entrances, and loading dock entrances not generally used by the public.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under title 52, chapter 4, open and public meetings, of the Utah Code.

PUBLIC UTILITY SUBSTATION: Any aboveground device of a water, irrigation, sewer, natural gas, electrical, telecommunications (including, but not limited to, radio, telephone and cellular telephone), cable television, or other public or private utility system intended to regulate the function of a utility line or which receives or transmits a signal. Excluded from this definition are:

- (a) Conventional utility poles, features or equipment to be placed on such a pole, light poles;
- (b) Features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located; and
- (c) Features or equipment with maximum horizontal and vertical dimensions of three feet (3').

REASONABLE ACCOMMODATION: See section 152-46-3 of this chapter.

RECEPTION CENTER: A facility rented for private social gatherings.

RECREATION AND ENTERTAINMENT, INDOOR: An establishment offering recreation, entertainment or games of skill to the general public that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, and amusement rides.

RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, tennis courts, and amusement rides. No use involving aircraft of any type is included in this definition.

RECREATIONAL VEHICLE: A vehicular unit that is built on a single chassis with a gross floor area not exceeding 400 square feet designed as temporary living quarters for seasonal, travel, recreation, or and-vacation use and which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a camping trailer, travel trailer, fifth wheel trailer, truck camper, or motor home. A recreational vehicle is self-contained, not requiring outside connection to water, sewer, or power, though connection may be possible.

RECREATIONAL VEHICLE PARK: Any site, tract, or parcel of land on which facilities have been developed to accommodate two (2) or more recreational vehicles for temporary human occupation as temporary living quarters pursuant to the requirements of chapter 43 of this chapter the Land Use Code.

RECREATIONAL VEHICLE SPACE: A plot of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.

REHABILITATION/TREATMENT FACILITY: See section 152-46-3 of this chapter.

REPAIR SERVICE: An establishment primarily engaged in providing repair services, but excluding vehicle and equipment repair. Typical uses include appliance repair shops, computer and other electronic equipment repair, furniture repair and upholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

RESEARCH SERVICE: An establishment engaged in industrial, medical, or scientific inquiries. **RESIDENCE:** See section 152-46-3 of this chapter.

RESIDENTIAL CERTIFICATE CHILD CARE: Child care provided in a private home for up to eight (8) children. This can include up to (but not more than) two (2) children under the age of two (2).

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: See section 152-46-3 of this chapter.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: See section 152-46-3 of this chapter.

~~**RESIDENTIAL FACILITY FOR TROUBLED YOUTH:** See section 5-4-2 of this Code.~~ **RESIDENTIAL HOSTING:** A limited commercial activity within an owner occupied residential structure where not more than eight (8) sleeping rooms may be rented to paying guests on a nightly basis and meals are not customarily provided pursuant to the requirements of chapter 51 of ~~this chapter~~ the Land Use Code.

RESTAURANT, FAST FOOD: An establishment that sells ready to eat food and beverages quickly and which has one or more of the following characteristics:

- (a) Food and beverage orders are not taken at the customer's table;
- (b) Food and beverages are generally served in disposable wrapping or containers; or
- (c) Food and beverages are offered directly to the customer in a motor vehicle from a "drive-up" service window.

RESTAURANT, GENERAL: An establishment that derives not less than fifty percent (50%) of its gross receipts from the sale of food and beverages for consumption on the premises and which has one or more of the following characteristics:

- (a) Food and beverage orders are taken at the customer's table from an individually provided menu;
- (b) Food and beverages are served in nondisposable containers by a restaurant employee at the same table or counter where said items are consumed;
- (c) Food and beverages are generally self-served in nondisposable containers and consumed on the premises; or
- (d) A restaurant having some characteristics of a fast food restaurant, other than drive-up service, which is located exclusively within a shopping center, shares common parking facilities with other businesses within the center, and has access to a common interior pedestrian accessway.

RETAIL, GENERAL: An establishment that rents or sells goods to the public, but excluding uses specifically classified in another definition herein. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores and variety stores.

ROAD MASTER PLAN: The roads shown on the future land use map adopted by the city council as part of the city's general plan.

