



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

City Council

*David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete*

Hurricane City Council Meeting Agenda

June 6, 2024

2:30 PM

City Council Chambers 147 N 870 W, Hurricane

Notice is hereby given that the City Council will hold a Regular Meeting in the City Council Chambers 147 N 870 W, Hurricane, UT. [Meeting Link on Webex](#) Meeting number: 2630 456 5376 Meeting password: HCcouncil Join from a video or application Dial 26304565376@cityofhurricane.webex.com. You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-415-655-0001 US Toll Access code:26304565376. A silent roll call will be taken, followed by the Pledge of Allegiance and prayer by invitation. **THOSE WISHING TO SPEAK DURING PUBLIC FORUM MUST SIGN IN WITH THE RECORDER BY 6:00 P.M.**

2:30 p.m. Combined Field Trip with the Planning Commission

1. Tour of Zion Tiny Homes development in Apple Valley, Utah
2. Agenda Summary

5:00 p.m. Pre-meeting

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for April 4, 2024, May 2, 2024, May 16, 2024, and special meeting May 7, 2024

Award to the HHS Trig-Star Winners, Corban Beutler, Elijah Patterson, and Davis Henderson, at State Competition

Zion Piecemakers Quilt Guild - Donation Quilt for Shop with a Cop Program. Presentation of quilt for Rec to collect funds for raffle. A second quilt is donated by Anita Lowe Eaton for the Veterans Memorial Park fundraiser

Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary

will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 5:00 p.m. the Wednesday one week before the Council meeting.

OLD BUSINESS

1. Consideration and possible approval of **Ordinance 2024-06 amending Title 5, Chapter 2 and Title 10 Chapter 3, 7, 13, 14, 15, 16 and 34 Animal Control and residential and commercial kennel standards** - Gary Cupp / Lynn Excell
2. Consideration and possible approval of **Ordinance 2024-08 increasing the Parks, Trails, and Recreation Impact Fee**;
3. Consideration and possible approval of **Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50** to add a new zoning classification R1-4, residential one unit per 4,000 square feet. Hurricane City, Applicant
4. Discussion about our City **Vision, Mission Statement, and Motto**.
5. Consideration and possible approval of a **mural at the Community Center** - Youth City Council

NEW BUSINESS

1. Consideration and possible approval of the **assignment of the airport lease for the hangar pad at 5 South** from Richard L. Frost to Ray Schureman. -Dave Houston/Mike Vercimak
2. Presentation of **survey results on the City Civic Master Plan** by FFKR and Desert Edge-David, Jessica, Susie, and Scott Gilbert
3. Consideration and possible approval of **Resolution 2024-23 approving an increase in Hurricane City's billing rates for water usage**-Ken Richins
4. Consideration and possible approval of **Resolution 2024-27 Approving the Excess Water Use Surcharge Fees recommended by the Washington County Water Conservancy District**.
5. Consideration and possible approval of the **revocation of the business license for Rafa Academy LLC** - Cindy Beteag
6. Mayor, Council, and Staff reports
7. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

I hereby certify that the above notice was posted to the city website, (www.cityofhurricane.com) posted to the state public notice website, and at the following locations:

1. City office – 147 North 870 West, Hurricane, UT
2. The Post Office – 1075 West 100 North, Hurricane, UT
3. The library – 36 South 300 West, Hurricane, UT

_____ for the City Recorder

Agenda Summary for Hurricane City Council June 6, 2024

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Old Business

1. Updated Summary for June 6, 2024 Meeting: (by Gary Cupp)

On May 2, 2024, the City Council considered the proposed amendments to Title 5 and Title 10 of the Hurricane City Code relating to Animal Control regulations. The Council continued this item to allow staff time to work internally to develop ideas on how density might be used to limit the number of dogs allowed on residential properties, as well as potential limits on the number of dogs. Accordingly, staff from the Planning Department met with the Police Department and the City Attorney to discuss the direction given by the City Council. Basing an allowable number of dogs on zoning and density was evaluated by staff, and it was concluded that it would likely be difficult for an enforcing officer to determine how many dogs would be allowed without involving other departments to provide the zoning and density information. Therefore, an alternate approach that could be more practically enforced using building types instead of density and zoning was then explored. This approach could be developed to allow more dogs in single-family residences and fewer dogs in multi-family situations. It was also discussed that there are significantly fewer complaints about dogs from multi-family housing developments. This is largely due to the fact that apartments, condos, and other multi-family homes usually have pet limitations that are enforced by the landlords already in place, thus making additional City-mandated regulations unnecessary.

Findings

Taking into consideration 1) the existing landlord-enforced pet limitations, 2) current City ordinances that already allow four dogs, in conjunction with, 3) the newly proposed enforcement provisions that will allow the City to take action in the event of repeated

violations, staff finds that the limit of four dogs, as proposed, is reasonable and consistent with residential land uses.

Recommendation

After careful consideration, staff recommends approval of the proposed ordinance amendments as they were presented on May 2, 2024.

2. Updated Summary for June 6, 2024, Meeting:

On May 2, 2024, the Council adopted the Parks, Trails, and Recreation Master Plan. However, at that meeting, the Council declined to adopt a new impact fee based on the new plan. This agenda item is to consider the adoption of a new impact fee by ordinance. There was some confusion at the May 2, 2024 meeting regarding the current impact fee. Currently, the impact fee for parks and recreation is \$3,109 per residential unit. Under the newly adopted plan, which now includes trails as well, the maximum allowable impact fee is \$5,023.06 per equivalent residential connection, which is calculated based on the estimated costs of future improvements and the existing level of service. The Council needs to decide whether to adopt the full impact fee of \$5,023.06 or some lesser amount.

-Dayton Hall

3. Summary for June 6, 2024 Meeting:

This proposed new zone was discussed on May 2, 2024, and the item was continued. On May 2, 2024, the Council discussed concerns about the size of the lots that would be permitted in the proposed new zone. Staff also raised concerns regarding the front yard setback, including: (1) a minimum 20' setback is required to satisfy the National Electric Code where 'switches' are installed in the public utility easement, making the 15' setback inadequate; (2) a 20' setback in front of garages is inadequate to accommodate driveway parking, which will push pedestrians into the roadway and set up future residents to violate Hurricane City Code 7-1-6, which prohibits parking on sidewalks. It appears that a front yard setback of 20 feet for living areas and 25 feet for garages would resolve the setback concerns raised by the various departments. Councilman Thomas has met with the Planning Department to discuss some of the items raised in the May 2nd meeting. Staff is awaiting direction from the Council.

-Dayton Hall

4. This item was first put on the agenda on March 7th. It will be on all future agendas until a vision, motto, and mission statement have been decided. A list of all the suggestions that have been received was emailed to the Council last week for them to review. They are also part of the packet.

5. The Youth City Council is proposing to do an art mural on the road between the two buildings or possibly on the crosswalk that spans the two buildings. The proposed mural is provided in the packet. - Tiffani Wright

New Business

1. Summary drafted by Dayton Hall on May 21, 2024:
This agenda item is to consider approving the assignment of a hangar lease to a new tenant. The current tenant is Richard L. Frost, who holds a Hurricane Airport Land Lease for the hangar located at 5 South in the City Airport. The lease is dated September 1, 2018, and provides that the "Lessee shall not at any time assign its rights under this agreement or any part thereof without the prior written approval of the Lessor..." The lease also states that: "In the event of a sale by the Lessee, the Lessor agrees to extend to the purchaser the terms and provisions of the unused years of the original lease, or the new Lessee may negotiate a new twenty year lease." The lease is for a "private aircraft hangar." Mr. Frost desires to assign the remaining term of the lease to Ray Schureman, who desires to assume the lease.
The Airport Board met on May 21, 2024, and recommended unanimously to approve the assignment of the lease to Mr. Schureman.
The lease to be assigned to Mr. Schureman is included in the Council's packet.
2. Presentation of survey results on the City Civic Master Plan by FFKR and Desert Edge.
3. The Washington County Water Conservancy District is increasing its wholesale water rate by \$0.13 per thousand gallons. Hurricane City buys a portion of the water it supplies to its residents from the District at the wholesale rate. This agenda item is to consider increasing Hurricane City's retail rate by \$0.13 per thousand gallons to match the increase by the District. The Water Board discussed this item on May 28, 2024, and unanimously recommended that the City Council increase the City's rates by \$0.13 per thousand gallons. - Ken Richins
4. This item is on the agenda at the request of the Council. In December of 2021 and December of 2022 the WCWCD Board passed resolutions authorizing a surcharge for water use over certain thresholds. The WCWCD requested that all cities and towns that were parties to the Regional Water Supply Agreement adopt the surcharge and pass those funds on to the WCWCD to be used for water conservation projects within the County. After much deliberation, the Hurricane City Council adopted its own variation of the WCWCD's surcharge, with the funds remaining within Hurricane City to be used for conservation..
At a work meeting held with Zach Renstrom of the WCWCD on May 2, 2024, Mr. Renstrom requested that the City adopt the surcharge and pass the funds on to the

WCWCD as other cities have done. The Council directed that this item be placed back on its agenda for further consideration. Because it deals with the City's water, the proposal was placed on the agenda for the City's Water Board. On May 28, 2024, the Water Board unanimously recommended that the City Council adopt the surcharge as requested by the WCWCD.

The key differences between the City's current surcharge and the proposed surcharge are: (1) For new connections (post January 1, 2023), the surcharge for excess use will increase from \$5 to \$10; (2) for prior connections (pre-January 1, 2023), the threshold will be 36,000 gallons each month, instead of the bell curve approach currently adopted; and (3) the collected funds will be passed on to the WCWCD, with the city retaining 10% to cover administrative costs.

-Dayton Hall

5. Rafa Academy LLC applied for a residential youth treatment center license on January 12, 2024. Their application was processed, and a license was issued on February 22, 2024, along with a conditional letter stating they had 60 days to provide their state professional license. During a review on May 20, 2024, it was discovered that the state license had not been provided. When contacted, the owner stated they would not be moving forward with the license. However, since a license had already been issued, the revocation process still needs to be followed. On May 20, 2024, a letter was sent to the owners notifying them of the revocation hearing and the reasons for the license revocation. Staff recommends the revocation of the license, as this type of business requires State approval and the applicant has indicated they are no longer pursuing the business.- Cindy Beteag
6. Mayor, Council, and Staff reports.
7. Closed if needed.

Minutes of the Hurricane City Council meeting held on April 4, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 4 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas (online), Clark Fawcett, Drew Ellerman, and Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, City Planner Gary Cupp, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, City Recorder Cindy Beteag, Water Superintendent Ken Richins, and Parks Superintendent Darren Barney.

AGENDA

4:00 p.m. Work Meeting

1. Presentation from Mason Baker, General Manager of UAMPS

Mason Baker from UAMPS, accompanied by Jackie Coombs, the manager of member relations presented to the City Council. He discussed UAMPS' strategic initiatives and industry trends, highlighting Hurricane's power portfolio and new resource projects. The presentation included a pie chart showing energy resources used in 2023, such as hydro, coal, natural gas, wind, and solar. Mr. Baker emphasized UAMPS' adaptability to industry changes, including exploring an all-requirements option for members and increasing natural gas usage. He outlined UAMPS' strategic plan, focusing on long-term planning, new resource development, and member engagement. The integrated resource plan identified cost-effective resources for future development, reflecting the agency's commitment to meeting members' evolving needs. Mr. Baker highlighted the importance of aggressive resource development in response to changing energy dynamics in the West.

Mr. Baker provided further details on challenges related to bringing new resources online, citing transmission constraints as the primary bottleneck. He explained that the transmission interconnection process is currently backlogged, resulting in a five-year delay for new resources to serve members. Additionally, he highlighted the need for permitting reform to streamline the development of new transmission infrastructure. He mentioned the importance of optimizing existing resources, such as the Nebo natural gas plant, while aggressively pursuing renewable energy options. He discussed Hurricane's resource mix, noting the significant reliance on the Nebo plant and the associated risk of outages. Mayor Billings inquired about the frequency and duration of outages, to which Mr. Baker explained that they typically occur twice a year for maintenance, with major outages lasting three to four weeks every two to three years for capital improvements.

Mayor Billings raised a concern about the reliance on natural gas, noting its reliability but also the need for diversification. Mr. Baker acknowledges the point and discusses efforts to mitigate

40 financial risks associated with Nebo natural gas plant, including changes in natural gas
41 procurement to provide more price certainty for members. He mentioned the importance of
42 planning for volatility, especially in years like 2023, which was impacted by weather-driven
43 events and operational challenges at Nebo and Hunter. He concluded by highlighting the need
44 to minimize exposure to high-priced purchases and learn from past experiences to plan better
45 for future volatility.

46 Mayor Billings asked about the sale of resources in the portfolio and whether it was common
47 practice to sell resources for a higher price. Mr. Baker explained that it was normal, especially if
48 a significant amount of a particular resource was owned. He then presented a chart depicting
49 the market power purchased for members since 1995, highlighting periods of pricing volatility,
50 such as the western energy crisis in 2000-2001 and spikes in pricing in 2022-2023. He pointed
51 out the impact of weather on pricing, noting the correlation between weather conditions and
52 pricing fluctuations, and underscored the need to plan with members to mitigate exposure to
53 volatility in the transitioning energy system. Mayor Billings mentioned a conversation with
54 State Representative Colin Jack, who highlighted the passing of new energy legislation aimed at
55 changing the state's energy policy. Mr. Baker agreed, it is important to have continued dialogue
56 between utilities, state officials, and the legislature on energy matters.

57 Mr. Baker discussed the ongoing energy transition and highlighted four key pillars to facilitate
58 this shift. He acknowledged the challenges associated with each pillar, emphasizing the need to
59 balance the integration of low-carbon resources with ensuring system reliability. To address
60 this, he mentioned the importance of investing in dispatchable generation, including new
61 natural gas technologies capable of co-firing with hydrogen or ammonia blends. Regarding the
62 cost-effectiveness of renewables, Scott Hughes inquired whether their affordability was
63 primarily due to federal subsidies. Mr. Baker confirmed that federal subsidies played a
64 significant role, particularly through investment and production tax credits. However, he
65 cautioned that the apparent low cost of renewables should be considered in the context of
66 their intermittent nature and the challenges associated with integrating them into the broader
67 energy portfolio. He cited instances of excess solar generation leading to negative pricing on
68 the wholesale market as an example of such complexities.

69 Mr. Baker elaborated on the challenges associated with balancing the energy system,
70 particularly in light of the increasing reliance on renewables. He highlighted concerns regarding
71 grid reliability, especially as most new generation projects prioritize renewables over traditional
72 sources like natural gas or coal. He emphasized that the intermittent nature of renewable
73 energy sources complicates the replacement capacity calculation, as solar, for example,
74 generates power for only a fraction of the year compared to baseload sources.

75 Addressing energy supply chain issues, Mr. Baker mentioned challenges encountered during the
76 development of solar projects. He stressed the importance of navigating these issues alongside
77 transmission challenges.

78

79 Regarding the Integrated Resource Plan (IRP), Mr. Baker outlined key takeaways, including the
80 need for new natural gas combined cycle and peaking generation to complement renewables.
81 The plan also emphasized the importance of solar paired with battery storage, along with
82 potential expansions in wind energy. He noted ongoing efforts to identify suitable sites for new
83 natural gas projects, highlighting the detailed sighting analysis currently underway. He provided
84 updates on specific projects involving Hurricane City, including participation in the Steel One
85 project and plans to add battery storage. He also discussed progress on the Fremont solar and
86 storage project, indicating its potential for completion by summer 2026.

87 Mr. Baker provided updates on ongoing negotiations and projects, including discussions with
88 Rocky Mount for a geothermal project. He highlighted advancements in geothermal technology
89 and mentioned efforts to explore potential sites in Nevada and Utah, with Hurricane City
90 participating in a study project.

91 Regarding new natural gas projects, Mr. Baker outlined plans to select two sites soon,
92 considering factors such as technology suitability, permitting challenges, proximity to member
93 locations, water availability, and regulatory considerations. He noted the upcoming EPA rule on
94 regulating new natural gas and its impact on planning.

95 In addition to new resource development, Mr. Baker emphasized efforts to improve member
96 service by reviewing fiscal year 2023 performance and conducting planning activities to prevent
97 future challenges like those experienced in 2023. He announced plans to conduct a financial
98 health check on each UAMPS member, focusing on key financial metrics relevant to credit
99 ratings for bond issuance. This analysis aims to provide members with insights into their
100 financial standing and allow for comparison with other members. The assessment will consider
101 factors such as transfers to the general fund, impact fees, and portfolio mix, recognizing
102 historical differences that impact wholesale power supply costs and rates. Mr. Baker
103 encouraged member feedback to ensure the process is beneficial and informative for all parties
104 involved.

105 Mayor Billings expressed gratitude to Mr. Baker and Ms. Coombs for their time and mentioned
106 an upcoming UAMPS conference on April 17th. She encouraged council members to attend the
107 toolkit workshop at the Hilton Garden Inn in St. George, noting that Jackie could provide the
108 necessary details for registration.

109 2. Discussion on power capacity and Three Falls Substation

110

111 Jared Ross expressed gratitude for the opportunity to be involved in the project and highlighted
112 the growth and learning it has provided him. He also acknowledged the hard work of his team,
113 including Brent George and Chris Shamo, as well as other crews who contributed to the project.
114 Mr. Ross provided context on the project's development, explaining that construction of the
115 Sky Mountain substation began in 2021 with the intention to support growing load in the
116 Clifton Wilson and Brentwood areas, as well as provide distribution lines to the southfields
117 area. However, issues arose with securing right-of-ways for the distribution lines and the rapid

growth in the southfields area led to capacity concerns. Consequently, the decision was made to shift efforts to the site on 1300 south, which is now the Three Falls substation.

In 2022, the City acquired and exchanged the property for the substation, completed engineering updates, and secured zoning approvals within the first three months of the year. We then awarded the site excavation to Ash Excavating, who promptly began work. Later in 2022 and early 2023, ICP initiated major engineering efforts on the site, and by the end of 2023, we received the engineering plans, enabling us to start ordering materials and infrastructure for the substation. The bid for the major infrastructure construction was awarded to Interstate Rock. However, due to an error in advertising, we had to rebid the contract. Surprisingly, this resulted in a cost reduction of approximately \$300,000, as more competitive bids were received in the changed economic environment.

As the construction progressed, Mr. Ross was pleasantly surprised by the overall appearance of the site. Despite the remaining tasks and final touches, such as terminations and jumpers, we are on the verge of backfeeding the substation and energizing the building with electricity from the line, rather than relying on generation as we have done previously. He showed lists of tasks required to finalize the substation. One list outlines the functional necessities for bringing the substation online to serve the area, while the other encompasses tasks to complete the site according to our final vision. He discussed the timeline for completing various tasks related to the substation project, including bringing generation online by May or June, conducting maintenance, and addressing SCADA and fiber installation needs. He mentioned that while some tasks, such as labeling, can take years, the majority of work should be finished by the end of June. He provided updates on specific tasks, such as the 750 termination and gate installation, noting that progress is being made and certain tasks will be completed soon.

Mr. Ross discussed the cost breakdown for the substation project, explaining how he initially tracked tasks using multiple sources before transitioning to a new task management program. He provided insight into the current spending on the substation and estimated costs to complete remaining tasks. Council Ellerman expressed surprise at the estimated gap in costs, to which Mr. Ross clarified that the variation depends on factors such as the chosen route and training requirements. He outlined different options, including in-house training and hiring an external company for programming, highlighting the need to decide on the most suitable option.

Mayor Billings scheduled a field trip for the Council to come out to the Three Falls Substation on May 16th before the City Council meeting to see the progress on the substation.

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports

Dayton Hall informed the Council about an appeal hearing on the agenda, noting that the applicant's attorney indicated that if the appeal is denied, it would lead to a potential lawsuit against the city. He explained that this situation meets the threshold for reasonably imminent

litigation, giving the Council the option to hold a closed meeting before making a decision on the appeal. He stated that legal strategy discussions could be conducted in a closed session during the course of the meeting, with the option to resume the open meeting afterward.

Larry Palmer reported that in the past couple of weeks, the city received seventeen permit submissions, including nine for single-family homes and the rest for commercial/industrial buildings. He noted an increase in activity and expressed optimism about ongoing projects.

Ken Richins provided an update on the Gould's Wash Well, stating that drilling began yesterday, with about 100 feet completed. As of noon today, an additional 100 feet had been drilled, with progress expected to reach 350 feet by the end of the day. The total depth planned is 800 feet. After drilling, the well will be set up for pumping and water collection for testing purposes. Mr. Richins expressed satisfaction with the progress made. Mayor Billings expressed gratitude for a recent field trip involving Ken, Cory, Angie, and representatives from the Department of Natural Resources (DNR), including Ethan and two engineers. DNR facilitated a 0% loan financing of \$12 million for water projects. During the trip, Ethan expressed appreciation for the opportunity to witness the projects firsthand and praised the choice of drilling rig at the Three Falls site, emphasizing its suitability for the project's needs. Mayor Billings thanked those involved in organizing the trip.

Chief Excell provided updates on several matters. Firstly, regarding the Ironman event, he inquired if any council members were interested in attending and requested them to notify him before Monday for necessary arrangements. He also mentioned an upcoming annual communications drill scheduled for Monday at 6 pm, involving participation from the west and south districts. Additionally, preparations for the monsoon season, including sandbag distribution and the acquisition of quick dams, were discussed. He provided an update on the damaged mobile speed limit feedback sign, stating that insurance claims and restitution requests were underway, with hopes of restoring it by June or July. He briefly addressed a recent swatting incident, emphasizing the ongoing investigation and expressing pride in the prompt and effective response of the police force. He assured the council of receiving a detailed after-action report for further insight into the incident. Chief Excell highlighted the upcoming Great Utah ShakeOut, an annual earthquake exercise conducted by the state of Utah. He expressed appreciation for the community's proactive approach and mentioned the coordination with Hurricane West stake for a Preparedness Expo. Chief Excell invited council members to the event scheduled for Monday at 6 o'clock and thanked them for their support and collaboration.

Darren Barney reported on various recent activities, including the preparation and operation of the splash pads, which encountered some issues with spray features. He mentioned ongoing efforts to address these issues with the manufacturer despite the warranty expiration. Additionally, he noted the departure of a new employee and the need to hire a replacement. He also highlighted the significant time invested in setting up, tearing down, and cleaning up after a car show, totaling approximately 130 man-hours. He stated this is the busy period for

198 their department, involving tasks such as mowing, edging, weed eating, and managing baseball
199 tournaments.

200 Scott Hughes provided updates on several tasks completed by the department, including
201 changing flags for the Iron Man event and cleaning up pedestals from the car show. He
202 mentioned ongoing tree trimming efforts along power lines, nearing completion. He highlighted
203 a visual improvement involving the relocation of power infrastructure at the Chevron station,
204 necessitating the installation of protective bollards. Despite the owner's delay, the department
205 took action to ensure the equipment's safety and will bill accordingly. He also mentioned
206 progress on the substation project and upcoming preparations for running generators in the
207 spring. Lastly, Mr. Hughes reminded attendees about the upcoming toolkit event on the 17th
208 and encouraged registration.

209 Sel Lovell expressed excitement about the first part of the policy manual being presented on
210 the agenda after two years of development. Additionally, he mentioned progress on
211 distributing AED machines to departments in need.

212 Mike Vercimak reported on the ongoing utility work in the City, highlighting projects such as the
213 400 West gas line, a new water line on 3000 South, and work by the Conservancy District, TDS,
214 and Infowest. Despite a slight slowdown in residential development, there's been growth in
215 commercial projects and utility work, necessitating staff time and inspections. He also
216 mentioned significant repairs planned for 400 West, with hopes of restoring it to a serviceable
217 roadway once completed.

218 Tiffani Wright stated the baseball season started today. Joseph opens tomorrow and she
219 encouraged everyone to come. They had one actor break her foot and another one twist their
220 ankle. So they had to cancel the Saturday matinee because they couldn't find a substitute in
221 time. The new gym is coming along. Mayor Billings commented that the City will have the
222 ribbon cutting and State of the City before it is done because they can't put in flooring until the
223 standards are put in and they are a month out. The Easter Egg Hunt was successful as well as
224 the Easter Car Show. They were both very well attended.

225 Weston Walker provided updates on various road-related projects, including the installation of
226 RFBs (Rectangular Rapid Flashing Beacons) on 700 West, despite some controversy. He noted
227 that crosswalks were striped, and RFBs were installed early the previous week. Road patching
228 for chip sealing is underway, with plans to begin chip sealing on April 15, earlier than expected.
229 Prep work for chip sealing on 1380 West is progressing well. He mentioned incidents of driver
230 feedback signs being shot with paintballs but assured the Council that there was no damage. He
231 also discussed efforts to fill open positions within the department and the completion of
232 fencing setup for the car show.

233 Arthur LeBaron addressed the agenda item regarding the Northern Corridor and highlighted the
234 recent issuance of a draft supplemental environmental impact statement (SEIS) by the BLM. He
235 expressed concern about the limited timeframe given to review the document, which spanned
236 over 100 pages. In contrast, he mentioned the comparatively longer review period for other

environmental impact statement, such as the one for the Gould Wash detention basin project. He also provided updates on the progress of right-of-way acquisition for 1100 West and expressed optimism despite some remaining challenges. He provided updates on various projects, including work on a grant for off-highway vehicle funds led by Dorela, the creation of maps with assistance from GIS and Jeremy. He explained the grant is for the interchange at 3200 West on Southern Parkway and a new entrance station into Sand Hollow State Park. He expressed hope for approval of their application, highlighting the collaborative efforts with various agencies. He mentioned working with JUB engineers on the storm drain master plan scope and the MS4 notification from the State of Utah, which may require additional funding.

Gary Cupp noted they have had a downturn in applications over the last few weeks. There are only two items on next week's Planning Commission. However, the downturn gives them time to work on updates to Title 10 including animal control, daycare definitions, and the mixed-use chapter. He met with the Parks and Rec consultants today and they have a draft ready that they will present to the Council at the May 2nd meeting.

Fred Resch III presented an overview of changes at the State regarding land use, based on a presentation prepared by the League of Cities and Towns. Approximately 600 bills were passed during the legislative session, with a significant focus on housing and land use. He highlighted several bills, including the Home and Investment Zone Act, which provides tax increment financing tools for affordable housing, and HB 13, which established infrastructure financing districts similar to PIDs but with key differences regarding city approval and property tax levies. Another bill addressed modular unit inspection and approval, aiming to streamline the process for affordable housing. He also discussed the Home Ownership Prosperity Zone, offering tax increment financing and specific requirements for unit sale prices and owner occupancy. He explained HB 476 addresses development agreements and clarifies language for city attorneys. He provided further details on changes to landscaping requirements, highlighting that the state now allows cities to require sellers to inform buyers about waterwise landscaping ordinances. The city will explore implementing this requirement and may need to adjust procedures regarding sidewalk completion before issuing certificates of occupancy. Additionally, there were clarifications regarding subdivision code, particularly regarding the submission of subdivision improvement plans with preliminary or final plats, rather than both. The city will need to update its code accordingly to align with these changes.

6:00 p.m. - Call to Order –

Prayer, Thought and Pledge led by Scott Hughes.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for March 7, 2024, March 21, 2024, and special meeting March 25, 2024

275 Kevin Thomas motioned to approve the March 7th, March 21st, and March 25th minutes as
276 written. Seconded by David Hirschi. Motion carried unanimously.

277 **Public Forum – Comments From Public**

278 Maggie Maxfield, representing a group of moms from the Ivy Wood neighborhood, addressed
279 the council regarding concerns about road safety in their area. She asserted the need for a four-
280 way stop and crossing guard at the intersection of 400 North and 700 West, especially with the
281 increasing number of children walking to school. She mentioned the success of a previous
282 crosswalk installation on 870 West and emphasized the importance of additional safety
283 measures due to the growing residential development in the area. Lily McIntyre's concerns
284 were also shared, expressing worries about speeding cars and the lack of adequate safety
285 measures for children crossing the road. Visibility issues and inconsistent adherence to traffic
286 signs were highlighted as well. Jessica Carsten and Chris Carter, residents living near the
287 intersection, have been providing help to children crossing the road. Ms. Maxfield urged the
288 council to consider their concerns during the traffic study.

289 Jessica Carsten, a resident living on the corner of 400 North and 680 West, shared her concerns
290 about road safety in the area. She highlighted the significant number of children in the
291 neighborhood, especially those walking to school or waiting for the bus. She expressed her
292 observations of children crossing the road without caution and the challenges she faced as a
293 makeshift crossing guard. She stated her opinion that there was a need for additional safety
294 measures, such as a four-way stop and a crossing guard, to protect the children in the
295 community. Ms. Carsten appealed to the Council to prioritize the safety of children over the
296 convenience of drivers and urged them to take action to address the issue.

297 Chris Carter, another resident residing in the self-help homes area off 680 West, echoed the
298 concerns raised by previous speakers. She recounted the initial lack of safety measures when
299 the road was opened and described the efforts she and Jessica had made to educate and
300 protect the children in the neighborhood. She expressed frustration over the perceived lack of
301 response from the City and highlighted recent incidents where children were put in danger due
302 to speeding cars. Ms. Carter stated there is an urgent need for a four-way stop or a crossing
303 guard to ensure the safety of the children, especially with the expected increase in traffic from
304 upcoming home constructions in the area. She thanked the council for their attention to the
305 matter.

306 Mayor Billing acknowledged the concerns and explained the need for studies. She stated there
307 is nowhere else in the City that has crossing guards other than next to a school. Arthur LeBaron
308 explained that a traffic study and pedestrian study will be conducted soon to assess the
309 situation. He stated it is important to adhere to state regulations and warrants for measures
310 such as installing a crossing guard or implementing a four-way stop. He clarified that while the
311 City is committed to child safety, certain criteria must be met for these measures to be
312 considered. He stated the decision-making process is guided by established regulations outlined
313 in the Manual on Uniform Traffic Control Devices. He expressed gratitude for the community's
314 proactive involvement in addressing safety concerns.

Mayor Billings expressed appreciation for the community's efforts in teaching children about road safety. She acknowledged Weston's involvement in installing new lights and painting the crosswalk to enhance safety measures. She indicated that the next steps would involve conducting the traffic and pedestrian study and considering the regulations outlined in state statutes to determine the appropriate course of action moving forward. David Hirschi expressed thanks to the mothers for their concern.

OLD BUSINESS

1. Consideration and possible approval on a preliminary plat and sensitive lands application for Kolob Views, a 20 lot single family subdivision located at 1400 W 900 S. Stratton Dev LLC, Applicant. Colt Stratton, Agent.

Colt Stratton stated they hadn't updated anything from two weeks ago. The item was continued to allow staff time to review the updates. He noted the only major change from before is to lots 15 and 16. Previously there were four lots were 15 and 16 are now showing but they couldn't make that layout work. He stated the only right of way they would need to acquire is the City's. They are not building the south end until the City builds the road. The rest of the road is on his property. Mayor Billings stated in the new staff report it states it is still an incomplete application. Mr. Stratton agreed it was incomplete but only because they didn't show the top portion of the parcel on the plat connecting to 659 South—not because of the right of way. Arthur LeBaron voiced concern that the utility right of ways are not part of the road. He explained if power and gas wasn't put in the easement then it wouldn't be in standard location. It needs to have a right of way shown on the plat to accommodate the utilities. Sewer and water would go in the road. Drew Ellerman clarified the issue is lots 19 and 20 are dependent on other property owners to provide rights-of-way for access and utility service extensions. Mayor Billings commented they could approve everything but exclude those two lots.

Mr. Stratton stated they could do that but there needs to be a clear understanding regarding the alignment of the road for future development plans. He stated they don't plan on doing improvements there ever. The City will have to take responsibility. He stated if they are dedicating this plat, the road will be dedicated to the City after lot 16 so he doesn't want the road alignment to change in the future. Mr. LeBaron referred to past instances where road dedication and easements were negotiated with developers. He acknowledged the complexity of the current situation concerning the alignment of 1100 West, expressing hesitation due to the ongoing design process and elevations challenges. He is confident in the horizontal alignment, but has some reservations about the vertical alignment.

Mr. Stratton voiced concern about potential challenges associated with building the road, particularly regarding elevation differences. He explained there would be difficulty in constructing retaining walls to accommodate an eight-foot fill. He also voiced apprehension about committing to installing curb and gutter prematurely, fearing that any changes to the

road alignment could result in wasted effort and resources. Mr. LeBaron stated if everything but those two lots were approved then they could work together on a slope easement that they could dedicate along the road. Mr. Stratton elaborated on the proposed retaining walls, indicating their placement both in front of and behind the houses based on profiles provided by Alpha Engineering. He emphasized the potential elevation relief if a six-foot cut at the bottom end could be avoided, which would reduce the amount of excavation needed on their property. Drew Ellerman pointed out the Council could approve all twenty lots with a condition that lots 19 and 20 can't be final platted until access is decided. Mr. Stratton was agreeable either way. Dayton Hall stated a slope easement will need to be granted to address the elevation issues on lots 15 and 16.

Drew Ellerman motioned to approve the preliminary plat and sensitive lands application for Kolob Views as outlined excluding lots 19 & 20 with a condition that a slope easement is granted with the plat in a form acceptable to the City on lots 15 and 16. Seconded by Joseph Prete. Motion carried unanimously.

Mayor Billings took New Business Items 1 and 2 out of order and addressed them next. These minutes are in order of the agenda instead of the order they were addressed by the Council.

2. Consideration and possible approval of an updated preliminary plat for Peregrine Pointe West Phases 1-4 amended, located at 600 N and 3100 West - Perry Development Applicant, Greg Sant Agent

Mayor Billings read the following summary provided by City Attorney Dayton Hall.

This agenda item is to retroactively approve a subdivision a portion of which has been constructed without formal City Council approval. This subdivision approval is being heard by the Council because it was filed prior to the new state law prohibiting City Council approval of plats. The property, called Peregrine Point West, was granted a zone change from M-1 (light industrial) to R1-6 (6000 sq ft lots) on February 18, 2021. Because the property is adjacent to an active gravel pit, a 300 foot strip adjacent to most of the gravel pit was not rezoned to R1-6, but remained M-1. However, property on the south end of the property near 600 North and adjacent to a Washington County Water Conservancy District hydro plant was rezoned to R1-6. The City Council minutes indicate that a concern was raised about this southern property near the hydro plant being zoned residential, that the applicant made a statement that disclosures would be made to buyers and language would be recorded on the plat, and that the Council approved the zone change as proposed on a map in the Council's packet. On April 1, 2021, the City Council approved a preliminary plat for Peregrine Point West. This approved plat did not include the property adjacent to the hydro plant. In 2022, the developer applied for an amended preliminary plat that included six residential lots adjacent to the hydro plant. On January 13, 2022, the Planning Commission unanimously recommended approval of the amended preliminary plat, subject to staff and JUC comments and subject to the power

transmission line easement and property boundary line being resolved. The application was heard and continued by the Council on January 20, 2022 and February 3, 2022. Apparently due to an oversight, neither the applicant nor the City placed the pending application back on a City Council agenda--until now. So, the City has not yet approved the amended plat. Despite the lack of an approved amended plat, the applicant submitted amended construction drawings for the unapproved preliminary plat and those construction drawings were approved by the City. The subdivision infrastructure has now been constructed and the applicant is awaiting City approval to record the final plat, a copy of which is attached to the agenda packet to serve as the amended preliminary plat for this action. The lack of an approved amended plat surfaced during the City Attorney's review of the procedural requirements necessary to record a plat. Staff makes the following findings for the Council's consideration and potential adoption:

- The proposed amended plat is consistent with the zone granted by the Council on February 18, 2021.
- The proposed amended plat is consistent with City standards, and the City's Joint Utility Committee has approved construction drawings that incorporate the proposed amended plat.
- Based on representations made by the applicant, and due to the proximity of the proposed residential properties to an active gravel pit and a WCWCD hydro plant, it is necessary in order to protect the health, safety, and welfare of City residents to place a note on the final plat notifying potential purchasers of the nearby activities.

Greg Sant agreed with adding language to the plat regarding noise from the hydro plant.

Dayton Hall stated they can work on refining the language to ensure potential property buyers are aware of the noise issue. Kevin Thomas inquired about the possibility of the City imposing a requirement for a sound wall or a row of trees as a condition of approval. Mr. Sant noted space limitations, but he is not opposed to adding a side wall to lots 61 and 62 as part of the sale in addition to the customary back wall that they normally do. Drew Ellerman raised the question of permitting a variance for a taller sound wall than what the code allows.

Mr. Sant stated they will put a note on the plat, and they will give people the option of 8-foot sound wall if they choose. It is hard for them to do something more than that after everything has been signed off and installed. Councilman Thomas pointed out the problem he has is even if it's on the plat future buyers won't be aware of it. Mr. Sant stated the noise from the plant never came up until three weeks ago when the Water Conservancy District sent out a letter to nearby property owners.

Mr. Hall stated this is a unique situation. The City's Joint Utility Committee did sign the construction drawings, and the subdivision improvements have been built. The Council's options are limited. He is comfortable with requiring the notice language on the plat, but approvals have already been given and development has happened based on those approvals.

Council Ellerman brought up the idea of sound barrier walls again. Mr. Sant agreed to them but asked if they could be completed with the building permit rather than the subdivision.

Councilman Thomas pointed out lot 61 is a corner lot so a wall couldn't go to the front of the

property. He doesn't want to see a tall wall next to the road. Mr. Hall pointed out no one will use this road other than those homes and Interstate Rock. He estimated the distance between the future homes and the hydro plant is 100-150 feet.

Drew Ellerman motioned to approve the preliminary plat for Peregrine Pointe West Phases 1-4 as designed based on the following findings: the proposed amended plat is consistent with the zone granted by the Council on February 18, 2021, the proposed amended plat is consistent with City standards, and the City's Joint Utility Committee has approved construction drawings that incorporate the proposed amended plat. The motion is also based on representations made by the applicant. The motion is also based on the finding that due to the proximity of the proposed residential properties to an active gravel pit and a WCWCD hydro plant, it is necessary in order to protect the health, safety, and welfare of City residents to place a note on the final plat notifying potential purchasers of the nearby activities. The motion to approve is subject to a condition of an 8' wall from back of property to front of house on lots 61 & 62 that has to be completed by certificate of occupancy. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye. Joseph Prete voted nay.

3. Discussion about our City Vision, Mission Statement, and Motto.

Mayor Billings asked each Council member to pick one motto they like the most and submit it to make it easier to narrow it down further. She asked Cindy Beteag to email out the list to the Council and have them respond with one they like or one of their own. Motto only.

NEW BUSINESS

1. Consideration and possible approval of local consent for five events held at Sand Hollow Resort - Cassandra de St. Jeor

Mayor Billings stated there have been no issues or concerns from law enforcement. She read the date and time for each proposed event.

Kevin Thomas motioned to approve local consent for five events held at Sand Hollow Resort. Seconded by Joseph Prete. Motion carried unanimously.

