

**HILDALE CITY
ORDINANCE 2020-005**

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

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

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

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

WHEREAS, the City Council desires to relieve property owners wishing to build in developed areas of the City from the burden of funding street improvements;

WHEREAS, the City Council relies heavily on the recommendations of the Hildale City Planning Commission and the Hildale City Planning Commission recommends the removal of Section 152-7-13(E)(2)(b).

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

SECTION 1: **AMENDMENT** “Sec 152-7-13 Building Permit” of the Hildale Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 152-7-13 Building Permit

- (a) Purpose:
This section sets forth procedures for determining zoning compliance of a building permit application.
- (b) Authority:
The zoning administrator is authorized to review building permits for zoning compliance as provided in this section.
- (c) Initiation:
Any person may apply for a building permit as provided in the building codes adopted

by the city.

(d) Procedure:

A building permit application shall be reviewed for zoning compliance as provided in this subsection.

- (1) A complete building permit application shall be submitted to the building official in a form established by the building official along with any fee established by the city's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any; and
 - b. A plot plan showing the following:
 1. Applicant's name;
 2. Site address;
 3. Property boundaries and dimensions;
 4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 5. Adjoining property lines and uses within one hundred feet (100') of the subject property.
- (2) After the application is determined to be complete, the building official shall transmit the application to the zoning administrator. The zoning administrator shall approve, approve with conditions, or deny the zoning compliance request pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permit to approval standards.
- (3) After making a decision, the zoning administrator shall give the building official written notice of the zoning compliance decision.
- (4) A record of all zoning compliance reviews shall be maintained in the office of the building official.

(e) Approval Standards:

The following standards shall apply to determine zoning compliance of a building permit application:

- (1) No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform to applicable provisions of this chapter and any applicable conditions of approval required under a permit applicable to the subject property.
- (2) No building permit shall be issued unless the property or lot for which the building permit is to be issued fronts a dedicated street which meets the width requirement specified by this code and has been improved according to city standards, except where a variance has been approved by the Hearing Officer, or as follows:
 - a. In the event that property for which a building permit is sought fronts a dedicated street which requires additional footage on each side of the street in order to meet the width requirements of the road master plan or official map, a building permit may be issued if one-half (1/2) of the

additional footage is dedicated by the owner of said property for use by the public as a city street.

- b. In lieu of requiring completion of all improvements to a dedicated city street prior to the issuance of a building permit, a building permit may be issued if:
 - 1. The road is traversable by normal vehicular traffic, including law enforcement, fire and other emergency vehicles; and
 - 2. A written agreement is executed by the owner of the property for which the building permit is to be issued, stating the owner will deposit with the city an amount equal to the cost of improving the street frontage of the owner's lot before receiving a certificate of occupancy on the house for which the permit is issued.

(f) Appeal Of Decision:

Any person adversely affected by a decision of the zoning administrator regarding zoning compliance of a building permit may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(g) Effect Of Approval:

Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process. The requirements of this section shall be in addition to any other requirements for the issuance of a building permit, as contained in this code.

(h) Amendments:

The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this section.

(i) Expiration:

A building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within the time provided by the building code adopted by the city.

AFTER AMENDMENT

Sec 152-7-13 Building Permit

(a) Purpose:

This section sets forth procedures for determining zoning compliance of a building permit application.

(b) Authority:

The zoning administrator is authorized to review building permits for zoning compliance as provided in this section.

(c) Initiation:

Any person may apply for a building permit as provided in the building codes adopted by the city.

(d) Procedure:

A building permit application shall be reviewed for zoning compliance as provided in this subsection.

- (1) A complete building permit application shall be submitted to the building official in a form established by the building official along with any fee established by the city's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any; and
 - b. A plot plan showing the following:
 1. Applicant's name;
 2. Site address;
 3. Property boundaries and dimensions;
 4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 5. Adjoining property lines and uses within one hundred feet (100') of the subject property.
- (2) After the application is determined to be complete, the building official shall transmit the application to the zoning administrator. The zoning administrator shall approve, approve with conditions, or deny the zoning compliance request pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permit to approval standards.
- (3) After making a decision, the zoning administrator shall give the building official written notice of the zoning compliance decision.
- (4) A record of all zoning compliance reviews shall be maintained in the office of the building official.

(e) Approval Standards:

The following standards shall apply to determine zoning compliance of a building permit application:

- (1) No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform to applicable provisions of this chapter and any applicable conditions of approval required under a permit applicable to the subject property.
- (2) No building permit shall be issued unless the property or lot for which the building permit is to be issued fronts a dedicated street which meets the width requirement specified by this code and has been improved according to city standards, except where a variance has been approved by the Hearing Officer, or as follows:
 - a. In the event that property for which a building permit is sought fronts a dedicated street which requires additional footage on each side of the street in order to meet the width requirements of the road master plan or official map, a building permit may be issued if one-half (1/2) of the additional footage is dedicated by the owner of said property for use by the public as a city street.
 - b. In lieu of requiring completion of all improvements to a dedicated city street prior to the issuance of a building permit, a building permit may

be issued if:

1. The road is traversable by normal vehicular traffic, including law enforcement, fire and other emergency vehicles, ~~and~~
2. ~~A written agreement is executed by the owner of the property for which the building permit is to be issued, stating the owner will deposit with the city an amount equal to the cost of improving the street frontage of the owner's lot before receiving a certificate of occupancy on the house for which the permit is issued.~~

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The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this section.

(i) Expiration:

A building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within the time provided by the building code adopted by the city.

PASSED AND ADOPTED BY THE HILDALE CITY COUNCIL

_____.

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

Presiding Officer

Attest

Donja Jessop, Mayor, Hildale City

Vincen Barlow, City Recorder Hildale
City