ROOFLINE: The highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SCHOOL, ELEMENTARY, MIDDLE, OR HIGH: Any building or group of buildings or premises approved by the state of Utah for public or private elementary or secondary instruction.

SCHOOL, VOCATIONAL: An establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

SECONDHAND STORE: A retail establishment that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items.

SENIOR CENTER: A facility sponsored or administered by a public or private entity which provides residences or other services for senior citizens.

SENSITIVE LAND: Any land area whose destruction or disturbance could affect the health, safety, or welfare of city residents, including wetlands, steep slopes, floodplains, and unstable soils.

SEXUALLY ORIENTED BUSINESS: See section 152-47-2 of this chapter.

SHOPPING CENTER: A group of three (3) or more commercial establishments that is planned, developed, and managed as a unit with common areas for off street parking and landscaping provided on the property.

SHORT TERM RENTAL OR VACATION RENTAL: To rent, lease, loan, let or otherwise hire out any rental dwelling unit for a period of thirty (30) days or less.

SIGN: See definition in section 152-36-2 of this chapter.

SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates, as may be required by this ~~chapter~~ [Land Use Code](#), the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in section 54-2-1 of the Utah Code.

STABLE, PRIVATE: A detached accessory building for the keeping of horses, the majority of which are owned by the occupants of the premises.

STABLE, PUBLIC: A commercial establishment that boards, breeds, trains, raises, or rents horses for riding or other equestrian activities.

START OF CONSTRUCTION: The issuance date of a building permit, provided that construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Begins" does not include:

- (a) Land preparation, such as clearing, grading and filling;
- (b) Installation of streets and/or walkways;
- (c) Excavation for a basement, footings, piers, or foundations or the erection of temporary forms; or
- (d) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: A public or private right of way, including avenues, highways, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways, that provides access to adjoining property, and including the street definitions set forth in chapter 39 of ~~this chapter~~ [the Land Use Code](#).

STRUCTURAL ALTERATION: Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE: Any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground or attached to something having a location on the ground.

SUBDIVIDER: Any person who undertakes to create a subdivision.

SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- (a) The division or development of land whether by deed, metes and bounds description, devise and testacy, ~~lease,~~ map, plat, or other recorded instrument, and
- (b) Except as provided in the exceptions below, a division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

- (a) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable provision of ~~this chapter~~ the Land Use Code;
- (b) A recorded agreement between owners of adjoining ~~properties~~ unsubdivided lots adjusting their mutual boundaries if no new lot is created and the adjustment does not result in a violation of applicable requirements of ~~this chapter~~ the Land Use Code; ~~or~~
- (c) A recorded document, executed by the owner of record, revising the legal descriptions of ~~more than one contiguous parcel of property~~ multiple unsubdivided lots, or one unsubdivided lot and one subdivided lot, into one legal description encompassing all such ~~parcels of property~~ lots;
- (d) ~~The joining of a subdivided lot to an unsubdivided lot does not constitute a subdivision as to the unsubdivided lot.~~ A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
 - (1) is in anticipation of future land use approvals on the parcel or parcels;
 - (2) does not confer any land use approvals; and
 - (3) has not been approved by the land use authority;
- (e) A lot line adjustment;
- (f) A road, street, or highway dedication plat; or
- (g) A deed or easement for a road, street, or highway purpose.

SUBSTANTIAL ACTION: Action taken in good faith to exercise development rights authorized pursuant to a development approval given under the authority of this ~~chapter~~ Land Use Code.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a building or structure, the total cost of which equals or exceeds, or, if before completion, is estimated to equal or exceed, fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement includes the first alteration of any wall, ceiling, floor, or other structural part of the building or structure.

TAKEOFF AND LANDING OF AIRCRAFT: Any method of propulsion allowing aircraft to leave the ground or land on the ground, including, but not limited to, helicopters, airplanes, gliders, ultralights, or other aircraft.

TANDEM PARKING: See definition of Parking, Tandem.

TATTOO ESTABLISHMENT: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice.

TAVERN: An establishment licensed by the Utah alcoholic beverage control commission for serving liquor by the drink to the general public.

TEMPORARY DWELLING: See definition of Dwelling, Temporary.

TEMPORARY TRAILER: A temporary trailer or structure utilized solely by a builder during construction of a project for purposes incidental to the construction work on the property.