2. Discussion regarding transportation within Washington County - Commissioner Adam Snow and County Attorney Eric Clarke

Commissioner Adam Snow introduced the presentation on the Northern Corridor, emphasizing its significance for the county and its impact on local cities, including Hurricane, the third-largest city. He highlighted the challenges posed by population growth, visitor influx to state parks, and the need for efficient transportation to accommodate residents and visitors moving east and west. Commissioner Snow explained the geographical layout shaped by the desert

tortoise habitat conservation plan and the resulting transportation bottleneck. He outlined collaborative efforts between the county, cities, and federal delegation to address these issues. The goal of the presentation is to ensure a clear understanding of the current situation and future plans regarding the Northern Corridor. He then passed the floor to Eric Clark, the county attorney, for further details and historical context.

Eric Clark provided historical context beginning with an anecdote from the 1990s involving construction halting on Tuachan due to a protected desert tortoise being ran over during construction. He explained how this incident spurred the development of a plan to manage the desert tortoise habitat, leading to the creation of the desert reserve in 1996. Mr. Clark highlighted the need for a bypass road to alleviate traffic congestion. He mentioned collaboration with transportation planners and emphasized the importance of addressing the increasing traffic challenges. In the mid-2000s, Congress passed a law creating the National Conservation Area, which included provisions for the Northern Corridor. He presented language from this law, outlining plans for the authorization of the Northern Corridor by the Bureau of Land Management (BLM).

Mr. Clark elaborated on the development of the Northern Corridor, noting that despite a law mandating a plan by 2012, it had not materialized. However, during the previous administration, the county and state collaborated to file an application for a road route. He presented various studied road routes, highlighting the middle purple route as the approved option. He outlined a plan involving renewing tortoise permits, committing to conservation efforts, and constructing a road through the southern end of the reserve. Additionally, a new part of the reserve, Zone 6, would be established, encompassing popular recreational areas and tortoise habitats. He emphasized the community's support for this plan and its benefits for both conservation and development. SITLA agreed to partner by contributing to the reserve, mindful of the financial benefits for school funding. However, environmental groups filed a lawsuit against the plan, leading to a settlement agreement under the Biden administration. This agreement prompted a reconsideration of the decision, leading to a supplemental environmental impact statement. The ongoing process involves reanalyzing various road alternatives, including roadway number two and roadway number three, to address transportation needs while minimizing impacts on the reserve. Alternate four was considered to address traffic needs by tracing the reserve boundary closely while allowing for efficient traffic flow. However, it was found that this option could potentially worsen the traffic issue by diverting vehicles onto Cottonwood Road, leading to concerns. Alternates five and six raised significant concerns. Alternate five proposed turning Red Hills Parkway into an expressway, requiring extensive modifications to accommodate on-off ramps, which could disrupt businesses and involve substantial costs. Alternate six, likened to the 500-600 South Salt Lake option, suggested transforming Boulevard and 100 South into one-way streets, affecting various community facilities and housing projects in the area.

Mr. Clark highlighted the importance of choosing sensible options for the road alignment, noting the potential drawbacks of alternatives such as alternate six. He underscored the need to adhere to the directives outlined by Congress for the National Conservation Area, which permits the construction of a road through the reserve. They are supposed to have a decision

by November 2024, but the failure to establish a road through the reserve could jeopardize the protections afforded to zone six, potentially leading to development by SITLA. Mr. Clark expressed hope for the council's support for options two or three, aligning with broader goals of balanced development, recreation, transportation, and school trust lands management. He extended an offer to provide further information and assistance to the council and the community on this matter. He highlighted the adverse consequences of losing zone six, which could lead to challenges in zoning and development management. Stressing the importance of supporting the proposed road options, he mentioned the upcoming opportunity for official comment on the draft plans. Mr. Clark asked the Council for public support on their plans for the Northern Corridor.

- 3. Consideration and possible decision regarding an appeal of a City administrative decision denying Cordero's request for reimbursement. -River Valley Development, LLC**

Mayor Billings read the following summary that was provided in the packet.

The City Council is acting as the appeal authority for this agenda item. River Valley Development, LLC, the original developer of the 200 acre Cordero development, has requested that the City reimburse River Valley Development for certain offsite improvements it has installed to serve the development. City staff have reviewed the request and determined that no reimbursement is warranted because the improvements will not create excess capacity beyond the proportionate share necessary to serve the development. City staff have determined that the subject improvements are simply what is necessary for the development to meet minimum State and City standards--and are therefore not appropriate for reimbursement.

Following the procedure outlined in the City Code, the City Engineer issued a four-page Administrative Decision denying the request for reimbursement and setting forth the grounds for the denial. The Council should carefully review the Administrative Decision, which is the first document in the Council's packet for this agenda item. As permitted by the City Code, River Valley Development, LLC has appealed the Administrative Decision to the City Council, which is the final appeal authority for this matter. The Council should carefully review River Valley Development's appeal letter, which starts on the 35th page in the Council's packet for this agenda item. -Dayton Hall

The City staff have made the following findings, as stated in the Administrative Decision:

1. Each category of improvements constructed by Developer is what is necessary to serve the proposed 200-acre, 700 unit development at adopted levels of service.
2. The construction of each category of improvements constructed by Developer does not create additional or excess beyond the Developer's proportionate share necessary to serve the proposed development.

City Attorney Opinion:

1. The improvements required by the City to serve the Cordero development do not violate Utah Code section 10-9a-508(1), which is the State Code governing exactions.
2. The improvements required by the City to serve the Cordero development do not violate the United States Constitution or the Utah Constitution.

The City staff recommend that the Council uphold the Administrative Decision denying River Valley Development, LLC's reimbursement request based on the findings and analysis contained in the Administrative Decision.

Kyle Fielding, the attorney representing River Valley development, thanked the council for the opportunity to discuss exactions, a complex legal topic. He outlined the history of the River Valley project, including the development agreement signed in 2021, which granted density approval for up to 700 residential units. However, the current phase involves just 39 lots, and the infrastructure required exceeds what is necessary for this phase alone. Mr. Fielding explained that under state law, the correct application of exactions analysis should be to the pending land use application, not the entire master project. He emphasized that River Valley took the risk and invested millions to bring infrastructure to the area and is now seeking fair reimbursement for the excess capacity serving the entire 700 units. Mr. Fielding concluded by introducing Brant Tuttle from Northern Engineering, who would provide a summary of the infrastructure items and the reimbursement amounts requested. Mr. Tuttle provided details on the infrastructure required for the initial 39 lots of the River Valley project. This included extending water lines along 2100 West, creating a loop system, and installing various sizes of water lines to meet city requirements. He outlined the differences in costs between the infrastructure originally installed and what could have been done with smaller lines. Additionally, he mentioned the paving of 2100 West, which required a wider asphalt due to its designation as a collector road. He concluded by reiterating that all these costs were associated with the first phase of the project. Mr. Fielding discussed the challenges surrounding exactions, emphasizing the need for proportionality between requirements and the impact of development. He stated they have sought an advisory opinion from the Utah State Property Rights Ombudsman's office to avoid formal disputes. However, due to a backlog, a decision is expected to take several months. Therefore, Mr. Fielding requested a postponement of the decision on the appeal until the advisory opinion is received.

Drew Ellerman pointed out this discussion pertains to a 200-acre, 700-unit development, not just a 39-lot subdivision. He stated the decision was to design the water model for 700 units, which is an indication of the expectation for a full-scale development. Mr. Ellerman highlighted the concept of proportionality and fairness, noting that master-planned communities typically require all necessary systems to be put in place. He expressed concern about deviating from the original plan for 700 units and suggested that the developer should have already factored in the infrastructure costs when selling off portions of the land. Mr. Fielding commented that the development agreement for the project in question was not structured like a typical master-

606 planned community agreement. Unlike traditional master-planned communities, this
607 agreement was high-level and lacked specific requirements for infrastructure. He mentioned
608 that Utah law dictates that exactions analysis should be based on the current land use
609 application, which in this case is a phase one plat. Mr. Ellerman pointed out that the approved
610 plan for the development included infrastructure for 700 units, not just the initial 39 units. He
611 stressed the impracticality of installing smaller water lines to serve only a fraction of the
612 approved units, highlighting that cities typically don't install infrastructure in such piecemeal
613 fashion. He stated River Valley chose to sell off portions of the development, emphasizing that
614 the decision to divide the project was theirs alone. Since River Valley initially sought approval
615 for a 700-unit development, the infrastructure planning should have been based on that scale.
616 Mayor Billings stated the water model was designed for 700 units based on the approved
617 densities, not just for the 39 units. She commented that the infrastructure needs were assessed
618 for the entire development, not just a small portion of it. She anticipates the Ombudsman office
619 will view the situation similarly, focusing on the initial proposal for 700 units.

620
621 Mr. Fielding pointed out an inconsistency regarding the requirement to post a cash bond for
622 the waterline on 3000 South. He explained that River Valley Development, despite being
623 considered the developer of the 700-unit project, was not allowed to post a line of credit for a
624 portion of the development called Cordero phase three. Mayor Billings explained they sold the
625 property, so they are no longer the owner. Clark Fawcett questioned whether River Valley
626 Development had increased the value of phase three when it was sold, considering the
627 presence of utilities and improvements. He expressed concern that asking for reimbursement
628 would essentially require the new owners to pay twice: once for their portion of the impact fee
629 to the city and again for the infrastructure costs already paid to River Valley Development.
630 Joseph Prete expressed skepticism regarding River Valley Development's reimbursement
631 request. He highlighted concerns about the timing and concept of the request, likening it to
632 pioneering agreements where all parties share costs and benefits upfront. He stated River
633 Valley chose to bear the risk and make calculated business decisions without a pioneering
634 agreement. Mr. Vercimak mentioned the City did accept the bond on 3000 S from River Valley.
635 Dayton Hall clarified the distinction between two issues discussed by Mr. Vercimak and Mr.
636 Fielding. Mr. Vercimak referred to River Valley Development currently upgrading 3000 South to
637 accommodate Cordero Phase Three's fire flow requirements, necessitating an irrevocable letter
638 of credit before commencing construction. Mr. Fielding, on the other hand, highlighted the
639 water department's requirement for a cash bond or escrow deposit before granting approval
640 for Phase Three. This precaution arose from the reliance of two developers on each other's
641 commitments in order to obtain entitlements, prompting the city to ensure financial security
642 for the necessary infrastructure improvements. Mr. Fawcett pointed out that the engineers
643 hired by River Valley designed the water model for 700 units, not just the 39 lots currently
644 under discussion. He is willing to postpone the decision until the Ombudsman office has
645 responded. Kevin Thomas doesn't feel like they need to postpone it. It seems pretty clear to
646 him.

Clark Fawcett motioned to continue the appeal hearing, based on the applicant's request, until the Ombudsman office has responded or six months whichever happens first. Seconded by Drew Ellerman. Motion failed with David Hirschi, Kevin Thomas, and Joseph Prete voting nay. Clark Fawcett and Drew Ellerman voted aye.

Joseph Prete motioned to deny the appeal based on the reasons stated in the administrative denial letter. Seconded by David Hirschi. Motion carried with David Hirschi, Kevin Thomas and Joseph Prete voting aye. Clark Fawcett and Drew Ellerman voted nay.

4. Consideration and possible approval of Resolution 2024-17 Supporting Confluence Park Easement Grant and Partial Release to add 20.7 acres to a conservation easement and remove from the conservation easement 1.46 acres adjacent to 100 West Street.

Joseph Prete was excused at 8:53 p.m.

Dayton Hall clarified the ownership structure of the parcels involved in the proposed easement swap. Referring to a labeled map in the Council's packet, he explained that while the county currently holds ownership of parcels one, two, and three, this arrangement was made to facilitate a deal with the Utah Division of Wildlife for an easement swap. Trade parcel one has been owned by the county for some time, while parcels two and three are owned by JB Holdings under contract. The proposal suggests transferring full ownership of parcels two and three to the county, with parcel one being deeded to JB Holdings. Additionally, the conservation easement currently on parcel one would be removed and placed on parcels two and three, pending approval from the Utah Division of Wildlife. The county attorney's office sought the city's support for this proposal, prompting Mr. Hall to present it to the City Council for consideration. Clark Fawcett stated this has been a long time coming and he is in full support of it. Mayor Billings questioned if parcel 2 should be deeded to the City for a park or something to ensure there is access to this area. However, this item is just to show the City's support for this trade.

Clark Fawcett motioned to approve Resolution 2024-17 Supporting Confluence Park Easement Grant and Partial Release. Seconded by David Hirschi. Arthur LeBaron suggested adding that the City expects a new parking area as good or better than what we currently have. Mayor Billings added a request that the City would like an easement to parcel 2 to ensure access. Mr. Fawcett added both items to his motion. Motion carried with David Hirschi, Clark Fawcett, and Drew Ellerman voting aye. Kevin Thomas voted nay.

5. Discussion and possible approval of resurfacing the pickleball courts with sports court material

Mayor Billings explained that the discussion about pickleball courts arose during a budget meeting due to numerous complaints about the courts' condition, with some residents

advocating for improvements while others expressed opposition to sports courts altogether. Darren Barney added that he had contacted four cities across the state, most of which had either decided against using sport court material due to playability issues or had received complaints about it. Local pickleball players also tested one sport court at Dixie Springs and reported that serious players would likely dislike it, a sentiment detailed in the packet provided to the council. Kevin Thomas stated it is his understanding that if they did post tension concrete on the courts by the Community Center then the trees would have to be removed. He doesn't want to see that property without the trees. Mr. Barney stated he doesn't know if they would have to be moved but ideally, they would. He recommended planting more trees to the south and getting them growing before the other ones are removed. Tiffani Wright shared that she had sent out a picture of graphs to the pickleball league members first, receiving overwhelming support for post-tensioned concrete. However, after the survey was posted on Facebook, the focus shifted more towards preserving the trees, with many expressing a preference for any surface as long as the trees remained untouched. She also mentioned meeting with a representative from the sports court company, who indicated that the tree roots would likely still cause issues even with a sport court, as they would continue to lift the surface.

Shayden Hinton presented on behalf of the pickleball community, addressing the importance of considering tournament potential and player preferences in court renovations. He highlighted the surge in pickleball popularity since 2020 and emphasized the potential for revenue generation through tournaments. Shayden advocated for cement courts over sport courts, citing increased appeal to competitive players and potential for hosting tournaments. He provided a breakdown of potential revenue based on team entry fees and outlined the skill levels within the pickleball community. He stated if the Council goes with the sports court, then they will lose all the competitive players. However, he did acknowledge that even with sport courts or indoor gym facilities, there would still be interest from players.

Clark Fawcett stated that while some players may not mind playing in various weather conditions, the presence of the trees adds to the beauty of the area, especially during events like Peach Days and the Easter Car Show. He liked the idea of a compromise where some trees could be retained while new ones are planted further back. However, he expressed skepticism about the sport court option. Mayor Billings pointed out the big pickle ballers don't play in Hurricane anyway. David Hirschi questioned if they are going to do all this work, should the courts just be moved to a different location. Kevin Thomas agreed. He pointed out they haven't finalized the downtown master plan for this property. He thinks it is too much money to put in post tension now. His recommendation is to put in a sports court so the courts can be used now until something is decided. Drew Ellerman clarified the courts haven't been resurfaced since they were installed.

Kevin Thomas motioned to put sports court on all courts. Kaden DeMille stated there is \$334,000 that is earmarked for this which isn't enough to cover all courts. Clark Fawcett suggested putting it in Sky Ridge to see how it goes. He is not in favor of putting it downtown.

Motion died for lack of second. Mr. Hinton suggested waiting until the City has the funds to make the improvements. There are no safety issues other than the cracks.

David Hirschi motioned to continue this discussion until the City has the money or something better comes along. Seconded by Drew Ellerman. Motion carried with David Hirschi, Clark Fawcett, and Drew Ellerman voting aye. Kevin Thomas voted nay.

6. Consideration and possible approval of Resolution 2024-18 updating the theater ticket prices

Tiffani Wright explained every level would increase two dollars except for Hurricane City residents.

David Hirschi motioned to approve Resolution 2024-18 updating theater ticket prices. Seconded by Clark Fawcett. Motion carried with David Hirschi, Kevin Thomas, Clark Fawcett, and Drew Ellerman voting aye.

7. Consideration and possible approval of the Introduction, Preface, and Chapter 1 of the new employee policy manual - Sel Lovell

Sel Lovell handed out an update to what was provided in the packet. Kaden DeMille explained there has been an employee policy manual in place for years. A group started a new one a few years ago and had just finished it about the time Mr. Lovell was hired. He wanted more eyes on it. Mayor Billings noted today's consideration is about 170 pages. They will bring each chapter to the Council for approval one at a time. Clark Fawcett would like more time to review it in the future. Dayton Hall explained the manual is already in place, but the new version references sections that haven't been adopted yet. He recommended accepting them when ready, with all sections going into effect simultaneously. Mr. DeMille stated they plan to do training with department heads once the manual is fully rolled out. Mr. Hall suggested language that states the Council accepts Chapter 1 as drafted to be implemented at the same time we accept all the chapters.

Clark Fawcett motioned to continue the Introduction, Preface, and Chapter 1 of the new employee policy manual until the next meeting. Seconded by Kevin Thomas. Motion carried unanimously.

8. Mayor, Council, and Staff reports

Clark Fawcett stated at the Fire District meeting they started the discussion on truth in taxation. One member proposed eliminating taxes and implementing a fee on new builds, which Clark disagreed with. Mayor Billings stated EMS is doing good. The tax discussion is just for fire. David Hirschi stressed the need for equal representation on the water district board.

774

775 Drew Ellerman mentioned the Beautification Committee met on Monday. April 25th and 26th
776 will be trash clean up on SR9. He gave the times and places to meet. The inmate crew will
777 cover from 5300 West to I-15.

778

779 Council discussed if they should cancel the April 18th meeting. The Power Department has a
780 resolution that is due on May 3rd and Arthur LeBaron has an item for the storm drain. Council
781 decided to cancel the meeting on the 18th but schedule a short meeting online on the 17th @ 4.

782

783 **9. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request**

784 No closed meeting was held.

785

786 **Adjournment: 10:20 p.m.**

Minutes of the Hurricane City Council meeting held on May 2, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Lynn Excell, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, City Planner Gary Cupp, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, City Recorder Cindy Beteag, Planning Assistant Fred Resch III, Finance Manager Paige Chapman, Water Assistant Kory Wright, and Parks Superintendent Darren Barney.

AGENDA

3:00 p.m. Work Meeting

1. Discussion with Washington County Water Conservancy District regarding the water system and plan for growth.

Zach Renstrom provided an overview of the water supply system serving Hurricane City. He clarified the sources of potable water and secondary water, illustrating the city's connections to the water district's system. He recounted the historical development of Quail Lake, where blocks of water were initially sold, leading to a collaborative Regional Water Agreement. Currently, about 40% of Hurricane's drinking water is supplied by the District, and they provide 50% of the secondary water. Mr. Renstrom detailed ongoing projects, including pumping water from wells near the Junction to support Toquerville and LaVerkin, up-sizing the line from Leeds to the Water Treatment Plant, and constructing a pump station in Sand Hollow while extending the pipeline.

Mr. Renstrom discussed the 20-year water supply strategy, highlighting the initial goal of the Lake Powell pipeline, which was altered due to political changes, necessitating a new plan. He explained that municipalities must demonstrate their water sources when seeking bonds. The District prioritizes collaboration with farmers and only acquires water from willing sellers, with a strong emphasis on water reuse. Mr. Renstrom noted that the District consulted all municipalities to determine the number of approved lots, which included 20,000 lots in Hurricane City. Dayton Hall clarified that that number did not represent entitled lots, but most of the 20,000 lots are in PID areas or under development agreements, which require them to provide the infrastructure prior to development. Mr. Renstrom added that cities have significant expansion plans, and the District is responding accordingly. A key focus for future water supply involves conservation, reuse, and ensuring new homes are water-efficient, including implementing landscape restrictions. Mr. Renstrom discussed groundwater issues related to Sand Hollow Reservoir. He explained that when the reservoir was built, they

41 anticipated aquifer seepage and added wells to manage it. Initially, extra water was added to
42 the aquifers, but in recent years, they have been extracting water. He described how increased
43 water in the system pushes water out to the river and noted that they use water monitoring
44 systems to track this. A study revealed a natural recharge rate of 2,100 acre-feet in the Sand
45 Hollow aquifer. The USGS was asked to determine the age of the water, and the State Engineer
46 recognized this in their adjudication efforts. Wells are drilled along cracks to create channels for
47 water flow.

48
49 Hurricane City drilled a well near Dixie Springs, which caused concerns among other cities as
50 they believed the water came from Sand Hollow. These cities felt that Hurricane City wasn't
51 cooperating with other communities and was taking water from their source. Kory Wright
52 clarified that the process was transparent and approved, with no protests filed with the State
53 Engineer when the City applied to drill the well, suggesting that recent complaints were based
54 on misinformation. Mr. Renstrom added that everyone views Sand Hollow as their water, and
55 explained that cooperation could reduce the District's burden to supply water to Hurricane.
56 Clark Fawcett joined the meeting at 4 p.m.

57
58 Mr. Renstrom discussed the substantial infrastructure costs, amounting to billions of dollars,
59 required to build their projects. He explained that they completed an impact fee analysis to
60 determine the allowable impact fee, as required by state law, which mandates establishing a
61 level of service. In 2018, the level of service was 0.89 acre-feet per year, which decreased to
62 0.59 acre-feet per year in 2023. The state allows a lower level of service if there are incentives
63 and penalties for not meeting it. This level of service includes total water demand. He reviewed
64 the impact fee calculation, noting that there is both a culinary and wholesale rate, with every
65 municipality paying the same rate. He also explained the excess water surcharge for residential
66 uses: for 2022 or earlier, the fee is \$1 per 1,000 gallons in excess, and for 2023 or later, the fee
67 increases to \$10 per 1,000 gallons in excess. Mr. Wright asked the Council and Water Board if
68 they understood the rebate process to answer residents' questions. Mr. Renstrom clarified that
69 they pay \$2 per square foot to replace grass and explained the process for residents who want
70 to replace their grass. He also mentioned that they provide a list of recommended plants. The
71 monthly surcharges for commercial users depend on the meter size. Joseph Prete joined the
72 meeting at 4:22 p.m.

73
74 Mr. Renstrom explained that the District implemented a surcharge, with Hurricane City being
75 the only municipality not charging the same rate. Other cities feel that if there is a deficiency in
76 the water system it would be due to Hurricane not following the agreement. The surcharge
77 funds the water conservation plan. Mayor Billings noted that the original surcharge number
78 was not based on a study and seemed high, so the Council compromised by meeting in the
79 middle. Mr. Renstrom mentioned that the surcharge amount had been discussed extensively,
80 considering both a graduated and a flat fee, and they chose the flat fee for simplicity. Research
81 showed that a noticeable impact on users occurred around \$75. For existing homes, the
82 surcharge is \$1 per 1,000 gallons, but for new homes, it's \$10 per 1,000 gallons. David Hirschi

83 added that there was resistance to what some perceived as "big brother" restrictions. Mr.
84 Renstrom pointed out that as a partner in the Regional Water Supply Agreement (RWSA),
85 Hurricane City benefits from the district's services. The district is asking Hurricane City to adopt
86 the \$10 surcharge to match other municipalities. Mr. Renstrom raised another sensitive issue of
87 having Kevin Tervort on the board instead of a council member, noting that this had happened
88 before with Tom Hirschi. Mr. Tervort's term ends this year. Mr. Hirschi asked what steps were
89 needed to ensure only active council members serve on the board. Mr. Renstrom explained
90 that this change would require state-level action and that County Commissioners select the
91 board. The Mayor asked the Council how they wanted to proceed.

92
93 Mr. Renstrom detailed the process for calculating the excess water charge. Adding the other
94 cities give that money that is collected to the District but Hurricane City currently keeps the
95 money they collect from the excess surcharge. Clark Fawcett clarified that if the City adopts the
96 \$10 surcharge, it would keep 10% of the fee. Dayton Hall stated that in March 2023, the City
97 passed a similar measure but with a \$5 surcharge instead of \$10. The City adopted a bell curve
98 for existing homes and provides a large family rebate. The District also have a different, less
99 generous livestock rebate. Many residents use culinary water for farming. Mayor Billings
100 suggested addressing the surcharge issue at the next council meeting. Mr. Renstrom stressed
101 the need for accurate, up-to-date information and offered assistance anytime. Kevin Thomas
102 stated that he believes fountains should be allowed, and the Mayor said she had sent his
103 recommendation to the ACC meeting.

104 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

105 Officers Taylor Roberts and Bob Tibbitts were sworn in after a brief introduction by Chief Excell.

106 Larry Palmer stated that 53 permits were submitted since the last meeting, comprising of 38
107 single-family homes, 3 apartment buildings with 31 units, a duplex, a 7-unit townhome project,
108 1 condo building with 12 units, and 3 commercial buildings. Standard Plumbing will begin final
109 inspections next week, and they are currently conducting 50 inspections a day.

110 Candance Smith, park manager at Sand Hollow State Park, introduced herself. Iron man will be
111 here this weekend. A couple more events in May. Her plan is to make sure the Council stays
112 informed. Mayor Billings expressed thanks for the partnership in allowing the fireworks in the
113 State Park for the 4th of July. She attended a meeting regarding a grant. She was informed that
114 roads classified as A, B, or C are not eligible for funding. The road leading into the State Park
115 falls into this category. She is still exploring other funding options.

116 Chief Excell expressed appreciation to Candace for her contributions. He announced that Iron
117 Man will be held on Saturday, with road closures starting at 3 a.m. The first swim, featuring the
118 pros, will begin around 6:45 a.m., and the community should reopen by 11 a.m. There will be
119 access to the Dixie Springs area via SR-7. Deputy Chief Yates will oversee local operations and
120 be stationed at the command center. They are coordinating with the National Dam Safety
121 program for a nationwide exercise on dam safety and terrorism next week, in which Chief Excell
122 will participate. On May 14th, Intermountain Health Care will conduct active shooter training.

123 There is one position open for animal control. Deputy Chief Yates will present the 2023 report
124 at the next meeting.

125 Chief Decker stated that one of the department members will attend these meetings regularly
126 going forward to answer any questions the Council has. They are also gearing up for Iron Man.
127 They are currently in the middle of an ISO inspection, the first one in 14 years. In April, there
128 were 319 calls in Hurricane and a total of 481 calls for the District.

129 Darren Barney mentioned that his department is extremely busy this time of year, particularly
130 with preparing the cemetery for Memorial Day. He also noted that the parks are being heavily
131 used. David Hirschi brought up that field 1 still has a lot of cars driving around to the backstop
132 and suggested putting a sawhorse or something similar there to prevent it. Mr. Barney stated
133 they will put something there permanently.

134 Scott Hughes reported that work on the substation is progressing well, with testing scheduled
135 for the end of the month, and they remain on schedule. Jordan Steglich is set to attend training
136 next week. Due to negative feedback regarding the condition of the Christmas decorations,
137 they have purchased new decorations for the upcoming year.

138 Kory Wright stated they have seen an increase in water use due to the heat. Drilling for the well
139 has resumed after losing and then finding the bit; they aim to reach 800 feet and are currently
140 halfway there. The next project will be the Sky Ranch test hole. They have a meeting with the
141 Nature Conservancy on the 13th to address some issues with the irrigation expansion. A new
142 hire with some experience will start soon. Significant time is being spent on repairs in Dixie
143 Springs, and they are waiting for engineering plans for the electrical setup for the Dixie Springs
144 well, which has several steps to complete before it becomes operational. Next week, they will
145 take the Youth City Council on a tour.

146 Tiffani Wright stated that the pool opened last weekend, and the spring show is doing really
147 well. Kevin Thomas praised the team for their great job and the quality of the production. They
148 are winding down their spring sessions and preparing for the summer sessions. Dance recitals
149 are coming up, and afterward, they will begin preparations for "Beauty and the Beast."

150 Paige Chapman noted that the preliminary budget is up for discussion tonight. It currently
151 doesn't balance, which is normal at this stage. A balanced budget will be presented at the May
152 16th meeting. The Council needs to schedule a meeting to complete the bubble list where all
153 the capital projects are listed. After discussing dates and times, the Council agreed to meet on
154 Tuesday from 5:30-7 p.m. at the City office.

155 Mike Vercimak shared that they reached a milestone today and had a preconstruction meeting
156 on the Balance of Nature project. He expressed encouragement that it's ready to move
157 forward. Additionally, there are nine sets of construction drawings under review, and two
158 preconstruction meetings have been held since the last meeting.

159 Weston Walker reported that they filled up their dumpster during the SR-9 cleanup and had to
160 take four more loads to the landfill. They are still sweeping some roads that were chip sealed.

Slurry seal will start tomorrow morning, and a schedule was emailed out to the Council. The crews will be busy doing the flagging for Iron Man. A couple of feedback signs have been taken down because they weren't charging correctly, but they are being sent back for repairs. They are also trying to keep up with spraying weeds and have been doing a lot of tree trimming.

Arthur LeBaron mentioned the citizens who addressed the Council about the school zones and crosswalks. He reported that the study has been completed, and it was determined that a reduced speed zone is not warranted at the intersection on 700 West and 400 North. Additionally, the request for a four-way stop does not qualify as traffic in all directions is not the same. However, the RFFB device is working well, and the children know how to use it. He believes the situation is currently satisfactory but it will continue to be monitored. He also noted that more pedestrians and cars would be needed before a school zone crossing would be necessary there. UDOT has initiated their SR-9 Solutions study and has asked about the City's vision for SR-9. He mentioned that he is not aware of a plan other than downtown. He explained that the travel demand on SR-9 is expected to exceed capacity within the next five years. The goal of the study is to determine how to efficiently move traffic through the area. He committed to keeping the Council updated as the study progresses. Additionally, he informed the Council that the storm drain master plan project is underway and that construction of the Frog Hollow dam is in progress. He has been representing the City for the EIS northern corridor and described the meetings as contentious with a lot of anger and tension. He encouraged the Council to meet with the County to discuss what a letter regarding this issue should contain, as a letter needs to be submitted within 45 days after May 10th. Additionally, he requested that the agenda item about the disposal of property along Sand Hollow Road be continued until the road is built, as he believes it would be premature to dispose of the properties before then.

Gary Cupp stated that the Planning Commission meeting is canceled next week due to the APA Planning Conference. He reported that they are staying busy with land use applications and code updates. He also provided a training presentation on Chapter 4 of the General Plan, which focuses on housing. He highlighted that the city has experienced significant growth and anticipates further expansion. He explained that each element of the plan has specific goals and policies, with the overarching aim of providing a variety of housing options at different costs to achieve a balanced housing landscape.

Fred Resch III expressed gratitude to everyone who participated in the SR9 cleanup, noting that they ran out of trash bags due to the strong turnout. He mentioned that the revocation of short-term rental licenses is now handled by staff. Adding that one license was revoked last month due to three parking violations within the last year. The affected party did not appeal the decision. Dayton Hall reviewed the evidence and the letter, finding everything satisfactory, with no response from the affected party.

6:00 p.m. - Call to Order –

Prayer, Thought, and Pledge led by April Pinkston

Declaration of any conflicts of interest

No conflicts were declared.

Presentation of money raised by Matt's Offroad Games for the Veterans Memorial Park

Matt Wetzel, who grew up in Hurricane and cherishes the community, shared his love for the area and his desire to contribute. He has employed veterans and has been actively involved in fundraising efforts. With their Off Road Games event they were able to raise \$166,000. Of this amount, \$70,000 will be donated to the Veterans Memorial Park. He presented funds to Washington County Search and Rescue, Sand Hollow State Park, Utah Public Lands Alliance (UPLA), and Hurricane City, thanking these groups for their collaborative efforts. Mayor Billings expressed gratitude for their significant impact on the community.

Presentation of money raised by the Hurricane Valley Rotary Club for the Veterans Memorial Park

Mayor Billings stated that the Easter Car Show requires extensive preparation, with the Rotary Club dedicating significant time and effort. Clint Lawton mentioned that their group has a long history and was asked to assist with the Veterans Memorial Park this year. They successfully raised \$20,000 for the park. The Mayor expressed gratitude for their contribution, which also included purchasing flags and flag poles for the park. Patty Nation added that they are also hosting a boot-stomping event, a fun family gathering aimed at raising additional funds.

Update and Presentation from Hurricane Valley Fire District

Chief Joe Decker presented the 2023 Annual Report for the Hurricane Valley Fire District. He highlighted that the district covers over 652 square miles and responded to over 5,100 calls last year. They operate six active stations, providing services for areas including Zion National Park and events like Red Bull Rampage and Ironman. In Hurricane City alone, the district responded to 3,800 calls in 2023 and 1,051 calls in the first quarter of 2024, showing a rising trend. Notable events included the rapid containment of the Dixie Springs wildland fire, which spread to 617 acres, and the rescue operation during a trailer fire that saved a family of five. The district conducted over 160 hours of structure training in donated buildings, and their ropes team successfully rescued a person who fell off a 50-foot cliff in Zion National Park. They also performed two notable animal rescues that garnered public attention.

Chief Decker provided an overview of their equipment, including engines, ladder trucks, ambulances, brush trucks, and the Jaws of Life. All ambulances were ALS licensed, staffed by paramedics and EMTs, capable of advanced cardiac procedures. The district's primary revenue source is property tax, and they conducted annual audits to ensure financial accountability. He continued by detailing the areas covered by the Hurricane Valley Fire District, which included Hurricane, LaVerkin, Toquerville, Leeds, Virgin, Rockville, Springdale, and the eastern unincorporated area of Washington County. The district also oversees two main water bodies with a third, the Toquerville Reservoir, coming soon. They provide mutual aid to Zion National Park, effectively acting as its fire and rescue department due to the park's limited staff.

Chief Decker noted significant population growth, with the district's coverage increasing by 7,100 people over the last five years to about 35,000 residents. Visitor numbers and call volumes have also risen, with 5,118 calls in 2023 compared to 3,500 in 2019. They projected over 6,600 calls for the current year. Financially, the district's primary revenue came from property taxes, followed by medical billing and a Transient Room Tax (TRT) for covering Springdale and Rockville. They also received funding from wildland fire cooperative agreements for deployments across the country. The district conducted annual independent audits, recently completing one with no major findings.

Looking ahead, Chief Decker emphasized the goals of improving operational efficiency and effectiveness, citing a 7% increase in calls over 2022 despite a 10% budget decrease. He also highlighted the importance of enhancing firefighter health and safety, noting that the district was operating more efficiently than ever before but had reached the limit of feasible budget cuts.

Presentation of survey results on the City Civic Master Plan by FFKR and Desert Edge-David, Jessica, and Susie

David Giles explained they are working on the master plan for a 20-acre city campus. They met with various departments to assess needs and conducted a public outreach survey, which Susi Becker will review. Jessica Hoffman shared survey results from 198 respondents, averaging 45 years old. Desired amenities include walking paths, local businesses, a farmers market, and adventure recreation. Community spaces suggested were gardens, linear parks, pedestrian malls, and small parks. Respondents also wanted a central area for eating, a community garden, food truck plaza, amphitheater, or interactive recreation. Many requested a beer garden. They aim to present multiple options in about four weeks, with a goal of the first meeting in June.

Public Forum – Comments From Public

Rick Beatty addressed the council, saying he is here as an American concerned about national and local issues. Throughout history, nations that failed to protect their borders ceased to exist. Hurricane City doesn't control national politics, but the U.S. is currently overwhelmed by illegal immigrants, with numbers equivalent to the population of Utah entering annually. Many of these individuals, though seeking better lives, lack resources and may turn to crime. He asked the Council how they plan to address this issue.

April Pinkston, a five-year resident of Hurricane, encouraged greater local participation in the caucus system, emphasizing its importance for grassroots governance. Recently elected as vice chair of her precinct and a delegate, she shared her positive experience at the state convention and urged residents to get involved. She left her contact information for those interested in learning more about the process and the candidates vetted at the convention.

Mayor Billings highlighted the collaborative efforts in Washington County to address homelessness, emphasizing a proactive approach focused on empowerment rather than mere

assistance. She explained the programs offered at SwitchPoint, the local homeless shelter, which provide opportunities for skill development, employment, and transitional housing. While acknowledging that the city doesn't have specific measures in place for migrants, she expressed openness to exploring new ideas and solutions in collaboration with the community.

Mayor Billings took New Business Items 1 out of order and addressed it next. These minutes are in order of the agenda instead of the order they were addressed by the Council.

OLD BUSINESS

1. Consideration and possible approval of the Introduction, Preface, and Chapter 1 of the new employee policy manual - Sel Lovell

This manual, previously discussed at the April 4th City Council meeting, had been continued to allow the Council more time to review each section. The manual outlines its purpose, standards, expectations for ethical behavior, and the code of ethics required by the state, emphasizing that all employees must read, understand, and follow it. Clark Fawcett inquired about the purpose of the tenure group model in section 101.4. Dayton Hall explained that the manual uses the IRS definition for full-time and part-time statuses. Mr. Fawcett expressed concern that employees might not understand this definition. Mr. Hall suggested removing the definitions and providing a link for employees to research further if needed. Kaden DeMille mentioned that the included language was recommended by consultants, and finding the definition was challenging, so it was included for clarity. Mr. Fawcett pointed out redundancies in the text. Mr. Hall acknowledged the interconnections between chapters and suggested accepting this chapter for now, with the possibility of tweaking it at the end after reviewing all chapters.

Drew Ellerman motioned to accept the chapters presented with the exception that the IRS definition is removed and replaced with a link. Staff will continue to the next chapters. Seconded by Clark Fawcett. Motion carried unanimously.

2. Consideration and possible approval of Resolution No. 2024-20 supporting the responsible adoption and purchase of dogs and other household pets-Andrea Kaaz.

Mayor Billings read the summary that was provided in the packet: "On March 21, 2024, the Council directed the City Attorney to prepare a resolution in support of the responsible adoption and purchase of dogs. The matter was discussed again on April 17, 2024, when the Council requested that the scope of the resolution be increased to include "household pets." The City Attorney has revised the draft resolution accordingly. The resolution essentially encourages residents to be responsible pet owners. The City Attorney approves the draft resolution as to form. -Dayton Hall" Dayton Hall read the proposed resolution.

Kevin Thomas motioned to approve Resolution 2024-20 as written. Seconded by David Hirschi. Motion carried unanimously.

- 323
324 **3.** Consideration and possible approval of Resolution 2023-41 authorizing the disposal of
325 the remainder parcels along Sand Hollow Road due to realignment
326

327 Mayor Billings stated this item needs to be continued until the road has been completed.
328

329 Kevin Thomas motioned to continue Resolution 2023-41 until the road is finished. Seconded by
330 David Hirschi. Motion carried unanimously.

