

HILDALE CITY ORDINANCE No. 2020-013

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF
HILDALE, UTAH, ADOPTING AMENDMENTS TO THE HILDALE CITY LAND
USE ORDINANCE.**

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, Utah Code Annotated, Title 10, Chapter 9a to enact and amend land use regulations;

WHEREAS, the Planning & Zoning Administrator has proposed the definition of “alcoholic beverage manufacturing,” which is a type of establishment regulated by the State of Utah and includes wineries, breweries and distilleries, as a use to be permitted within certain zoning districts on the Zoning Map;

WHEREAS, on October 27, 2020, the Hildale City Planning Commission held a duly convened public hearing for the purpose of obtaining public input on a proposed amendment to the Land Use Ordinance of Hildale City, and considered each written objection filed prior to the public hearing;

WHEREAS, the Planning Commission has prepared and recommended this proposed amendment for adoption by the City Council, and has forwarded to the City Council all objections that the Commission received; and

WHEREAS, the City Council has considered the Planning Commission's recommendations, has provided notice and held a public meeting on the date set forth below, and hereby adopts the recommended land use regulation after making revisions, if any, that the Council considers appropriate.

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

SECTION 1: AMENDMENT "Sec 152-3-4 Definitions Of Words And Phrases" of the Hildale Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Sec 152-3-4 Definitions Of Words And Phrases

As used in this chapter, 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.

ACCESSORY USE: See definition of Use, Accessory.

ADJACENT 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.

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, school district, interlocal cooperation entity established under title 11, chapter 13, interlocal cooperation act, specified public utility, 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 municipality a copy of the entity's general or long range plan; or
- (c) 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.

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 amphitheatres.

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.

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.

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.

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.

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.

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.

CARPORT: A covered automobile parking space with at least two (2) sides open. For the purposes of this chapter 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 ENGINEER: A registered civil engineer so appointed or employed by the City.

CLEAR VIEW AREA: Areas at intersecting streets and driveways where unobstructed vision is maintained as required by this chapter. 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 1, 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.

DEVELOPER: The person, association or corporation developing or causing to be developed the property subject to the provisions of this chapter.

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, 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.

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, 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, 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.

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 lots 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 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.

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 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 motor vehicle built on a truck 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 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'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 zoning changes, does not conform with applicable requirements of this chapter.

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.

PARK MODEL RECREATIONAL VEHICLE: 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.

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, association, joint stock association, 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, 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 designed as temporary living quarters for travel, recreation, and vacation use 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 as temporary living quarters pursuant to the requirements of chapter 43 of this chapter.

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.

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, 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.

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.
- (b) A recorded agreement between owners of adjoining properties 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; or
- (c) A recorded document, executed by the owner of record, revising the legal descriptions of more than one contiguous parcel of property into one legal description encompassing all such parcels of property
- (d) The joining of a subdivided lot to an unsubdivided lot does not constitute a subdivision as to the unsubdivided lot.

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

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.

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.

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 zoning designation governing the land changed; and
- (c) Because of subsequent 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 and which may be lawfully established provided it conforms with applicable provisions of this chapter.

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.

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.

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.

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 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 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 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.

ZONING ADMINISTRATOR: The person charged with principal responsibility for interpreting and applying the provisions of this chapter.

SECTION 2: **AMENDMENT** "Sec 152-15-3 Uses Allowed In Commercial Zones" of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-15-3 Uses Allowed In Commercial Zones

(a) Permitted And Conditional Uses:

Permitted and conditional uses allowed within commercial zones shall be as set forth in table 152-15-1 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 152-15-1 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 152-15-1

PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES					
	Zones				
	NC	GC	HC	PC	POC
Residential uses:					
Building, accessory	P	N	N	P	P
Dwelling, multiple-family ⁴	C	N	N	P	P
Dwelling, single-family ⁴	C	N	N	P	N
Dwelling, temporary	C	N	N	N	N
Dwelling, two-family ⁴	C	N	N	P	P
Manufactured home	N	N	N	N	N
Manufactured/mobile home park	N	N	N	N	N
Protective housing facility	N	N	N	N	N
Rehabilitation/treatment facility	N	P	P	P	P
Residential facility for elderly persons ¹	P	N	N	P	P
Residential facility for persons with a disability ¹	P	N	N	P	P
Residential facility for troubled youth	N	N	N	N	N
Transitional housing facility	N	N	N	N	N
Public and civic uses:					
Auditorium or stadium	N	P	P	P	N
Bus terminal	N	P	P	P	N
Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P

Convalescent care facility	N	P	P	P	N
Cultural service	P	P	P	P	P
Golf course	P	P	P	P	P
Government service	N	P	P	P	N
Hospital	N	P	P	P	N
Operations center	N	P	P	P	P
Park	P	P	P	P	P
Post office	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	P	P	P	P
Utility, major ³	N	N	N	C	C
Utility, minor ³	P	P	P	P	P
Utility substation ³	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	N	P	P	P	N
Animal hospital	P	P	P	P	N
Bail bond service	N	P	P	P	N
Bank or financial institution	P	P	P	P	P
Bed and breakfast, home	C	N	N	N	N
Bed and breakfast inn	C	P	P	P	N
Business equipment rental, services, and supplies	P	P	P	P	P
Car wash	P	P	P	P	P
Club, private	N	P	P	P	N
Construction sales and service	N	P	P	N	N
Convenience store	P	P	P	P	P
Family child daycare facility ²	P	N	N	N	N
Licensed family child care ²	P	N	N	N	N
Residential certificate child care ²	P	N	N	N	N
Child care center	P	P	P	P	P
Funeral home	N	P	P	P	N
Garden center	P	P	P	P	P
Gas and fuel, storage and sales	N	N	N	N	N
Gasoline service station	P	P	P	P	N
Hostel	N	P	P	P	N
Hotel	N	P	P	P	N
Kennel, commercial	C	P	C	C	C
Kennel, residential	P	N	N	N	N
Laundry or dry cleaning, limited	P	P	P	P	P
Liquor store	N	P	P	P	N
Media service	P	P	P	P	P
Medical or dental laboratory	N	P	P	P	N
Medical service	P	P	P	P	P
Motel	N	P	P	P	N
Office, general	P	P	P	P	P
Parking garage, public	N	P	P	P	P
Parking lot, public	N	P	P	P	P
Pawnshop	N	N	P	P	N
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Printing and copying, limited	P	P	P	P	P
Printing, general	N	P	P	P	P
Produce stand	P	P	P	N	P

Recreation and entertainment, indoor	P	P	P	P	P
Recreation and entertainment, outdoor	N	P	P	P	N
Recreational vehicle park	N	N	P	P	N
Repair service	P	P	P	P	P
Research service	N	P	P	P	N
Restaurant, fast food	P	P	P	P	P
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
Secondhand store	P	P	P	P	P
Shopping center	P	P	P	P	P
Takeoff and landing of aircraft	N	N	N	N	N
Tattoo establishment	P	P	P	N	N
Tavern	P	P	P	P	P
Temporary trailer	P	P	P	P	P
Transportation service	N	P	P	P	N
Vehicle and equipment rental or sale	N	P	P	P	N
Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	P	P
Veterinary service	P	P	P	N	N
Warehouse, self-service storage	P	P	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				
Industrial uses:					
<u>Alcoholic Beverage Manufacturing 30,000 square feet and under</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>
Laundry services	N	N	N	P	N
Wholesale and warehousing, general	N	N	N	P	N
Wholesale and warehousing, limited	N	N	N	N	N

Notes:

- (1) See chapter 46 of this chapter.
- (2) See chapter 42 of this chapter.
- (3) See chapter 45 of this chapter.
- (4) In the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 Zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-2 Zone would apply. No new residential uses are permitted.