TENT: A structure, enclosure or shelter constructed of fabric or pliable material supported by a lightweight framework, designed as temporary living quarters for recreational camping purposes.

TINY HOME: A unit that:

- (a) Is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;
- (b) Requires a special highway movement permit for transit; and
- (c) Is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode; and
- (d) Is not self-contained, requiring outside water, power, and sewer connections.

TRANSITIONAL HOUSING FACILITY: See section 152-46-3 of this chapter.

TRANSPORTATION SERVICE: An establishment that moves people or goods and services. Typical uses include taxicab service, passenger autos for rent with drivers, ambulance service, and parcel delivery service.

TRAVEL TRAILER: A vehicular unit without motive power which:

- (a) In the traveling mode, is eight (8) body feet or less in width and forty (40) body feet or less in length, or when erected on site, is not more than three hundred twenty (320) square feet; and
- (b) Is designed as temporary living quarters for travel, recreation, and vacation use.

USE: The purpose or activity for which land, a lot, or building or structure thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY: A subordinate use customarily incidental to a permitted or conditional use and located on the same lot as such use.

USE, CONDITIONAL: A main use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

USE, ILLEGAL: A use that is not allowed where located as a permitted use, conditional use, accessory use, or non-conforming use.

USE, INCOMPATIBLE: A use which is different in activity, intensity, or utilization which is or will be in conflict with uses on adjoining lots.

USE, MAIN: The primary purpose for which a lot or structure is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this ~~chapter~~ [Land Use Code](#).

USE, NON-CONFORMING: A use of land that:

- (a) Legally existed before the current zoning designation of the land where the use is located;
- (b) Has been maintained continuously since the time the [land use ordinance](#) zoning designation governing the land changed; and
- (c) Because of subsequent [land use ordinance or](#) zoning changes, does not conform with the zoning regulations that now govern the land.

USE, PERMITTED: A main use of a building, structure, or land allowed in one or more of the respective zones set forth in this ~~chapter~~ [Land Use Code](#) and which may be lawfully established provided it conforms with applicable provisions of ~~this chapter~~ [the Land Use Code](#).

USE, TEMPORARY: A use not allowed as a permitted, conditional or accessory use where located and which is established for a limited time with the intent to discontinue the use upon expiration of the time period authorized by a temporary use permit.

UTILITY, MAJOR: A facility, other than collection or distribution lines or supporting structures thereto, of any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. Excludes corporate or general offices, storage or service buildings or yards, gas or oil processing, manufacturing or storage facilities or postal facilities, or other uses defined in this section. Typical uses include commercial radio, television and microwave communication towers, electric generation plants or substations, railroad switching yards, reservoirs, sanitary landfills and water and wastewater treatment plants.

UTILITY, MINOR: A facility of any agency under public franchise or ownership to provide services deemed necessary to support development which involve only minor structures, such as poles and lines, but not including utility substations.

VARIANCE: A waiver or modification granted to a height, bulk, area, width, setback, separation, or other numerical or quantitative requirement of this ~~chapter~~ [Land Use Code](#).

VEHICLE: A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one place to another.

VEHICLE AND EQUIPMENT RENTAL OR SALE: An establishment engaged in the sale or rental, from the premises, of motor vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental and farm equipment and machinery sales and rental.

VEHICLE AND EQUIPMENT REPAIR, GENERAL: An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair and paint and body shops.

VEHICLE REPAIR, LIMITED: An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities: electronic tune ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.

VETERINARY SERVICE: An establishment providing medical care and treatment for large and small animals, which may include accessory grooming or boarding services. Veterinary service does not include an animal hospital.

VICINITY PLAN: A drawing showing the relationship of proposed real property development to adjoining property.

VIOLATION: The act of disregarding, disobeying, neglecting, omitting or refusing to comply with the requirements or enforcement of this ~~chapter~~ [Land Use Code](#).

WAREHOUSE, SELF-SERVICE STORAGE: An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.

WHOLESALE AND WAREHOUSING, GENERAL: An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.

WHOLESALE AND WAREHOUSING, LIMITED: An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be under fifty thousand (50,000) square feet in area and operate during conventional business hours.