331 **NEW BUSINESS**

- 332 **1.** Consideration and possible approval of local consent for an event held at Sand Hollow
333 Resort - Cassandra de St. Jeor
334

335 Mayor Billings explained Sand Hollow Resort holds a lot of these events. This one is for the Trail
336 Hero kickoff party on September 30th. There are no concerns with the Police or Licensing.
337

338 Kevin Thomas motioned to approve local consent for a single event at Sand Hollow Resort.
339 Seconded by Joseph Prete. Motion carried unanimously.
340

- 341 **2.** Consideration and possible approval of a mural at the Community Center - Youth City
342 Council
343

344 Mayor Billings stated this item needs to be continued because the Youth City Council couldn't
345 be here.
346

347 David Hirschi motioned to continue this item until the next meeting. Seconded by Kevin
348 Thomas. Motion carried unanimously.
349

- 350 **3.** Consideration and possible approval of Ordinance 2024-06 amending Title 5, Chapter 2
351 and Title 10 Chapter 3, 7, 13, 14, 15, 16 and 34 Animal Control and residential and
352 commercial kennel standards - Lynn Excell/Gary Cupp
353

354 Mayor Billings discussed the staff report findings. Chief Excell noted that the project began two
355 to three years ago, with Dayton Hall providing extensive legal review and removing outdated
356 information. The updated policy allows residents to have up to four dogs without requiring a
357 kennel license. Clark Fawcett questioned the rationale for four dogs. Chief Excell explained that
358 this number aligns with other communities' standards and is equitable for the town,
359 accommodating many residents who already have three or more dogs, and this policy provides
360 a process for addressing nuisances. Councilman Prete expressed concern that four dogs could
361 be a lot in high-density areas. Mr. Hall responded that the policy could be adjusted based on
362 density. Kevin Thomas added that apartment complexes typically have their own rules on pet
363 limits, and puppies are not counted until they are six months old.

Kevin Thomas motioned to approve Ordinance 2024-06 as presented. Motion died for lack of second.

Joseph Prete motioned to continue Ordinance 2024-06 until the first meeting in June. Seconded by Clark Fawcett. Chief Excell stated to let them know if they want more information. Motion carried with David Hirschi, Clark Fawcett, and Joseph Prete voting aye. Kevin Thomas and Drew Ellerman voted nay.

Dayton Hall stated that the Planning Commission had already made a recommendation, so there was no need to send it back to them. Instead, staff will work internally to develop ideas on density. He asked for any further direction from the Council and confirmed their desire for options rather than a blanket allowance for four dogs. He encouraged the Council to provide any additional input.

4. Consideration and possible approval of a proclamation designating April 28 - May 4 as Small Business Week

Mayor Billings introduced Jeff Mather with the Small Business Development Center. She stated he had sent over a proclamation, which she had adjusted for Hurricane City. Mr. Mather, representing the Small Business Development Center as the Regional Director for Washington and Kane counties, highlighted their organization's impact. They serve as a significant resource for businesses in the area, with a notable increase in clients from 275 four years ago to 520 clients last year. Despite not engaging in marketing efforts, they receive funding from the Small Business Administration, as well as local governments, community leaders, and other donors, to sustain their operations and support local businesses. He emphasized their role in fostering entrepreneurship by aiding in the creation of 750 companies and the generation of 3,500 jobs, alongside facilitating loans and personal investments. Due to confidentiality agreements, they maintain discretion unless clients approve disclosure. Mr. Mathers shared his extensive background, spanning 12 years in a Fortune 500 company, 15 years as a business owner, and a decade in consulting. He expressed enthusiasm for their diverse clientele, ranging from individuals to entities like Tuacahn, emphasizing their pivotal role in supporting local economies. He underscored the importance of small businesses, noting that they constitute a vast majority of businesses in Utah, and expressed gratitude for the support from entities like Hurricane, enabling them to serve the community effectively. Mayor Billings read the proposed proclamation.

David Hirschi motioned to approve the proclamation designating April 28-May 4, 2024, as Small Business Week. Seconded by Kevin Thomas. Motion carried unanimously.

5. Consideration and possible approval of Resolution 2024-24 Approving an Interlocal Agreement with Washington County regarding funding for the new four plex gymnasium

406

407 Mayor Billings read the summary that was provided in the packet. “The proposed resolution
408 seeks approval for an Interlocal Agreement between Washington County and Hurricane City to
409 fund the construction of the Hurricane City Flour Plex Gymnasium. Following a positive
410 recommendation from the Greater Zion board, \$2,000,000 in tourism funding was proposed for
411 the four-gym building project. The County Commission subsequently approved both the
412 funding request and the interlocal agreement during their April 16th meeting. This agreement
413 aligns with Utah Code, which enables public agencies to collaborate through joint or
414 cooperative actions. - Cindy Beteag” Councilman Thomas stated it is very generous of Greater
415 Zion to offer this funding and he is thrilled to accept it.

416

417 Kevin Thomas motioned to approve Resolution 2024-24 approving an interlocal agreement with
418 Washington County regarding funding for the new four plex gymnasium. Seconded by David
419 Hirschi. Clark Fawcett pointed out under section 1.6 it states in cooperation with St. George.
420 Councilman Thomas amended his motion to change that section to Hurricane City. Dayton Hall
421 stated he did review this, and everything appears to be in order with the State requirements for
422 interlocal agreements. He highlighted the section that states the project must be completed by
423 2025 and if it isn’t then the County reserves the right to require the City to return the funds.
424 Mr. Fawcett pointed out they could have delays due to supply issues. Kaden DeMille explained
425 the delay in the current gym project was due to the lack of drawings. He mentioned that they
426 would have the numbers ready by the following week and could proceed with dusting off the
427 drawings. The consultants estimated a 10-month build timeframe, providing a window for
428 completion. Councilman Thomas suggested adding language to allow for extensions if needed,
429 which Mr. Hall confirmed was already included in the agreement, requiring a written request
430 from the city. Councilman Prete inquired about any continued obligations related to the
431 funding, to which Mr. Hall clarified that the city must provide quarterly reports during
432 construction and allow signage at the building recognizing the funding thereafter. Councilman
433 Prete expressed concern about potential repayment if there are delays, proposing
434 modifications to the agreement's timeline. Councilman Fawcett suggested specifying extensions
435 for material unavailability. However, the Council deemed it a non-issue and opted to proceed,
436 given the County's prior approval of the agreement. Motion carried unanimously.

437

438 Clark Fawcett motioned to go into a public hearing. Seconded by David Hirschi. Motion carried
439 unanimously.

440

441 **6. Public Hearing to take comments on the following:**

442

443 a. New Impact Fee Study and increase to the Parks, Trails, and Recreation Impact Fee

444

445 Steve Nation expressed his concerns regarding the trails and parks master plan, highlighting the
446 security concerns raised by residents regarding the trails along Gould’s Wash. He questioned

whether the budget approval also entailed finalizing a master plan, expressing doubts about the thoroughness of the study on trail placement. Mr. Nation measured the street between his property and a neighbor's, noting a discrepancy in the proposed width of the trail compared to the available space. He raised concerns about the potential impact on properties and questioned the solidity of the master plan, emphasizing the need for consideration of current residents' concerns in the planning process.

b. Preliminary Budget for 2024-2025

No comments.

Kevin Thomas motioned to go out of public hearing. Seconded by Drew Ellerman. Motion carried unanimously.

7. Consideration and possible approval of Ordinance 2024-08 Adopting a new impact fee study completed by Civil Science and increasing the Parks, Trails, and Recreation Impact Fee; and consideration of approval and adoption of the Parks, Trails, and Recreation Master Plan.

Dayton Hall clarified that the plan in question is a component of the general plan, functioning as both a master plan and an impact fee facilities plan. This means it outlines the intended development trajectory while also informing impact fee calculations based on new development impacts. Clark Fawcett emphasized that while the plan provides a framework for future development, it's not set in stone and can be subject to change or elimination based on future circumstances. He noted that decisions regarding the plan's implementation would be made by future city officials, with opportunities for public input and consideration of citizen concerns. Mayor Billing read the summary provided in the packet: "Hurricane is surrounded by scenic red-rock open space and trails for hiking, biking, walking, OHV, and many City-owned parks that offer a wide range of outdoor, recreational activities. For the purpose of improving and enhancing these amenities, the General Plan recommends that the City further evaluate the amount, locations, and quality of the City's recreation programs, open spaces, parks, and trails for the purpose of assuring that current and future populations have adequate access to these important amenities. To achieve this objective, a draft of the proposed Parks, Trails, and Recreation Master Plan has been completed. The Planning Commission heard this item on April 25, 2024, and voted unanimously to adopt the Parks, Trails, and Recreation Master Plan. Notwithstanding their strong support for the master plan, the Commission expressed concern that the proposed increased impact fees would be too high. An alternative amount was not suggested, but it was strongly recommended that the fee increase be lower and that alternative funding sources be explored instead of an increase, such as voluntary monetary contributions, fund-raising, and grants. - Gary Cupp"

Cody Howick and Jordan Goff from Civil Science presented an overview of the master plan, impact fee analysis, and impact fee facilities plan, highlighting that it hadn't been updated since 2008, despite the typical update cycle being five to six years. They conducted an inventory of existing park facilities, noting Hurricane City's 4.23 acres of parkland compared to the national average of 6 acres. The team classified parks into various categories and outlined a three-step process involving collaboration with staff and public engagement, which garnered 228 survey responses, primarily from females and older demographics. Results showed mixed opinions on current parks satisfaction but a desire for more safe trails while maintaining the small-town feel. Public meetings expressed concerns about dog parks and park locations. Proposed future maps indicated well-spaced community parks and potential expansion for neighborhood parks. Compliance with Utah Code 11-36a-306 necessitated adopting the maximum allowable impact fee to address population growth needs, estimated at \$43 million over ten years, translating to a maximum allowable impact fee of \$5,203.06. The packet lacked the final version but the only added information was the Equivalent Residential Connections (ERCs) and their calculation. Kevin Thomas expressed readiness to approve the plan, but he is not ready to approve the impact fee, indicating a need for further discussion. He questioned whether it was the city's responsibility to provide parks and trails for everyone, while Mr. Ellerman highlighted that surveys consistently show parks and trails as citizens' top priorities. Kaden DeMille clarified that the gyms currently planned were calculated at present rates and not contingent on approving the proposed impact fee. Cindy Beteag pointed out that the current impact fee is \$3,109 not the \$1,368 that is shown in the plan. Mr. Howick mentioned that Kanab recently adopted a fee structure based on square footage, while Ivins only charges a residential fee. He thinks the most defensible fee would be to calculate it by ERCs. Clark Fawcett raised concerns about the proposal including a commercial impact fee. Dayton Hall explained the fee structure will be based on water meter size for both residential and nonresidential properties. Gary Cupp mentioned that trails were not currently factored into the impact fee, which justified a slight increase. Mayor Billings explained they can't use the current impact fees for the gyms or trails because they aren't part of the previous capital facilities plan so this new plan is needed.

Drew Ellerman motioned to continue this item. Kevin Thomas clarified they could approve the master plan without adopting the impact fee yet. Mr. DeMille emphasized the need to include gyms in the study so these funds can be used in the future. Mr. Howick reiterated the three components of the plan: the master plan, impact fee facility plan, and impact fee analysis. He explained they could adopt all three and then come back to address the fees. Motion died for lack of second.

Clark Fawcett motioned to adopt the master plan, impact fee facility plan, and the impact fee analysis. Approval does not include increasing the impact fee at this point. Seconded by Drew Ellerman. Dayton Hall added the packet was amended today to include the water chart and a change is needed to correct the current impact fee. Councilman Fawcett amended his motion to include Mr. Hall's comments. Motion carried unanimously.

Kevin Thomas motioned to continue Ordinance 2024-08 increasing the Parks, Trails, and Recreation impact fee to first meeting in June. Seconded by Joseph Prete. Motion carried unanimously.

8. Consideration and possible approval of Resolution 2024-22 approving the 24-25 Preliminary Budget

Mayor Billings read the summary that was provided in the packet. “For the General Fund preliminary budget for FY25 (Fiscal Year July 1, 2024-June 30, 2025), you can see that we are proposing on receiving \$20,316,846 in revenues which is a 10.72% increase compared to FY24. On the bottom of the page, you will see on the first column that operating costs for the general fund is \$18,962,497 and that departments have requested \$4,271,291 in additional capital requests which makes \$23,233,788. \$2,916,942 of cuts are needed to balance. This is an unbalanced budget that by the City Council meeting on May 16th will be balanced with revenues and expenses. On the far-left column you will see what the budget increase percentage is per department. Human Resources is 550.01% due to having \$852,854 of wage and personnel requests from all general fund departments that put in special requests. Animal Control increased 567.65% due to a parking lot fix and a building remodel. The overall budget summary is for all the funds in the City for FY25 compared to FY24. The main differences are due to an increase in Fund 20 Highway Sales Tax and Fund 42 Street Impact projects which are for our street maintenance, rehabilitation, and creation of new streets, Fund 46 Building Fund which includes the City gym being built and also using Fund 47 RAP Tax to help with the cost. This is a good indicator of priorities for the next FY that City Council has emphasized. - Paige Chapman”

Kevin Thomas summarized the Council will need to cut 2.9 million dollars for the budget to balance. They can discuss this further at the May 7th meeting. David Hirschi asked Kaden and Paige to come to that meeting with their recommendations on what should be cut.

Kevin Thomas motioned to approve Resolution 2024-22 approving the 24-25 Preliminary Budget. Seconded by David Hirschi. Motion carried unanimously. Kaden DeMille stated there are a lot of projects in this budget. He invited any member of the Council to sit down and discuss the requests if they have questions.

9. Discussion on a fee schedule for uses at the Lichfield Family Gymnasium

Mayor Billings read the summary that was provided in the packet. “Hurricane City is on the verge of completing the Lichfield Family Gymnasium, marking the city's first-ever gymnasium. With this exciting development, city staff are seeking guidance from the Council regarding the establishment of fees and operating hours for the facility. This direction will help ensure the smooth and efficient management of the gymnasium to meet the needs and expectations of the community. – Cindy Beteag”

Tiffani Wright presented a price comparison of surrounding communities and raised questions about Sunday hours, optimal operating hours, and court rental fees. She expressed concern about a lull during school hours and suggested making midday hours reservation-only. David Hirschi liked the proposed hours and fees. Mrs. Wright proposed offering a membership fee for facility use and keeping one court open for drop-ins once all gyms are built. Drew Ellerman suggested a reduced fee for half-court usage to encourage drop-ins. Mayor Billings asked if teams would still use school facilities under the City's MOU, which Mrs. Wright confirmed would continue if the Council agreed. The Council supported this and requested Mrs. Wright to find the cost of Nets on Fire. They proposed a \$1 drop-in fee and keeping one court always open. Mayor Billings suggested different fees for residents and non-residents, which Kaden DeMille supported due to nonlocal usage. The Council agreed on a schedule for both groups. Mrs. Wright recommended reservation-only hours midday, noting that pickleball players prefer daytime play. The Council decided to restrict certain shoes in the gyms and agreed not to open facilities on Sundays.

- 10.** Consideration and possible approval on ZC24-02 PSP24-03 a Zone Change Amendment request located at 2600 W 100 N from HC, highway commercial, to PC, planned commercial. Parcel numbers H-3-1-32-312, H- 3-1-32-314 and H-3-1-32-41011. VE Management and Investment Co. Applicant. Skylar Stewart, Agent.

Mayor Billings read the summary that was provided in the packet. “The applicant is seeking a zone change and preliminary site plan approval from Highway Commercial to Planned Commercial. This property is located along 2600 W, north and east of the Comfort Inn and Quality Inn, along planned 100 N. Planned Commercial is a mixed-use zoning designation, and a mixture of commercial and residential uses are required. The applicant is proposing apartments on the north and south side of 100 N and hotel and retail space along SR-9. The original submittal requested a ratio of 20% commercial uses to 80% multi-family uses. Although that ratio would meet the minimum requirements of the Planned Commercial Zone, staff felt that an increased commercial component would be more appropriate for the project area. In response, the applicant submitted a revised site plan that increased the ratio of commercial development to 42% and decreased the proposed multi-family development to 58%. The Planning Commission heard this item on April 25, 2024, and unanimously recommended approval subject to staff and JUC comments and the following conditions: The project is allowed multi-family development on Site A to the north of proposed 100 N, which comprises 58% of the project site. The project will provide commercial development on Site B, to the south of proposed 100 N, which comprises 42% of the project site. Multi-family development on Site A to the north of proposed 100 N will be restricted to a maximum height of 35 feet to mitigate any potential adverse impacts to the adjacent single-family properties to the north.

Staff recommends that the City Council review this application based on standards within the Hurricane City Code, and approve the zone change subject to staff and JUC comments and the recommended conditions of approval. Gary Cupp”

Skyler Stewart thinks the proposed zone use is ideal as a buffer, he noted that they had implemented a twenty-foot setback to provide a good backyard. He understands there will be additional approvals that are needed in the future. Drew Ellerman stated he has been an advocate for the 70/30 ratio, but he is willing to support this proposal because of the road. He pointed out the potential that these could be three story buildings. He would like to see elevations in the future. Mr. Stewart confirmed they plan on doing three stories. Mr. Ellerman clarified this development adjoins to single family development. Mayor Billings expressed hesitation about changing the zone from commercial to residential, pointing out the difficulty in reverting it back to commercial. Mr. Stewart argued that the proposal was a good compromise, with commercial in the front and residential in the back. Dayton Hall explained that the zone change request for planned commercial allows up to 55 feet in height and an 80/20 residential/commercial split. He mentioned that staff discussions had not supported the 55-foot height so what is being proposed is a compromise between the applicant and planning staff. David Hirschi expressed reluctance with changing the highway commercial zone and allowing three story buildings. Clark Fawcett agreed but this felt like this proposal provided a necessary buffer. Kevin Thomas observed that the plans seemed more detailed for the residential component than for the commercial, suggesting the primary intent might be to secure residential units. Mr. Stewart responded that constructing the road was essential and that various uses had been considered, with this proposal being the best fit. He added that low-density development was challenging near the highway.

Clark Fawcett motioned to approve ZC24-02 PSP24-03 as presented. Motion died for lack of second. Mr. Ellerman expressed concern about the lack of designated parking stalls for visitors, warning that it could lead to significant issues. Mr. Stewart responded that the management of the complex would handle such matters. Mr. Ellerman also noted the absence of amenities and recreational spaces for residents. Mr. Hall clarified that the planned commercial zone is unique in that it requires a site plan as part of the zone change process, meaning the development will be tied to the presented plan.

David Hirschi motioned to deny ZC24-02 PSP24-03 based on the fact that commercial is needed, three story buildings are unfavorable, parking is an issue, and there are no amenities. Seconded by Kevin Thomas. Motion carried unanimously.

- 11.** Consideration and possible approval of Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50 to add a new zoning classification R1-4, residential one unit per 4,000 square feet. Hurricane City, Applicant

Mayor Billings read the summary that was provided in the packet. “The City Council has directed staff to amend the City’s land use ordinance for the purpose of creating an R1-4 single-family residential zoning classification. The intent of the proposed R1-4 zone would be to facilitate the development of smaller, naturally more affordable housing in the City by allowing single-family development on smaller lots with reduced development standards. If adopted, this zoning designation would only be available through a formal zone-change request and by approval of the City Council. In response to discussions with the City Council and the Planning Commission, some of the key elements of the proposed zoning classification are listed below: 4,000 square foot average lot area (3,600 square foot minimum). 50-foot minimum lot width. ADUs or Air B&Bs will not be permitted. Reduced setback standards: Front Yard – 15 feet for living area / 20 feet to the garage, Rear Yard – 10 feet, Side Yard – 5 feet, and Interior Side Yard – 15 feet. The proposed code amendment will require updates to portions of Chapters 11, 13, and 50 of Title 10. The Planning Commission heard this item on April 25, 2024. The majority of the Commission expressed overall support for the proposed R1-4 zone, but they also had significant concerns. During their discussions on the item, worry was expressed that if the General Plan becomes binding, this zone would be allowed anywhere in the city with a single-family designation, thus, causing the city to lose its agricultural character and change into a higher density urban area. The Commission voted 5 to 2 to recommend approval, with the 2 dissenting votes citing doubts as to whether or not this ordinance would even have any real ability to provide more affordable housing at all, and felt that it may even have the unintended effect of possibly increasing prices. Ultimately, the Commission felt that such a zoning class would provide a viable option to develop more affordable housing in the city and supported the adoption of the R1-4 zone with the admonition that it only be allowed by existing multi-family developments and other higher density areas in the city, and also urged that the minimum lot size be no smaller than 4,000 square feet, instead of 3,600, and eliminate the proposed average lot size altogether. Staff has no objections to the Planning Commission’s suggestions and recommends approval. Gary Cupp”

Kevin Thomas emphasized the importance of adopting this chapter correctly to avoid unintended consequences. He suggested that the Council continue the discussion and conduct further research, including visiting locations with similar setbacks. The Council compared different lot sizes. Clark Fawcett expressed concern that developers would just build taller houses on smaller lots. This would not result in affordable housing and would be difficult to regulate. Drew Ellerman explained the minimum house size requirements with a one-car garage, likening it to standalone townhomes, and advocated for height and story limits as a strategy for affordable housing. Gary Cupp suggested setting a maximum building size, noting that cities cannot limit building materials. Kaden DeMille supported the idea of limitations. Mr. Ellerman mentioned that adjusting setbacks could help control square footage. Mr. Hall raised concerns about living spaces being only 15 feet from the street, citing National Electrical Code clearance issues with combustible materials and insufficient driveway space for parking, which could conflict with city ordinances restricting parking on sidewalks. Mayor Billings advised the

council to visit Rainbow Canyon, remarking that no one would want to live there under the proposed conditions.

Steve Nation shared his experience of living in an area with half-acre lots where a developer wanted to build eight lots per acre with two-story houses. He explained that this led to cars not fitting in driveways and ultimately destroyed the neighborhood's character and dynamics. He emphasized that such development changes the entire neighborhood dynamic. He noted that the Planning Commission had recommended limiting these high-density areas throughout the city to prevent similar issues.

Mr. Fawcett agreed that limiting where high-density areas could be located would be best. Mr. Ellerman noted that they would either have to create a new designation in the General Plan or include a section in the planned development area to allow this, with a restriction that such use could never be adjacent to larger lots. Mr. Thomas suggested that driveways should be accessed off private drives and that the size of the subdivisions should be limited. Mr. Ellerman added that he wouldn't mind eliminating sidewalks on one side of the street.

Kevin Thomas motioned to continue Ordinance 2024-07 to the first meeting in June and he asked the Council to put down their thoughts so they can discuss them. Seconded by David Hirschi. Motion carried unanimously.

12. Mayor, Council, and Staff reports

Mayor Billings reminded the Council that the Copper Rock tournament is coming up. Tuesday the 14th there is a meet and greet with the Pro's at Big Shots from 6-9 p.m. She has tickets for thirty-two people to go. Then on the 21st there is a meet the Senior Players at Copper Rock. There will be food, beverages and DJ Lex. Anyone can go 5:30-7:30 p.m. She stated Southwest Health has asked the City to put up signage that will empower parents around recreational amenities. She gave some examples. The Council is in favor of them bringing a proposal back to them.

13. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

David Hirschi motioned to go into a closed session at 10:40 p.m. to discuss water rights and purchase of property. Seconded by Drew Ellerman. Motion carried unanimously.

Adjournment: Joseph Prete motioned to go out of the closed session and adjourn the meeting at 11:14 p.m. Seconded by David Hirschi. Motion carried unanimously.

Minutes of the Hurricane City Council special meeting held on May 7, 2024, in the Council Chambers at 147 N 870 West, Hurricane, Utah at 5:30 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Kevin Thomas, Clark Fawcett, Drew Ellerman, and Joseph Prete

Also Present: City Manager Kaden DeMille, Finance Manager Paige Chapman, and Police Chief Lynn Excell

AGENDA

5:30 p.m. Discussion regarding the 2024-2025 budget

The City Council convened to review the bubble list for the upcoming 2024-2025 budget and assess potential areas for reduction or elimination.

Adjournment: David Hirschi motioned to adjourn at 7:05 p.m. Seconded by Joseph Prete. Motion carried unanimously.

Minutes of the Hurricane City Council meeting held on May 6, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 3 p.m.

Members Present: Mayor Nanette Billings and **Council Members:** David Hirschi, Clark Fawcett, and Joseph Prete.

Members Excused: Kevin Thomas and Drew Ellerman

Also Present: City Manager Kaden DeMille, City Accountant Paige Chapman, City Attorney Dayton Hall, Water Superintendent Ken Richins, Public Works Director Mike Vercimak, Power Superintendent Scott Hughes, Zoning Administrator Gary Cupp, Planning Assistant Fred Resch III, Street Superintendent Weston Walker, Recreation Director Tiffani Wright, Building Official Larry Palmer, Planning Technician Brienna Spencer, and Chief Deputy Kurt Yates.

AGENDA

3:00 p.m. Work Meeting

1. Field trip to the Three Falls Substation

The Council all traveled to the Three Falls Substation to see the construction progress. They then returned to the Council Chambers.

4:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports

Fred Resch III shared that he and Gary were at the spring APA conference where he did a presentation on short term rentals. He mentioned he got a complaint about illegal dumping down by Confluence Park. He has sent notice to the new property owners.

Gary Cupp reported on the APA conference they attended last week, where legislative updates were a major focus. The primary topics were growth and affordable housing, with zoning reform being a key issue. Nationally, there is a push to eliminate single-family zoning, and the state of Utah appears to support this movement. However, it is not yet mandatory in Utah, and it is unclear if it will be included in any new legislation. He also mentioned that the planning department is busy, with a consistent flow of planning applications and ordinance updates.

Weston Walker stated that the slurry seal project was expected to be completed that day. He has been coordinating with Straight Stripe to schedule the painting of lines and crosswalks, hopefully by next week. He mentioned discussions with Tiffani Wright about painting parking stalls on 100 West, where the road has been closed. The Council supported stripping parking stalls outside the barricades but not inside. He reminded everyone about the upcoming City cleanup, with dumpsters to be located at the pool, near the fire department on 3400 West, on 700 West and 400 South, and near Dixie Springs. In response to Clark Fawcett's inquiry about plans for the wash at 700 West and 400 South, he explained that while they were able to clean it out last year using equipment, they had not secured the necessary equipment this year. They did use a mower but were unable to finish before the tail water rose.

Ken Richins mentioned that the test well at Gould's Wash was completed and water samples have been sent off for analysis. He stated that the irrigation expansion project was progressing, with estimation numbers ready to be used for bidding. Once the final numbers are received, the project could be advertised and open for bid hopefully by Friday of the following week. He noted that this project had been a lengthy process that began in 2017. He also mentioned that they were still awaiting engineering results for the Dixie Springs well.

Scott Hughes thanked the Council for visiting the Three Falls Substation. Preparations are underway to get the generators ready for the summer. While power fees have been manageable, he stressed the importance of being prepared with backup generators. He recently attended UAMPS training, which included tours of the Payson Nebo Plant and Lehi City's Power Plant. He informed the Council about upcoming tours of the IPP Plant in Delta and the new steel solar plant in Plymouth, inviting them to join. He noted that they have entitlements in the IPP Plant. In response to Mayor Billings' inquiry about other generation purchase options, he explained that they were continually exploring alternatives. There is a promising solar project by Parowan, an RFP for geothermal projects, and the consideration of building UAMPS-owned gas plants in several locations.

Chief Deputy Kurt Yates informed the Council about a new bill requiring every school to have either a resource officer, private security guard, or school guardian. The school district is considering the school guardian program, where the guardians will be employed by the district, armed, and trained in firearms, de-escalation, and law enforcement. He highlighted the necessity of having a replacement officer or school guardian when a school resource officer is absent due to sick leave or training, ensuring the school is never left unattended. Additionally, each classroom will be equipped with a panic button. He emphasized that they have been training for active shooter responses, and the protocols proved effective during a recent situation. He also noted that Bob Tippetts has completed his field training and is now patrolling the city independently. He pointed out that this bill makes Utah the first to implement such measures without having experienced an active shooter incident.

Larry Palmer reported that they have received nine new single-family home permits, one twin home permit, and one commercial permit. The Standard Plumbing building has been finalized. They are also working with Jellystone Park to get them operational, with the goal of being ready by next Friday.

5:00 p.m. - Call to Order –

Prayer, Thought and Pledge led by Paige Chapman

Declaration of any conflicts of interest

None declared.

Minutes of the Special City Council Meeting April 17, 2024

Clark Fawcett motioned approve the minutes from April 17, 2024. Joseph Prete seconded the motion. Motion carried unanimously.

77 Presentation from Bikers Against Child Abuse (BACA)- SASS

78 Shots has been a member of BACA (Bikers Against Child Abuse) for 18 years. He explained that
79 BACA is a free resource available to anyone in need. The organization, which helps children in
80 abusive situations, was founded in Northern Utah and has since expanded to eight chapters
81 within Utah and many more worldwide.

82 **Public Forum – Comments From Public**

83 **OLD BUSINESS**

84 1. Consideration and possible approval of a mural at the Community Center - Youth
85 City Council

86
87 A video of Suzy Giles was played in which she shared her experience serving on the Youth City
88 Council for the past two years, focusing on city beautification. She expressed her desire to
89 incorporate more art into the community as a fun way to make the city unique. As a member of
90 an art studio, she has created sketches for crosswalk murals. She sought the Council's approval
91 to paint a mural on 100 West. However, the sketches were not available for the Council to
92 review in time for tonight's meeting.

93
94 David Hirschi motioned to continue this item until June 6, 2024. Seconded by Joseph Prete.
95 Motion carried unanimously.

96 **NEW BUSINESS**

97 1. Annual Police Report for 2023

98
99 Chief Deputy Kurt Yates presented to the Council, reviewing the department's structure,
100 supervisors, and their respective responsibilities. He provided statistics for 2023, comparing
101 them with previous years. While some categories have decreased, others have increased, which
102 he attributed to the city's growth. He explained their procedure for handling vehicle accidents
103 and highlighted the areas with the highest accident rates. He noted that Hurricane City's crime
104 rates are comparable to other communities in Washington County. Additionally, he mentioned
105 that, for the first time in a long time, they are disposing of a significant amount of evidence.
106 They have seen a dramatic increase in GRAMA requests.

107
108 2. Consideration and possible approval of Resolution 2024-14 adopting and setting fees for
109 uses at the Lichfield Family Gymnasium - Tiffani Wright

110
111 Tiffani Wright created a proposal based on feedback from the last Council meeting. She
112 questioned whether there should be a different drop-in fee for residents and nonresidents or if
113 it should be the same for everyone. The Council agreed to have the fee the same for all. Joseph
114 Prete suggested defining "resident" and "nonresident" more clearly. Mrs. Wright recommended
115 defining a resident as someone living within the High School boundaries. David Hirschi

emphasized the importance of monitoring shoe types to prevent damage to the courts. Councilman Prete inquired about the status of the water repair and the court floor. Mrs. Wright reported that the fire risers had been fixed and they were still waiting on some items for the floor.

David Hirschi motioned to approve Resolution 2024-14 adopting and setting fees for uses at the Lichfield Family Gymnasium making the clarification that a resident is someone who resides in the Hurricane High School boundaries. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

3. Consideration and possible approval of a power line extension to the area south of Sky Ranch - Scott Hughes

Scott Hughes presented a map to the Council highlighting ongoing projects in the southern area of town. He referenced the history provided in the packet, which detailed when the capacity problem in this area was first identified. They developed cost estimates for all approved developments and established agreements on the costs to extend power to this area. City code requires that power line extensions be approved by the Council. Mr. Hughes questioned how the Council preferred to handle these approvals in the future, suggesting that applicants come directly to the Council for extensions instead of going through him. He reviewed the proposed projects in the area, including a new service to the City's new well at Sky Ranch, and outlined the requirements for each. David Hirschi expressed interest in hearing recommendations from Mr. Hughes and the Power Board and supported the idea of applicants presenting their requests directly to the Council. Mr. Hughes shared that both he and the staff, as well as the Power Board, recommended approval. He emphasized that this approach would not cost the City anything, as the developers would bear the costs. By grouping these developers and sharing expenses, the cost for the Water Department would be significantly reduced.

Kaden DeMille asked if the water well would have sufficient power capacity through the Sky Ranch system without updating and installing new infrastructure. Mr. Hughes responded that he did not think so and suggested that a study be conducted to determine the necessary updates. Clark Fawcett proposed that the power service extensions be considered as part of a whole package including other utility and service considerations. Dayton Hall explained that the ordinance requires the decision on a line extension to be based on the best interest of existing residents in the City. Mr. DeMille inquired about who would be responsible for installing the new infrastructure. Mr. Hughes explained that this could be decided, but typically they contract out for underground lines and handle overhead lines themselves if their schedule allows. Mr. DeMille noted that if the City builds it, it represents an opportunity cost to the City. Joseph Prete expressed concerns similar to those of Councilman Fawcett, recalling his previous opposition to zone changes due to inadequate services. He was against leapfrogging services miles away and did not feel an urgent need to provide these services to developers, as extending power would increase the stakes. Mike Vercimak shared his excitement that Mr.

Hughes found the relevant wording in the ordinance, as it forces the Council to consider the issue more carefully. He noted that extending one utility often spurs growth, as seen with the sewer line. Mr. Fawcett reiterated the need to consider the entire picture before making a decision.

Patrick Jaqueline is one of the applicants seeking an extension of power service south of Sky Ranch. He emphasized the uniqueness of his development. He and his wife aim to become residents of Hurricane City, noting that theirs is the only development that has not requested a zone change on their property. He assured the Council that he does not want other citizens to bear the burden of his development and is willing to pay their share. Ken Richins highlighted the urgent need for increased capacity to support the new water well in that area. Mr. Prete pointed out that "facilities" encompasses more than just utilities—it includes streets, drainage, utilities, sewer, fire, and police services. He stressed that these infrastructure developments would incur significant costs and that prioritizing this project means potentially deprioritizing others. He emphasized the need to determine if this development is critical or if there are other viable options.

Clark Fawcett motioned to continue the possible power line extension approval until the July 18th meeting, with direction to the Public Works Director to provide a report on the status of other infrastructure and services in the area south of Sky Ranch. Seconded by Joseph Prete. Motion carried unanimously.

David Hirschi motioned to go into a Public Hearing. Seconded by Clark Fawcett. Motion carried unanimously.

4. Public Hearing to take comments on the following:

a. 2024-2025 Fiscal Year Budget

No comments.

b. Proposed amendments to the 2023-2024 Fiscal Year Budget

No comments.

David Hirschi motioned to go out of Public Hearing. Seconded by Joseph Prete. Motion carried unanimously.

Clark Fawcett motioned to go into Public Hearing. Seconded by David Hirschi. Motion carried unanimously.

5. Public hearing to take comments on the following:

- 198 a. Wage increases within the 2024-2025 Fiscal Year Budget of up to 5% for all
199 executive municipal officers as defined in Utah Code 10-3-818.

200 No comments.

201
202 Joseph Prete motioned to go out of Public Hearing. Seconded by Clark Fawcett. Motion carried
203 unanimously.

204
205 **6. Consideration and possible approval of Resolution 2024-25 approving the 2024-2025**
206 **Fiscal Year Budget**

207
208 Kaden DeMille reviewed the proposed budget items, highlighting differences between last
209 year's budget and the allocation of funds. Mayor Billings inquired about employee wages and
210 potential increases. Mr. DeMille stated that a 4% increase is anticipated across the board in
211 January, contingent on revenue. He clarified that the agenda listed a 5% increase for the public
212 hearing due to a change in State Legislation that prevents the City from covering retirement
213 fund contributions for Tier 2 non-public safety employees. Mayor Billings expressed concern
214 about a tighter budget while offering a higher wage increase. Mr. DeMille noted that wages
215 could be reviewed again in January based on revenue performance. He reported that the
216 proposed budget is \$79,043,527. Paige Chapman mentioned that the budget includes approval
217 for a new Public Works employee, who could be hired on July 1, 2024. Mayor Billings suggested
218 advertising the position by June 15th to enable an immediate start. Mr. DeMille stated that the
219 logistics and funding for office equipment need to be discussed. David Hirschi asked if Peach
220 Days requested an increase or if it was proactively included. Mrs. Chapman explained that the
221 increase was based on current costs and the expansion of Peach Days to a week-long event.

222
223 Clark Fawcett motioned to approve Resolution 2024-25 approving the 2024-2025 Fiscal Year
224 Budget as presented. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

225
226 **7. Consideration and possible approval of Resolution 2024-26 approving and adopting**
227 **amendments to the 2023-2024 Fiscal Year Budget**

228
229 Kaden DeMille provided a brief overview of the changes in the 2023-2024 fiscal year budget.
230 Councilman Hirschi inquired about the remodel of the golf pro shop. Mr. DeMille explained that
231 they are in the process of securing an architect and engineer for the project, and the Request
232 for Qualifications (RFQ) is ready to be issued.

233
234 Clark Fawcett motioned to approve Resolution 2024-26. Seconded by Joseph Prete. Motion
235 carried unanimously by a roll call vote.

236
237 **8. Mayor, Council, and Staff reports**

238
239 Mayor Billings handed out flyers for the June 5th Boot Stompin fundraiser event.

240

241 **9.** Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

242

243 Closed Meeting was not held.

244 **Adjournment:** David Hirschi motioned to adjourn at 7:10 p.m. Seconded by Clark Fawcett.

245 Motion carried unanimously.

246

DRAFT



STAFF COMMENTS

Consideration and possible approval of **Ordinance 2024-06 amending Title 5, Chapter 2 and Title 10 Chapter 3, 7, 13, 14, 15, 16 and 34 Animal Control and residential and commercial kennel standards** - Gary Cupp / Lynn Excell

Discussion:

Updated Summary for June 6, 2024 Meeting: (by Gary Cupp)

On May 2, 2024, the City Council considered the proposed amendments to Title 5 and Title 10 of the Hurricane City Code relating to Animal Control regulations. The Council continued this item to allow staff time to work internally to develop ideas on how density might be used to limit the number of dogs allowed on residential properties, as well as potential limits on the number of dogs. Accordingly, staff from the Planning Department met with the Police Department and the City Attorney to discuss the direction given by the City Council. Basing an allowable number of dogs on zoning and density was evaluated by staff, and it was concluded that it would likely be difficult for an enforcing officer to determine how many dogs would be allowed without involving other departments to provide the zoning and density information. Therefore, an alternate approach that could be more practically enforced using building types instead of density and zoning was then explored. This approach could be developed to allow more dogs in single-family residences and fewer dogs in multi-family situations. It was also discussed that there are significantly fewer complaints about dogs from multi-family housing developments. This is largely due to the fact that apartments, condos, and other multi-family homes usually have pet limitations that are enforced by the landlords already in place, thus making additional City-mandated regulations unnecessary.

Findings

Taking into consideration 1) the existing landlord-enforced pet limitations, 2) current City ordinances that already allow four dogs, in conjunction with, 3) the newly proposed enforcement provisions that will allow the City to take action in the event of repeated violations, staff finds that the limit of four dogs, as proposed, is reasonable and consistent with residential land uses.