(b) Accessory Uses:

Permitted and conditional uses set forth in table 152-15-1 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 commercial zones shall include, but not be limited to, the following: Accessory dwelling units attached to a commercial permitted use structure or on the same lot and under same ownership as a permitted use structure. Accessory dwelling units for security and maintenance personnel. Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Recreational areas and facilities for the use of employees. Recycling collection stations. Refreshment stands and food and beverage sales located in uses involving public assembly. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

SECTION 3: AMENDMENT "Sec 152-16-3 Uses Allowed In Commercial Zones" of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-16-3 Uses Allowed In ~~Commercial~~ Business And Industrial Zones

(a) Permitted And Conditional Uses:

Permitted and conditional uses allowed within business and industrial zones shall be as set forth in table 152-16-1 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 152-16-1 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 152-16-1

PERMITTED AND CONDITIONAL USES ALLOWED IN BUSINESS AND
--

INDUSTRIAL ZONES					
		Zones			
		BMP	PO	M-1	M-2
Agricultural uses:					
	Accessory building	P	P	P	P
	Agricultural business	N	N	N	N
	Agricultural industry	N	N	P	N
	Agriculture	N	N	N	N
	Agriculture residential	N	N	N	N
	Animal specialties	N	N	P	N
	Animals and fowl for recreation and family food production	N	N	N	N
	Stable, private	N	N	N	N
Residential uses:					
	Accessory building	P	P	P	P
	Assisted living facility	N	N	N	N
	Boarding house	N	N	N	N
	Dwelling, earth sheltered	N	N	N	N
	Dwelling, multiple-family	N	N	N	N
	Dwelling, single-family	N	N	N	N
	Dwelling, single-family with accessory apartment	N	N	N	N
	Dwelling, two-family	N	N	N	N
	Guesthouse	N	N	N	N
	Manufactured and mobile home park	N	N	N	N
	Manufactured and mobile home subdivision	N	N	N	N
	Manufactured home	N	N	N	N
	Protective housing facility	N	N	N	N
	Rehabilitation/treatment facility	P	P	P	P
	Residential facility for elderly persons ¹	P	P	N	N
	Residential facility for persons with a disability ¹	P	N	N	N
	Residential facility for troubled youth	N	N	P	N
	Transitional housing facility	N	N	P	N
Public and civic uses:					
	Airport	N	N	N	N
	Auditorium or stadium	N	N	N	N
	Bus terminal	P	N	N	N
	Cemetery	N	N	N	N
	Church or place of worship	P	P	N	N
	Club or service organization	P	P	N	N
	College or university	P	P	N	N
	Convalescent care facility	P	N	N	N
	Correctional facility	N	N	N	N
	Cultural service	P	P	N	N
	Golf course	N	N	N	N
	Government service	P	P	N	N
	Hospital	P	P	N	N
	Operations center	P	N	P	P
	Park	P	P	P	P
	Post office	P	P	P	P
	Protective service	P	P	P	P
	Reception center	P	P	N	N
	School, elementary, middle, or high	N	N	N	N
	School, vocational	P	P	P	P
	Stable, public	N	N	N	N
	Utility, major ³	N	N	P	P