WIRELESS TELECOMMUNICATIONS FACILITY: See section 152-50-4 of this chapter.

YARD: An open space located between a front, rear, or side building line and an adjoining lot line which is unoccupied and unobstructed from the ground upward by any portion of a building or structure, except as specifically provided in this [chapter Land Use Code](#).

YARD DEPTH: The least horizontal distance between a lot line and a building line.

YARD, FRONT: A space on the same lot extending across the full width of the lot between the front building line and the front lot line. The depth of the front yard is the minimum distance required by this [chapter Land Use Code](#) between the front lot line and the front building line.

YARD, REAR: A space on the same lot extending across the full width of the lot between the rear building line and rear lot line. The depth of the rear yard is the minimum distance required by this [chapter Land Use Code](#) between the rear lot line and rear building line.

YARD, SIDE: A space on the same lot extending from the front building line to the rear building line between the side building line and the side lot line. The width of a side yard is the minimum distance required by this [chapter Land Use Code](#) between the side building line and the side lot line.

ZONE: An area of the incorporated territory of the City as shown on the official zoning map which has been given a designation which regulates and restricts the erection, construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land all as set forth in this [chapter Land Use Code](#).

ZONING ADMINISTRATOR: The person charged with principal responsibility for interpreting and applying the provisions of this [chapter Land Use Code](#).

ZONING MAP: A zoning map adopted by the City Council pursuant to the provisions of section 10-9a-501 of the Utah Code.

SECTION 3: AMENDMENT “Sec 152-39-3 Definitions” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-39-3 Definitions

The following words and phrases used in this chapter, in addition to those listed in chapter 3 of this chapter, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context:

~~ADJACENT LANDOWNERS: Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof. AFFECTED ENTITY: As stated in statute, a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah department of transportation, if: The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land; The entity has filed with the municipality a copy of the entity's general or long range plan; or The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.~~

BLOCK: The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

~~BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES: The division of a parcel of land into two (2) or more lots none of which is less than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created. CITY: Hildale City, Utah.~~

~~CITY COUNCIL: The city council of Hildale City, Utah.~~

~~CITY ENGINEER: The city engineer of Hildale City, Utah, or a consulting engineering firm designated as the city engineer by the city council.~~

~~CITY PLANNER: The professional planner of Hildale City, Utah, or person designated as such by the Hildale City council.~~

COMMUNICATIONS EASEMENT: An exterior easement for placement of facilities intended to be used in connection with the delivery of multichannel video programming services, cable services, information services, or tele-communications or telecommunications services.

COMMUNICATIONS INFRASTRUCTURE: Facilities planned to be used in connection with the delivery of multichannel video programming services, cable services, information services, telecommunications or telecommunications services, which term shall include, but not be limited to, conduit.

COUNTY: Washington County, Utah.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

DEDICATION: Land set aside by an owner for any general and public uses.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

~~**FINAL PLAT:** The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this chapter and adopted pursuant thereto.~~

~~**GENERAL PLAN:** A plan, labeled "General Plan of Hildale City", including maps or reports or both, which has been approved by the city council as required by law, or such plan as it may be amended from time to time.~~

JOINT UTILITY COMMITTEE: A committee consisting of representatives from each major utility provider, including but not limited to water, gas, power, sewer, phone, and public works, and chaired by the Public Works Director.

~~**LOT:** A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.~~

LOT RIGHT OF WAY: A strip of land of not less than twenty six feet (26') wide connecting a lot to a street for use as private access to that lot.

~~**OFFICIAL ZONING MAP:** A zoning map adopted by the city council pursuant to the provisions of section 152-9a-501, Utah Code Annotated, 1953, as amended.~~

OPEN SPACE: Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

~~**PERSON:** Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.~~
~~**PLANNING COMMISSION:** The Hildale City planning commission.~~

~~**PLAT:** A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.~~

SANITARY SEWER AUTHORITY: Colorado City-Hildale City Utility Department.

SECURITY: An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

Street, Arterial: A street, existing or proposed, which serves or is intended to serve as a major trafficway, and is designated on the general plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, Collector: A street, existing or proposed, which is the main means of access to an arterial street system.