Recommendation

After careful consideration, staff recommends approval of the proposed ordinance amendments as they were presented on May 2, 2024.

Previous Summary for May 2, 2024: (by Dayton Hall/Fred Resch III)

This agenda item proposes amendments to the current animal control ordinance. There are amendments to Title 5 Chapter 2 which is the animal control ordinance and some associated changes in Title 10, the land use ordinance. The first attachment in the Council's packet is the proposed, updated ordinance. The second attachment is a redlined version showing in red each of the proposed amendments. The Council should review the text of the proposed changes, but here is a summary of key changes:

1. Clarification of definitions, removal of obsolete definitions.
2. Amendment permitting up to four dogs at a residential property, whereas under the current ordinance the 3rd and 4th dog at residential properties requires specific approval by the Zoning Administrator.
3. Clarification of rabies vaccination requirements.
4. Replacement of specific dollar amounts for fees with a reference that fees will be established by resolution of the City Council. Exemption for service animals from licensing fees.
5. New provision that provides that after three attacks by the same dog, two of which must be physical bites, and confirmed by written statements, the dog will be subject to euthanization. The dog's owner may appeal the determination that three attacks have occurred to a hearing officer appointed by the City.
6. New provision making it unlawful to leave an animal unattended in a vehicle under conditions that endanger the health of the animal due to heat, cold, lack of adequate ventilation, and lack of food or water. Officers are authorized to take reasonable steps to remove an animal from a vehicle in these conditions.
7. Clarifications to the dog barking nuisance provision.
8. Removal of a provision that made it unlawful to sell baby rabbits or fowl in any quantity less than 6.
9. Removal of an antiquated ordinance governing 'estrays', which set out a complicated process and redemption procedure for cattle, horses, asses, mules, sheep, goats, and swine. Instead, the normal animal control procedure will be followed if these animals are seized by the department.
10. New provision that when there are 3 or more violations of the animal control ordinance by the same owner and the same dog within a 12-month period, the dog may be impounded and then adopted, rescued, or euthanized.
11. Removing residential kennels from both the definitions and land use ordinances.
12. Adding conditions for commercial kennels to be issued conditional use permits in commercial zones. These conditions include, but are not limited to:

--Outdoor facilities being at least 150 feet from residential zone boundaries

--Dogs are only allowed to be outside from sunrise to sunset

--Facilities shall be designed to abate any noise from the facility

The Police Department and the Division of Animal Control recommend that the proposed ordinance amendments be adopted. The Planning Commission held a public hearing on April 25th, 2024 and unanimously recommended approval on the amendments to Title 10 to the City Council. The City Attorney approves as to form the proposed ordinance.

Findings:

Recommendation:**Attachments:**

1. Ordinance 2024-06 amending Title 5, Chapter 2 and Title 10, Chapters 3, 7, 12, 13, 14, 15, 16, and 34 Animal Control
2. 240329 Revisions to Animal Control Ordinance (DH) (v. 13.5) (RL)
3. Animal Control CHAPTER_12.____AGRICULTURAL_ZONES (FR3 edits)
4. Animal Control CHAPTER_13.____RESIDENTIAL_ZONES (FR3 edits)
5. Animal Control CHAPTER_14.____RESIDENTIAL_AGRICULTURE_ZONES (FR3 edits)
6. Animal Control CHAPTER_15.____COMMERCIAL_ZONES (FR3 edits)
7. Animal Control CHAPTER_16.____BUSINESS_AND_INDUSTRIAL_ZONES (FR3 edits)
8. Animal Control CHAPTER_34.____OFF_STREET_PARKING_AND_LOADING (FR3 edits)
9. Animal Control Sec._10_3_4.____Definitions_of_words_and_phrases. (FR3 edits)
10. Animal Control Sec._10_7_9.____Conditional_use_permit. (FR3 edits)
11. LUCA24-01 Kennel standards CC staff report_5-2-24

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 5, CHAPTER 2
AND TITLE 10 CHAPTERS 3, 7, 12, 13, 14, 15, 16, AND 34 WITH REGARDS TO ANIMAL
CONTROL.**

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 5, Chapter 2 of the Hurricane City Code governing animal control; and

WHEREAS, the City Council deems this amendment necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane; and

WHEREAS, the Planning Commission of Hurricane City has recommended approval of the changes

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Section 5-2 of the Hurricane City Code is amended to read as follows:

Sec. 5-2-1. Division of Animal Control.

- A. *Created.* There is hereby created within the Police Department a Division of Animal Control with power to apprehend, take, and impound any animal found in violation of this chapter, including licensable dogs for which no license has been procured in accordance with this chapter, and otherwise carry out and enforce the provisions hereof under the direction and supervision of the Chief of Police. The Director of the Division shall be the Chief of Police, and he may be assisted in his duties by an Animal Control Supervisor and any peace officer or Animal Control Officers as the Chief may designate.
- B. *Duties of officials.*
 - 1. The Chief of Police shall:
 - a. Enforce this chapter and perform other responsibilities pursuant thereto.
 - b. Supervise the City Animal Control Officers and Animal Shelter under his jurisdiction.
 - c. Keep adequate records of all animals Impounded and all monies collected.
 - d. Implement and enforce the provisions hereof requiring dogs to be licensed and commercial establishments to have obtained a business license as provided by this chapter.
 - e. Establish, in cooperation with other interested governmental agencies, adequate measures for rabies immunization and control.
 - 2. Each Animal Control Officer shall:

- a. Enforce this chapter in all respects pertaining to animal control within the jurisdiction, including the care and impounding of animals and prevention of cruelty to animals.
- b. Carry out all duties prescribed or delegated by the Chief of Police.

Sec. 5-2-2. Definitions.

As used in this chapter, unless the context otherwise indicates, the following words shall mean:

Abandoned means placing an animal in an environment where the animal is denied basic needs such as food, water, necessary shelter, or necessary medical attention, for a period of time exceeding twenty-four (24) hours. Abandoning an animal includes failure to reclaim an animal for seventy-two (72) hours beyond the time agreed upon with any kennel, Groomery, or other similar facility. Abandoning an animal also includes failure to reclaim a pet from an Animal Shelter, or refusal of the animal's Custodian to sign a relinquishment authorization, after seventy-two (72) hours following the shelter's attempt to notify the animal's Custodian of the animal's location.

Animal Control Officer means any person: (1) designated by the State of Utah as a 'law enforcement officer,' as defined in Utah Code Title 53, Chapter 13, as amended or (2) designated by Hurricane City, through the Hurricane Police Department, as an officer who is authorized by law to perform the duties specified by this chapter.

Animal Shelter means a facility owned and/or operated by the City for the confinement or care of animals seized, Strayed, homeless, Quarantined, or Abandoned.

At Large means any Domesticated Animal off the premises of the Owner or Custodian of the animal, and not under immediate control of the Owner or Custodian. In the case of a Dog, immediate control shall mean on a leash, cord, chain, confined within a vehicle or within the direct command of the Owner or Custodian.

Attack means any attempt on the part of an animal, whether successful or not, to Bite or act in any other way that places a person or another animal in danger of or fear of immediate bodily harm. Actual physical contact shall not be required to constitute an Attack.

Bite means an actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

Commercial Kennel means a commercial establishment or other facility having three or more dogs for the purpose of boarding, breeding, keeping, buying, selling, grooming, letting for hire or training for a fee.

Custodian means any person harboring, keeping, possessing, maintaining, or having charge, care, custody, or control of an animal. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard, or premises, shall be presumed to be a Custodian of such animal.

Dog means any member of the sub species *Canis Lupus Familiaris* four (4) months of age or older. Any *Canis Lupus Familiaris* under four (4) months of ages is a Puppy.

Domesticated Animals means animals accustomed to living in or about the habitation of man.

Groomery means any establishment maintained for the purpose of offering cosmetic services for animals for profit.

Impounded means having been received into the custody of the City Animal Shelter or into the custody of any authorized agent or representative of the City.

Owner means any person or persons, firm, association, or corporation owning, keeping, or harboring an animal.

Quarantine means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

Strayed means an animal whose Owner cannot be immediately identified through reasonable diligence.

Vicious Animal means any animal, including dogs, which has bitten without provocation or has a known propensity to Attack or Bite.

Wild Animal means any animal of a species that in its natural habitat is wild. Wild Animals, regardless of domestication, include, but are not limited to:

- (1) Alligators and crocodiles;
- (2) Bears (*Ursidae*), including Grizzly Bears, Brown Bears, and Black Bears;
- (3) Feline family (*Felidae*), including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, etc., but excluding the commonly accepted domesticated house cats;
- (4) Dog family (*Canidae*), including wolves, foxes, coyotes, dingos, etc, but excluding domesticated dogs (*Canis Lupus Familiaris*);
- (5) Porcupine (*Erethizontidae*);
- (6) Primates (*Hominidae*), including all subhuman primates;
- (7) Raccoon (*Prosynnidae*), including the Eastern Raccoon, Desert Raccoon, and Ringtailed Cat;
- (8) Skunks;
- (9) Venomous fish and piranhas;
- (10) Venomous snakes and lizards; and
- (11) Weasels (*Mustelidae*), including weasels, martens, wolverines, badgers, otters, mongoose.

Sec. 5-2-3. Dogs; Cats; Rabies Control.

A. *Licensing requirements.*

1. *Limitation on number of dogs allowed.* Except for licensed Commercial Kennels in permitted zones, no person or persons shall, at any one time, own, harbor, board, keep, or license more than four (4) Dogs at any one residence, property, or premises unless otherwise permitted by this Chapter.
2. *Age of Owner.* Except as provided herein, all Dogs must be licensed each year to a person 18 years of age or older.
3. *Time within which to obtain license.* Any person or entity owning, possessing or harboring any Dog shall obtain a license for such animal within 30 days after the Dog reaches the age of four months, or, in the case of a Dog over four months, within ten days after acquisition of the Dog.
4. *Application for license.*
 - a. *General requirements.* New or renewal license applications for all Dogs must be submitted annually to the Division of Animal Control, utilizing a standard form which contains the name, address and telephone number of the applicant; the breed, sex, color and age of the Dog; rabies information; and any other information deemed relevant. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccination certificates must be obtained from a licensed veterinarian. First-time rabies vaccinations are valid for one year. After the first rabies vaccination, subsequent vaccinations are valid for three years.
5. *Fees for license.* Fees shall be as established by resolution of the City Council.
6. *Effective date of license.* All licenses shall be effective from the date of purchase through the end of February of the following year, after which a late fee may be imposed. Licenses for the following year may be purchased within 90 days prior to the end of February.

B. *Tag.*

1. Upon payment of the license fee, the Division of Animal Control shall issue to the Owner a certificate and a tag for each Dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The Owner shall attach the tag to the collar or harness of the Dog and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this chapter, except that Dogs which are kept primarily for show purposes are exempt from wearing the tag.
2. Dog tags are not transferable from one Dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon proof of prior receipt and payment to the Division of Animal Control in the amount established by resolution of the City Council.

3. Any person removing or causing to be removed the collar, harness, or tag from any licensed dog without the consent of the Owner or Custodian thereof, except a licensed veterinarian or Animal Control Officer who removes such for medical or other reasons, shall be in violation of this Chapter.

C. *Exemptions to licensing requirements.*

1. The provisions of subsections A and B of this section shall not apply to:
 - a. Dogs that have a current, valid license from another city/town and whose Owners are not residents of the City and who are in the City for less than 30 days. Dogs licensed elsewhere and whose Owners remain in the City for more than 30 days may transfer the license for up to four Dogs to a City license upon submission of proof of current rabies vaccination and payment of a fee in the amount established by resolution of the City Council.
2. The fee provisions of subsection A5 of this section shall not apply to:
 - a. Dogs qualifying as service animals under Utah law and under the Americans with Disabilities Act, provided that the Owner provides adequate documentation as determined by the Division of Animal Control.
 - b. Dogs specifically trained to assist law enforcement agencies that are owned by such agencies.
3. Nothing in this section shall be construed so as to exempt any Dog from having a current rabies vaccination.

D. *Unlawful acts.*

1. *Harboring stray Dogs.* It shall be unlawful for any person, except an animal shelter, to harbor or keep any lost, Abandoned or Strayed Dog. Whenever any Dog shall be found which appears to be lost or Strayed, it shall be the duty of the finder to notify the Division of Animal Control within 24 hours, and the Division shall impound the Dog as herein provided.
2. *Female Dogs in heat.* It shall be unlawful for the Custodian of any female Dog in heat to fail to confine such Dog in a secure enclosure so as to prevent it from coming into contact with other Dogs and creating a nuisance, except for planned breeding.
3. *Attacking Dogs.*
 - a. It shall be unlawful for the Owner or Custodian of any Dog to allow the Dog to Attack, chase, or worry any person, any Domesticated Animal having a commercial value, or any domestic fowl. "Worry," as used in this subsection, shall mean to harass by tearing, biting, or shaking with the teeth. Killing of a Dog by any person while the Dog is engaged in any act prohibited by this subsection, which is reasonably necessary to stop the Dog's actions, shall not be violation of any other provision of this chapter, provided such killing in no way endangers another's safety or property.

b. Upon three (3) Attacks by the same Dog, two of which must be Bites, as confirmed by sworn witness statements submitted to the Division of Animal Control, an Animal Control Officer shall impound the animal to be euthanized pursuant to Section 5-2-6 of this Chapter. Prior to the euthanization of such Dog, the Division of Animal Control shall provide written notice of the intent to euthanize the Dog to the last known address of the Dog's Owner. The written notice shall be deemed provided on the date that the notice is mailed. If the Dog's Owner is unknown, or if the Division of Animal Control has no address on file for the Owner, the Division of Animal Control shall hold the Dog for fifteen (15) calendar days before proceeding with euthanization of the Dog, during which period the Dog's Owner may file a written opposition to the euthanization of the Dog with the City Attorney's Office. If the Dog's Owner and address is known, the Owner may oppose the Dog's euthanization by filing a written opposition with the City Attorney's Office within fifteen (15) calendar days of the mailing of the notice of intent to euthanize the Dog. A written opposition to the Dog's euthanization shall not be valid or effective unless it is accompanied by payment of \$750, or a different amount set by the City Council by resolution, to cover the administrative costs for a hearing on the matter. If a written opposition to the intent to euthanize the Dog and payment is received, the euthanization shall be stayed pending a hearing. The hearing shall be conducted as soon as reasonably possible by a hearing officer appointed by the City Manager. The sole determination to be made by the hearing officer shall be whether the subject Dog has committed three Attacks, as that term is defined in this Chapter. At the hearing, the hearing officer shall allow the City and the Owner to present relevant evidence, including reliable hearsay evidence, call witnesses, and make oral arguments. The burden shall be on the City to show by a preponderance of the evidence that the Dog has committed three Attacks. If the hearing officer finds that the Dog has committed three Attacks, the Dog shall be euthanized as soon as possible. If the hearing officer finds that the City has not met its burden to prove the three Attacks, the Dog shall not be subject to euthanization, but shall otherwise be subject to the requirements and fines of this Chapter.

E. *Rabies control.*

1. *Vaccination required; certificate.* Rabies vaccination is required for Dogs and cats over the age of four (4) months. The Owner and Custodian of any Dog or cat is responsible to have the animal vaccinated within thirty (30) days after it reaches the age of four months by a duly licensed veterinarian. The Owner of any Dog shall attach to the collar or harness of the Dog, which such person is hereby required to place upon the Dog, a tag showing that such vaccination has been completed. Unvaccinated Dogs or cats over four months of age acquired by the owner or brought into the jurisdiction must be vaccinated within thirty (30) days. Every Dog or cat shall be revaccinated thereafter every three (3) years. These rabies vaccination requirements shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others. Each veterinarian, when

vaccinating any animal for rabies, shall complete a certificate of rabies vaccination (in duplicate) which includes the following information:

- a. Owner's name and address;
- b. Description of animal (breed, sex, marking, age, name);
- c. Date of vaccination;
- d. Rabies vaccination tag number;
- e. Type of rabies vaccine administered;
- f. Manufacturer's serial number of vaccine;

and a copy of the certificate shall be distributed to the Owner and original retained by the issuing veterinarian. Any unvaccinated animal shall be Impounded but may be reclaimed prior to disposal by payment of impound fees and vaccination, with the vaccine being administered by the Animal Shelter prior to the animal's release. If the Owner claims that the rabies vaccine was previously administered, but records cannot be provided, the animal may be released subject to the Owner provide the requisite records to the Animal Shelter within seventy-two (72) hours of release. Any animal not reclaimed prior to the five-day period may be disposed of pursuant to provisions of subsection 5-2-6 of this chapter.

2. *Public places; vaccination; tag required.* It shall be unlawful for the Owner of any Dog to suffer, allow, or permit such Dog to be or go upon any sidewalk, street, alley, public place, or public property within the City without first having had such Dog vaccinated as required by this Chapter, and without there being on such Dog a collar or harness with a license tag thereon showing that such Dog has been so vaccinated.
3. *Duty to report Bites.* Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Division of Animal Control, giving the name and address of the person bitten and of the Owner or Custodian of the biting animal, if available. Failure to provide such information or otherwise assist the division to provide such information or otherwise assist the division in discovering possible exposure to rabies or in ascertaining the immunization of an animal shall be in violation of this Chapter.
4. RESERVED.
5. *Quarantine.*
 - a. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies or that has been exposed to rabies shall be reported by the Owner to the Division of Animal Control and shall immediately be confined in a secure place by the Owner. The Owner shall turn over the animal to the Division of Animal Control upon demand. The Division shall Quarantine the animal for observation for a period of not less than ten days. The Owner of the animal shall bear the cost of confinement. The Animal Shelter or a veterinary kennel shall be the normal place for Quarantine, but other

arrangements, including confinement by the Owner, may be made by an Animal Control Officer if the animal has a current rabies vaccination at the time the Bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under Quarantine shall immediately notify the Division of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a Quarantined animal to fail or refuse to allow a health or Animal Control Officer to make an inspection or examination during the period of Quarantine. If the animal dies within ten days from the date of the Bite, the person having custody shall immediately notify the Division of Animal Control or immediately remove and deliver the head of such animal to the state health laboratory to be examined for rabies. If, at the end of the ten-day period, the Animal Control Supervisor or Animal Control Officer examines the animal and finds no sign of rabies, the animal may be released to the Owner, or in the case of a stray, it shall be disposed of as provided in subsection 5-2-6H of this Chapter.

- b. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately euthanized. If the Owner is unwilling to euthanize the bitten or exposed animal, the animal shall be immediately isolated and Quarantined for six months under veterinary supervision, the cost of such confinement to be paid in advance by the Owner. The animal shall be euthanized if the Owner does not comply herewith.
- c. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and Quarantined for a period of 30 days following revaccination; if the animal is not revaccinated within 24 hours, the animal shall be isolated and Quarantined under veterinary supervision for six months. The animal shall be euthanized if the Owner does not comply herewith.
- d. If Quarantine by the animal's Owner or Custodian is permitted by this section, the animal shall
not leave the Owner's or Custodian's premises or leave City limits at any point during the
Quarantine process.

Sec. 5-2-4. Care and keeping of animals; prohibitions.

A. *Animals At Large.*

1. It shall be unlawful for the Owner or Custodian of any animal, other than domestic cats, to allow such animals at any time to run At Large. The Owner or Person charged with responsibility for an animal found running At Large shall be strictly liable for a violation of this subsection, regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running At Large.

2. No cattle, horses, mules, sheep, goats or swine shall be allowed to run At Large, or to be picketed or staked out upon any street, sidewalk or other public place within the limits of this City, and all such animals so found may be Impounded.
- B. *Animals on unenclosed premises.* It shall be unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.
- C. *Places prohibited to animals.*
1. Places of Business. It shall be unlawful for any person to take or permit any animal in or about any establishment or place of business where food or food products are sold or displayed, regardless of how the animal may be restrained, except for Disability Service Dogs.
 2. Dogs in City Parks. Dogs are only permitted in certain designated City dog parks. Where Dogs are permitted, all park rules must be observed.
 3. Dogs on Paved Trails. Dogs are permitted on paved City trails. Dogs on paved City trails shall be leashed and the Dog's Owner or Custodian shall properly clean up after the dog, removing any waste to a trash receptacle.
- D. *Vicious Animals.* It shall be unlawful for the Owner of a Vicious Animal to permit such animal to go or be off the premises of the Owner or Custodian unless such animal is under control and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be reasonably controlled, shall be considered a hazard to the public safety, and an Animal Control Officer may impound the animal.
- E. *Waste disposal.* It shall be unlawful for the Owner or Custodian of a Dog to permit the animal to defecate upon a public street, sidewalk, or park unless the Owner or Custodian removes and properly disposes of all animal waste that results. It shall also be unlawful for the Owner or Custodian of an animal to permit the animal to defecate upon the private property of another.
- F. *Abandonment.* It shall be unlawful for any person to Abandon an animal.
- G. *Trespassing animals and fowl.* It shall be unlawful for any Owner or Custodian of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.
- H. *Killing or poisoning.* It shall be unlawful for any person willfully to kill any Domesticated Animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.
- I. *Dead animals; disposal.* The Owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal with ten hours after its death; provided, that no horse, cow, ox, or other animal shall be buried within the closely-inhabited portions of this City. A violation of this subsection is an infraction.

J. *Diseased animals.*

1. It is an infraction for any person to bring into the City for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.
2. It is an infraction for any person to bring into the City for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, or which for any other reason is unfit for human food.

K. *Specific unlawful acts.* It shall be unlawful for any person to:

1. Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill any animal or cause any of these acts to be done.
2. Carry or transport in any vehicle or other conveyance in a cruel or inhuman manner, any animal or cause any of these acts to be done.
3. Fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done.
4. Leave or confine an animal in an unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. An Animal Control Officer or law enforcement officer, as defined in Utah Code Title 53, Chapter 13, as amended, is authorized to take all steps reasonably necessary for the removal of the animal from the vehicle, following appropriate Division of Animal Control procedures.
5. Maintain any place where Dogs, fowl, or any other animals are suffered to fight upon exhibition or for sport or upon any wager:
 - a. It shall be unlawful for any person to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or to be present as a spectator at any such fighting or baiting of any animal or fowl; and for any person to knowingly rent any building or shed, room, yard, ground or premises for any such purpose as aforesaid, or to knowingly suffer or permit the use of building, shed, room, yard or grounds or premises for the purposes aforesaid.
 - b. Law enforcement officers or Animal Control Officers may enter any building or place where there is an exhibition of the fighting or baiting of live animals, or where preparations are being made for such an exhibition. The law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such an exhibition. This provision shall not be interpreted to authorize search or arrest without a warrant when such is required by law.

6. Intentionally exhibit any stud, horse, or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.

Sec. 5-2-5. Nuisance animals.

- A. *Specified.* Any Owner or Custodian or an animal causing a "nuisance," as defined below, shall be in violation of this chapter and subject to the penalties provided herein. An animal creates a "nuisance" if it:
 1. Causes damage to the property of anyone other than its Owner;
 2. Is a Vicious Animal not in compliance with subsection 5-2-4D of this chapter;
 3. Causes unreasonable fouling of the air by odors;
 4. Causes continuous unsanitary conditions in enclosures or surroundings;
 5. Barks, whines, howls or makes other disturbing noises in excessive, continuous, or untimely fashion;
 6. Molests passersby or chases passing vehicles;
 7. Attacks other Domesticated Animals;
 8. Is otherwise determined by the Division of Animal Control to be a public nuisance for any reason designated elsewhere in the this Code.
- B. *Dogs disturbing neighborhood.* No person shall own, keep, or harbor any Dog which by loud, continued, or frequent barking, howling, yelping or by noxious or offensive odors shall annoy, disturb or endanger the health and welfare of any person or neighborhood. Upon the complaint of two (2) or more neighbors, or a neighbor and an Animal Control Officer responding to the complaint of the neighbor, that the Dog or Dogs are creating a nuisance in violation of this subsection by frequent barking or howling, the Owner or Custodian shall be issued one verbal warning of the violation. Upon subsequent violations of this subsection at the same address and by the same Dog(s), the Owner shall be cited. A violation of this subsection shall be an infraction and such is hereby declared to be nuisance, and each day the violation is permitted to exist or continue shall constitute a separate offense. This subsection shall not apply to the following: (1) City Animal Shelter; (2) veterinary hospitals, medical laboratories, animal boarding facilities, grooming facilities, or training facilities with a valid business license and located in a non-residential zones; and (3) puppy stores or animal adoption centers with a valid business license and located in commercial zones.

Sec. 5-2-6. Impounding.

- A. *Shelter.* The Division of Animal Control shall provide suitable premises and facilities to be used as an Animal Shelter where Impounded animals can be adequately kept and supplied with food and humane care. It shall provide for the euthanization of animals when necessary, or it may furnish medical treatment for Impounded animals.

- B. *Conditions necessitating impounding without complaint.* The Animal Control Supervisor or an Animal Control Officer shall place all animals taken into custody into a designated animal impound facility. The following animals may be taken into custody by the Animal Control Supervisor or an Animal Control Officer and Impounded without the filing of a complaint:
1. Any animal being kept or maintained contrary to the provisions of this Chapter;
 2. Any animal running At Large contrary to the provisions of this Chapter;
 3. Any animal which is by this Chapter required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this subsection;
 4. Any Abandoned animal;
 5. Animals which are not vaccinated for rabies in accordance with the requirements of this Chapter; or
 6. Any Vicious Animal not in compliance with section 5-2-7 of this chapter.
- C. *Information maintained.* The impounding of any animal in this chapter shall require the following information to be kept by the Animal Control Supervisor or an Animal Control Officer:
1. Complete description of the animal, including tag numbers if any;
 2. The manner and date of impound;
 3. The location of the pick up and name of the officer picking up the animal;
 4. The manner and date of disposal;
 5. The name and address of the redeemer or purchaser;
 6. The name and address of any person relinquishing an animal to the impound facility;
 7. All fees received; and
 8. All expenses accruing during impoundment.
- D. *Disposition.* Reasonable effort shall be made to notify the Owner of any Impounded animal wearing a license or other identification. All Impounded Dogs not redeemed within five days of the date of impounding may be adopted, rescued, or euthanized. In the case of animals that are severely injured or having contagious disease and which in the judgment of two animal control employees (animal control officer, shelter attendant, or supervisor) are suffering and recovery is doubtful, the animal may be euthanized without waiting the five-day period.
- E. *Euthanasia.* All Dogs and cats, except for those Quarantined or confined by court order, held longer than the minimum impound period, and all Dogs and cats voluntarily relinquished to the impound facility, may be adopted, rescued, or euthanized as the Division of Animal Control or an Animal Control Officer shall direct. Any licensed animal Impounded and having or suspected of having serious physical injury or contagious disease

requiring medical attention, may, without waiting the minimum impound period, in the discretion of the Division of Animal Control or an Animal Control Officer, be released to the care of a veterinarian or euthanized for humane reasons, provided consent be obtained in advance from the Owner or Custodian, if known and available.

- F. *Redemption.* The Owner of any Impounded animal or the Owner's authorized representative may redeem such animal before disposition as provided in subsection E of this section, provided the Owner or the authorized representative pays:
 - 1. The impound fee;
 - 2. The daily board charges;
 - 3. Veterinary costs incurred during the impound period, including rabies vaccination; and
 - 4. License fee, if required.
- G. *Fees for impound.* Impound fees shall be as established by resolution of the City Council.
- H. *Interference with impounding prohibited.* It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the an Animal Control Officer while engaging in capturing, securing, or taking to the Animal Shelter any animal liable to be Impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of the Animal Shelter or any vehicle used for the collecting or conveying of animals to the Animal Shelter.
- I. *Adoption of Impounded animals.* Impounded animals may be adopted by responsible persons, provided that such person shall be required to: (1) execute an adoption/sterilization agreement in a form approved by the City Attorney; and (2) pay an adoption fee in an amount established by resolution of the City Council, which shall be nonrefundable except when a health problem in the animal is detected by a veterinarian within five working days of the date of execution of the adoption/sterilization agreement. All adopted animals shall be spayed or neutered within the time specified on the adoption/sterilization agreement. Any person violating the provisions of this subsection shall be guilty of an infraction and shall be required to forfeit the adopted animal to the Division of Animal Control.

Sec. 5-2-7. Vicious Animals.

- A. *Prohibited.* It shall be unlawful for any person to own and possess a vicious Dog within the City not in compliance with subsection 5-2-4(D) of this chapter. Whenever a prosecution for this offense is commenced under this section, the Dog so involved may not be redeemed, pursuant to the provisions of this chapter, while awaiting final decision of the court as to the disposition to be made of such Dog.
- B. *Disposition.* Upon the trial of any offense under this section, the court may, upon conviction and in addition to the usual judgment of conviction, order Division of Animal

Control to euthanize the Dog or may order such other disposition of the Dog as will protect the inhabitants of the City.

Sec. 5-2-8. Cruelty prohibited.

- A. *Prohibited.* Cruelty to animals is prohibited. Cruelty shall consist of those acts designated in Utah Code Annotated section 76-9-301, as amended, together with injurious hobbling and malicious impounding.
- B. *Striking with motor vehicle.*
1. The operator of a motor vehicle or other self-propelled vehicle being operated on a City street that strikes and injures or kills any Domesticated Animal shall safely stop at the scene. If the animal's Owner is not at the scene, the operator shall immediately notify one of the following authorities:
 - a. 911 dispatch;
 - b. Police dispatch;
 - c. The Division of Animal Control.
 2. After reporting the incident as required by subsection B.1. (if the Owner is not at the scene), the vehicle operator shall comply with the instructions given by the agency contacted and shall, if instructed, remain at the scene until appropriate police or animal control authorities arrive. After the arrival of the appropriate authority, the operator shall cooperate with said authority in the investigation and reporting of the incident.
 3. If the operator chooses to transport the animal to a veterinarian, the operator does so at his or her own risk and shall be responsible for the cost of treatment.
 4. Emergency vehicles are exempt from the requirements of this provision.
- C. *Birds.* It shall be unlawful for any person to take or kill any bird or to rob or destroy any nest, eggs, or young of any bird.

Sec. 5-2-9. RESERVED.

Sec. 5-2-10. Wild Animals.

It shall be unlawful for any person to sell, offer for sale, barter, give away, keep, or purchase any Wild Animal which is not domesticated, or an animal belonging to an endangered species, except for the Animal Shelter, a zoological park, veterinary hospital, circus, sideshow, amusement show, or facility for education or scientific purposes if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

Sec. 5-2-11. RESERVED.

Sec. 5-2-12. Penalty.

- A. *Violations.* Any person violating the provisions of this Chapter, either by failing to do those acts required herein or by doing any act prohibited herein, shall be guilty of an infraction, punishable as follows:
1. By a fine as provided in section 1-4-1 of this Code for each offense, as determined by a court of competent jurisdiction; or
 2. When there are three (3) or more violations of this Chapter during any twelve (12) month period by the same Owner or Custodian in relation to the same Dog, the Dog may be Impounded and may be adopted, rescued, or euthanized, with the Owner or Custodian having no right to redeem the Dog;
 - 3.. By order of removal, requiring any Dog to be removed from the City; or
 - 4.. Any combination of fine, restitution or removal, as determined by any court of competent jurisdiction.
- B. *Separate offense each day.* Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Sec. 5-2-13. Exemption.

Dogs specially trained to assist officers of law enforcement agencies in the performance of their duties, and officers of such law enforcement agencies, are hereby exempt from the provisions of this Chapter.

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 3 SECTION 4 BE AMENDED TO REMOVE THE DEFINITION OF "KENNEL, RESIDENTIAL". NO OTHER CHANGES ARE MADE OR INTENDED WITH THIS ORDINANCE

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 7 SECTION 9 SUBSECTION E BE AMENDED TO ADD THE FOLLOWING:

Sec. 10-7-9. Conditional use permit.

- A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.
- B. *Authority.*

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

Agricultural industry.

Agritourism activities.

Animal specialties.

Assisted living facility.

Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.

Greater size than permitted by this Code in all zones except residential and residential agricultural zones.

Metal building in commercial and residential zones.

Multi family in commercial zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

Fences or walls of greater height.

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

Animals and fowl for recreation and family food production.

Greater size accessory buildings than permitted by this Code in residential zones.

Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.

Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.

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

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

1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

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

E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.

2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2g of this section:

a. *Standards for a reception center.*

- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
- (2) Parking shall be contained onsite.
- (3) The center must have an approved site plan.
- (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
- (5) Reception Center use must be secondary to any agricultural use on the property.
- (6) Property shall be a minimum of five acres.
- (7) In RA Zoning, Reception Center shall only be used a maximum of five days a month.
- (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
- (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.

b. *Standards for an agricultural industry.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.

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- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.
- c. *Standards for a public stable.*
- (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
- (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.
- d. *Standards for an assisted living facility.*
- (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
- (2) The facility shall be licensed by the state.
- (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
- e. *Standards for greater heights than permitted by this Code.*
- (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
- (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
- (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
- (4) In no event shall a building exceed 55 feet in height.
- f. *Standards for greater size than permitted by this Code.*
- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.

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- (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
 - (3) The building must be for a use permitted in the zone in which it is located.
- g. *Standards for animals and fowl for recreation and family food production.*
- (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
 - (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
- h. *Standards for metal buildings.*
- (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
 - (2) The building must meet the following design standards:
 - (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
- i. *Standards for animal specialties.*
- (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the

conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.

j. *Standards for agritourism activities.*

- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
- (2) On-site parking must be provided.
- (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
- (4) In agricultural zones, this use must be accessory to an established agricultural use.

k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:

- (1) No habitable building has been on the parcel for the previous three years.
- (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
- (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
- (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.
- (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.

l. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*

- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of 10-13-4.

m. *Standards for a fence or wall of greater height.*

- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
- (2) The fence or wall may not exceed ten feet in height;
- (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;

- (4) The fence or wall shall comply with all other provisions of this Title.

n. Standards for commercial kennels

1. Facilities shall be designed and operated so that noise generated from resident animals shall not exceed fifty decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.

2. Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.

3. Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.

4. The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.

5. Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.

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6. All lighting must comply with Title 10 Chapter 33 Section 7 of this code.
 7. All requirements of any applicable Public Health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
 8. All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.
- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

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2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 12 SECTION 3 BE AMENDED TO THE FOLLOWING:

Sec. 10-12-3. Uses allowed.

- A. Permitted and conditional uses. Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-12-1 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 10-12-1 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 10-7-18E4 of this title.

TABLE 10-12-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zones				
	A-40	A-20	A-10	A-5	A-1
Agricultural uses:					
Accessory building	P	P	P	P	P
Agricultural business	P	P	P	P	P
Agricultural industry	P	P	P	P	C
Agriculture	P	P	P	P	P
Agritourism	P	P	P	P	C
Animal specialties	P	P	P	P	C
Animals and fowl for recreation and family food production	P	P	P	P	P

Stable, private	P	P	P	P	P
Residential uses:					
Assisted living facility	P	P	P	P	N
Building, accessory	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P
Dwelling, single-family	P	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	P
Dwelling, temporary	P	P	P	P	P
Guesthouse for family members and non-paying guests	P	P	P	P	P
Home base business	P	P	P	P	P
Manufactured home	P	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P	N
Residential facility for persons with a disability ¹	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N
Short term rental	N	N	N	N	P
Public and civic uses:					
Auditorium or stadium	N	N	N	N	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	N	N	N	N
Cultural service	P	P	P	P	P
Golf course	N	N	N	N	N
Hospital	N	N	N	N	N
Park	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	C	C	C	C
Stable, public	P	P	P	P	C
Utility, minor	P	P	P	P	P
Utility substation	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	P	P	C	C	N
Agritourism activities	P	P	P	P	C
Animal hospital	P	P	P	P	P
Bed and breakfast, home	P	P	P	P	P
Garden center	P	P	P	P	P
Kennel, commercial	N	N	N	N	N
Licensed family child care ²	P	P	P	P	P
Media service	N	N	N	N	N

Personal care service, home based ²	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P
Produce stand	P	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C	N
Residential certificate child care facility ²	P	P	P	P	N
Vehicle repair, limited	N	N	N	N	N
Veterinary service	P	P	P	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
- B. Accessory uses. Permitted and conditional uses set forth in table 10-12-1 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 title.
 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 title.

Garages, carports, and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

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 title.

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 title.

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 13 SECTION 3 BE AMENDED TO THE FOLLOWING:

Sec. 10-13-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 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 10-13-1 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 10-7-18E4 of this title.

TABLE 10-13-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use	Zones								
		R1-15	R1-10	R1-8	R1-6	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:									
Accessory building	P	P	P	P	P	P	P	P	
Agricultural business	N	N	N	N	N	N	N	N	
Agricultural industry	N	N	N	N	N	N	N	N	
Agriculture	N	N	N	N	N	N	N	N	
Agriculture residential	P	P	P	P	P	P	P	P	
Animal specialties	P	P	N	N	N	N	N	N	
Animals and fowl for recreation and family food production	P ³ /C	P ³ /C	P ³	P ³	N	N	N	N	
Stable, private	N	N	N	N	N	N	N	N	
Residential uses:									
Assisted living facility	C	C	C	C	N	N	N	N	
Boarding house	N	N	N	N	N	N	N	N	
Building, accessory	P	P	P	P	P	P	P	P	
Dwelling, earth sheltered	P	P	P	P	P	P	P	N	
Dwelling, multiple-family	N	N	N	N	P	P	P	N	
Dwelling, single-family	P	P	P	P	P	P	P	P	
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	N	N	N	N	
Dwelling, temporary	P	P	P	P	P	P	P	P	
Dwelling, two-family	N	N	N	N	P	P	P	N	
Guesthouse or casita	P	P	P	N	N	N	N	N	
Manufactured home	P	P	P	P	N	N	N	P	
Manufactured/mobile home park	N	N	N	N	N	N	N	P	
Manufactured/mobile home subdivision	N	N	N	N	N	N	N	P	
Protective housing facility	N	N	N	N	N	N	N	N	
Rehabilitation/treatment facility	N	N	N	N	N	N	N	N	
Residential facility for elderly persons ¹	P	P	P	P	P	P	P	P	
Residential facility for persons with a disability ¹	P	P	P	P	P	P	P	P	
Residential facility for troubled youth	N	N	N	N	N	N	N	N	

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Short term rental ⁴	N	N	N	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N
Public and civic uses:								
Airport	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	P	P	P	P
Government service	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P
Commercial uses:								
Agricultural sales and service	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N

Car wash	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N
Family child daycare facility ²	P	P	P	P	P	P	P	P
Family child group daycare facility ²	C	C	C	C	C	C	C	C
Family child residential certificate care facility ²	P	P	P	P	P	P	P	P
Family childcare center	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N	N
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N

Research service	N	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	P	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title							
Industrial uses:								
Automobile wrecking yard	N	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.

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4. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20 . See licensing and operations requirements in title 10, chapter 51 of this Code.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 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 title.

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:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

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.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 14 SECTION 3 BE AMENDED TO THE FOLLOWING:

Sec. 10-14-3. Uses allowed.