	Utility, minor ³	P	P	P	P
Commercial uses:					
	Agricultural sales and service	P	N	P	P
	Animal hospital	P	P	N	N
	Bail bond service	P	P	P	P
	Bank or financial institution	P	P	N	N
	Bed and breakfast, home	N	N	N	N
	Bed and breakfast inn	N	N	N	N
	Business equipment rental, services, and supplies	P	N	P	N
	Club, private	P	N	N	N
	Construction sales and service	P	N	P	P
	Convenience store	P	N	P	P
	Family child daycare facility ²	N	N	N	N
	Licensed family child care ²	N	N	N	N
	Residential certificate child care ²	N	N	N	N
	Child care center	P	N	P	N
	Funeral home	P	N	N	N
	Garden center	P	N	N	N
	Gas and fuel, storage and sales	N	N	P	P
	Gasoline service station	P	N	P	P
	Hostel	P	N	N	N
	Hotel	P	N	N	N
	Kennel, commercial	P	P	P	P
	Kennel, residential	N	N	N	N
	Laundry or dry cleaning, limited	P	N	N	N
	Liquor store	P	P	P	P
	Media service	P	P	P	P
	Medical or dental laboratory	P	P	P	P
	Medical service	P	P	N	N
	Motel	P	N	N	N
	Office, general	P	P	N	N
	Parking garage, public	P	P	P	P
	Parking lot, public	P	P	P	P
	Pawnshop	P	N	N	N
	Personal care service	P	P	N	N
	Personal instruction service	P	P	N	N
	Printing and copying, limited	P	P	P	N
	Printing, general	P	N	P	P
	Produce stand	N	N	N	N
	Recreation and entertainment, indoor	P	N	N	N
	Recreation and entertainment, outdoor	P	N	N	N
	Recreational vehicle park	N	N	N	N
	Repair service	P	N	P	N
	Research service	P	P	P	P
	Restaurant, fast food	P	N	N	N
	Restaurant, general	P	P	N	N
	Retail, general	P	N	N	N
	Secondhand store	P	N	N	N
	Shopping center	P	N	N	N
	Tattoo establishment	P	N	N	N
	Tavern	P	P	P	P
	Temporary trailer	P	P	P	P
	Transportation service	P	N	P	P
	Vehicle and equipment rental or sale	P	N	N	N
	Vehicle and equipment repair, general	P	N	P	P

Vehicle repair, limited	P	N	P	P
Vehicle wash	P	N	P	P
Veterinary service	P	N	N	N
Warehouse, self-service storage	P	N	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title			
Industrial uses:				
<u>Alcoholic beverage manufacturing 30,000 square feet and under</u>	P	N	P	N
<u>Alcoholic beverage manufacturing over 30,000 square feet</u>	N	N	N	P
Automobile wrecking yard	N	N	C	C
Freight terminal	N	N	P	P
Heavy industry	N	N	N	P
Junk or salvage yard	N	N	N	N
Laundry services	P	N	P	P
Manufacturing, general	P	N	P	P
Manufacturing, limited	P	N	P	P
Mineral extraction	N	N	N	P
Wholesale and warehousing, general	P	N	P	P
Wholesale and warehousing, limited	P	N	P	P

Notes:

- (1) See chapter 46 of this chapter.
- (2) See chapter 42 of this chapter.
- (3) See chapter 45 of this chapter.

(b) Accessory Uses:

Permitted and conditional uses set forth in table 152-16-1 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 business and industrial zones shall include, but not be limited to, the following: Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Dwelling units for security and maintenance personnel. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Recreational areas and facilities for the use of employees. Recycling collection stations. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

SECTION 4: **AMENDMENT** "Sec 152-12-2 Scope" of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

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. ~~152-12-3. USES ALLOWED: 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~~

~~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. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established. Agricultural Permitted Uses Use Zones A-40A-20A-10A-5A agricultural uses:~~

~~Accessory building PPPPAgricultural business PPPPAgricultural industry PPPPAgriculture PPPPAnimal specialties PPPPAnimals and fowl for recreation and family food production PPPPStable, private PPPPResidential uses:~~

~~Assisted living facility PPPPBuilding, accessory PPPPDwelling, earth sheltered PPPPDwelling, single family PPPPDwelling, single family with accessory dwelling unit PPPPDwelling, temporary PPPPGuesthouse PPPPManufactured home PPPPResidential facility for elderly persons[†] PPPPResidential facility for persons with a disability[†] PPPPResidential facility for troubled youth NNNNShort term rental NNNNPublic and civic uses:~~