Street, Cul-De-Sac: A street which originates from a designated city street with no other outlet and forcing a radius turn area, not to exceed six hundred sixty feet (660') in length without the written approval of the city council, the planning commission and the fire chief.

Street, Private: A right of way or easement in private ownership not dedicated or maintained as a public street.
Street, Residential: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

~~**SUBDIVIDER:** Any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another.
SUBDIVISION: Includes: A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances; or The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes. A recorded document executed by the owner of record, revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of this chapter.~~

(a) ~~Does not include:~~

SECTION 4: AMENDMENT “Sec 152-40B-1 Definitions Of Words And Phrases” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-40B-1 Definitions Of Words And Phrases

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application:

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: A nonbasement building:

- (a) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and
- (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of section 60.3(e)(5) of the national flood insurance program regulations.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes Hildale tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Land use ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to chronic flooding or a catastrophic flood event~~being inundated by water from any source, including but not limited to land areas within the 100-year flood plain designated by the Federal Emergency Management Agency~~ (see definition of Flood Or Flooding).

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- (b) Certified or preliminarily determined by the secretary of the interior as contributing to

the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the secretary of the interior; or
 - (2) Directly by the secretary of the interior in states without approved programs.

INFRASTRUCTURE: Roads, bridges, pipelines, cabling, power lines, utility or any other public or private constructed improvement.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the national flood insurance program regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION: For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the national flood insurance program regulations.)

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SECTION 5: AMENDMENT “Sec 152-47-2 Definitions” of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-47-2 Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter. Whenever a word or phrase used in this chapter is not defined herein or in chapter 3 of this chapter, but is defined in related sections of Utah Code Annotated or in other city ordinances or resolutions, such definitions are incorporated herein and shall apply as if set forth herein in full, unless the context clearly appears otherwise.

BUSINESS LICENSE AUTHORITY: Hildale City manager or designees.

CORRIDOR:

- (a) SR-59, all inclusive.
- (b) Utah Avenue, all inclusive.
- (c) Canyon Street, all inclusive.
- (d) Central Street, all inclusive.

EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer as an independent contractor, as an agent or in any other form of employment relationship.

ESCORT: Any person who, for pecuniary compensation or any form of consideration, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or other to or about social affairs, entertainment or places of amusement, or within any place of public or private quarter. "Escort" shall not be construed to include persons who provide business or personal service such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. "Escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

ESCORT SERVICE: An individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

ESCORT SERVICE RUNNER: Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within Hildale City, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.

HISTORIC BUILDINGS OR SITES: Those buildings or sites found on either the national or state historic registers or the Hildale City register of cultural and historic resources.

NUDE AND SEMINUDE DANCING AGENCY: Any person, agency, firm, corporation, partnership, or any other entity or individual, which furnishes, books or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dancer for performance or appearance at a business licensed for nude entertainment, seminude dancing bars or adult theaters.

NUDE ENTERTAINMENT BUSINESS: A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

NUDITY OR STATE OF NUDITY: A state of dress in which the ~~nipple and areola of the female breast, or~~ male or female genitals, pubic region or anus are covered by less than the covering required in the definition of "seminude".

OUTCALL SERVICES: Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including, but not limited to, escorts, models, dancers and other similar employees.

PATRON: Any person who contracts with or employs any escort services or escort, or the customer of any nude entertainment business.

PECUNIARY COMPENSATION: Any commission, fee, salary, tip, gratuity, hire, profit, reward or any other form of consideration.

PERSON: Any person, unincorporated association, corporation, LLC, partnership or other legal entity.

PUBLIC PARK: A park, playground, swimming pool, golf course, bike or jogging path, or athletic field within Hildale City which is under the control, operation or management of Hildale City.

RELIGIOUS INSTITUTION: A building which is used primarily for religious worship and related religious activities.

SCHOOL: An institution of learning or instruction primarily catering to minors, whether public or private. This definition shall include daycares, preschools, nursery schools, kindergarten, elementary schools, junior high schools, middle high schools, senior high schools or any special institution of learning under the jurisdiction of the state department of education.

SEMINUDE: A state of dress in which ~~opaque clothing covers no more than the nipple and areola of the female breast, and~~ the male or female genitals, pubic region and anus shall be fully covered by an opaque covering no narrower than four inches (4") wide in the front and five inches (5") wide in the back, which shall not taper to less than one inch (1") wide at the narrowest point.