A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential agriculture zones shall be as set forth in table 10-14-1 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 10-14-1 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 10-7-18E4 of this title.

TABLE 10-14-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
RESIDENTIAL AGRICULTURE ZONES

Use	Zones	
	RA-1	RA-.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	P ³
Stable, private	P	P

Residential uses:		
Assisted living facility	P	P
Boarding house	N	N
Building, accessory	P	P
Dwelling, earth sheltered	P	P
Dwelling, multiple-family	N	N
Dwelling, single-family	P	P
Dwelling, single-family with single accessory dwelling unit	P	P
Dwelling, temporary	P	P
Dwelling, two-family	N	N
Guesthouse	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Residential facility for elderly persons ¹	P	P
Residential facility for persons with a disability ¹	P	P
Residential facility for troubled youth	C	C
Short term rental ⁴	N	N
Public and civic uses:		
Auditorium or stadium	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N
Convalescent care facility	N	N
Cultural service	P	P
Golf course	P	P
Hospital	N	N
Park	P	P
Protective service	P	P
Reception center	C	C
Stable, public	P	N
Utility, minor	P	P
Utility substation	P	P
Commercial uses:		
Agricultural sales and service	N	N
Animal hospital	P	P
Bed and breakfast, home	P	P
Bed and breakfast inn	N	N
Garden center	N	N
Kennel, commercial	N	N
Licensed family child care ²	P	P
Media service	N	N
Personal care service, home based ²	P	P
Personal instruction service, home based ²	P	P
Produce stand	P	P
Recreational vehicle park	N	N
Residential certificate child care facility ²	P	P

Residential hosting facility	P	P
Temporary trailer	P	P
Veterinary service	N	N
Warehouse, self-service storage	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20 . See licensing and operations requirements in title 10, chapter 51 of this Code.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-14-1 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 title.
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 agriculture zones shall include, but not be limited to, the following:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

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.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. No. 2022-61 , 2-2-2023; Ord. No. 2023-20 , 12-7-2023)

Sec. 10-14-4. Development standards.

Development standards within residential agriculture zones shall be as set forth in table 10-14-2 of this section.

TABLE 10-14-2
DEVELOPMENT STANDARDS IN RESIDENTIAL AGRICULTURE ZONES

Development standard	Zones	
	RA-1	RA-.5
Lot standards:		
Average lot area ¹	1 acre (see note 7)	0.5 acre (see note 7)
Minimum lot area ²	0.8 acre (see note 7)	0.4 acre (see note 7)
Minimum lot width	100 feet (see note 7)	100 feet (see note 7)
Building standards:		
Maximum height, main building ³	35 feet	35 feet
Maximum height, accessory building	20 feet	20 feet
Maximum size, accessory building ⁴	2,000 square feet	2,000 square feet
Building coverage	50% of lot (see subsection 10-37-12I of this title)	
Distance between buildings	No requirement	No requirement
Setback standards front yard:		
Any building ⁵	25 feet	25 feet
Setback standards rear yard:		
Main building	30 feet	30 feet
Accessory building, including private garage	If located 10 feet from main building: 2 feet. If not, same as main building.	
Setback standards interior side yard:		
Main building	10 feet one side and 20 feet other side	10 feet
Accessory building	If located 10 feet from main building: 2 feet. If not, same as main building.	
Setback standards street side yard:		
Main building	20 feet	20 feet
Accessory building	If located 10 feet from main building: 10 feet. If not, same as main building. No accessory building shall be built within a public utility easement.	
Pool location and setbacks ⁶	3 feet	3 feet

Notes

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
2. The indicated number is 80 percent of average lot area requirement.
3. Except as otherwise permitted by subsection 10-14-7C of this chapter.
4. Except as otherwise permitted by subsection 10-14-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the Building Official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.

7. Subdivisions containing three lots or less may be approved with smaller lot sizes and smaller frontages than otherwise required with the following conditions:
 - a. The development required dedication of a portion of a master planned roadway.
 - b. The number of units does not exceed the overall gross density of the underlying zoning for the size of the parcel; provided, however, that when the City or other government entity acquires a portion of the property for a roadway, the area of roadway shall be accounted for in the gross density limitations of the development, if the applicant was the owner at the time of acquisition.
 - c. The subject property is zoned RA-1 or RA-0.5.
 - d. Lots zoned as RA-1 shall have a minimum lot size of .6 acres.
 - e. Lots zoned as RA-0.5 shall have a minimum lot size of .35 acres.
 - f. The minimum frontage of each lot shall be no smaller than 80 feet.

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 15 SECTION 3 BE AMENDED TO THE FOLLOWING:

Sec. 10-15-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within commercial zones shall be as set forth in table 10-15-1 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 10-15-1 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 10-7-18E4 of this title.

TABLE 10-15-1
PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES

Use	Zones				
	NC	GC	HC	PC	POC
Residential uses:					
Building, accessory	P	N	N	P	P
Dwelling, multiple-family ⁴	C	C	C	P	P
Dwelling, single-family ⁴	N	N	N	P	N
Dwelling, temporary	N	N	N	N	N
Dwelling, two-family ⁴	N	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	N	N	N	N	N
Bed and breakfast inn	P	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	P	N
Family child group daycare facility ²	P	N	N	P	N
Family child residential certificate care facility ²	P	N	N	P	N
Family childcare 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	C	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	C	C	C	C
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	P	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	N	N
Repair service	P	P	P	N	P
Research service	N	P	P	N	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	N	P	P	P	N
Temporary trailer	P	P	P	P	P
Transportation service	N	P	P	N	N
Vehicle and equipment rental or sale	N	P	P	N	N
Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	N	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:					
Laundry services	N	N	N	P	N
Wholesale and warehousing, general	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.
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-3 zone would apply.

B. Accessory uses. Permitted and conditional uses set forth in table 10-15-1 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 title.
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 title.

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 title.

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 16 SECTION 3 BE AMENDED TO THE FOLLOWING:

Sec. 10-16-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within business and industrial zones shall be as set forth in table 10-16-1 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 10-16-1 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 10-7-18E4 of this title.

TABLE 10-16-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
BUSINESS AND INDUSTRIAL ZONES

Uses	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	P	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
Family child group daycare facility ²	N	N	N	N
Family child residential certificate care facility ²	N	N	N	N
Family childcare 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
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	N	N	N	N
Tattoo establishment	P	N	N	N
Tavern	P	N	N	N
Temporary trailer	P	P	P	P
Transportation service	P	N	P	P
Vehicle and equipment rental or sale	P	N	P	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:				
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 title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.

- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-16-1 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 title.
 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 title.

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 title.

BE IT HEREBY FURTHER ORDAINED, THAT TITLE 10 CHAPTER 34 SECTION 10 BE AMENDED TO THE FOLLOWING:

Sec. 10-34-10. Tables and figures.

- A. *Off Street Parking Schedule.*

TABLE 10-34-1
OFF STREET PARKING SCHEDULE

Use type	Minimum standard	Notes/additional standard
Agricultural uses:		
Agricultural business	1 space per employee on highest employment shift	
Agricultural processing	1 space per employee on highest employment shift	
Residential uses:		
Assisted living facility	1 space per 5 beds	
Boarding house	1 space per tenant	
Dwelling, earth sheltered	2 spaces per dwelling unit	
Dwelling, multiple-family:		
Studio and 1 bedroom units	1.5 spaces per dwelling unit	
2 or more bedroom units	2 spaces per dwelling unit	
Dwelling, single-family	2 spaces per dwelling unit	
Dwelling, single-family with accessory dwelling unit	3 spaces	
Dwelling, temporary	2 spaces per dwelling unit	
Dwelling, two-family	2 spaces per dwelling unit	

Guesthouse	1 space per dwelling unit	
Manufactured home	2 spaces per dwelling unit	
Protective housing facility	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Rehabilitation/treatment facility	0.5 space per bed	
Residential facility for elderly or persons with a disability	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Residential facility for troubled youth	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Transitional housing facility	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Public and civic uses:		
Auditorium or stadium	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
Bus terminal	Parking study required	See subsection 10-34-9F of this chapter
Cemetery	Parking study required	See subsection 10-34-9F of this chapter
Church or place of worship	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
Club or service organization	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
College or university	Parking study required	See subsection 10-34-9F of this chapter
Convalescent care facility	1 space per 4 beds, plus 1 space per employee on highest employment shift	
Correctional facility	Parking study required	See subsection 10-34-9F of this chapter
Cultural service	1 space per 300 square feet of gross floor area	
Golf course	4 spaces per hole, plus 1 space per driving range tee	Storage area for golf carts and maintenance vehicles shall be provided
Government service	1 space per 200 square feet of gross floor area	
Hospital	2 spaces per bed	
Operations center	4 spaces, plus 1 space per employee on highest employment shift	
Park	Parking study required	See subsection 10-34-9F of this chapter

Post office	2 spaces, plus 1 space per 200 square feet of gross floor area	Loading zone and storage area for mail vehicles shall be provided
Protective service	4 spaces, plus 1 space per employee on highest employment shift	
Reception center	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	
Riding academy or stable	Parking study required	See subsection 10-34-9F of this chapter
School, elementary, middle, high, and vocational	1 space per employee, plus 2 spaces per classroom and 1 space for every 3 students of driving age	
Utility, major	Parking study required	See subsection 10-34-9F of this chapter
Commercial uses:		
Agricultural sales and service	4 spaces, plus 1 space per employee on highest employment shift	Storage area for vehicles for sale or under repair shall be provided
Animal hospital	5 spaces per doctor	
Bail bond service	2 spaces, plus 1 space per 200 square feet of gross floor area	
Bank or financial institution	2 spaces, plus 1 space per 200 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D1 of this chapter
Bed and breakfast, home	1 space per guestroom, plus 2 spaces for host family	
Bed and breakfast inn	1 space per guestroom, plus 2 spaces for host family/proprietor	
Business equipment rental and supplies	1 space per 250 square feet of gross floor area	
Car wash	1 space per employee	Plus stacking spaces per subsection 10-34-6D2 of this chapter
Club, private	1 space per 100 square feet of gross floor area	10 spaces minimum
Construction sales and service	1 space per 250 square feet of gross floor area	Storage area for vehicles for sale or under repair shall be provided
Convenience store	1 space per 200 square feet of gross floor area	Minimum of 5 spaces
Daycare	4 spaces, plus 1 space per 500 square feet of gross floor area	
Family child daycare facility	1 space for every 5 children authorized	
Family child group care facility	1 space for every 5 children authorized	
Family child preschool facility	1 space for every 5 children authorized	

Family childcare facility	1 space per employee on highest employment shift, plus 1 space for every 5 children authorized	
Funeral home	5 spaces, plus 1 space per 35 square feet of assembly room floor area	
Garden center	1 space per 250 square feet of gross floor area, including outdoor display and sales area	
Gas and fuel, storage and sales	1 space per employee on highest employment shift	
Gasoline service station	1 space per 250 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D3 of this chapter
Hostel	2 spaces plus 1 space per living or sleeping unit	
Hotel	2 spaces plus 1 space per living or sleeping unit	
Kennel, commercial	1 space per 600 square feet of gross floor area	
Laundry or dry cleaning, limited	1 space per 250 square feet of gross floor area	
Liquor store	1 space per 250 square feet of gross floor area	
Media service	1 space per 250 square feet of gross floor area	
Medical or dental laboratory	2 spaces, plus 1 space per employee on highest employment shift	
Medical service	6 spaces per doctor	
Motel	2 spaces, plus 1 space per living or sleeping unit	
Office, general	1 space per 250 square feet of gross floor area	8 spaces minimum
Pawnshop	1 space per 250 square feet of gross floor area	5 spaces minimum
Personal care service	1 space per 250 square feet of gross floor area, plus 1 space per employee on highest employment shift	
Personal instruction service	0.50 space per person under maximum occupancy allowed by fire code, plus 1 space per employee on highest employment shift	
Printing and copying, limited	1 space per 250 square feet of gross floor area	5 spaces minimum
Printing, general	1 space per 250 square feet of retail or office area, plus 1 space for every 500 square feet of additional building area	
Produce stand	6 spaces	Exempt from landscaping and paving requirements
Recreation and entertainment, indoor:		

Bowling alley	5 spaces per alley, plus 2 spaces per billiard table	
Movie theater	1 space per 4 seats	
Tennis, handball and racquetball courts	3 spaces per court	
Other uses	1 space per 300 square feet of gross floor area	
Recreation and entertainment, outdoor	Parking study required	See subsection 10-34-9F of this chapter
Repair service	1 space per 250 square feet of retail or office area, plus 1 space for every 500 square feet of additional building area	
Research service	1 space per employee on highest employment shift	
Residential hosting facility	1 space per guestroom plus 2 spaces for host family	
Restaurant, fast food	1 space per 100 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D4 of this chapter
Restaurant, general	1 space per 100 square feet of gross floor area	10 spaces minimum
Retail, general	1 space per 250 square feet of gross floor area	
Secondhand store	1 space per 250 square feet of gross floor area	
Shopping center	1 space per 250 square feet of gross floor area, up to 500 spaces	For shopping centers containing more than 500 spaces, 1 space per 500 square feet of gross floor area
Tattoo establishment	1 space per 250 square feet of gross floor area	2 spaces minimum
Tavern	1 space per 100 square feet of gross floor area	10 spaces minimum
Transportation service	Parking study required	See subsection 10-34-9F of this chapter
Vehicle and equipment rental or sale	1 space per 250 square feet of gross floor area, plus 1 space for every 10 vehicles displayed	4 spaces minimum
Vehicle and equipment repair	1 space per 250 square feet of gross floor area	4 spaces minimum; separate storage area for vehicles under repair shall be provided
Veterinary service	5 spaces per doctor	
Warehouse, self-service storage	1 space per employee on highest employment shift	
Wireless telecommunication facility	None	
Industrial uses:		

Automobile wrecking yard	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater	
Freight terminal		
Heavy industry		
Junk or salvage yard		
Laundry services		
Manufacturing	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater	
Mineral extraction		
Wholesale and warehousing		

B. *Parking space and aisle dimensions.*

TABLE 10-34-2
PARKING SPACE AND AISLE DIMENSIONS (in feet)

Dimension factors							
A	B	C	D	E	F	G	H
<i>Two-way aisle:</i>							
90°	9	18	24	9	60	60	18
75°	9	20.3	24	9.5	64	55	18.7
60°	9	20.1	24	10.4	64.2	59.8	17.9
45°	9	19.1	24	12.7	62.2	55.8	15.9
<i>One-way aisle:</i>							
75°	9	20.3	17	9.5	57.6	54.4	18.7
60°	9	20.1	15	10.4	55.2	50.8	17.9
45°	9	19.1	13	12.7	51.2	44.8	15.9

C. *Parking space and aisle Illustration.*

FIGURE 10-34-1
PARKING SPACE AND AISLE ILLUSTRATION

[IMAGE]

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

1. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.

2. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
3. This Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

PASSED AND APPROVED this 2nd day, May 2024.

Hurricane City

Nanette Billings, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2nd day of May 2024. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Clark Fawcett	___	___	___	___
Drew Ellerman	___	___	___	___
Joseph Prete	___	___	___	___

Cindy Beteag, Recorder

CHAPTER 2. ANIMAL CONTROL

Sec. 5-2-1. Division of Animal Control.

- A. *Created.* There is hereby created within the Police Department a Division of Animal Control with power to apprehend, take, and impound any animal found in violation of this chapter, including licensable dogs for which no license has been procured in accordance with this chapter, and otherwise carry out and enforce the provisions hereof under the direction and supervision of the Chief of Police. The Director of the Division shall be the Chief of Police, and he may be assisted in his duties by an Animal Control Supervisor and any peace officer or Animal Control Officers as the Chief may designate.
- B. *Duties of officials.*
1. The Chief of Police shall:
 - a. Enforce this chapter and perform other responsibilities pursuant thereto.
 - b. Supervise the City Animal Control Officers and Animal Shelter under his jurisdiction.
 - c. Keep adequate records of all animals Impounded and all monies collected.
 - d. Implement and enforce the provisions hereof requiring dogs to be licensed and commercial establishments to have obtained a conditional use permit business license as provided by this chapter.
 - e. Establish, in cooperation with other interested governmental agencies, adequate measures for rabies immunization and control.
 2. Each Animal Control Officer shall:
 - a. Enforce this chapter in all respects pertaining to animal control within the jurisdiction, including the care and impounding of animals and prevention of cruelty to animals.
 - b. Carry out all duties prescribed or delegated by the Chief of Police.

Sec. 5-2-2. Definitions.

As used in this chapter, unless the context otherwise indicates, the following words shall mean:

Abandoned or s~~trayed~~ means an animal whose Owner cannot be immediately identified through reasonable diligence.

Abandoned means placing an animal in an environment where the animal is denied basic needs such as food, water, necessary shelter, or necessary medical attention, for a period of time exceeding twenty-four (24) hours. Abandoning an animal includes failure to reclaim an animal for seventy-two (72) hours beyond the time agreed upon with any kennel, Groomery, or other similar facility. Abandoning an animal also includes failure to reclaim a pet from an Animal Shelter, or refusal of the animal's Custodian to sign a relinquishment authorization, after seventy-two (72) hours following the shelter's attempt to notify the animal's Custodian of the animal's location.

Animal Control Officer means any person: (1) designated by the State of Utah as a 'law enforcement officer,' as defined in Utah Code Title 53, Chapter 13, as amended or (2) designated by Hurricane City, through the Hurricane Police Department, as an officer who is authorized by law to perform the duties specified by this chapter. ~~the custodian selected by the City Council to be responsible for the operation of the dog pound.~~

Animal Shelter means a facility owned and/or operated by ~~a governmental entity or any society incorporated in the state the City~~ for the ~~confinement or care of animals purpose of preventing cruelty to animals and used for the care and custody of~~ seized, Stray~~ed~~, homeless, Quarantined, ~~or~~ Abandoned, ~~or unwanted dogs, cats, or other small domestic animals.~~

At Large means any Domesticated Animal off the premises of the Owner or Custodian of the animal, and not under immediate control of the Owner or Custodian. In the case of a Dog, immediate control shall mean on a leash, cord, chain, confined within a vehicle or within the direct command of the Owner or Custodian.

Attack means ~~any attempt on the part of an animal, whether successful or not, to Bite or act in any other way that places a person or another animal in danger of or fear of immediate bodily harm. Actual physical contact shall not be required to constitute an Attack.~~

Bite means an actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

Cattery means ~~an establishment for boarding, breeding, buying, grooming or selling cats for profit.~~

Custodian means ~~any person harboring, keeping, possessing, maintaining, or having charge, care, custody, or control of an animal. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard, or premises, shall be presumed to be a Custodian of such animal.~~

Dog means any ~~member of the sub species Canis Lupus Familiaris four (4) months of age or older. Any Canis Lupus Familiaris under four (4) months of ages is a Puppy. male, female or spayed female or neutered male dog of any age.~~

Domesticated Animals means animals accustomed to living in or about the habitation of man.

Groomery means any establishment maintained for the purpose of offering cosmetic services for animals for profit.

Impounded means having been received into the custody of the City ~~pound~~ Animal Shelter or into the custody of any authorized agent or representative of the City.

~~Kennel, c~~Commercial Kennel means a commercial establishment or other facility having three or more dogs for the purpose of boarding, breeding, keeping, buying, selling, grooming, letting for hire or training for a fee.

~~Kennel, residential~~ means ~~the keeping or maintaining of more than two but no more than four dogs in connection with the occupation of any dwelling for residential purposes.~~

~~Owner, when applied to the proprietorship of a dog, shall~~ means ~~any person or persons, firm, association, or corporation owning, keeping, or harboring an animal dog.~~

~~Pet Shop~~ means ~~any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.~~

~~Pound~~ means ~~an animal shelter, lot, premises or building maintained by or authorized or employed by the City for confinement or care of dogs seized either under the provision of this chapter or otherwise.~~

Quarantine means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

~~Riding School or stable~~ means ~~an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.~~

~~Unlicensed Dog~~ means ~~a dog for which a license for the current year has not been paid, or for which the tag provided for in this chapter is not attached.~~

Vicious Animal means any animal, including dogs, which has bitten without provocation or has a known propensity to Attack or Bite.

Wild Animal means any animal of a species that in its natural habitat is wild. [Wild Animals, regardless of domestication, include, but are not limited to:](#)

- [\(1\) Alligators and crocodiles;](#)
- [\(2\) Bears \(Ursidae\), including Grizzly Bears, Brown Bears, and Black Bears;](#)
- [\(3\) Feline family \(Felidae\), including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, etc., but excluding the commonly accepted domesticated house cats;](#)
- [\(4\) Dog family \(Canidae\), including wolves, foxes, coyotes, dingos, etc, but excluding domesticated dogs \(Canis Lupus Familiaris\);](#)
- [\(5\) Porcupine \(Erethizontidae\);](#)
- [\(6\) Primates \(Hominidae\), including all subhuman primates;](#)
- [\(7\) Raccoon \(Prosynnidae\), including the Eastern Raccoon, Desert Raccoon, and Ringtailed Cat;](#)
- [\(8\) Skunks;](#)
- [\(9\) Venomous fish and piranhas;](#)
- [\(10\) —Venomous snakes and lizards; and](#)
- [\(11\) Weasels \(Mustelidae\), including weasels, martens, wolverines, badgers, otters, mongoose.](#)

Sec. 5-2-3. Dogs; Cats; Rabies Control.

A. Licensing requirements.

1. *Limitation on number of dogs allowed.* [Except for licensed Commercial Kennels in permitted zones, no person or persons shall, at any one time, own, harbor, board, keep, or license more than four \(4\) Dogs at any one residence, property, or premises unless otherwise permitted by this Chapter. Except for commercial kennels which have been granted a conditional use permit by the Planning Commission, no person or entity shall own, possess, keep or maintain more than four dogs in one location within the City limits. Further, in agricultural, residential-agricultural, single-family residential, multiple-family residential, neighborhood commercial and mobile home zones, no person or entity shall own, possess, keep or maintain more than two dogs unless approved in writing by the animal control officer and the Zoning Administrator.](#)
2. *Age of Owner.* Except as provided herein, all Dogs must be licensed each year to a person 18 years of age or older.
3. *Time within which to obtain license.* Any person or entity owning, possessing or harboring any Dog shall obtain a license for such animal within 30 days after the Dog reaches the age of four months, or, in the case of a Dog over four months, within ten days after acquisition of the Dog.
4. *Application for license.*
 - a. *General requirements.* New or renewal license applications for all Dogs must be submitted annually to the Division of Animal Control, utilizing a standard form which contains the name, address and telephone number of the applicant; the breed, sex, color and age of the [animal Dog](#); [the number of animals for which a license is sought; a description of the facilities for the care of the dogs](#); rabies information; and any other information deemed relevant. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccination certificates must be obtained from a licensed veterinarian. [First-time rabies vaccinations are valid for one year. After the first rabies vaccination, subsequent vaccinations are valid for every two-three years.](#)

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- b. ~~More than two in specific zones. In addition to the requirements of subsection A4a of this section, applications for a license for a third or fourth dog in any area zoned agricultural, residential-agricultural, single-family residential, multiple-family residential, neighborhood commercial or mobile home shall not be approved until such time that a residential kennel license has been approved in writing by the animal control officer and the Zoning Administrator.~~
5. *Fees for license.* Fees shall be as established by resolution of the City Council.
6. *Effective date of license.* All licenses shall be effective from the date of purchase through the end of February of the following year, after which a late fee may be imposed. Licenses for the following year may be purchased within 90 days prior to the end of February.
- B. *Tag.*
1. Upon payment of the license fee, the Division of Animal Control shall issue to the Owner a certificate and a tag for each Dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The Owner shall attach the tag to the collar or harness of the animal Dog and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this chapter, except that Dogs which are kept primarily for show purposes are exempt from wearing the tag.
2. Dog tags are not transferable from one Dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon proof of prior receipt and payment ~~of \$2.00~~ to the Division of Animal Control in the amount established by resolution of the City Council.
3. Any person removing or causing to be removed the collar, harness or tag from any licensed dog without the consent of the Owner or Custodian thereof, except a licensed veterinarian or Animal Control Officer who removes such for medical ~~and/or~~ other reasons, shall be in violation of this Chapter.
- C. *Exemptions to licensing requirements.*
1. The provisions of subsections A and B of this section shall not apply to:
- a. Dogs ~~which that~~ have a current, valid license from another city/town and whose Owners are not residents of the City ~~but and~~ who are in the City for less than 30 days. Dogs licensed elsewhere and whose Owners remain in the City for more than 30 days may transfer the license for up to ~~two-four~~ Dogs to a City license upon submission of proof of current rabies vaccination and payment of a \$5.00 fee in the amount established by resolution of the City Council.~~and submission of proof of current rabies vaccination. However, no transfer shall be allowed for a third or fourth dog, and a license for any such dog shall be obtained pursuant to the provisions of this chapter.~~
- b. ~~Individual dogs held for sale in a commercial kennel or other establishment which has been granted a conditional use permit by the Planning Commission.~~
2. The fee provisions of subsection A5 of this section shall not apply to:
- a. Dogs qualifying as service animals under Utah law and under the Americans with Disabilities Act, provided that the Owner provides adequate documentation as determined by the Division of Animal Control. Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place (proof is required; state certification);~~;~~

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- b. ~~Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds (proof is required)~~Dogs specifically trained to assist law enforcement agencies that are owned by such agencies.
3. Nothing in this section shall be construed so as to exempt any Dog from having a current rabies vaccination.
- D. *Unlawful acts.*
1. *Harboring stray Dogs.* It shall be unlawful for any person, except an animal shelter, to harbor or keep any lost, Abandoned or Strayed Dog. Whenever any Dog shall be found which appears to be lost or Strayed, it shall be the duty of the finder to notify the ~~Animal Control Division~~Division of Animal Control within 24 hours, and the Division shall impound the Dog as herein provided.
2. *Female Dogs in heat.* It shall be unlawful for the Custodian of any female Dog in heat to fail to confine such Dog in a secure enclosure so as to prevent it from coming into contact with other Dogs and creating a nuisance, except for planned breeding.
3. *Attacking Dogs.*
- a. It shall be unlawful for the Owner or Custodian of any Dog to allow the Dog to Attack, chase, or worry any person, any Domesticated Animal having a commercial value, or any domestic fowl. "Worry," as used in this subsection, shall mean to harass by tearing, biting, or shaking with the teeth. Killing of a Dog by any person while the Dog is engaged in any act prohibited by this subsection, which is reasonably necessary to stop the Dog's actions, shall not be violation of any other provision of this chapter, provided such killing in no way endangers another's safety or property.
- b. Upon three (3) Attacks by the same Dog, two of which must be Bites, as confirmed by sworn witness statements submitted to the Division of Animal Control, an Animal Control Officer shall impound the animal to be euthanized pursuant to Section 5-2-6 of this Chapter. Prior to the euthanization of such Dog, the Division of Animal Control shall provide written notice of the intent to euthanize the Dog to the last known address of the Dog's Owner. The written notice shall be deemed provided on the date that the notice is mailed. If the Dog's Owner is unknown, or if the Division of Animal Control has no address on file for the Owner, the Division of Animal Control shall hold the Dog for fifteen (15) calendar days before proceeding with euthanization of the Dog, during which period the Dog's Owner may file a written opposition to the euthanization of the Dog with the City Attorney's Office. If the Dog's Owner and address is known, the Owner may oppose the Dog's euthanization by filing a written opposition with the City Attorney's Office within fifteen (15) calendar days of the mailing of the notice of intent to euthanize the Dog. A written opposition to the Dog's euthanization shall not be valid or effective unless it is accompanied by payment of \$750, or a different amount set by the City Council by resolution, to cover the administrative costs for a hearing on the matter. If a written opposition to the intent to euthanize the Dog and payment is received, the euthanization shall be stayed pending a hearing. The hearing shall be conducted as soon as reasonably possible by a hearing officer appointed by the City Manager. The sole determination to be made by the hearing officer shall be whether the subject Dog has committed **three** Attacks, as that term is defined in this Chapter. At the hearing, the hearing officer shall allow the City and the Owner to present relevant evidence, including reliable hearsay evidence, call witnesses, and make oral arguments. The burden shall be on the City to show by a preponderance of the evidence that the Dog has committed **three** Attacks. If the hearing officer finds that the Dog has committed **three** Attacks, the Dog shall be euthanized as soon as possible. If the hearing officer finds that the City has not met its burden to prove the **three** Attacks, the Dog shall not be subject to euthanization, but shall otherwise be subject to the requirements and fines of this Chapter
- E. *Rabies control.*

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1. *Vaccination required; certificate.* Rabies vaccination is required for Dogs and cats over the age of four (4) months. The Owner and Custodian of any Dog or cat is responsible to have the animal vaccinated within thirty (30) days after it reaches the age of four months by a duly licensed veterinarian. The Owner of any Dog shall attached to the collar or harness of the Dog, which such person is hereby required to place upon the Dog, a tag showing that such vaccination has been completed. Unvaccinated Dogs or cats over four months of age acquired by the owner or brought into the jurisdiction must be vaccinated within thirty (30) days. Every Dog or cat shall be revaccinated thereafter every three (3) years. ~~This provision~~ These rabies vaccination requirements shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others. Each veterinarian, when vaccinating any animal for rabies, shall complete a certificate of rabies vaccination (in duplicate) which includes the following information:
 - a. Owner's name and address;
 - b. Description of animal (breed, sex, marking, age, name);
 - c. Date of vaccination;
 - d. Rabies vaccination tag number;
 - e. Type of rabies vaccine administered;
 - f. Manufacturer's serial number of vaccine;and a copy of the certificate shall be distributed to the Owner and original retained by the issuing veterinarian. Any unvaccinated animal shall be impounded but may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.vaccination, with the vaccine being administered by the Animal Shelter prior to the animal's release. If the Owner claims that the rabies vaccine was previously administered, but records cannot be provided, the animal may be released subject to the Owner provide the requisite records to the Animal Shelter within seventy-two (72) hours of release. Any animal not reclaimed prior to the five-day period may be disposed of pursuant to provisions of subsection 5-2-6H of this chapter. Every owner of any Dog over the age of four months within the City shall have the Dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is hereby required to place upon the Dog, a tag showing that such vaccination has been done; provided, that the City Council may, by resolution, provide that owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the condition with which the owner must comply to obtain the tag hereinafter required.
 2. *Public places; vaccination; tag required.* It shall be unlawful for the Owner of any Dog to suffer, allow, or permit such Dog to be or go upon any sidewalk, street, alley, public place, or square-public property within the City without first having had such Dog vaccinated ~~every two years against rabies as above provided within the past two years~~as required by this Chapter, and without there being on such Dog a collar or harness with a license tag thereon showing that such Dog has been so vaccinated.
 3. *Duty to report Bites.* Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Division of Animal Control, giving the name and address of the person bitten and of the Owner or Custodian of the biting animal, if available. Failure to provide such information or otherwise assist the division to provide such information or otherwise assist the division in discovering possible exposure to rabies or in ascertaining the immunization of an animal shall be in violation of this Chapter.
 4. ~~RESERVED.~~ *Vaccination; certificate.* ~~Rabies vaccination is required for Dogs and cats over the age of four months. The owner or custodian of a dog or cat shall have said animal vaccinated within 30 days after it reaches the age of four months. Unvaccinated dogs or cats over four months of age acquired by the owner or brought into the jurisdiction must be vaccinated within 30 days. Every dog shall be~~

~~revaccinated thereafter every 24 months, and every cat shall be revaccinated thereafter every 12 months with a modified rabies virus vaccine approved by the division. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others. Each veterinarian, when vaccinating any animal for rabies, shall complete a certificate of rabies vaccination (in duplicate) which includes the following information:~~

- ~~a. Owner's name and address;~~
- ~~b. Description of animal (breed, sex, marking, age, name);~~
- ~~c. Date of vaccination;~~
- ~~d. Rabies vaccination tag number;~~
- ~~e. Type of rabies vaccine administered;~~
- ~~f. Manufacturer's serial number of vaccine;~~

~~and a copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. Any unvaccinated animal shall be impounded but may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release. Any animal not reclaimed prior to the five-day period may be disposed of pursuant to provisions of subsection 5-2-6H of this chapter.~~

5. *Quarantine.*

- a. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies or that has been exposed to rabies shall be reported by the Owner to the Division of Animal Control, as set forth above, and shall immediately be confined in a secure place by the Owner. The Owner shall turn over the animal to the Division of Animal Control upon demand. The Division shall Quarantine the animal for observation for a period of not less than ten days. The Owner of the animal shall bear the cost of confinement. The Animal Shelter or a veterinary kennel shall be the normal place for Quarantine, but other arrangements, including confinement by the Owner, may be made by an Animal Control Officer if the animal has a current rabies vaccination at the time the Bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under Quarantine shall immediately notify the Division of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a Quarantined animal to fail or refuse to allow a health or Animal Control Officer to make an inspection or examination during the period of Quarantine. If the animal dies within ten days from the date of the Bite, the person having custody shall immediately notify the Division of Animal Control or immediately remove and deliver the head of such animal to the state health laboratory to be examined for rabies. If, at the end of the ten-day period, the ~~Director of~~ Animal Control Supervisor or Animal Control Officer examines the animal and finds no sign of rabies, the animal may be released to the Owner, or in the case of a stray, it shall be disposed of as provided in subsection 5-2-6H of this Chapter.
- b. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed/euthanized. If the Owner is unwilling to destroy/euthanize the bitten or exposed animal, the animal shall be immediately isolated and Quarantined for six months under veterinary supervision, the cost of such confinement to be paid in advance by the Owner. The animal shall be destroyed/euthanized if the Owner does not comply herewith.
- c. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and Quarantined for a period of 30 days following revaccination; if the animal is not

revaccinated within 24 hours, the animal shall be isolated and Quarantined under veterinary supervision for six months. The animal shall be ~~destroyed~~ euthanized if the Owner does not comply herewith.

- d. If Quarantine by the animal's Owner or Custodian is permitted by this section, the animal shall not leave the Owner's or Custodian's premises or leave City limits at any point during the Quarantine process.

Sec. 5-2-4. Care and keeping of animals; prohibitions.

A. *Animals At Large.*

1. It shall be unlawful for the Owner or Custodian of any animal, other than domestic cats, to allow such animals at any time to run At Large. The Owner or Person charged with responsibility for an animal found running At Large shall be strictly liable for a violation of this subsection, regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running At Large.
2. No cattle, horses, mules, sheep, goats or swine shall be allowed to run At Large, or to be picketed or staked out upon any street, sidewalk or other public place within the limits of this City, and all such animals so found may be Impounded.

B. *Animals on unenclosed premises.* It shall be unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

C. *Places prohibited to animals.*

1. Places of Business. It shall be unlawful for any person to take or permit any animal in or about any establishment or place _of business where food or food products are sold or displayed, regardless of how the animal may be restrained, except for seeing-eye dogsDisability Service Dogs.

2. Dogs in City Parks. Dogs are permitted in certain designated City dog parks. Where Dogs are permitted, all park rules must be observed.

3. Dogs on Paved Trails. Dogs are permitted on paved City trails. Dogs on paved City trails shall be leashed and the Dog's Owner or Custodian shall properly clean up after the dog, removing any waste to a trash receptacle.

D. *Vicious Animals.* It shall be unlawful for the Owner of a Vicious Animal to permit such animal to go or be off the premises of the Owner or Custodian unless such animal is under control and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be reasonably controlled, shall be considered a hazard to the public safety, and an Animal Control Officer may impound the animal.

E. *Waste disposal.* It shall be unlawful for the Owner or Custodian of ~~an animal~~a Dog to permit the animal to defecate upon a public street, sidewalk, ~~or park, or other area, or upon the property of another~~ unless the Owner or Custodian removes and properly disposes of all animal waste that results. It shall also be unlawful for the Owner or Custodian of an animal to permit the animal to defecate upon the private property of another.

F. *Abandonment.* It shall be unlawful for any person to ~~A~~abandon an animal. ~~or turn out At Large any sick, diseased, or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the Owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health.~~

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- G. *Trespassing animals and fowl.* It shall be unlawful for any Owner or ~~caretaker~~Custodian of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.
- H. *Killing or poisoning.* It shall be unlawful for any person willfully to kill any Domesticated Animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.
- I. *Dead animals; disposal.* The Owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal with ten hours after its death; provided, that no horse, cow, ox, or other animal shall be buried within the closely-inhabited portions of this City. A violation of this subsection is an infraction.
- J. *Diseased animals.*
1. It is an infraction for any person to bring into the City for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.
 2. It is an infraction for any person to bring into the City for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, ~~and unwholesome~~ or which for any other reason is unfit for human food.
- K. *Specific unlawful acts.* It shall be unlawful for any person to:
1. Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill any animal or cause any of these acts to be done.
 2. ~~or~~ Carry or transport in any vehicle or other conveyance in a cruel and or inhuman manner, any animal or cause any of these acts to be done.
 23. Fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done.
 4. Leave or confine an animal in an unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. An Animal Control Officer or law enforcement officer, as defined in Utah Code Title 53, Chapter 13, as amended, is authorized to take all steps reasonably necessary for the removal of the animal from the vehicle, following appropriate Division of Animal Control procedures.
 35. Maintain any place where Dogs, fowl, or any other animals are suffered to fight upon exhibition or for sport or upon any wager:
 - a. It shall be unlawful for any person to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or to be present as a spectator at any such fighting or baiting of any animal or fowl; and for any person to knowingly rent any building or shed, room, yard, ground or premises for any such purpose as aforesaid, or to knowingly suffer or permit the use of building, shed, room, yard or grounds or premises for the purposes aforesaid.
 - b. Law enforcement officers or Animal Control Officers may enter any building or place where there is an exhibition of the fighting or baiting of live animals, or where preparations are being made for such an exhibition. The law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such an exhibition. This provision shall not be interpreted to authorize search or arrest without a warrant when such is required by law.

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46. Intentionally exhibit any stud, horse, or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.

Sec. 5-2-5. Nuisance animals.

- A. *Specified.* Any Owner or Custodian or an animal causing a "nuisance," as defined below, shall be in violation of this chapter and subject to the penalties provided herein. An animal creates a "nuisance" if it:
1. Causes damage to the property of anyone other than its Owner;
 2. Is a Vicious Animal not in compliance with subsection 5-2-4D of this chapter;
 3. Causes unreasonable fouling of the air by odors;
 4. Causes continuous unsanitary conditions in enclosures or surroundings;
 5. Barks, whines, howls or makes other disturbing noises in excessive, continuous, or untimely fashion;
 6. Molests passersby or chases passing vehicles;
 7. Attacks other Domesticated Animals;
 8. Is otherwise determined by the Division of Animal Control to be a public nuisance for any reason designated elsewhere in the this Code.
- B. *Dogs disturbing neighborhood.* No person shall own, keep, or harbor any Dog which by loud, continued, or frequent barking, howling, yelping or by noxious or offensive odors shall annoy, disturb or endanger the health and welfare of any person or neighborhood. Upon the complaint of two (2) or more neighbors, or a neighbor and an Animal Control Officer responding to the complaint of the neighbor, that the Dog or Dogs are creating a nuisance in violation of this subsection by frequent barking or howling, the Owner or Custodian shall be issued one verbal warning of the violation. Upon subsequent violations of this subsection at the same address and by the same Dog(s), the Owner shall be cited. A violation of this subsection shall be an infraction and such is hereby declared to be nuisance, and each day the violation is permitted to exist or continue shall constitute a separate offense. This subsection shall not apply to the following: (1) City dog poundAnimal Shelter-; (2) veterinary hospitals, or medical laboratories, animal boarding facilities, grooming facilities, or training facilities with a valid business license and located in a non-residential zones; and (3) puppy stores or animal adoption centers with a valid business license and located in commercial zones.