~~Auditorium or stadium NNNNCemetery PPPPChurch or place of worship PPPPClub or service organization PPPPConvalescent care facility NNNNCultural service PPPPGolf course NNNNHospital NNNNPark PPPPProtective service PPPPReception center CCCCStable, public PPPPUtility, minor PPPPUtility substation PPPPCommercial uses:~~

~~Agricultural sales and service PCCCAgricultural animal hospital PPPPBed and breakfast, INNCCCCBed and breakfast, home CCCCCCamping-Hosting Facility CCCCCFamily child day care facility² PPPPLicensed family child care² CCCCCResidential certificate child care² PPPPGarden center PPPPKennel, residential PPPPMedia service NNNNOH-Road Recreational Vehicle Rental CCCCCPersonal care service, home based² PPPPPersonal instruction service, home based² PPPPProduce stand PPPPRecreation and entertainment, outdoor CCCCCVehicle repair, limited NNNNVeterinary service PPPPWireless telecommunication facility~~

~~See section 10-50-5, table 10-50-1 of this title 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.~~

- (a) ~~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.~~

SECTION 5: ADOPTION "Sec 152-12-3 Uses Allowed" of the Hildale Municipal Code is hereby *added* as follows:

ADOPTION

Sec 152-12-3 Uses Allowed (*Added*)

- (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	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	C	C	C	C
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
	See section 10-50-5, table			

Wireless telecommunication facility	10-50-1 of this title			
Industrial uses:				
<u>Alcoholic beverage manufacturing 30,000 square feet and under</u>	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 6: **AMENDMENT** "Sec 152-26-5 Uses Allowed" of the Hildale Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 152-26-5 Uses Allowed

All uses must be shown on a preliminary site plan presented with the application to change an area on the zoning map to recreation resort.

(a) Permitted Uses:

Permitted uses allowed within the recreation resort zone are as follows:

- (1) Single and multiple dwelling unit residential, including condominium and townhouse complexes. Unit and/or complex owners may reside in the dwelling units or offer them for rent or lease either long term or short term.
- (2) Any commercial use related to the support or servicing of those uses referred to in subsection A1 of this section and the facilities related thereto including, but not limited to:
 - Childcare facilities.
 - Indoor and outdoor recreation facilities.
 - On site property management.
 - Personal care services.
 - Professional office space related to property management.
 - Restaurant and outdoor dining.
 - Retail stores.
 - Sales and rental offices.
- (3) Motel, hotel, bed and breakfast inn, or boarding house.
- ~~(4) Alcoholic beverage manufacturing 30,000 square feet and under.~~

(b) Prohibited Uses:

Any use not listed shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

(c) Accessory Uses:

Permitted and conditional uses set forth above shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.


- (1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.
- (2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
- (3) Accessory uses in residential zones shall include, but not be limited to, the following:
 - Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other city ordinance. Household pets. Nurseries and greenhouses, when used for resort landscape or food production. Playgrounds, patios, porches, gazebos, and incidental storage buildings in accordance with the approved site plan for the zone. Short term storage and parking areas and facilities for recreational vehicles, boats, and trailers which are incidental and otherwise related to other approved uses. Swimming pools and hot tubs; tennis and other sport courts; clubhouses; and other common recreation or sport facilities for use by residents and their guests.

HILDALE CITY ORDINANCE No. 2020-013

Section 7. 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.

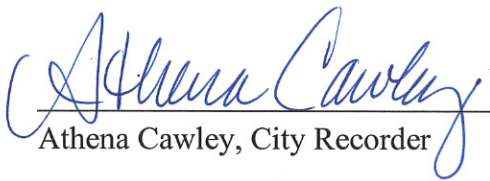
PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL, STATE OF UTAH, ON THIS 28TH DAY OF OCTOBER 2020.

		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:



Athena Cawley, City Recorder (seal)