SEXUALLY ORIENTED BUSINESS EMPLOYEES: Those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models and other similar employees whether or not hired as employees, agents or as independent contractors. Sexually oriented business employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. Sexually oriented business employees shall not include cooks, serving persons, bartenders and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this chapter, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees.

SEXUALLY ORIENTED BUSINESSES: Those businesses defined as follows:

Adult Arcade:

An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store Or Adult Video Store:

A commercial establishment which has as a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

- (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- (b) Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- (c) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Cabaret:

A nightclub, bar, restaurant, "bottle club" or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- (a) Persons who appear nude or in a state of nudity or seminude;
- (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- (c) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Motel:

A motel, hotel or similar commercial establishment which:

- (a) Offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or

description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

- (b) Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- (c) Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater:

A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater:

A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified sexual activities" or "specified anatomical areas".

Massage Parlor:

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". The definition of sexual oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.

Nude Entertainment Business:

A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

Nude Model Studio:

Any place where a person who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.

Seminude Dancing Bars:

Any business which sells or allows the consumption of any alcoholic beverage on its premises that permits dancing, modeling or other performance or appearance however characterized, in a state of seminudity.

Sexual Encounter Establishment:

A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SPECIFIED ANATOMICAL AREA: Any of the following:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, or anus ~~or female breasts below a point immediately above the top of the areolae~~; or
- (b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

- (a) The fondling or other intentional touching of human genitals, pubic region, buttocks, or anus ~~or female breasts~~;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- (c) Masturbation, actual or simulated;
- (d) Human genitals in a state of sexual stimulation, arousal or tumescence;
- (e) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed; or
- (f) Excretory functions as part of or in connection with any of the activities set forth in subsections A through E of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: Increase in the floor areas occupied by the business by more than fifteen percent (15%), as the floor areas exist at the time the business receives its initial sexually oriented business license under the applicable Hildale City licensing provisions in effect at the time of initial issuance.

SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember JVar Dutson	_____	_____	_____	_____
Councilmember Maha Layton	_____	_____	_____	_____
Councilmember Stacy Seay	_____	_____	_____	_____
Councilmember Jared Nicol	_____	_____	_____	_____
Councilmember Lawrence Barlow	_____	_____	_____	_____

Presiding Officer

Attest

Donia Jessop, Mayor, Hildale City

Athena Cawley, City Recorder
Hildale City

From: Eric Duthie, Hildale City Manager
To: Hildale Planning Commission
Date: July 21, 2021
Subject: Chair selection procedure

In a recent Commission meeting, Chair Holm indicated it was time to open the selection of a Board Chair according to the City Code. As such, staff has provided the following reference from the City Code and recommends the Commission exercise the option of opening the position of Commission Chairperson for nominations:

Sec 152-6-4 Planning Commission, Section (c) Organization and Procedure states:
“The planning commission shall be organized and exercise its powers and duties as follows:
(1) Members of the planning commission shall select one of its members as chairperson to oversee the proceedings and activities of the planning commission, and shall adopt rules for the transaction of business and the conduct of its proceedings.
a. The chairperson shall serve for a term of one year.
b. The chairperson, with the advice and consent of the planning commission, shall appoint one of the planning commission members as alternate chairperson to act in the absence of the chairperson. The chairperson and alternate chairperson may be re-elected for successive terms.”

Should the Commission opt to exercise this option, the following procedure is recommended:

1. A motion is made from a member to open nominations for the position of Board Chairperson.
2. If the motion is NOT seconded, the motion dies, and the Chair remains in position until another motion is successful at another meeting.
3. If a second is received, then the Chair opens the floor for nominations.
4. Each nomination should receive a second and be accepted by the person nominated.
5. When no further nominations are forthcoming, the Chair shall close the nomination from the floor.
6. The Chair will then call for a vote on each nomination put forward. This can be a voice vote, or by roll call.
7. A majority of votes cast is not required for election.
8. If the votes are tied, the voting shall continue until a Chairperson is elected.
9. The nominee receiving the most votes will be elected as Chairperson and will preside at future meetings.