Sec. 5-2-6. Impounding.

- A. *Shelter.* The Division of Animal Control shall provide suitable premises and facilities to be used as an Animal Shelter where Impounded animals can be adequately kept and supplied with food and humane care. It shall provide for the painless and humane destructioneuthanization of animals where when necessary, or it may furnish medical treatment for Impounded animals.
- B. *Conditions necessitating impounding without complaint.* The Animal Control ~~Director~~Supervisor or an Animal Control Officer shall place all animals which he take~~taken~~ into custody into a designated animal impound facility. The following animals may be taken into custody by the Animal Control ~~Director~~Supervisor or an Animal Control Officer and Impounded without the filing of a complaint:
1. Any animal being kept or maintained contrary to the provisions of this Chapter;
 2. Any animal running At Large contrary to the provisions of this Chapter;
 3. Any animal which is by this Chapter required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this subsection;

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4. Any Abandoned animal;
 5. Animals which are not vaccinated for rabies in accordance with the requirements of this Chapter; or
 6. Any Vicious Animal not in compliance with section 5-2-7 of this chapter.
- C. *Information maintained.* The impounding of any animal in this chapter shall require the following information to be kept by the ~~animal control director~~Director of the Division of Animal Control Supervisor or an Animal Control Officer:
1. Complete description of the animal, including tag numbers if any;
 2. The manner and date of impound;
 3. The location of the pick up and name of the officer picking up the animal;
 4. The manner and date of disposal;
 5. The name and address of the redeemer or purchaser;
 6. The name and address of any person relinquishing an animal to the impound facility;
 7. All fees received; and
 8. All expenses accruing during impoundment.
- D. *Disposition.* ~~Animals shall be Impounded for a minimum of five days before further disposition, unless relinquished by the Owner or Custodian for the express purpose of destruction or euthanasia.~~ Reasonable effort shall be made to notify the Owner of any Impounded animal wearing a license or other identification during that time. ~~Notice shall be deemed given when sent to the last known address of the listed Owner. All Impounded Dogs not redeemed within five days of the date of impounding may be adopted, rescued, or euthanized. In the case of animals that are severely injured or having contagious disease and which in the judgment of two animal control employees (animal control officer, shelter attendant, or supervisor) are suffering and recovery is doubtful, the animal may be euthanized without waiting the five-day period.~~
- E. ~~Destruction~~Euthanasia. All Dogs and cats, except for those Quarantined or confined by court order, held longer than the minimum impound period, and all Dogs and cats voluntarily relinquished to the impound facility, may be ~~destroyed~~ adopted, rescued, or euthanized ~~or sold~~ as the ~~animal control division~~Division of Animal Control or an Animal Control Officer shall direct. Any licensed animal Impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, without waiting the minimum impound period, in the discretion of the ~~animal control division~~Division of Animal Control or an Animal Control Officer, be released to the care of a veterinarian or euthanized for humane reasons, provided consent be obtained in advance from the Owner or Custodian, if known and available.
- F. *Redemption.* The Owner of any Impounded animal or ~~his~~the Owner's authorized representative may redeem such animal before disposition as provided in subsection E of this section, provided ~~he~~the Owner or the authorized representative pays:
1. The impound fee;
 2. The daily board charges;
 3. Veterinary costs incurred during the impound period, including rabies vaccination; and
 4. License fee, if required.
- G. *Fees for impound.* Impound fees shall be as established by resolution of the City Council.
- H. ~~Disposition of unclaimed and infected Dogs. All Impounded Dogs not redeemed within five days of the date of impounding may be euthanized, rescued, or adopted. In the case of Dogs severely injured or having contagious disease other than rabies and which in the Director of the Division of Animal Control's judgment~~

~~are suffering and recovery is doubtful, the Director may euthanize the Dog without waiting the five-day period.~~

- ~~H.~~ *Interference with impounding prohibited.* It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the ~~animal control director or any of his assistants~~ an Animal Control Officer while engaging in capturing, securing, or taking to the ~~dog pound~~ Animal Shelter any ~~Dog animal~~ liable to be Impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of ~~any the Animal Shelter dog pound or ambulance, wagon or other any~~ vehicle used for the collecting or conveying of ~~Dogs animals~~ to the ~~dog pound~~ Animal Shelter.
- ~~J.~~ *Adoption of Impounded animals.* Impounded animals may be adopted by responsible persons, provided that such person shall be required to: (1) execute an adoption/sterilization agreement in ~~the form attached to Ordinance 09-19-02-1 as exhibit Aa form approved by the City Attorney;~~ and (2) pay an adoption fee ~~of \$20.00 for dogs and \$10.00 for cats~~ in an amount established by resolution of the City Council, which shall be nonrefundable except when a health problem in the animal is detected by a veterinarian within five working days of the date of execution of the adoption/sterilization agreement. All adopted animals shall be spayed or neutered within the time specified on the adoption/sterilization agreement. Any person violating the provisions of this subsection shall be guilty of an infraction and shall be required to forfeit the adopted animal to the Division of Animal Control.

Sec. 5-2-7. Vicious Animals.

- A. *Prohibited.* It shall be unlawful for any person to own and possess a vicious Dog within the City not in compliance with subsection 5-2-4(D) of this chapter. Whenever a prosecution for this offense is commenced under this section, the Dog so involved may not be redeemed, pursuant to the provisions of this chapter, while awaiting final decision of the court as to the disposition to be made of such Dog.
- B. *Disposition.* Upon the trial of any offense under this section, the court may, upon conviction and in addition to the usual judgment of conviction, order ~~the animal control officer or other authorized personnel of the City~~ Division of Animal Control to ~~put the dog to death~~ euthanize the Dog or may order such other disposition of the Dog as will protect the inhabitants of the City.

Sec. 5-2-8. Cruelty prohibited.

- A. *Prohibited.* Cruelty to animals is prohibited. Cruelty shall consist of those acts designated in Utah Code Annotated section 76-9-301, as amended, together with injurious hobbling and malicious impounding.
- B. *Striking with motor vehicle.*
1. The operator of a motor vehicle or other self-propelled vehicle being operated on a City street that strikes and injures or kills any Domestic ated Animal shall ~~safely stop at the scene, immediately stop and give such aid as can reasonably be rendered give reasonable aid and assistance to said animal, without placing him/herself at unreasonable risk. In the absence of the~~ if the animal's Owner is not at the scene, the operator shall immediately notify one of the following authorities:
 - a. 911 dispatch;
 - b. Police dispatch;
 - c. The Division of Animal Control.
 2. After reporting the incident as required by subsection B.1. (if the Owner is not at the scene), the vehicle operator shall comply with the instructions given by the agency contacted and shall, if instructed, remain at the scene until appropriate police or animal control authorities arrive. After the arrival of the appropriate authority, the operator shall cooperate with said authority in the investigation and reporting of the incident.

~~3. As an alternative to complying with the requirements set forth in subsection B.1. and B.2. of this section, if the animal's Owner is not at the scene, the operator may, but is not required to, transport the struck animal to the Animal Shelter or to a veterinarian. If the operator chooses to transport the animal to a veterinarian, the operator does so at his or her own risk and shall be responsible for the cost of treatment, if required by the veterinarian.~~ he shall also immediately notify the Animal Control Division, furnishing requested facts relative to the incident.

4. Emergency vehicles are exempted from the requirements of this provision.

- C. *Birds.* It shall be unlawful for any person to take or kill any bird or to rob or destroy any nest, eggs, or young of any bird.

Sec. 5-2-9. ~~Sale of animals.~~RESERVED.

~~It shall be unlawful for any person to sell, offer for sale, barter, or give away any baby rabbits or fowl under two months of age in any quantity less than six. Such animals shall not be artificially dyed or colored. It shall be unlawful for any person to offer a live animal as a premium, prize, award, novelty, or incentive to purchase merchandise. This section does not apply to the selling of small animals by permitted agricultural operations or businesses.~~

Sec. 5-2-10. Wild Animals.

It shall be unlawful for any person to sell, offer for sale, barter, give away, keep, or purchase any Wild Animal which is not domesticated, or an animal belonging to an endangered species, except for the Animal Shelter, a zoological park, veterinary hospital, circus, sideshow, amusement show, or facility for education or scientific purposes if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

Sec. 5-2-11. RESERVED.~~Estrays.~~

- A. ~~*Trespassing animals; damaging; impounding.* If any cattle, horses, asses, mules, sheep, goats or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by a civil action against the owner of the trespassing animals or by distraining and impounding the animals in the manner provided.~~
- B. ~~*Owner notified.* The person distraining the animals must, if the owner of the same be known to him and if he resides within ten miles of the place of the trespass, immediately deliver to such owner, or leave at his place of residence if he cannot be found, a copy of such certificate of appraisement; but if the owner does not live within ten miles of the place of trespass, the party distraining the animals may at his option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He shall be entitled to charge \$0.29 a mile one way for the first ten miles necessarily traveled in delivering such certificate, and \$0.29 for each additional mile, to be taxed as costs against the animals.~~
- C. ~~*Failure to notify waives damages.* If the party distraining any animals shall fail to deliver them within 48 hours, or shall fail to deliver to the owner of the animal, if known, a copy of the certificate of appraisement within 24 hours after he receives the same or to deposit the same in a post office as herein provided, he shall not be entitled to recover damages under the provisions of this section.~~

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- D. ~~*Notice of sale of distrained animals.* As soon as any such animals are delivered to the animal control officer, he shall immediately proceed to advertise the same as hereinafter provided, except when the owner is known and has been notified, in which case he shall hold said animals 48 hours before advertising the same. He shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of said paper, by posting notices in three public places in the City, one of which shall be at or near the post office, and he shall deliver a copy of the same to the county clerk or send the same by deputy or by registered mail. The county clerk should preserve such notice and post a copy thereof. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour, and place at which such animals will be sold, which shall be not less than ten nor more than 20 days from the time of posting such notice.~~
- E. ~~*Fee for impound.* A \$25.00 impound fee will be charged per animal per impound and \$40.00 thereafter, with an additional \$5.00 per day for boarding charges per animal.~~
- F. ~~*Owner may pay and take animals; disputed appraisal.* The owner of any trespassing animals taken up under the provisions of this section may at any time before the sale thereof claim and take such animals away upon paying the accrued costs, and if such animals are included in a lot or group of animals belonging to other parties against which the costs are assessed as a whole, he shall pay his proportion of the total amount of costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire lot or group.~~
- G. ~~*Bill of sale.* If such animals are not claimed and taken away by the owner, the animal control officer shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the animal control officer shall sell only enough of said animals to pay the costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the animal control officer shall proceed to sell all of said animals so advertised for sale. He shall execute and deliver a bill of sale therefor, and file a copy with the county clerk as hereinbefore provided.~~

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- H. ~~*Redemption within 90 days.* The owner of any trespassing animals sold under the provisions of this section may, at any time within 90 days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animals were originally sold, together with an additional ten percent and reasonable compensation for care and keeping of the same. If such purchaser or assignee refuses to give up such animals upon the owner proving his title to the same and upon his tendering the amount due as herein provided, such owner may maintain an action at law to recover the same; provided, that the purchaser or any assignee who has disposed of such animals shall not be liable to such owner in any amount. If redemption of such animals is not made within 90 days after the date of such sale, such sale shall be absolute and shall vest the title to such animals in the purchaser or assignee. Any person selling or disposing of any such animal within 90 days of its sale under the provision of this section shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, if he fails to do so, he shall be liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for an amount less than he paid therefor.~~
- I. ~~*Owner entitled to residue of proceeds.* If any estrays or trespassing animals sold under the provisions of this section shall, within a period of six months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the City Treasurer at the expiration of such time to pay the money received for such animals to the owner thereof, less the expense of taking, keeping and selling the same. In the event such animals are not claimed as aforesaid, such money shall become the property of the City; provided, that in case there is a contest between two or more persons claiming to be the owners of any such animals, the City Treasurer shall pay the residue to the party who shall establish by action his right to the same.~~
- J. ~~*Record of trespassing animals.* The animal control officer shall keep an accurate record of all trespassing animals received by him, which record shall contain all the items required by this section, together with the names of the injured party and the owner of the animals, and all other matters necessary to a complete account of the transaction.~~

K. ~~*Retaking animal unlawfully. It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provision of this section, either by stealth, force, fraud or to intercept or hinder any person lawfully taking or attempting to take up such animals.*~~

Sec. 5-2-12. Penalty.

- A. *Violations.* Any person violating the provisions of this Chapter, either by failing to do those acts required herein or by doing any act prohibited herein, shall be guilty of an infraction, punishable as follows:
1. By a fine as provided in section 1-4-1 of this Code for each offense, as determined by a court of competent jurisdiction; or
 2. When there are three (3) or more violations of this Chapter during any twelve (12) month period by the same Owner or Custodian in relation to the same Dog, the Dog may be Impounded and may be adopted, rescued, or euthanized, with the Owner ~~or~~ Custodian having no right to redeem the Dog.;
 - 3.2. By order of removal, requiring any Dog to be removed from the City; or
 - 4.3. Any combination of fine, restitution or removal, as determined by any court of competent jurisdiction.
- B. *Separate offense each day.* Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Sec. 5-2-13. Exemption.

Dogs specially trained to assist officers of law enforcement agencies in the performance of their duties, and officers of such law enforcement agencies, are hereby exempt from the provisions of this Chapter.

CHAPTER 12. AGRICULTURAL ZONES

Sec. 10-12-1. Purpose.

See section 10-11-2 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-12-2. 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 title, this Code, or other laws.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-12-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 10-12-1 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 10-12-1 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 10-7-18E4 of this title.

TABLE 10-12-1
PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Use	Zones				
	A-40	A-20	A-10	A-5	A-1
Agricultural uses:					
Accessory building	P	P	P	P	P
Agricultural business	P	P	P	P	P
Agricultural industry	P	P	P	P	C
Agriculture	P	P	P	P	P
Agritourism	P	P	P	P	C
Animal specialties	P	P	P	P	C
Animals and fowl for recreation and family food production	P	P	P	P	P
Stable, private	P	P	P	P	P
Residential uses:					
Assisted living facility	P	P	P	P	N
Building, accessory	P	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P
Dwelling, single-family	P	P	P	P	P

Dwelling, single-family with single accessory dwelling unit	P	P	P	P	P
Dwelling, temporary	P	P	P	P	P
Guesthouse for family members and non-paying guests	P	P	P	P	P
Home base business	P	P	P	P	P
Manufactured home	P	P	P	P	P
Residential facility for elderly persons ¹	P	P	P	P	N
Residential facility for persons with a disability ¹	P	P	P	P	P
Residential facility for troubled youth	N	N	N	N	N
Short term rental	N	N	N	N	P
Public and civic uses:					
Auditorium or stadium	N	N	N	N	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	N	N	N	N
Cultural service	P	P	P	P	P
Golf course	N	N	N	N	N
Hospital	N	N	N	N	N
Park	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	C	C	C	C
Stable, public	P	P	P	P	C
Utility, minor	P	P	P	P	P
Utility substation	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	P	P	C	C	N
Agritourism activities	P	P	P	P	C
Animal hospital	P	P	P	P	P
Bed and breakfast, home	P	P	P	P	P
Garden center	P	P	P	P	P
Kennel, commercial-residential	NP	NP	NP	NP	NP
Licensed family child care ²	P	P	P	P	P
Media service	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P
Produce stand	P	P	P	P	P
Recreation and entertainment, outdoor	C	C	C	C	N
Residential certificate child care facility ²	P	P	P	P	N
Vehicle repair, limited	N	N	N	N	N
Veterinary service	P	P	P	P	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				

Notes

1. See chapter 46 of this title.
 2. See chapter 42 of this title.
- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-12-1 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 title.
 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 title.
 - Garages, carports, and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.
 - 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 title.
 - 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 title.
- (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. 2020-03, 2-6-2020; Ord. No. 2022-61, 2-2-2023)

Sec. 10-12-4. Development standards.

Development standards within agricultural zones shall be as set forth in table 10-12-2 of this section.

TABLE 10-12-2
DEVELOPMENT STANDARDS IN AGRICULTURAL ZONES

Development standard	Zones				
	A-40	A-20	A-10	A-5	A-1
Lot standards:					

Minimum lot area	40 acres	20 acres	10 acres	5 acres	1 acre
Minimum lot width	400 feet	400 feet	300 feet	300 feet	100 feet
Building standards:					
Maximum height, main building ¹	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet	35 feet
Setback standards—front yard:					
Any building ²	30 feet	30 feet	30 feet	30 feet	25 feet
Setback standards—rear yard:					
Main building	30 feet	30 feet	30 feet	30 feet	30 feet
Accessory building	No requirement	No requirement	No requirement	No requirement	5 feet
Setback standards—interior side yard:					
Main building	15 feet	15 feet	15 feet	15 feet	10 feet one side and 20 feet other side
Accessory building of	No requirement	No requirement	No requirement	No requirement	No requirement

100 square feet or less					
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards street side yard:					
Main building	20 feet	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Notes

1. Except as otherwise permitted by subsection 10-12-7A of this chapter.
2. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2020-03, 2-6-2020)

Sec. 10-12-5. Regulations of general applicability.

The use and development of real property in agricultural zones shall conform to regulations of general applicability as set forth in the following chapters of this title:

- A. Design and compatibility standards: see chapter 33 of this title.
- B. Landscaping and screening: see chapter 32 of this title.
- C. Motor vehicle access: see chapter 35 of this title.
- D. Natural resource inventory: see chapter 31 of this title.
- E. Off street parking: see chapter 34 of this title.

F. Signs: see chapter 36 of this title.

G. Supplementary development standards: see chapter 37 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-12-6. Regulations for specific uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in division 6 of this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-12-7. Special regulations.

A. *Increased height.* Notwithstanding the height limitations shown on table 10-12-2 in section 10-12-4 of this chapter a greater building height may be allowed in all agricultural zones pursuant to a conditional use permit.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

CHAPTER 13. RESIDENTIAL ZONES

Sec. 10-13-1. Purpose.

See section 10-11-2 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-13-2. Scope.

The provisions of this chapter shall apply to any real property located in a residential 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 title, this Code, or other laws.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-13-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 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 10-13-1 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 10-7-18E4 of this title.

TABLE 10-13-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use		Zones								
		R1-15		R1-10	R1-8	R1-6	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:										
Accessory building	P	P	P	P	P	P	P	P	P	
Agricultural business	N	N	N	N	N	N	N	N	N	
Agricultural industry	N	N	N	N	N	N	N	N	N	
Agriculture	N	N	N	N	N	N	N	N	N	
Agriculture residential	P	P	P	P	P	P	P	P	P	
Animal specialties	P	P	N	N	N	N	N	N	N	
Animals and fowl for recreation and family food production	P ³ /C	P ³ /C	P ³	P ³	N	N	N	N	N	
Stable, private	N	N	N	N	N	N	N	N	N	
Residential uses:										
Assisted living facility	C	C	C	C	N	N	N	N	N	
Boarding house	N	N	N	N	N	N	N	N	N	
Building, accessory	P	P	P	P	P	P	P	P	P	
Dwelling, earth sheltered	P	P	P	P	P	P	P	P	N	
Dwelling, multiple-family	N	N	N	N	P	P	P	P	N	
Dwelling, single-family	P	P	P	P	P	P	P	P	P	
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	N	N	N	N	N	
Dwelling, temporary	P	P	P	P	P	P	P	P	P	
Dwelling, two-family	N	N	N	N	P	P	P	P	N	
Guesthouse or casita	P	P	P	N	N	N	N	N	N	
Manufactured home	P	P	P	P	N	N	N	N	P	
Manufactured/mobile home park	N	N	N	N	N	N	N	N	P	
Manufactured/mobile home subdivision	N	N	N	N	N	N	N	N	P	
Protective housing facility	N	N	N	N	N	N	N	N	N	
Rehabilitation/treatment facility	N	N	N	N	N	N	N	N	N	
Residential facility for elderly persons ¹	P	P	P	P	P	P	P	P	P	
Residential facility for persons with a disability ¹	P	P	P	P	P	P	P	P	P	

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(Supp. No. 2)

Residential facility for troubled youth	N	N	N	N	N	N	N	N
Short term rental ⁴	N	N	N	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N
Public and civic uses:								
Airport	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	P	P	P	P
Government service	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P
Commercial uses:								
Agricultural sales and service	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N

Bed and breakfast inn	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N
Family child daycare facility ²	P	P	P	P	P	P	P	P
Family child group daycare facility ²	C	C	C	C	C	C	C	C
Family child residential certificate care facility ²	P	P	P	P	P	P	P	P
Family childcare center	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N
Kennel, <u>commercial</u>	N	N	N	N	N	N	N	N
—Kennel, <u>residential</u>	P	P	P	P	P	P	P	P
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N
Personal care service, home based ²	P	P	P	P	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N

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(Supp. No. 2)

Recreation and entertainment, indoor	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	P	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	N	N	N	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title							
Industrial uses:								
Automobile wrecking yard	N	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20 . See licensing and operations requirements in title 10, chapter 51 of this Code.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 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 title.

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:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

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.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. No. 2023-20, 12-7-2023)

Sec. 10-13-4. Development standards.

Development standards within residential zones shall be as set forth in table 10-13-2 of this section.

TABLE 10-13-2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

Development standard	Zones						
	R1-15	R1-10	R1-8	R1-6	RM-1 ¹	RM-2	RM-3
Lot standards:							
Average lot area ²	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	4,800 sq. ft.	10,000 sq. ft.	1 acre (see note 10)	1 acre (see note 10)
Minimum lot width and/or project frontage	90 ft.	80 ft.	70 ft.	60 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	n/a	n/a	n/a	6 units/lots	10 units/lots	15 units/lots
Building standards:							
Maximum height, main building ³	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building ⁴	16 ft.	16 ft.	16 ft.	16 ft.	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: see subsection 10-37-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot
Distance between buildings	10 ft.	10 ft.	10 ft.	10 ft.	20 ft.	20 ft.	20 ft.
Setback standards—front yard:							
Any building ⁵	25 ft.	25 ft.	25 ft.	25 ft.	Living area 20' Garage 22'	Living area 20' Garage 22'	Living area 20' Garage 22'
Setback standards—rear yard:							
Main building	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage ⁶	See note 9	See note 9	See note 9	See note 9	See note 9	See note 9	See note 9
Setback standards—interior side yard:							
Main building	10 ft.	10 ft.	10 ft.	8 ft.	10 ft.	10 ft.	10 ft.

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Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Setback standards—street side yard:							
Main building ⁷	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Pool location and setbacks ⁸	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 10-13-7C of this chapter.
4. Except as otherwise permitted by subsection 10-13-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. If located at least ten feet from main building, two feet. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to ten feet.
8. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the building official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
9. If located at least ten feet from main building, ten feet. Otherwise, same as for main building. No accessory building shall be built within a public utility easement.
10. Minimum area shall not be required in downtown area as listed within the general plan map to allow for infill and redevelopment of the downtown area in order to accomplish goals within the City's general plan and supporting master plans.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-15, 6-17-2004; Ord. 2005-6, 2-17-2005; Ord. 2017-14, 8-17-2017; Ord. 2018-14, 12-20-2018; Ord. 2019-02, 3-7-2019; Ord. No. 2020-12, 3-5-2020; Ord. 2020-18, 9-3-2020; Ord. No. 2021-05, 6-3-2021)

Sec. 10-13-5. Regulations of general applicability.

The use and development of real property in residential zones shall conform to regulations of general applicability as set forth in the following chapters of this title:

- A. Design and compatibility standards: see chapter 33 of this title.
- B. Landscaping and screening: see chapter 32 of this title.
- C. Motor vehicle access: see chapter 35 of this title.
- D. Natural resource inventory: see chapter 31 of this title.
- E. Off street parking: see chapter 34 of this title.
- F. Signs: see chapter 36 of this title.
- G. Supplementary development standards: see chapter 37 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-13-6. Regulations for specific uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in division 6 of this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

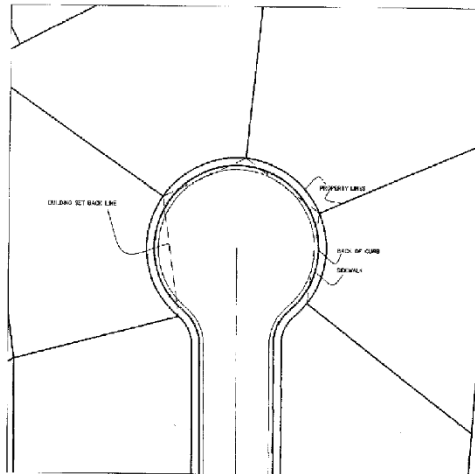
(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-13-7. Special regulations.

- A. *Animals.* Within R1, RM, and MH/RV zones, where permitted by the zone, the keeping of animals shall normally be simultaneous with occupied residential use.
- B. *Larger accessory buildings.* Notwithstanding the maximum building size limitation shown in section 10-13-4, table 10-13-2 of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit in accordance with the standards in section 10-7-9 of this title.
- C. *Increased height.* Notwithstanding the height limitations shown in section 10-13-4, table 10-13-2 of this chapter a greater building height may be allowed in residential zones pursuant to a conditional use permit in accordance with the standards in section 10-7-9 of this title.
- D. *Separation.* To buffer the dwelling areas and provide site safety, multi-family projects shall be separated from different land uses by means of a landscape barrier, a berm, a wall, or other means approved by the Planning Commission during final site plan. The commission will consider adjacent land uses and zoning when determining an acceptable separation design.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2018-09, 9-6-2018; Ord. No. 2022-36 , 8-18-2022)

Sec. 10-13-8. Illustrations.

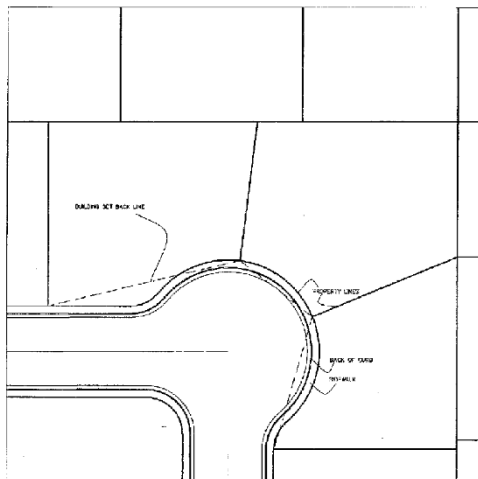


THE SETBACK MAY BE MEASURED FROM A STRAIGHT LINE DRAWN JOINING THE FRONT CORNERS OF THE LOT. IN NO CASE MAY THE LIVING AREA BE ANY CLOSER THAN 15' FROM THE BACK OF SIDEWALK OR THE GARAGE BE ANY CLOSER THAN 20' FROM THE BACK OF THE SIDEWALK.

**HURRICANE CITY BUILDING
SETBACK EXHIBIT**

CUL-DE-SAC

SCALE 1" = 40'



THE SETBACK MAY BE MEASURED FROM A STRAIGHT LINE DRAWN JOINING THE FRONT CORNERS OF THE LOT. IN NO CASE MAY THE LIVING AREA BE ANY CLOSER THAN 15' FROM THE BACK OF SIDEWALK OR THE GARAGE BE ANY CLOSER THAN 20' FROM THE BACK OF THE SIDEWALK.

**HURRICANE CITY BUILDING
SETBACK EXHIBIT**

KNUCKLE

SCALE 1" = 40'

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

CHAPTER 14. RESIDENTIAL AGRICULTURE ZONES

Sec. 10-14-1. Purpose.

See section 10-11-2 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-14-2. Scope.

The provisions of this chapter shall apply to any real property located in a residential agriculture 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 title, this Code, or other laws.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-14-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential agriculture zones shall be as set forth in table 10-14-1 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 10-14-1 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 10-7-18E4 of this title.

TABLE 10-14-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
RESIDENTIAL AGRICULTURE ZONES

Use	Zones	
	RA-1	RA-.5
Agricultural uses:		
Agricultural business	P	N
Agricultural industry	N	N
Agriculture	P	P
Animal specialties	P	P
Animals and fowl for recreation and family food production	P	P ³
Stable, private	P	P
Residential uses:		
Assisted living facility	P	P
Boarding house	N	N
Building, accessory	P	P
Dwelling, earth sheltered	P	P
Dwelling, multiple-family	N	N
Dwelling, single-family	P	P

Dwelling, single-family with single accessory dwelling unit	P	P
Dwelling, temporary	P	P
Dwelling, two-family	N	N
Guesthouse	P	P
Manufactured home	P	P
Manufactured/mobile home park	N	N
Manufactured/mobile home subdivision	N	N
Protective housing facility	P	P
Residential facility for elderly persons ¹	P	P
Residential facility for persons with a disability ¹	P	P
Residential facility for troubled youth	C	C
Short term rental ⁴	N	N
Public and civic uses:		
Auditorium or stadium	N	N
Cemetery	P	P
Church or place of worship	P	P
Club or service organization	N	N
Convalescent care facility	N	N
Cultural service	P	P
Golf course	P	P
Hospital	N	N
Park	P	P
Protective service	P	P
Reception center	C	C
Stable, public	P	N
Utility, minor	P	P
Utility substation	P	P
Commercial uses:		
Agricultural sales and service	N	N
Animal hospital	P	P
Bed and breakfast, home	P	P
Bed and breakfast inn	N	N
Garden center	N	N
Kennel, residential-commercial	NP	NP
Licensed family child care ²	P	P
Media service	N	N
Personal care service, home based ²	P	P
Personal instruction service, home based ²	P	P
Produce stand	P	P
Recreational vehicle park	N	N
Residential certificate child care facility ²	P	P
Residential hosting facility	P	P
Temporary trailer	P	P
Veterinary service	N	N
Warehouse, self-service storage	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

Notes

1. See chapter 46 of this title.
 2. See chapter 42 of this title.
 3. See section 10-37-15 of this title for permitted animals and fowl.
 4. Whole home vacation rentals in residential zones are a nonconforming use pursuant to Ordinance No. 2023-20 . See licensing and operations requirements in title 10, chapter 51 of this Code.
- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-14-1 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 title.
 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 agriculture zones shall include, but not be limited to, the following:
 - Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.
 - Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.
 - 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.
 - Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.
 - Household pets.
 - Nurseries and greenhouses.
 - Playhouses, patios, porches, gazebos, and incidental storage buildings.
 - Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018; Ord. No. 2022-61 , 2-2-2023; Ord. No. 2023-20 , 12-7-2023)

Sec. 10-14-4. Development standards.

Development standards within residential agriculture zones shall be as set forth in table 10-14-2 of this section.

TABLE 10-14-2
DEVELOPMENT STANDARDS IN RESIDENTIAL AGRICULTURE ZONES

Development standard	Zones	
	RA-1	RA-.5
Lot standards:		
Average lot area ¹	1 acre (see note 7)	0.5 acre (see note 7)
Minimum lot area ²	0.8 acre (see note 7)	0.4 acre (see note 7)

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Minimum lot width	100 feet (see note 7)	100 feet (see note 7)
Building standards:		
Maximum height, main building ³	35 feet	35 feet
Maximum height, accessory building	20 feet	20 feet
Maximum size, accessory building ⁴	2,000 square feet	2,000 square feet
Building coverage	50% of lot (see subsection 10-37-12I of this title)	
Distance between buildings	No requirement	No requirement
Setback standards front yard:		
Any building ⁵	25 feet	25 feet
Setback standards rear yard:		
Main building	30 feet	30 feet
Accessory building, including private garage	If located 10 feet from main building: 2 feet. If not, same as main building.	
Setback standards interior side yard:		
Main building	10 feet one side and 20 feet other side	10 feet
Accessory building	If located 10 feet from main building: 2 feet. If not, same as main building.	
Setback standards street side yard:		
Main building	20 feet	20 feet
Accessory building	If located 10 feet from main building: 10 feet. If not, same as main building. No accessory building shall be built within a public utility easement.	
Pool location and setbacks ⁶	3 feet	3 feet

Notes

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
2. The indicated number is 80 percent of average lot area requirement.
3. Except as otherwise permitted by subsection 10-14-7C of this chapter.
4. Except as otherwise permitted by subsection 10-14-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the Building Official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
7. Subdivisions containing three lots or less may be approved with smaller lot sizes and smaller frontages than otherwise required with the following conditions:
 - a. The development required dedication of a portion of a master planned roadway.
 - b. The number of units does not exceed the overall gross density of the underlying zoning for the size of the parcel; provided, however, that when the City or other government entity acquires a portion of the property for a roadway, the area of roadway shall be accounted for in the gross density limitations of the development, if the applicant was the owner at the time of acquisition.
 - c. The subject property is zoned RA-1 or RA-0.5.
 - d. Lots zoned as RA-1 shall have a minimum lot size of .6 acres.

-
- e. Lots zoned as RA-0.5 shall have a minimum lot size of .35 acres.
 - f. The minimum frontage of each lot shall be no smaller than 80 feet.

(Ord. 2016-10, 11-17-2016; Ord. 2019-02, 3-7-2019; Ord. 2020-06, 6-4- 2020; Ord. 2020-18, 9-3-2020; Ord. No. 2022-53 , 12-1-2022)

Sec. 10-14-5. Regulations of general applicability.

The use and development of real property in residential agriculture zones shall conform to regulations of general applicability as set forth in the following chapters of this title:

- A. Design and compatibility standards: see chapter 33 of this title.
- B. Landscaping and screening: see chapter 32 of this title.
- C. Motor vehicle access: see chapter 35 of this title.
- D. Natural resource inventory: see chapter 31 of this title.
- E. Off street parking: see chapter 34 of this title.
- F. Signs: see chapter 36 of this title.
- G. Supplementary development standards: see chapter 37 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-14-6. Regulations for specific uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in division 6 of this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-14-7. Special regulations.

- A. *Animals.* Within RA-1 and RA-.5 zones, where permitted by the zone the keeping of animals shall normally be simultaneous with occupied residential use.
- B. *Larger accessory buildings.* Notwithstanding the maximum building size limitation shown in section 10-14-4, table 10-14-2 of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit.
- C. *Increased height.* Notwithstanding the height limitations shown in section 10-14-4, table 10-14-2 of this chapter a greater building height may be allowed in residential zones pursuant to a conditional use permit.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

CHAPTER 15. COMMERCIAL ZONES

Sec. 10-15-1. Purpose.

See section 10-11-2 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. No. 2022-12 , 5-5-2022)

Sec. 10-15-2. Scope.

The provisions of this chapter shall apply to any real property located in a commercial 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 title, this Code, or other laws.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. No. 2022-12 , 5-5-2022)

Sec. 10-15-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within commercial zones shall be as set forth in table 10-15-1 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 10-15-1 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 10-7-18E4 of this title.

TABLE 10-15-1
PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES

Use	Zones				
	NC	GC	HC	PC	POC
Residential uses:					
Building, accessory	P	N	N	P	P
Dwelling, multiple-family ⁴	C	C	C	P	P
Dwelling, single-family ⁴	N	N	N	P	N
Dwelling, temporary	N	N	N	N	N
Dwelling, two-family ⁴	N	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	N	N	N	N	N
Bed and breakfast inn	P	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	P	N
Family child group daycare facility ²	P	N	N	P	N
Family child residential certificate care facility ²	P	N	N	P	N
Family childcare 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	C	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	CP	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

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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	P	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	N	N
Repair service	P	P	P	N	P
Research service	N	P	P	N	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	N	P	P	P	N
Temporary trailer	P	P	P	P	P
Transportation service	N	P	P	N	N
Vehicle and equipment rental or sale	N	P	P	N	N
Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	N	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:					
Laundry services	N	N	N	P	N
Wholesale and warehousing, general	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N

Notes:

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.
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-3 zone would apply.

- B. Accessory uses.** Permitted and conditional uses set forth in table 10-15-1 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 title.
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 title.

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 title.

(Ord. 2012-8, 10-18-2012; Ord. 2016-11, 11-17-2016; Ord. 2017-14, 8-17-2017; Ord. No. 2021-05 , 6-3-2021; Ord. No. 2022-12 , 5-5-2022)

Sec. 10-15-4. Development standards.

Development standards within commercial zones shall be as set forth in table 10-15-2 of this section.

TABLE 10-15-2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES

Development standard	Zones				
	NC	GC	HC	PC	POC
Lot standards:					
Minimum lot area	No requirement	No requirement	No requirement	5 acres (see note 3)	5 acres
Minimum lot width	No requirement	No requirement	No requirement	No requirement	No requirement
Building standards:					
Maximum height, main building ¹	35 feet	35 feet	35 feet	55 feet	55 feet
Maximum height, accessory building	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards—front yard:					
All buildings ²	20 feet	20 feet	20 feet	12 feet, corner lots 20 feet	20 feet
Setback standards—rear yard:					
Main building	New building on a lot abutting an existing agricultural or				

Accessory building	residential use: 10 feet. Otherwise: no requirement.				
Setback standards—interior side yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet Otherwise: No requirement				
Accessory building					
Setback standards—street side yard:					
Main building	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

1. Except as otherwise permitted by subsection 10-15-7A of this chapter.
2. Except as modified by the provisions of subsection 10-37-12F, "Setback Measurement", of this title.
3. An area less than five acres may be zoned for planned commercial use if the City Council finds that the zoning meets the following:
 - a. The zone change meets the standards within section 10-7-7 of this Code.
 - b. The property is incorporated into an existing commercial or multi-family development, and the proposed change will further the purpose of the planned commercial zone.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. No. 2022-12 , 5-5-2022)

Sec. 10-15-5. Regulations of general applicability.

The use and development of real property in commercial zones shall conform to regulations of general applicability as set forth in the following chapters of this title:

- A. Design and compatibility standards: see chapter 33 of this title.
- B. Landscaping and screening: see chapter 32 of this title.
- C. Motor vehicle access: see chapter 35 of this title.
- D. Natural resource inventory: see chapter 31 of this title.
- E. Off street parking: see chapter 34 of this title.
- F. Signs: see chapter 36 of this title.
- G. Supplementary development standards: see chapter 37 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. No. 2022-12 , 5-5-2022)

Sec. 10-15-6. Regulations for specific uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in division 6 of this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. No. 2022-12 , 5-5-2022)

Sec. 10-15-7. Special regulations.

