

HILDALE CITY ORDINANCE No. 2019-007

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
HILDALE, UTAH, ESTABLISHING A TEMPORARY LAND USE
REGULATION REGARDING OFF-SITE IMPROVEMENTS.**

WHEREAS, Section 152-7-13(E)(2) of the Hildale Code currently requires completion of, or a deposit sufficient to complete street improvements to city standards – including, in many areas, asphalt pavement and gutters – prior to a building permit being issued;

WHEREAS, most local streets in Hildale are unpaved and do not have gutters, including those within areas that have already been developed;

WHEREAS, the City does not yet have a unified plan for how to address the challenge of unimproved rights of way;

WHEREAS, this situation presents a compelling, countervailing public interest, in that while all residents and businesses have an interest in improving our streets, requiring private funding of street improvements on a piecemeal basis is not a practical method of achieving that goal, and in fact will likely deter desirable new construction in developed areas;

WHEREAS, Section 10-9a-504(1)(a) of the Utah Code and Section 152-7-20(A) of the Hildale Code allow the City Council to enact an ordinance establishing a temporary land use regulation for any or all of the area within the municipality if (i) the legislative body makes a finding of compelling, countervailing public interest; or (ii) the area is unregulated;

WHEREAS, the City Council desires to relieve property owners wishing to build in developed areas of the City from the burden of funding street improvements, until the City can formulate a unified plan for solving the problem;

WHEREAS, the attached map recognizes the fundamental difference between previously developed areas of the City, with roads that are traversable by normal vehicular traffic and have historically thus been used, and those at the periphery of the City, which are still largely undeveloped, and where the City wishes to continue requiring street improvements as a condition on development; and

WHEREAS, the City Council will refer the issue to the Planning Commission for deliberation and recommendation of a long-term solution of the need for street improvements.

**NOW, THEREFORE BE IT ORDAINED, BY THE CITY COUNCIL OF HILDALE,
UTAH:**

Section 1. While this Ordinance remains in effect, any property that lies substantially within the shaded portions of the attached map of the City shall be exempt from the provisions of Section 152-7-13(E)(2) of the Hildale Code, and from any other local ordinance or regulation that may be construed to require the property owner to complete off-site improvements to a city street or right of way, except with regard to emergency access or flood control.

Section 2. Notwithstanding the provisions of Section 1, any property owner that undertakes to make street improvements voluntarily or under a development agreement shall be required to comply with all city standards applicable thereto.

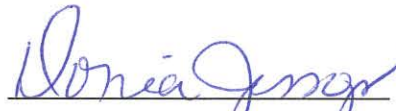
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Section 3. This Ordinance shall apply to the consideration of any building permit applications that are pending as of the effective date hereof, or that are filed with the City while this Ordinance remains in effect.

Section 4. This ordinance shall become effective immediately after publication or posting as required by law, and shall automatically expire six months thereafter, unless repealed earlier by action of the City Council.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS 5TH DAY OF JUNE, 2019.

| | | YES | NO | ABSTAIN | ABSENT |
|-----------------|----------------|-----|----|---------|--------|
| Lawrence Barlow | Council Member | X | | | |
| Stacy Seay | Council Member | X | | | |
| Jared Nicol | Council Member | X | | | |
| JVar Dutson | Council Member | X | | | |
| Maha Layton | Council Member | X | | | |


Donia Jessop, Mayor

Attest:

 (seal)
Vincen Barlow, City Recorder



Exhibit A to
Ordinance 2019-
007

(Exemption Area
Map)