- A. *Increased height.* Notwithstanding the height limitations shown in section 10-15-4, table 10-15-2 of this chapter a greater building height may be allowed in a commercial zone for a commercial use pursuant to a conditional use permit.
- B. *Use within an enclosed building.* Each use specified in section 10-15-3, table 10-15-1 of this chapter shall be conducted completely within a completely enclosed building, except for the parking of motor vehicles and services to persons therein.
- C. *Dust, odor, smoke, noise, and vibration.* Each use specified in section 10-15-3, table 10-15-1 of this chapter shall be free from objectionable dust, odor, smoke, noise, and vibration.
- D. *Highway commercial zone location.* For property abutting SR-9, the highway commercial zone shall begin at the highway right-of-way line and shall extend a distance of 500 feet from the state highway right-of-way line.

(Ord. 2014-13, 11-20-2014; Ord. 2020-12, 3-5-2020; Ord. No. 2022-12 , 5-5-2022; Ord. No. 2023-15 , 8-17-2023)

Sec. 10-15-8. Planned commercial standards.

- A. *Purpose.* Planned commercial developments shall incorporate elements of commercial and residential within each zoned area and development.
- B. *Mix use types.* Planning commercial developments shall incorporate both commercial and residential uses. The following definitions apply to this section:
 - 1. *Horizontal mix use.* Development that combines single-use buildings on distinct parcels on a range of land uses in a planned development project.
 - 2. *Vertical mixed use.* Development that combines different uses in the same building. Commercial or public uses shall only occupy lower levels.
 - 3. *Live/work unit.* A single unit consisting of both a commercial use/office and a residential component that is occupied by the same resident. A live/work unit shall not exceed two bedrooms for the residential portion of the unit. A live/work unit shall be the primary dwelling of the occupant. Live/work units may only be owner-occupied and cannot be sublet to long-term or short-term renters. The owner-occupied requirement and prohibition of long-term or short-term renters shall be included in a recorded deed restriction prior to or as a condition of final site plan approval.
- C. *Site plan.* A preliminary site plan shall be submitted with every zone change to planned commercial.
- D. *Regulations.* Planned commercial developments are subject to the following:
 - 1. A minimum of 20 percent of the development area shall be used for commercial uses listed in table 10-15-1. A minimum of 20 percent of the development area shall be used for long-term residential use as listed in table 10-15-1.
 - a. The residential versus commercial area shall be calculated based on the intended use of improvements such as buildings, features, amenities, and infrastructure for either commercial or residential needs. Improvements intended to support both residential and commercial shall be calculated based on the percentage of the improvements that will be impacted either by commercial or residential needs. Mix use buildings use percentage shall be calculated in the same manner as calculating area for density.

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- b. The preliminary site plan shall show general areas and proposed percentages of use. Applicants shall provide final percentages of uses within the final site plan application. Percentage calculations shall be approved by the Planning Commission.
 - 2. The Planning Commission may approve a lower percentage of long-term residential use for developments that are adjacent to multi-family development.
 - 3. The Planning Commission may approve a lower percentage of commercial use if the project is located within or adjacent to existing commercial property.
 - 4. Each project shall have a mixture of residential and commercial use.
- E. *Residential density.* The planned commercial developments shall not exceed 15 units an acre for residential areas except as stated within this section.
- 1. *Forty percent commercial area.* Projects that contain a minimum area of 40 percent for commercial use shall not exceed 17 units an acre for residential areas.
 - 2. *Affordable housing.* Projects shall not exceed 17 units an acre for residential areas that reserve ten percent of given units as affordable housing.
 - a. *Defined.* "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income for households in the county. Housing costs must be affordable based on housing and urban development standards.
 - b. *Duration and requirements of affordability.*
 - (1) *Affordable rental unit.* An affordable rental unit shall remain affordable for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a final site plan, a deed restriction requiring compliance with this section shall be recorded with the county recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.
 - (2) *Affordable ownership unit.* An affordable ownership unit shall be sold only to income-qualified households for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a final site plan, a deed restriction requiring compliance with this section shall be recorded with the county recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.
 - 3. *Limitation.* A planned commercial project shall not exceed 20 units an acre for residential areas by providing both 40 percent of the area as commercial use and ten percent of given residential units as affordable housing according to the standards listed within these sections.
 - 4. *Residential areas.* Residential areas shall be calculated based on the following:
 - a. *Horizontal mix use.* Residential areas shall be calculated based on the footprint of residential buildings and sections of buildings, parking, amenities, roadways that primarily serve residential areas and other residential uses.
 - b. *Vertical mix use.* Residential areas shall be measured by the percentage of space within the building that is used to occupy commercial versus residential. Then the percentage of each use shall apply to the footprint of the building to calculate the area for commercial and residential use. Other residential areas shall be calculated based on the area of use including residential parking, amenities, roadways that primarily serve residential areas and other residential uses.

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- (1) Example: if a two-story building has a building square footage of 10,000 square feet and a 5,000 square feet footprint, and the first floor is completely commercial use and the second floor is residential use, then 2,500 square feet (50 percent of the footprint of the building) shall count towards the density of residential use.
5. *Live/work units.* Live/work units as defined in this chapter shall be considered commercial use and shall not count toward the overall density of the project.
 6. *Shared uses.* Amenities and parking shall be designed with both commercial and residential uses in mind. Amenities that substantially serve both residential and commercial uses shall count toward residential density areas.
 - a. *Parking.* Shared parking must comply with section 10-34-9 of this Code.
- F. *Development agreement.* A development agreement between the city and the applicant may be required by the City Council and executed before the zoning designation shall be effective.
- G. *Landscaping.* Landscaping within a planned commercial development shall comply with the following standards:
1. Street trees are required for every 50 feet of frontage. These trees may be incorporated within park strips, landscape buffers, or planter boxes within the right-of-way. The placement of street trees must be approved by the City.
 2. The applicant shall comply with City standards for landscaping.
 3. In lieu of a ten-foot landscaping buffer along the right-of-way frontage for commercial uses, an applicant can provide that space for sidewalks, outdoor dining, and retail space that enhances the neighborhood's walkability. In these areas, street trees shall be required every 50 feet of frontage.
 4. Parking lots and parking courts shall remain buffered by a ten-foot landscape area along the frontage with one tree and three shrubs for every 35 linear feet. Except as set forth in this chapter, other landscape requirements within the City landscaping and screening standards shall apply.
- H. *Off street parking.*
1. Parking areas shall be designed to allow greater pedestrian connectivity and to limit conflicts between vehicular and pedestrian use.
 2. For commercial parking, parking lots shall not be located in front of buildings nearest the right-of-way but shall be contained within parking lots located to the side or behind buildings that front the right-of-way. Commercial buildings may only be located behind parking lots if other buildings are fronting onto the right-of-way.
 3. Each building shall provide pedestrian access from the nearest right-of-way to the main entrance of the building with a paved path and marked crossings for private drives.
 4. All developments must comply with all other City off street parking standards.
- I. *Street design.* A developer or the City may propose different street cross-sections that enhance walkability, street life, outdoor gathering, traffic calming, street parking, and beautification. The City Council may approve a different street cross-section after a recommendation from the Planning Commission.

(Ord. No. 2022-12 , 5-5-2022)

CHAPTER 16. BUSINESS AND INDUSTRIAL ZONES

Sec. 10-16-1. Purpose.

See section 10-11-2 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-16-2. Scope.

The provisions of this chapter shall apply to any real property located in a business or industrial 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 title, this Code, or other laws.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-16-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within business and industrial zones shall be as set forth in table 10-16-1 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 10-16-1 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 10-7-18E4 of this title.

TABLE 10-16-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
BUSINESS AND INDUSTRIAL ZONES

Uses	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	P	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
Family child group daycare facility ²	N	N	N	N
Family child residential certificate care facility ²	N	N	N	N
Family childcare 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, <u>commercial</u>	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	N	N	N	N
Tattoo establishment	P	N	N	N
Tavern	P	N	N	N
Temporary trailer	P	P	P	P
Transportation service	P	N	P	P
Vehicle and equipment rental or sale	P	N	P	N
Vehicle and equipment repair, general	P	N	P	P
Vehicle repair, limited	P	N	P	P

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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:				
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 title.
2. See chapter 42 of this title.
3. See chapter 45 of this title.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-16-1 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 title.
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 title.
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 title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2016-11, 11-17-2016; Ord. 2020-28, 12-17-2020)

Sec. 10-16-4. Development standards.

Development standards within business and industrial zones shall be as set forth in table 10-16-2 of this section.

TABLE 10-16-2
DEVELOPMENT STANDARDS IN BUSINESS AND INDUSTRIAL ZONES

Development standard	Zones			
	BMP	PO	M-1	M-2
Lot standards:				
Minimum lot area	5 acres	2 acres	No requirement	No requirement
Minimum lot width	No requirement	No requirement	No requirement	No requirement
Building standards:				
Maximum height, main building ¹	35 feet	35 feet	60 feet	60 feet
Maximum height, accessory building	20 feet	20 feet	No requirement	No requirement
Setback standards front yard:				
All buildings ²	20 feet	20 feet	Building on lot abutting nonindustrial zone: Same setback as abutting zone. Otherwise: no requirement.	
Setback standards rear yard:				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: no requirement.			
Accessory building				
Setback standards interior side yard:				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: no requirement.			
Accessory building				
Setback standards street side yard:				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: no requirement.			
Accessory building				

Notes

1. Except as otherwise permitted by subsection 10-16-7A of this chapter.
2. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-16-5. Regulations of general applicability.

The use and development of real property in business and industrial zones shall conform to regulations of general applicability as set forth in the following chapters of this title:

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- A. Design and compatibility standards: see chapter 33 of this title.
 - B. Landscaping and screening: see chapter 32 of this title.
 - C. Motor vehicle access: see chapter 35 of this title.
 - D. Natural resource inventory: see chapter 31 of this title.
 - E. Off street parking: see chapter 34 of this title.
 - F. Signs: see chapter 36 of this title.
 - G. Supplementary development standards: see chapter 37 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-16-6. Regulations for specific uses.

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in division 6 of this title, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-16-7. Special regulations.

- A. *Increased height.* Notwithstanding the height limitations shown in section 10-16-4, table 10-16-2 of this chapter a greater building height may be allowed in a business or industrial zone pursuant to a conditional use permit. Provided, however, that within 100 feet of the boundary of an adjoining agricultural, residential, or commercial zone, no building shall exceed the greater of:
 - 1. The height limit established by such zone; or
 - 2. The height limit permitted by a conditional use permit for a building on an abutting lot within such zone.
- B. *Processing within an enclosed building.* All processing and/or assembly of goods shall be conducted completely within a completely enclosed building, unless otherwise specified in section 10-16-3, table 10-16-1 of this chapter.
- C. *Outdoor storage.* Outdoor storage of materials, or finished or semifinished goods shall be located at least 100 feet from any residential zone boundary.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

CHAPTER 34. OFF STREET PARKING AND LOADING

Sec. 10-34-1. Purpose.

The purpose of this chapter is to assure the provision and maintenance of off street parking and loading facilities in proportion to the parking and loading demand of land uses. The requirements of this chapter are intended to assure useful and attractive parking and loading facilities, to protect public safety, and to mitigate adverse land use impacts.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-34-2. Scope.

The requirements of this chapter are applicable to all new development requiring motor vehicle access under the provisions of this title. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-34-3. Parking to be provided.

- A. *Off street parking required.* Every land use established under the authority of this title shall have parking required by this chapter. When any building or structure is erected, enlarged or increased in capacity, or any use is established or changed, parking shall be provided in accordance with the requirements of this chapter.
- B. *Continuing obligation to provide parking.* Provision of parking as required by this chapter shall be a continuing obligation so long as a use continues which requires parking. It shall be unlawful for any owner, land use operator, or person responsible for providing parking to discontinue or dispense with required parking facilities without providing an alternate parking area which meets the requirements of this chapter.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-34-4. Parking calculation.

The following provisions shall be used to calculate the total number of parking spaces required by this chapter:

- A. *More than one use on lot.* If a lot contains more than one use, parking spaces shall be provided in an amount equal to the total of the requirements for each use unless shared parking is permitted pursuant to this chapter.
- B. *Fixed seating.* Where seating consists of chairs, benches, pews or other forms of fixed seating, parking shall be calculated at the rate of one parking space per four seats.
- C. *Square foot basis.* Parking requirements based on square footage shall be calculated using gross floor area (GFA) unless otherwise provided in this chapter.
- D. *Employee basis.* Parking requirements based on the number of employees shall be calculated using the largest number of persons working on any shift.

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- E. *Use not listed.* If a use and a corresponding parking standard is not listed in table 10-34-1 of subsection 10-34-10A of this chapter, the Zoning Administrator shall determine the number of spaces required for such use based on the nearest comparable use or a parking study as provided in subsection 10-34-9F of this chapter.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-34-5. Parking location.

- A. *On site parking.* Except as allowed in subsection B of this section, all required parking shall be located on the same lot as the use to which it is appurtenant and shall be located within 300 feet from the premises served.
- B. *Off site parking.* Where practical difficulties exist in providing on site parking or if public safety or convenience, or both, would be better served by locating parking on a separate lot, the Planning Commission may authorize off site parking subject to the following conditions:
1. Required parking spaces reserved for persons with disabilities shall not be located in an off site parking lot.
 2. Off site parking lots shall be located in the same or a more intensive zone which applies to the property where the use served is located.
 3. No off site parking space shall be located more than 500 feet from a public entrance of the use served, measured along the route of the shortest legal, practical walking distance. Off site parking shall not be separated from a principal use by a street right-of-way with a width of more than 72 feet.
 4. Availability of each off site parking lot shall be assured by an agreement approved by the City which requires:
 - a. The parking lot to be continuously available unless an alternative legal parking lot is provided;
 - b. All spaces to be available without charge; and
 - c. The Zoning Administrator to be notified 30 days prior to the expiration or termination of the agreement.
 5. Before approving an off site parking lot, the Planning Commission shall find that such parking is conveniently usable without causing unreasonable:
 - a. Hazard to pedestrians;
 - b. Hazard to vehicular traffic;
 - c. Traffic congestion;
 - d. Interference with safe and convenient access to other parking areas in the vicinity;
 - e. Detriment to the appropriate use of business property in the vicinity; or
 - f. Detriment to any residential neighborhood.
- C. *Temporary Parking.*
1. Unimproved temporary parking areas shall be exempt from the landscaping and paving requirements of this chapter.
 2. The City may allow a temporary use approved pursuant to chapter 48 of this title to occupy or use parking areas ordinarily required for a permanent use if it is found that the temporary use will not cause a shortage in parking needed for the permanent use.

D. *Prohibited parking.*

1. Vacant lots, public rights-of-way unless in designated on-street parking spots, or open land areas shall not be used as parking areas for customers or employees.
2. Overnight parking of vehicles for display other than in designated and improved areas shall be prohibited.

E. *Commercial vehicle parking in residential zones.* One commercial vehicle with a rated capacity of more than two tons may be parked for not more than 24 continuous hours in any 30-day period on a lot in a residential zone. Contracting and earthmoving equipment shall not be parked in a residential zone.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. No. 2022-36 , 8-18-2022)

Sec. 10-34-6. Number and type of parking spaces.

A. *Parking required.* Off street parking spaces shall be provided in accordance with this section for every land use authorized by this title except as otherwise expressly allowed by this title. The total number of parking spaces required by this section shall be determined by summing the parking required by each of the subsections in this section.

B. *Standard parking spaces.* Standard parking spaces shall be provided as set forth in table 10-34-1, off street parking schedule, in subsection 10-34-10A of this chapter.

C. *Handicapped parking spaces.* Parking spaces for handicapped persons shall be provided as required by the International Building Code and the Uniform Federal Accessibility Standards Manual.

D. *Stacking parking spaces.* Stacking or queue spaces shall be provided as follows:

1.	Bank drive-through including automatic teller machines	3 per lane
2.	Carwash:	
	a. Automatic wash accessory use	4 per bay
	b. Automatic wash primary use	4 per bay
	c. Self-wash	3 per bay
3.	Gasoline pump island	1 per pump
4.	Fast food restaurant drive-through	5 per lane

E. *Off street loading spaces.* Off street loading spaces with a height clearance of 14 feet or more shall be provided for buildings used for retail, office, industrial, hospital, storage warehousing, and similar uses as follows:

GFA of building	Required number of loading spaces
3,000—20,000 square feet	1
Each additional 20,000 square feet	1

F. *Tandem parking spaces.* Tandem parking spaces shall not qualify as required parking unless approved by the Planning Commission in the following instances:

1. In multi-family dwellings with garages;
2. In conjunction with valet parking service; or
3. To provide one required space for a bed and breakfast, home, or residential hosting facility without specific Planning Commission approval.

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- G. *Recreational vehicle parking.* Adequate and accessible recreational vehicle parking storage areas shall be required in each multi-family and planned residential development project unless the premises are subject to restrictive covenants or other means limiting the parking of such vehicles.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2015-12, 12-17-2015)

Sec. 10-34-7. Parking dimensions.

Unless otherwise modified as provided in this chapter, parking space, bay, and related dimensions shall be as follows:

- A. *Parking space dimensions.* Parking space and related dimensions shall be as set forth in this section and as shown on section 10-34-10, table 10-34-2 and figure 10-34-1 of this chapter.
1. Standard parking space: nine by 18 feet.
 2. Carport: minimum inside dimension of nine by 20 feet for each parking space.
 3. Garage: minimum inside dimension of ten by 20 feet and minimum door width of eight feet for each parking space.
 4. Handicapped parking space: standard size plus four-foot unloading area parallel to the length of the space. Loading area may be shared with an adjacent handicapped parking space.
 5. Angle parking space: see section 10-34-10, table 10-34-2 and figure 10-34-1 of this chapter.
 6. Parallel parking space: nine by 22 feet.
 7. Loading space: ten by 25 feet.
 8. Stacking space: ten by 20 feet.
 9. Where the tires of parked vehicles contact curbing, parking stall length may be reduced by two feet if space is available and vehicle overhang does not block a sidewalk.
- B. *Driveway dimensions.* Minimum driveway dimensions shall be as follows:
1. For access to five or fewer spaces: 12 feet.
 2. For access to six or more spaces: 12 feet for one-way traffic; 25 feet for two-way traffic. Driveway width shall not exceed 35 feet.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-34-8. Parking lot design and construction.

- A. *Parking plans.* Plans for any proposed parking lot shall be submitted to the Zoning Administrator. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed development.
- B. *Access to public street.* Except for parking for a single-family or two-family dwelling and townhouses access to a parking space or parking lot shall be from a parking lot aisle and not directly from a public street. Every parking lot shall have access to a public street. Such access may be provided through platted or recorded easements, reciprocal arrangements, or other guaranteed means.
- C. *Private driveway.* Parking for single-family and two-family dwellings may be accessed from a public street via a private driveway unless such access is a violation of the City's access management plan and other access is possible. Parking for townhouses may be accessed from a public street with a functional classification of

"residential local" via a private driveway. Parking for townhouses on streets with a higher functional classification must provide parking that is accessed from a parking lot aisle and not directly from the public street.

- D. *Backing space.* Backing space shall be provided for all parking lots so that cars will not back onto a public street. Public sidewalks shall not be used as a part of the required backing area. Separate exits shall be provided for angled and one-way parallel parking so a vehicle will not exit by backing onto a public street.
- E. *Curb cuts.* Curb cuts and driveways allowing access to a public street shall conform to the requirements of chapter 35 of this title.
- F. *Internal circulation.* Each parking lot shall provide for traffic circulation on the property adequate to access all parts thereof without the necessity of exiting onto a public street.
- G. *Landscaping.* Parking lots shall be landscaped as provided in chapter 32 of this title.
- H. *Lighting.* Parking lots used at night shall be adequately lighted and comply with Hurricane City's outdoor lighting standards.
- I. *Paving.* Unless expressly provided otherwise in this title, every parking lot required by this title shall:
 - 1. Be paved with asphalt, concrete or some other all weather surfacing material;
 - 2. Maintained to eliminate dust or mud; and
 - 3. Be graded and drained to dispose of all surface water. Such surface water drainage shall not cross a public sidewalk.
- J. *Diagonal and perpendicular on-street parking on public streets.* Diagonal and perpendicular street parking on public streets is permitted in multiple-family residential (RM-1 RM-2, and RM-3), mobile home/RV park (MH/RV), open space (OS), public facilities (PF), residential planned development overlay (PDO), and recreation resort (RR) zones when constructed and approved pursuant to the following standards. Diagonal and perpendicular on-street parking shall only be located on residential local (typical 45-foot right-of-way street section) or residential standard (typical 52-foot right-of-way street section) roadways.
 - 1. Diagonal and perpendicular on-street parking may only be used for a limited percentage of required parking for the following uses:

Use	Percentage or number of street parking of required parking
Multi-family and resort units	10%
Parks	Up to 20 spaces
Multi-family or resort amenities	Up to 20 spaces for each amenity
Commercial	5%
Planned commercial and mixed use	20%
Government and civic use	10%
All other uses	10%

- 2. Diagonal and perpendicular on-street parking shall be maintained by a homeowners association or other private entity and shall be paved with concrete. Concrete must be six inches minimum and base course must be six inches thick minimum. Public parking for parks or other City amenities shall be maintained by Hurricane City and may be paved with asphalt.
- 3. Diagonal and perpendicular on-street parking stalls must be terminated by landscaped areas that are a minimum of 20 feet wide, landscaped with two shrubs no higher than two feet, and contain at least one tree pruned and located to ensure proper line of sight is maintained for motorists and pedestrians.

The length of the landscaped areas shall match the length of the parking stalls. No more than ten adjacent parking stalls are permitted. A number of parking stalls in excess of ten is permitted if separated by a 20-foot wide landscaped area.

4. Diagonal and perpendicular on-street parking shall not cross any sidewalk, and sidewalks shall wrap around the outside of parking areas. Where a sidewalk is adjacent to on-street parking and subject to vehicle overhang, the sidewalk must be a minimum of six feet wide. Abrupt sidewalk transitions are not permitted. Changes in alignment greater than a 45-degree angle are abrupt.
5. Diagonal and perpendicular on-street parking shall be located a minimum of 50 feet from any intersection of a public roadway, measured at the intersecting public street's lip of gutter to the nearest edge of the nearest parking stall.
6. Diagonal and perpendicular on-street parking shall be designed to continue stormwater and stormwater conveyance systems.
7. Diagonal and perpendicular on-street parking and sidewalks shall be placed within the right-of-way or proper easements as follows:
 - a. Parking areas shall be contained within the right-of-way recorded on the plat, and all right-of-way boundaries shall run parallel with the center line of the street; or
 - b. Standard right-of-way cross sections shall apply, and cross access easement shall be recorded on the final plat containing the full parking space and sidewalks for the continued use and access of the public for the sidewalk.

These standards shall apply to street parking located in or adjacent to a public right-of-way. Proper method of recording these easements or rights-of-way shall be approved by the City.

8. The area designated as the downtown on the general plan map of the City's general plan may use a street parking cross-section that does not comply with this Code as long as it matches the existing cross-section in the area and is approved by the City Engineer. Alternate street parking design may be approved by the City Council as recommended by the City Engineer and the City Planning Department.
9. No on street parking areas shall interfere with other standards and specification within this chapter, Hurricane City Design Standards, International Fire Code, and State of Utah Traffic Codes.
10. On-street parking plans and cross sections shall be subject to approval of the City Engineer.
11. On-street parking stalls shall be 25 feet min from private accesses measured from parking stall to edge of driven access.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. No. 2022-36 , 8-18-2022)

Sec. 10-34-9. Parking modifications.

- A. *Modification permitted.* The number of parking spaces required under section 10-34-6 of this chapter may be modified in accordance with the provisions in this section. The purpose of such modifications is to avoid creating unnecessary parking areas that will be essentially unused. In considering a modification, the Planning Commission may require a parking study to be completed as provided in subsection F of this section.
- B. *Existing commercial buildings.* The Planning Commission may authorize modified parking requirements for new commercial uses in existing commercial buildings in order to foster economic development.
- C. *Shared use parking.* The Planning Commission may authorize shared use of a parking lot subject to the following conditions:

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1. The uses sharing the parking lot are unlikely to produce a substantial demand for parking at the same time. The City may require a shared parking study to be completed which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month or year.
 2. Required parking spaces reserved for persons with disabilities shall not be reduced.
 3. Ongoing shared use of the parking lot is assured by an agreement or easement approved by the City which requires:
 - a. The parking lot to be continuously available unless an alternative legal parking lot is provided;
 - b. All spaces to be available without charge;
 - c. The Zoning Administrator to be notified 30 days prior to the expiration or termination of the agreement or easement; and
 - d. Provision of additional parking up to the amount otherwise required under this chapter if the Zoning Administrator determines, based on parking counts, that a shared parking lot does not satisfy the off street parking demand of the uses involved.
- D. *Commercial, retail, office, and mixed use developments.* The Planning Commission may modify the number of parking spaces required or allowed for commercial, retail, office, or mixed use developments after considering the following items and making a finding that adequate parking will be provided:
1. Total number of spaces that would otherwise be required for each individual establishment in the development;
 2. Hours of operation for each business establishment located in the development, including peak business hours;
 3. Estimated tradeoff between businesses which are open when others are closed;
 4. Availability of approved on street or shared parking;
 5. Transportation alternatives, including proximity to transit stations; and
 6. Car or van pooling programs available to users of the development.
- E. *Multi-family and planned developments.* The Planning Commission may modify the total number of parking spaces required for multi-family or planned developments after considering the following items and making a finding that adequate parking will be provided:
1. Size of housing units by number of bedrooms;
 2. Cost range of units proposed;
 3. Owner/tenant characteristics and lifestyle, i.e. singles, couples, families, professionals, retired, elderly, etc.;
 4. Examination of existing comparable parking by area or projects;
 5. Size of project;
 6. Special parking requirements for visitors and recreational vehicles;
 7. Future parking expansion capabilities;
 8. Transportation alternatives, including proximity to transit stations;
 9. Workplace relationships;
 10. Handicap requirements;

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11. Restrictive covenants; and
 12. Availability of approved on street parking for required guest parking.
- F. *Parking space study.* When a parking space study is required for a particular use shown in subsection 10-34-10A, table 10-34-1 of this chapter, or when an applicant requests a modification in the number of parking spaces required under section 10-34-6 of this chapter, a parking study shall be provided by the applicant which recommends an adequate number of parking spaces and sets forth the basis of the recommendation.
1. The study shall provide:
 - a. Planning and traffic engineering data, including estimates of parking demand based on recommendations from the Institute of Parking Engineers;
 - b. Data collected from uses or combinations of uses that are the same or comparable to the proposed project as indicated by density, scale, bulk, area, type of activity, and location;
 - c. The source of data used to develop the study's recommendations; and
 - d. The name and qualifications of the persons who prepared the study.
 2. The Planning Commission shall determine the required number of parking spaces after:
 - a. Considering the recommendations of the parking study and any recommendations from City staff; and
 - b. Making the findings required under subsection D or E of this section.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2019-09, 7-18-2019)

Sec. 10-34-10. Tables and figures.**A. Off Street Parking Schedule.**

TABLE 10-34-1
OFF STREET PARKING SCHEDULE

Use type	Minimum standard	Notes/additional standard
Agricultural uses:		
Agricultural business	1 space per employee on highest employment shift	
Agricultural processing	1 space per employee on highest employment shift	
Residential uses:		
Assisted living facility	1 space per 5 beds	
Boarding house	1 space per tenant	
Dwelling, earth sheltered	2 spaces per dwelling unit	
Dwelling, multiple-family:		
Studio and 1 bedroom units	1.5 spaces per dwelling unit	
2 or more bedroom units	2 spaces per dwelling unit	
Dwelling, single-family	2 spaces per dwelling unit	
Dwelling, single-family with accessory dwelling unit	3 spaces	
Dwelling, temporary	2 spaces per dwelling unit	
Dwelling, two-family	2 spaces per dwelling unit	
Guesthouse	1 space per dwelling unit	
Manufactured home	2 spaces per dwelling unit	
Protective housing facility	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Rehabilitation/treatment facility	0.5 space per bed	
Residential facility for elderly or persons with a disability	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Residential facility for troubled youth	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Transitional housing facility	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Public and civic uses:		

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Auditorium or stadium	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
Bus terminal	Parking study required	See subsection 10-34-9F of this chapter
Cemetery	Parking study required	See subsection 10-34-9F of this chapter
Church or place of worship	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
Club or service organization	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
College or university	Parking study required	See subsection 10-34-9F of this chapter
Convalescent care facility	1 space per 4 beds, plus 1 space per employee on highest employment shift	
Correctional facility	Parking study required	See subsection 10-34-9F of this chapter
Cultural service	1 space per 300 square feet of gross floor area	
Golf course	4 spaces per hole, plus 1 space per driving range tee	Storage area for golf carts and maintenance vehicles shall be provided
Government service	1 space per 200 square feet of gross floor area	
Hospital	2 spaces per bed	
Operations center	4 spaces, plus 1 space per employee on highest employment shift	
Park	Parking study required	See subsection 10-34-9F of this chapter
Post office	2 spaces, plus 1 space per 200 square feet of gross floor area	Loading zone and storage area for mail vehicles shall be provided
Protective service	4 spaces, plus 1 space per employee on highest employment shift	

Reception center	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	
Riding academy or stable	Parking study required	See subsection 10-34-9F of this chapter
School, elementary, middle, high, and vocational	1 space per employee, plus 2 spaces per classroom and 1 space for every 3 students of driving age	
Utility, major	Parking study required	See subsection 10-34-9F of this chapter
Commercial uses:		
Agricultural sales and service	4 spaces, plus 1 space per employee on highest employment shift	Storage area for vehicles for sale or under repair shall be provided
Animal hospital	5 spaces per doctor	
Bail bond service	2 spaces, plus 1 space per 200 square feet of gross floor area	
Bank or financial institution	2 spaces, plus 1 space per 200 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D1 of this chapter
Bed and breakfast, home	1 space per guestroom, plus 2 spaces for host family	
Bed and breakfast inn	1 space per guestroom, plus 2 spaces for host family/proprietor	
Business equipment rental and supplies	1 space per 250 square feet of gross floor area	
Car wash	1 space per employee	Plus stacking spaces per subsection 10-34-6D2 of this chapter
Club, private	1 space per 100 square feet of gross floor area	10 spaces minimum
Construction sales and service	1 space per 250 square feet of gross floor area	Storage area for vehicles for sale or under repair shall be provided
Convenience store	1 space per 200 square feet of gross floor area	Minimum of 5 spaces
Daycare	4 spaces, plus 1 space per 500 square feet of gross floor area	
Family child daycare facility	1 space for every 5 children authorized	
Family child group care facility	1 space for every 5 children authorized	
Family child preschool facility	1 space for every 5 children authorized	
Family childcare facility	1 space per employee on highest employment shift, plus 1 space for every 5 children authorized	

Funeral home	5 spaces, plus 1 space per 35 square feet of assembly room floor area	
Garden center	1 space per 250 square feet of gross floor area, including outdoor display and sales area	
Gas and fuel, storage and sales	1 space per employee on highest employment shift	
Gasoline service station	1 space per 250 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D3 of this chapter
Hostel	2 spaces plus 1 space per living or sleeping unit	
Hotel	2 spaces plus 1 space per living or sleeping unit	
Kennel, <u>commercial</u>	1 space per 600 square feet of gross floor area	
Laundry or dry cleaning, limited	1 space per 250 square feet of gross floor area	
Liquor store	1 space per 250 square feet of gross floor area	
Media service	1 space per 250 square feet of gross floor area	
Medical or dental laboratory	2 spaces, plus 1 space per employee on highest employment shift	
Medical service	6 spaces per doctor	
Motel	2 spaces, plus 1 space per living or sleeping unit	
Office, general	1 space per 250 square feet of gross floor area	8 spaces minimum
Pawnshop	1 space per 250 square feet of gross floor area	5 spaces minimum
Personal care service	1 space per 250 square feet of gross floor area, plus 1 space per employee on highest employment shift	
Personal instruction service	0.50 space per person under maximum occupancy allowed by fire code, plus 1 space per employee on highest employment shift	
Printing and copying, limited	1 space per 250 square feet of gross floor area	5 spaces minimum
Printing, general	1 space per 250 square feet of retail or office area, plus 1 space for every 500 square feet of additional building area	
Produce stand	6 spaces	Exempt from landscaping and paving requirements
Recreation and entertainment, indoor:		
Bowling alley	5 spaces per alley, plus 2 spaces per billiard table	
Movie theater	1 space per 4 seats	

Tennis, handball and racquetball courts	3 spaces per court	
Other uses	1 space per 300 square feet of gross floor area	
Recreation and entertainment, outdoor	Parking study required	See subsection 10-34-9F of this chapter
Repair service	1 space per 250 square feet of retail or office area, plus 1 space for every 500 square feet of additional building area	
Research service	1 space per employee on highest employment shift	
Residential hosting facility	1 space per guestroom plus 2 spaces for host family	
Restaurant, fast food	1 space per 100 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D4 of this chapter
Restaurant, general	1 space per 100 square feet of gross floor area	10 spaces minimum
Retail, general	1 space per 250 square feet of gross floor area	
Secondhand store	1 space per 250 square feet of gross floor area	
Shopping center	1 space per 250 square feet of gross floor area, up to 500 spaces	For shopping centers containing more than 500 spaces, 1 space per 500 square feet of gross floor area
Tattoo establishment	1 space per 250 square feet of gross floor area	2 spaces minimum
Tavern	1 space per 100 square feet of gross floor area	10 spaces minimum
Transportation service	Parking study required	See subsection 10-34-9F of this chapter
Vehicle and equipment rental or sale	1 space per 250 square feet of gross floor area, plus 1 space for every 10 vehicles displayed	4 spaces minimum
Vehicle and equipment repair	1 space per 250 square feet of gross floor area	4 spaces minimum; separate storage area for vehicles under repair shall be provided
Veterinary service	5 spaces per doctor	
Warehouse, self-service storage	1 space per employee on highest employment shift	
Wireless telecommunication facility	None	
Industrial uses:		
Automobile wrecking yard	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater	

Freight terminal		
Heavy industry		
Junk or salvage yard		
Laundry services		
Manufacturing	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater	
Mineral extraction		
Wholesale and warehousing		

B. *Parking space and aisle dimensions.*

TABLE 10-34-2
PARKING SPACE AND AISLE DIMENSIONS (in feet)

Dimension factors							
A	B	C	D	E	F	G	H
<i>Two-way aisle:</i>							
90°	9	18	24	9	60	60	18
75°	9	20.3	24	9.5	64	55	18.7
60°	9	20.1	24	10.4	64.2	59.8	17.9
45°	9	19.1	24	12.7	62.2	55.8	15.9
<i>One-way aisle:</i>							
75°	9	20.3	17	9.5	57.6	54.4	18.7
60°	9	20.1	15	10.4	55.2	50.8	17.9
45°	9	19.1	13	12.7	51.2	44.8	15.9

C. *Parking space and aisle Illustration.*

FIGURE 10-34-1
PARKING SPACE AND AISLE ILLUSTRATION

[IMAGE]

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2015-12, 12-17-2015; Ord. 2017-03, 1-19-2017)

Sec. 10-3-4. Definitions of words and phrases.

As used in this title, 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 means 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 (ADU) means a subordinate residential dwelling unit that is being used to provide long-term or short-term housing of any person not qualifying as the property owner's family, as that term is defined in this section. Each subordinate residential dwelling unit meeting this definition shall constitute a separate ADU regardless of how the units are configured or accessed. Guesthouses and casitas shall be considered an ADU when used for long-term or short-term housing of any person not qualifying as the property owner's family. An ADU may be internal, attached, or detached from the primary dwelling. All ADUs must meet the requirements of chapter 41 of this title.

Accessory use. See definition of *use, accessory*.

Adjacent landowners means 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 means a county, municipality, independent special district under Utah Code Annotated title 17A, chapter 2, independent special districts, local district under Utah Code Annotated title 17B, chapter 2, local districts, school district, interlocal cooperation entity established under Utah Code Annotated title 11, chapter 13, Interlocal Cooperation Act, specified public utility, or the state 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 means 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. Intensive animal feeding operations are specifically excluded from this definition.

Agricultural industry means 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 are specifically excluded from this definition.

Agricultural sales and service means 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 means 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.

Agritourism means an agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, that allows or invites members of the general public to observe, participate in, or enjoy that activity located on agricultural property that is regularly producing agricultural products for purchase or sale on at least 50 percent of the property.

Alley means a public thoroughfare less than 26 feet wide for the use of pedestrians and vehicles providing a secondary means of access to the rear of abutting properties.

Animal hospital means 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 means the production of small animals and associated products. Typical uses include chicken, turkey, and rabbit raising, egg production, apiaries, and aviaries.

Animals and fowl for recreation and family food production means 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 means 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 means 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 10-46-3 of this title.

Auditorium or stadium means an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

Automobile wrecking yard means any lot, land or area used for the storage, keeping, dismantling or salvaging of two or more unlicensed automobiles or parts thereof.

Bail bond service means 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 means 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 means the number of dwelling units allowed in a planned development calculated pursuant to the provisions of chapter 24 of this title.

Basement means 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 above grade plane;
- B. More than six feet above the finished ground level for more than 50 percent of the total building perimeter; or
- C. More than 12 feet above the finished ground level at any point.

Bed and breakfast, home means a limited commercial activity within an owner occupied residential structure where not more than four 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 title.

Bed and breakfast inn means a commercial activity within a residential structure in a residential or a commercial zone in which rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided as part of the accommodation pursuant to the requirements of this chapter.

Berm means a mound of earth, generally two to six feet high, used to shield, screen, and buffer undesirable views and to separate land uses.

Billboard. See chapter 36 of this title.

Block means 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 means a building where not more than five guestrooms may be rented to no more than 15 guests on a nightly basis for compensation and meals are provided as part of the accommodation.

Buildable area means the area of a lot within front, rear and side yard setback lines where a main building may be constructed.

Building means 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 means 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 façade means any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

Building, historic means any building listed in the National Register of Historic Places, the state register of historic sites, or the City historic landmarks register.

Building line, front means 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 means 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 means 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 means 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 means the vertical distance from the grade plane to the average height of the highest roof surface.

Building, public means a building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah or any of its subdivisions.

Bus terminal means 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 means 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 means any or all of the following facilities that have a life expectancy of ten 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 means that plan required by Utah Code Annotated section 11-36-201 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 means an establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

Carport means a covered automobile parking space with at least two sides open. For the purposes of this title a carport shall be subject to all of the regulations prescribed for a private garage.

Cemetery means land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums and mausoleums.

Child care center means 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 means 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 means Hurricane City, Utah, a municipal corporation.

City Engineer means a registered civil engineer so appointed or employed by the City.

Clear view area means areas at intersecting streets and driveways where unobstructed vision is maintained as required by this title. See subsection 10-37-9E of this title.

Clinic. See definition of *medical service*.

Club or service organization means 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 means 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 state alcoholic beverage control commission.

College or university means 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 means 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 means a real estate plan, project, or property where two 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 means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the Fifth or Fourteenth Amendment of the Constitution of the United States or article I, section 22 of the Utah Constitution.

Construction means the materials, architecture, assembly, and installation of a building or structure.

Construction sales and service means 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 means 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 means an establishment, not exceeding 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 means 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 means a facility providing housing and care for individuals legally confined for violations of law.

Court means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building or group of buildings.

Culinary Water Authority means 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 means 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) means a unit of measure used to express intensity of noise.

Declaration means the legal instrument by which property is subjected to the provisions of the Utah Condominium Ownership Act.

Dedication means 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 means the number of dwelling units per acre allowed in a planned development as determined pursuant to the yield plan method set forth in subsection 10-23-8B of this title.

Density bonus means the number of additional dwelling units per acre allowed in a planned development pursuant to subsection 10-23-8C of this title.

Density, gross means 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 means the number of dwelling units per acre within a subdivision or other development, not including public streets and other public property.

Developable land means land under 30 percent slope which is capable of being improved, subject to the requirements of this Code.

Developer means the person, association or corporation developing or causing to be developed the property subject to the provisions of this title.

Development approval means any written authorization from the City that authorizes the commencement of development activity.

Development or development activity means 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.

Disability. See section 10-46-3 of this title.

District. See definition of *zone*.

Duplex. See definition of *dwelling, two-family*.

Dwelling means 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 title, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

Dwelling, earth sheltered means an engineered dwelling unit located primarily underground for the purpose of energy conservation.

Dwelling, group means two or more dwellings which occupy the same lot and have yards and open space in common.

Dwelling, multiple-family means a dwelling having three or more dwelling units.

Dwelling, single-family means a building arranged or designed to be occupied by one family and having only one dwelling unit.

Dwelling, single-family with accessory apartment means a building having only one dwelling unit and one accessory apartment.

Dwelling, temporary means a manufactured/mobile home used for temporary residential purposes as provided in chapter 43 of this title.

Dwelling, townhouse means a dwelling unit in a row of at least three 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 or more vertical common fire resistant walls.

Dwelling, two-family means a building arranged or designed to be occupied by two families and having only two dwelling units.

Dwelling unit means one 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 or a single person or group utilizing the unit for a short-term stay.

Elderly person. See section 10-46-3 of this title.

External illumination means lighting which illuminates a building or structure from a remote position or from outside of the building or structure.

Family means any one of the following who occupies a dwelling unit:

- A. One person living alone.
- B. Two or more persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two other unrelated persons residing on the same premises where the housekeeping unit is located.
- C. Two unrelated persons and the children of either of them.
- D. Five unrelated individuals living together as a single housekeeping unit.

Farmers' market means an establishment or premises where farm products from local farmers are sold at retail from covered or open air areas designated for individual retailers.

Farm stand means a structure from which fruits, vegetables, flowers, herbs, plants, or other agriculture products are sold. This use may also include accessory sales of other unprocessed or home-processed foodstuffs such as canned goods, baked goods, and may also include homemade handicrafts. Additionally:

- A. The area of the structure devoted to the sales of accessory items shall not exceed 50 percent of the structure's total sales area.
- B. The sale of commercially packaged handicrafts or commercially processed or packaged food stuffs is not permitted.
- C. Only one such structure is allowed per legal lot or parcel.

Fence means a structure serving as an enclosure, barrier, or boundary, which defines an outdoor space.

Fence, sight obscuring means a fence that permits vision through not more than ten percent of each square foot of fencing.

Final plat means the final drawing of a subdivision and dedication prepared for filing with the county recorder which complies with applicable requirements set forth in this title, other titles of this Code, and the Utah Code.

Floor area, total. See definition of *gross floor area*.

Freight terminal means 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 means all property fronting on one 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 means an establishment engaged in preparing human deceased for burial and conducting funerals.

Garage, private means 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 means 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 means an establishment or site used for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding belowground storage that is ancillary to an allowed principal use on the site.

Gasoline service station means an establishment engaged in the retail sales of gasoline and petroleum products, including gasoline sales conducted as part of a convenience store.

General plan means 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 10-2-2 of this title.

Golf course means a facility providing private or public golf recreation services and support facilities, but excluding miniature golf facilities.

Government service means 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 means 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 from the building, between the building and a point six feet from the building.

Gross floor area means the total floor area of a building expressed in square feet measured from the exterior of outside walls.

Guesthouse or *casita* means a secondary dwelling unit, without kitchen facilities, located on a lot with one main dwelling unit which is:

- A. Used for housing of guests without compensation;
- B. Not sold separately from the sale of the main dwelling unit on the lot and encumbered by a recorded agreement which provides notice of this condition;
- C. May be rented or leased pursuant to a license or permit to allow such use; and
- D. Is served by the same utility connections as the main dwelling unit.

Heavy industry means 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 means the vertical distance from top to top of two 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 means 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 title.

Homeless shelter means a place of temporary abode for persons who have no residence.

Hospital means 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 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 means an establishment in which people are lodged for less than a week at a time, excluding short-term rental complexes, bed and breakfast inns; hotels; and motels.

Hotel means 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. Hotels shall contain four or more sleeping rooms.

Household means 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 means 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 means a payment of money imposed upon development activity as a condition of development approval as provided in title 9, chapter 2 of this Code.

Intensive animal feeding operation means an operation for the purpose of fattening livestock for slaughter. To be considered an intensive feeding operation, the location must have more than 20 individual large animals (e.g. cattle, goats, pigs) confined and more than 100 individual small animals or fowl (e.g.) rabbits, chickens, turkeys, ducks, geese).

Junk or salvage yard means 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 means a commercial establishment having three or more dogs over the age of four months for the purpose of boarding, breeding, buying, selling, grooming, letting for hire, or training for a fee.

~~*Kennel, residential* means the keeping or maintaining of more than two, but no more than four dogs, in connection with the occupation of any dwelling for residential purposes.~~

Kiosk means 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 means an area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

Land use application means an application required by any land use ordinance or regulation.

Land Use Authority means 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 means 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 means 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.

Licensed family child care means child care provided in a private home for up to 16 children. Two qualified caregivers are required when there are more than eight children in care, or when there are more than two children under the age of two in care. With two caregivers, a licensed family provider can care for up to (but not more than) four children under the age of two.

Light source means 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.

Light trespass means light that falls beyond the property it is intended to illuminate.

Liquor store means an establishment licensed by the state alcoholic beverage control commission for the sale of alcoholic beverages for off site consumption.

Lot means 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 means the total land area of a lot measured on a horizontal plane.

Lot, corner means a lot abutting two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.

Lot coverage means 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 means the mean horizontal distance from a front lot line to a rear lot line.

Lot, double frontage means a lot abutting two parallel or approximately parallel streets.

Lot, flag means 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 means the distance, measured along the front lot line, that a lot adjoins a street.

Lot, interior means a lot other than a corner lot.

Lot line means a line of record bounding a lot that divides one lot from another or from a street.

Lot line adjustment means the relocation of a lot line between two adjoining lots with the consent of the owners of record and which does not create a new lot.

Lot line, front means 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 of the streets as elected by the City.

Lot line, rear means 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 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 means 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, nonconforming means a lot that:

- A. 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; and
- C. 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.

Lot width means 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 means 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 body feet or more in width or 40 body feet or more in length;
- 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 means a manufactured home or mobile home.

Manufactured/mobile home lot means 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 means 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 title.

Manufactured/mobile home subdivision means a platted and recorded subdivision zoned and designed for manufactured/mobile home use pursuant to the requirements of chapter 43 of this title where such homes may be placed on permanent foundations.

Manufacturing, general means 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 means 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 means stone, brick, dyed block or split faced concrete block.

Media service means 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 means 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 means 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 means removal of sand, gravel, dirt, or other materials by grading or excavating.

Mixed use center. See definition of *planned center*.

Mobile home means 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 means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income for households of the same size in the county.

Moderate income housing plan means a written document conforming to the requirements of the Utah Code.

Modular home means 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 Utah Code Annotated section 58-56-4 and transported to the building site.

Mortuary. See definition of *funeral home*.

Motel means any building or group of buildings containing four or more 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 means 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 means non-manmade land characteristics, including drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

Natural state means land which has not been subjected to grading, removal of vegetation or building development.

Natural waterway means those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels.

Noncomplying structure means a structure that: a) legally existed before its current land use designation; and b) because of subsequent land use ordinance changes, does not conform to the setback, height restrictions or other regulations, excluding those regulations which govern the use of land.

Nonconforming lot. See definition of *lot, nonconforming*.

Nonconforming use. See definition of *use, nonconforming*.

Nonconformity, other. See definition of *other nonconformity*.

Office, general means 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 means 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 means any space in a development that does not contain any structures or amenities, except that a park, as defined in this section, may qualify as open space. All open space must be completely landscaped with sod, trees, xeriscape, gardens, or agricultural uses; provided, however, that natural features such as hillsides, natural landscapes, washes, and other natural open spaces may also be considered open space if the area is useable. Only usable space qualifies as open space. Open space with a horizontal width of less than ten feet or a total area of less than 60 square feet is not considered usable. Areas with sensitive lands shall only qualify as open space if some feature or amenity is added, such as a trail, in order to make the land usable. Buildings, streets, parking lots, private yards, and landscaping within the rights-of-way for streets shall not be counted as open space.

Operations center means a maintenance, repair, or service facility operated by a local, state, or federal government agency.

Other nonconformity means a situation other than a nonconforming lot, use, or noncomplying 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 title.

Owner means 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 means 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 strip means 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 means a parking area within a parking lot consisting of one or two rows of parking spaces and the aisle from which motor vehicles may enter and exit parking spaces.

Parking garage, public means a structure, or portion thereof, used for parking and storage of more than four motor vehicles.

Parking lot, public means a paved, open area other than a street, alley, or driveway, used for temporary parking of more than four motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking space means an area designated within a building, parking lot, or other parking area for the parking or storage of one motor vehicle.

Parking, tandem means 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 means 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 means a separate building location, usually along the street frontage, developed or designated in connection with a larger commercial site.

Person means 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 means 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 means 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 means 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 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.

Plannedcenter means a development comprised of a variety of uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion.

Planning Commission means the Planning Commission of Hurricane City, Utah.

Plat means 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 means 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 title, 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 means 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 means a business establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.

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

Protective housing facility. See section 10-46-3 of this title.

Protective service means a facility providing public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

Public means that which is under the ownership or control of the United States government, Utah state or any subdivision thereof, Washington County, or the City (or any departments or agencies thereof).

Public entrance means 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 means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

Public meeting means a meeting that is required to be open to the public under Utah Code Annotated title 52, chapter 4, open and public meetings.

Public utility substation means 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.

Reasonable accommodation. See section 10-46-3 of this title.

Reception center means a facility rented for private social gatherings and used for hosting large social and business events.

Recreation and entertainment, indoor means 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 means 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.

Recreation resort short-term rentals means any dwelling unit used as a transient lodging facility within the recreation resort zone as governed by section 10-26 of this Code.

Recreational vehicle means 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 means any site, tract, or parcel of land on which facilities have been developed to accommodate two or more recreational vehicles as temporary living quarters pursuant to the requirements of chapter 43 of this title.

Recreational vehicle space means a plot of ground within a recreational vehicle park designed for the accommodation of one recreational vehicle.

Rehabilitation/treatment facility. See section 10-46-3 of this title.

Repair service means 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 means an establishment engaged in industrial, medical, or scientific inquiries.

Residence. See section 10-46-3 of this title.

Residential certificate child care means child care provided in a private home for up to eight children. This can include up to (but not more than) two children under the age of two.

Residential facility for elderly persons. See section 10-46-3 of this title.

Residential facility for persons with a disability. See section 10-46-3 of this title.

Residential facility for troubled youth. See section 5-4-2 of this Code.

Residential hosting means a limited commercial activity within an owner-occupied single family residential structure where an ADU not occupied by the full-time residents is used to house persons not qualifying as the property owner's family on a short-term basis.

Residential hosting facility means a structure or any portion thereof being used for residential hosting.

Restaurant, fast food means 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 means an establishment that derives not less than 50 percent 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 means 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 means the roads shown on the future land use map adopted by the City Council as part of the City's general plan.

Roofline means 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 means 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 means any building or group of buildings or premises approved by the state for public or private elementary or secondary instruction.

School, vocational means 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 means 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 means a facility sponsored or administered by a public or private entity which provides residences or other services for senior citizens.

Sensitive land means 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 10-47-2 of this title and title 3, chapter 4 of this Code.

Shopping center means a group of three 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 means a structure, room, or space that qualifies as a transient lodging facility, but excluding hotels and motels.

Short-term rental complex means any group of two to three short-term rental units within commercial zones.

Sign. See definition in section 10-36-2 of this title.

Site plan means a schematic, scaled drawing of a building lot or location which indicates, as may be required by this title, 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.

Special exception means an activity or use incidental to or in addition to a principal use permitted in a zoning district or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title.

Specified public utility means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Utah Code Annotated section 54-2-1.

Stable, private means A detached accessory building for the keeping of horses, the majority of which are owned by the occupants of the premises.

Stable, public means a commercial establishment that boards, breeds, trains, raises, or rents horses for riding or other equestrian activities.

Start of construction means the issuance date of a building permit, provided that construction, repair, reconstruction, placement, or other improvement begins within 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 means 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 means 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 title.

Structural alteration means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure means 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.

Structure, nonconforming means 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.

Subdivider means any person who undertakes to create a subdivision.

Subdivision any land that is divided, resubdivided, or proposed to be divided into two 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 title.
- 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 title; 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 means action taken in good faith to exercise development rights authorized pursuant to a development approval given under the authority of this title.

Substantial improvement means 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, 50 percent 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 means 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 means 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 ingrainin an indelible pigment, dye, or ink in the skin, or instruction for such a practice.

Tavern means an establishment licensed by the state alcoholic beverage control commission for serving liquor by the drink to the general public.

Temporary dwelling. See definition of *dwelling, temporary*.

Temporary trailer means 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.

Time period unit (timeshare) means a multi-unit project in which an annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented by shares in a corporation, a partnership interest, or any other individually owned transferable property right or interest.

Transient lodging facility means any establishment that receives payment, compensation, value, trade, or consideration in any form in exchange for the use of any unit for one to 30 days, including any hotel, motel, time period unit, hostel, boarding house, vacation rental property, short-term rental, whole home vacation rental, or bed and breakfast inn.

Transitional housing facility. See section 10-46-3 of this title.

Transportation service means 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 means a vehicular unit without motive power which:

- A. In the traveling mode, is eight body feet or less in width and 40 body feet or less in length, or when erected on site, is not more than 320 square feet; and
- B. Is designed as temporary living quarters for travel, recreation, and vacation use.

Use means 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 means a subordinate use customarily incidental to a permitted or conditional use and located on the same lot as such use.

Use, conditional means 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 means a use that is not allowed where located as a permitted use, conditional use, accessory use, or nonconforming use.

Use, incompatible means a use which is different in activity, intensity, or utilization which is or will be in conflict with uses on adjoining lots.

Use, main means 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 title.

Use, nonconforming means 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 means a main use of a building, structure, or land allowed in one or more of the respective zones set forth in this title and which may be lawfully established provided it conforms with applicable provisions of this title.

Use, temporary means 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 means 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 means a waiver or modification granted by the Appeals Board to a height, bulk, area, width, setback, separation, or other numerical or quantitative requirement of this title as permitted by this title.

Vehicle means 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 means 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 means 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 means 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 means 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 means a drawing showing the relationship of proposed real property development to adjoining property.

Violation means the act of disregarding, disobeying, neglecting, omitting or refusing to comply with the requirements or enforcement of this title.

Warehouse, self-service storage means 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.

Whole home vacation rental means a form of a transient lodging facility specifically classified as an entire single family residential structure that is located in a single family zone, is rented out on a short-term basis, and is not owner-occupied. Whole home vacation rentals are located in a single family zone as identified in chapters 10-13 and 10-14 of this Code, are not a conforming use under the current Code, and are managed locally.

Wholesale and warehousing, general means 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 means 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 50,000 square feet in area and operate during conventional business hours.

Wireless telecommunications facility. See section 10-50-4 of this title.

Yard means 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 title.

Yard depth means the least horizontal distance between a lot line and a building line.

Yard, front means 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 title between the front lot line and the front building line.

Yard, rear means 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 title between the rear lot line and rear building line.

Yard, side means 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 title between the side building line and the side lot line.

Zone means 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 title.

Zoning Administrator means the person charged with principal responsibility for interpreting and applying the provisions of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-15, 6-17-2004; Ord. 2005-15, 7-21-2005; Ord. 2008-4, 3-6-2008; Ord. 2009-01, 2-5-2009; Ord. 2011-11, 12-15-2011; Ord. 2012-8, 10-18-2012; Ord. 2013-10, 10-3-2013; Ord. 2014-10, 11-6-2014; Ord. 2015-3, 2-19-2015; Ord. 2015-12, 12-17-2015; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2017-06, 2-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2019-04, 5-2-2019; Ord. 2020-03, 2-6-2020; Ord. No. 2022-10, 5-19-2022; Ord. No. 2022-36, 8-18-2022; Ord. No. 2022-61, 2-2-2023; Ord. No. 2022-62, 2-16-2023; Ord. No. 2023-13, 8-3-2023; Ord. No. 2023-20, 12-7-2023)

Sec. 10-7-9. Conditional use permit.

- A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.
- B. *Authority.*
1. The Planning Commission is authorized to issue conditional use permits for the following uses:
 - Agricultural industry.
 - Agritourism activities.
 - Animal specialties.
 - Assisted living facility.
 - Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.
 - Greater size than permitted by this Code in all zones except residential and residential agricultural zones.
 - Metal building in commercial and residential zones.
 - Multi family in commercial zones.
 - Public stable.
 - Reception center.
 - Recreation and entertainment, outdoor.
 - Fences or walls of greater height.
 2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:
 - Animals and fowl for recreation and family food production.
 - Greater size accessory buildings than permitted by this Code in residential zones.
 - Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.
 - Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.
- C. *Initiation.* A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.
- D. *Procedure.* An application for a conditional use permit shall be considered and processed as provided in this subsection.
1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;

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- e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
- 2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
 - 3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
 - 4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.
 - 5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:
- 1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
 - 2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2g of this section:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.
 - (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception Center use must be secondary to any agricultural use on the property.

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- (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.
- b. *Standards for an agricultural industry.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.
 - c. *Standards for a public stable.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
 - (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.
 - d. *Standards for an assisted living facility.*
 - (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
 - (2) The facility shall be licensed by the state.
 - (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
 - e. *Standards for greater heights than permitted by this Code.*
 - (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
 - (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.

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- (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
 - (4) In no event shall a building exceed 55 feet in height.
 - f. *Standards for greater size than permitted by this Code.*
 - (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
 - (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
 - (3) The building must be for a use permitted in the zone in which it is located.
 - g. *Standards for animals and fowl for recreation and family food production.*
 - (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
 - (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
 - h. *Standards for metal buildings.*
 - (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
 - (2) The building must meet the following design standards:
 - (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
 - i. *Standards for animal specialties.*
 - (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.

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- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.
- j. *Standards for agritourism activities.*
- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
- (2) On-site parking must be provided.
- (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
- (4) In agricultural zones, this use must be accessory to an established agricultural use.
- k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:
- (1) No habitable building has been on the parcel for the previous three years.
- (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
- (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
- (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.
- (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.
- l. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*
- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.

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- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
 - (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
 - (5) Occupancy plan: no more than ten people can stay in one building.
 - (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
 - (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.
- m. *Standards for a fence or wall of greater height.*
- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
 - (2) The fence or wall may not exceed ten feet in height;
 - (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
 - (4) The fence or wall shall comply with all other provisions of this title.

n. Standards for commercial kennels

- 1. Facilities shall be designed and operated so that noise generated from resident animals shall not exceed fifty decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
- 2. Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
- 3. Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
- 4. The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.
- 5. Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
- 6. All lighting must comply with Title 10 Chapter 33 Section 7 of this code.
- 7. All requirements of any applicable Public Health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
- 8. All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.

-
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

(Ord. 2016-11, 11-17-2016; Ord. 2017-14, 8-17-2017; Ord. 2017-16, 11-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2018-14, 12-20-2018; Ord. 2019-10, 9-19-2019; Ord. 2020-03, 2-6-2020; Ord. No. 2021-05, 6-3-2021; Ord. No. 2022-10, 5-19-2022; Ord. No. 2022-21, 7-7-2022; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-17, 9-21-2023)



STAFF COMMENTS

Agenda Date:	05/02/2024
Application Number:	LUCA24-01
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10 with regards to animal control and kennel standards
Recommendation:	Approve
Report Prepared By:	Fred Resch III

5/2/2024 Updated Discussion:

This agenda item proposes amendments to the current animal control ordinance. There are amendments to Title 5 Chapter 2 which is the animal control ordinance and some associated changes in Title 10, the land use ordinance. The first attachment in the Council's packet is the proposed, updated ordinance. The second attachment is a redlined version showing in red each of the proposed amendments. The Council should review the text of the proposed changes, but here is a summary of key changes:

1. Clarification of definitions, removal of obsolete definitions.
2. Amendment permitting up to four dogs at a residential property, whereas under the current ordinance the 3rd and 4th dog at residential properties requires specific approval by the Zoning Administrator.
3. Clarification of rabies vaccination requirements.
4. Replacement of specific dollar amounts for fees with a reference that fees will be established by resolution of the City Council. Exemption for service animals from licensing fees.
5. New provision that provides that after three attacks by the same dog, two of which must be physical bites, and confirmed by written statements, the dog will be subject to euthanization. The dog's owner may appeal the determination that three attacks have occurred to a hearing officer appointed by the City.
6. New provision making it unlawful to leave an animal unattended in a vehicle under conditions that endanger the health of the animal due to heat, cold, lack of adequate ventilation, and lack of

food or water. Officers are authorized to take reasonable steps to remove an animal from a vehicle in these conditions.

7. Clarifications to the dog barking nuisance provision.
8. Removal of a provision that made it unlawful to sell baby rabbits or fowl in any quantity less than 6.
9. Removal of an antiquated ordinance governing 'estrays', which set out a complicated process and redemption procedure for cattle, horses, asses, mules, sheep, goats, and swine. Instead, the normal animal control procedure will be followed if these animals are seized by the department.
10. New provision that when there are 3 or more violations of the animal control ordinance by the same owner and the same dog within a 12-month period, the dog may be impounded and then adopted, rescued, or euthanized.
11. Removing residential kennels from both the definitions and land use ordinances.
12. Adding conditions for commercial kennels to be issued conditional use permits in commercial zones. These conditions include, but are not limited to:
 1. Outdoor facilities being at least 150 feet from residential zone boundaries
 2. Dogs are only allowed to be outside from sunrise to sunset
 3. Facilities shall be designed to abate any noise from the facility

The Police Department and the Division of Animal Control recommend that the proposed ordinance amendments be adopted. The Planning Commission held a public hearing on April 25th, 2024, and unanimously recommended approval of the amendments to Title 10 to the City Council. The City Attorney approves as to form the proposed ordinance.

Discussion: This item was discussed at the April 11th, Planning Commission meeting. The Animal Control department is proposing to update provisions within Title 5 and 10 of the city ordinance with regards to animal control and related issues. The purpose of these changes is to streamline and update Animal Control Department policies as well as clarify definitions of terms used in the ordinance. The key changes within the land use ordinance are:

- Removing residential kennels from both the definitions and land use ordinances. Under this proposal instead of requiring a residential kennel license for residences wanting a third or fourth dog, a residence will be permitted up to four dogs by-right
- Adding conditions for commercial kennels to be issued conditional use permits in commercial zones. These conditions include, but are not limited to:
 - Being at least 150 feet from residential zone boundaries
 - Dogs are only allowed to be outside from sunrise to sunset
 - Facilities shall be designed to abate any noise from the facility

Staff has reached out to animal control about statistics regarding residential kennels and their usefulness and are still awaiting a response at the time of this writing.

Key changes to Title 5, which do not require Planning Commission recommendation but are included in this packet include:

1. Clarification of definitions, removal of obsolete definitions.
2. Amendment permitting up to four dogs at a residential property, whereas under the current ordinance the 3rd and 4th dog at residential properties requires specific approval by the Zoning Administrator.
3. Clarification of rabies vaccination requirements.
4. Replacement of specific dollar amounts for fees with a reference that fees will be established by resolution of the City Council. Exemption for service animals from licensing fees.
5. New provision that provides that after three attacks by the same dog, two of which must be physical bites, and confirmed by written statements, the dog will be subject to euthanization. The dog's owner may appeal the determination that three attacks have occurred to a hearing officer appointed by the City.
6. New provision making it unlawful to leave an animal unattended in a vehicle under conditions that endanger the health of the animal due to heat, cold, lack of adequate ventilation, and lack of food or water. Officers are authorized to take reasonable steps to remove an animal from a vehicle in these conditions.
7. Clarifications to the dog barking nuisance provision.
8. Removal of a provision that made it unlawful to sell baby rabbits or fowl in any quantity less than 6.
9. Removal of an antiquated ordinance governing 'estrays', which set out a complicated process and redemption procedure for cattle, horses, asses, mules, sheep, goats, and swine. Instead, the normal animal control procedure will be followed if these animals are seized by the department.
10. New provision that when there are 3 or more violations of the animal control ordinance by the same owner and the same dog within a 12-month period, the dog may be impounded and then adopted, rescued, or euthanized.

Recommendation: Staff recommends the City Council approve the ordinance revisions.



STAFF COMMENTS

Consideration and possible approval of **Ordinance 2024-08 increasing** the Parks, Trails, and Recreation Impact Fee;

Discussion:

Updated Summary for June 6, 2024, Meeting:

On May 2, 2024, the Council adopted the Parks, Trails, and Recreation Master Plan. However, at that meeting, the Council declined to adopt a new impact fee based on the new plan. This agenda item is to consider the adoption of a new impact fee by ordinance. There was some confusion at the May 2, 2024 meeting regarding the current impact fee. Currently, the impact fee for parks and recreation is \$3,109 per residential unit. Under the newly adopted plan, which now includes trails as well, the maximum allowable impact fee is \$5,023.06 per equivalent residential connection, which is calculated based on the estimated costs of future improvements and the existing level of service. The Council needs to decide whether to adopt the full impact fee of \$5,023.06 or some lesser amount.

-Dayton Hall

Summary for May 2, 2024, Meeting:

Hurricane is surrounded by scenic red-rock open space and trails for hiking, biking, walking, OHV, and many City-owned parks that offer a wide range of outdoor, recreational activities. For the purpose of improving and enhancing these amenities, the General Plan recommends that the City further evaluate the amount, locations, and quality of the City's recreation programs, open spaces, parks, and trails for the purpose of assuring that current and future populations have adequate access to these important amenities. To achieve this objective, a draft of the proposed Parks, Trails, and Recreation Master Plan, along with a fee impact study, has been completed. The Planning Commission heard this item on April 25, 2024, and voted unanimously to adopt the Parks, Trails, and Recreation Master Plan. Notwithstanding their strong support for the master plan, the Commission expressed concern that the proposed increased impact fees would be too high. An alternative amount was not suggested, but it was strongly recommended that the fee increase be lower and that alternative funding sources be explored instead of an increase, such as voluntary monetary contributions, fund-raising, and grants. Gary Cupp

Findings:

Recommendation:

Attachments:

1. Parks_Rec Master Plan CC staff report_5-2-24
2. Hurricane Parks, Trails, and Recreation Master Plan Report

3. Water Connection Chart to Assess Parks Impact Fee
4. Ordinance 2024-08 Adopting a new Impact Fee Study and increase to Parks and Recreation impact fee



STAFF COMMENTS

Agenda Date:	05/02/2024
Application Number:	
Type of Application:	General Plan Amendment
Action Type:	Legislative
Applicant:	Hurricane City Planning
Agent:	
Request:	Adopt the proposed Parks, Trails, and Recreation Master Plan
Recommendation:	Approve
Report Prepared By:	Gary Cupp

Discussion:

Hurricane is surrounded by scenic red-rock open space and trails for hiking, biking, walking, OHV, and many City-owned parks that offer a wide range of outdoor, recreational activities. For the purpose of improving and enhancing these amenities, the General Plan recommends that the City further evaluate the amount, locations, and quality of the City's recreation programs, open spaces, parks, and trails for the purpose of assuring that current and future populations have adequate access to these important amenities. To achieve this objective, a draft of the proposed Parks, Trails, and Recreation Master Plan has been completed.

The Planning Commission heard this item on April 25, 2024, and voted unanimously to adopt the Parks, Trails, and Recreation Master Plan. Notwithstanding their strong support for the master plan, the Commission expressed concern that the proposed increased impact fees would be too high. An alternative amount was not suggested, but it was strongly recommended that the fee increase be lower and that alternative funding sources be explored instead of an increase, such as voluntary monetary contributions, fund-raising, and grants.

Hurricane City General Plan:

Parks and open spaces are a high priority for Hurricane residents, and trails are crucial to ensuring that all residents have safe and convenient access to the City's parks, recreation services, and other outdoor amenities. The following pertinent goals and policies of the General Plan emphasize these priorities and support the objectives of the proposed master plan:

OPEN SPACE AND TRAILS GOAL 1: INCREASE ACCESS TO RECREATION AMENITIES

Goal Policies:

1.1. The City will work to provide a variety of park types and sizes to meet the broadest possible spectrum of recreational needs, and be readily available to serve all residents of the City.

OPEN SPACE AND TRAILS GOAL 2: INTERCONNECTED TRAIL SYSTEM

Goal Policies:

2.1. The City encourages the development of walking and bike paths/lanes in new development to contribute to an interconnected system that links major destinations.

2.2. Neighborhoods should be designed to provide safe pedestrian connectivity. This may include trails between lots, wider sidewalks, and connections through open space, parks, and common areas.

2.3. The City encourages pedestrian connectivity to improve safety and quality of life, enhance the sense of community, encourage people to walk or bike, and increase the opportunity for neighbors to interact.

2.4. New trail systems shall provide access to adjacent neighborhoods, open spaces, and employment centers and tie in with the Washington County and adjacent city trails systems.

2.5. The City coordinates closely with surrounding land owners, such as BLM, to ensure local and regional trail systems are connected.

Master Plan Input and Creation Process:

The proposed Master Plan had a variety of input from various sources and stakeholders, including:

- Steering Committee: A steering committee consisting of the City Manager, Planning Director, City Planner, Parks Superintendent, and Recreation Director met periodically with a consultant team to provide guidance and direction on each step of the plan. This committee made recommendations on public input, draft details, and recommendations within the plan.
- Public Input: During the process, the plan aimed at gathering input from various stakeholders. This included an online survey, two public-input open houses and stakeholder meetings. The input data that was received is included in the appendices of the master plan document.
- Consultant Analysis: The consultant team performed economic research, walking surveys, gathered and reviewed public-input data to help make recommendations within the plan. These recommendations have been reviewed by staff and the steering committee.

Project Schedule:

The planning process started in September of 2023 and included the following milestones:

- October 16, 2023 – Online Survey.
- November 7, 2023 – 1st Public Input & Stakeholder Workshop.
- November 14, 2023 – Steering Committee meeting to review public input and survey data.
- January 23, 2024 – 2nd Public Input & Stakeholder Workshop.
- January 30, 2024 – 2nd Steering Committee meeting and start of document preparation process.
- March 11, 2024 – Draft Master Plan document completed.
- April 25, 2024 – Presentation to the Planning Commission.
- May 2, 2024 – Presentation to the City Council.

Organization and Key Sections of the Master Plan Document:

The document provides an Executive Summary and Introduction that discusses the purpose and scope of the master plan and presents background information relating to the existing conditions of the City's recreational assets. The master plan is then organized into the following key sections:

- Benefits and User Analysis
- Community Involvement
- Classifications and Inventory (of existing facilities)
- Level of Service Analysis
- Recreation Programs
- Financial Viability, Impact Fees & Facilities Plan

The document also includes discussions and recommendations regarding water conservation, public signage, and trail rules, with various appendices that provide the data collected during the preparation of the master plan.

Recommendation:

Staff recommends approval of the proposed Parks, Trails, and Recreation Master Plan and its objectives.



HURRICANE CITY
UTAH

HURRICANE CITY

PARKS, TRAILS, AND RECREATION MASTER PLAN

2024



PREPARED BY





HURRICANE CITY

UTAH

Mayor: Nanette Billings **City Manager:** Kaden DeMille

Hurricane City Council

David Hirschi | Kevin Thomas | Clark Fawcett | Drew Ellerman | Joseph Prete

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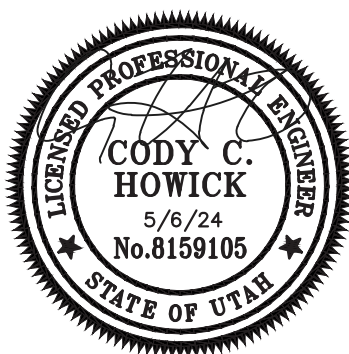


TABLE OF CONTENTS

Table of Contents	ii	7. Level of Service (LOS) Analysis	24
1. Executive Summary	1	Parks	24
User Analysis	1	Trails	24
Inventory	1	Recreation Facilities	25
Existing Facilities Inventory	1	Comparative Performance Review	25
System Analysis	1	Target Level of Service	26
Financial Viability	1	8. Recreation Programs	27
2. Introduction	3	9. Impact Fee Facilities Plan	28
Purpose and Scope	3	Growth Demands	28
Background Information	4	Parks, Trails, and Recreation Facilities Plan	28
Analysis Area	4	Additional Considerations	30
Benefits of Parks, Trails, and Recreation Facilities	5	10. Financial Viability	31
3. User Analysis	6	Equivalent Residential Connection (ERC) Factors	32
Planning Horizon	6	Project Phasing	32
Growth Rate	6	Impact Fee Analysis	32
Equivalent Residential Connections	7	Comparable Impact Fees	32
4. Community Engagement	9	Cash Flow Analysis	33
Partnering Meeting #1	9	Other Financing Options	33
Open House #1	9	11. Public Signage	34
Community Survey	9	Wayfinding	34
Partnering Meeting #2	10	Trails	34
Open House #2	10	Parks and Recreation Facilities	35
5. Classifications and Inventory	11	Interpretive Signs	35
Park, Trails, and Recreation Facilities Classification	11	12. Water Conservation	36
Public Involvement Process	11	13. Trail Rules	37
City-Owned Parks	13	14. Spilsbury / American Legion Park Complex	38
Non-City Owned Parks	17	Concept Plan	
6. Existing Facilities	19	Conclusion	39
		Appendix A: Maps	40
		Appendix B: Unit Cost Calculations	48
		Appendix C: Cash Flow Spreadsheet	50
		Appendix D: Survey Methods and Full Results	52
		Appendix E: Impact Fee Certification	81

EXECUTIVE SUMMARY

User Analysis

The primary objective of this study is to establish plans to guide the development of future Hurricane City parks, trails, and recreation facility improvements through analyzing the existing conditions and 10-year conditions, as well as addressing longer term (20-year) conditions. The outcomes of the study include recommended improvements, estimated project costs, maximum allowable impact fee, and projected cash flow for Hurricane's recreation services.

Inventory

Hurricane City has a historic annual growth rates of 4%-8%. Projected annual growth rates for this study are shown as 5.17%.

2023 estimated population – 24,697

2033 estimated population – 40,885

2043 estimated population – 67,684

Existing Facilities Inventory

Hurricane City currently operates and maintains 21 existing parks and three recreational facilities (the community center, fine arts center, and swimming pool).

- Existing LOS for Parks is 4.23 ac/1,000 people
- Existing LOS for Trails is 0.05 miles/1,000 people
- Existing LOS for Recreation Facilities is 2,457 sq-ft/1,000 people

System Analysis

The Level of Service (LOS) demands (in acres/1,000 people, miles/1,000 people, and square feet/1,000 people) for the 10-year and 20-year planning horizon are shown in the table below. It shows the eligible park area, recreation facility area, trail miles, and impact fee facilities plan updates, as well as estimated costs for each.

Financial Viability

The estimated costs of recommended improvements based on park area, recreation facility area, trail length, and impact fee facilities plan updates came to \$43,599,597.67 for 10 years and \$141,038,261.34 for 20 years. An equivalent residential connection (ERC) conversion of 1.865 was used, based on the latest water impact fee analysis. The maximum allowable impact fee for an equivalent residential connection is \$5,023.06.

Average Costs		Population	
Per Acre of Park	\$393,644	2023 population	24,697
Per Mile of Trail	\$695,420	2033 population	40,885
Per SF of Rec Facility	\$300	2043 population	67,684

	Developed Park [ac]	Recreation Facility [sf]	Paved Trails [mi]	IFFPA Update (every 5 years)	Total Costs
Level of Service (ac, sf, or mi/1000 ppl)	4.23	2,457	0.05		

10-yr Pop. Increase: **16,188**

10-yr Demand Increase	68.49	39,769	0.74	2 (at \$40,000 ea.)	
Est. 10-yr Cost (at 3% for 5 yr)	\$29,766,540.91	\$13,172,450.55	\$567,683.20	\$92,923.01	\$43,599,597.67

20-yr Pop. Increase: **42,987**

20-yr Demand Increase	181.87	105,606	1.96	2 (at \$40,000 ea.)	
Est. 20-yr Cost (at 3% for 15 yr)	\$96,354,949.61	\$42,639,513.03	\$1,837,603.06	\$206,195.64	\$141,038,261.34

New ERCs	8,680
Maximum Allowable Impact Fee	\$5,023.06

Impact Fee Calculation

SECTION 2

INTRODUCTION

Purpose and Scope

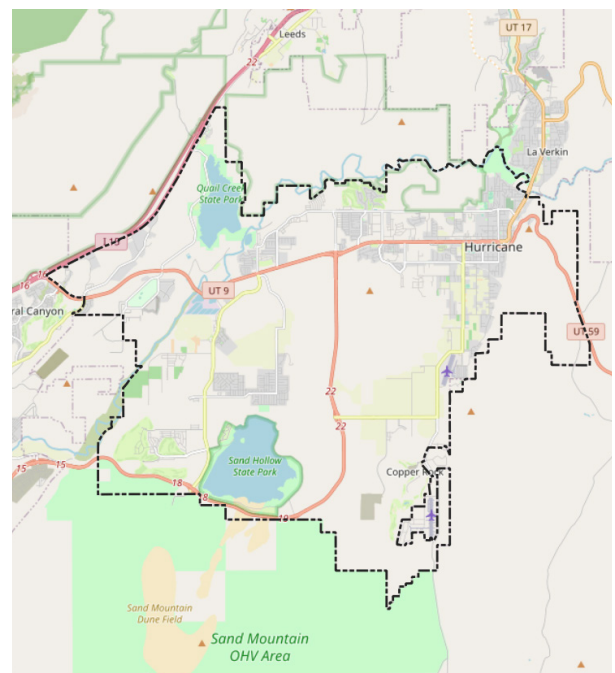
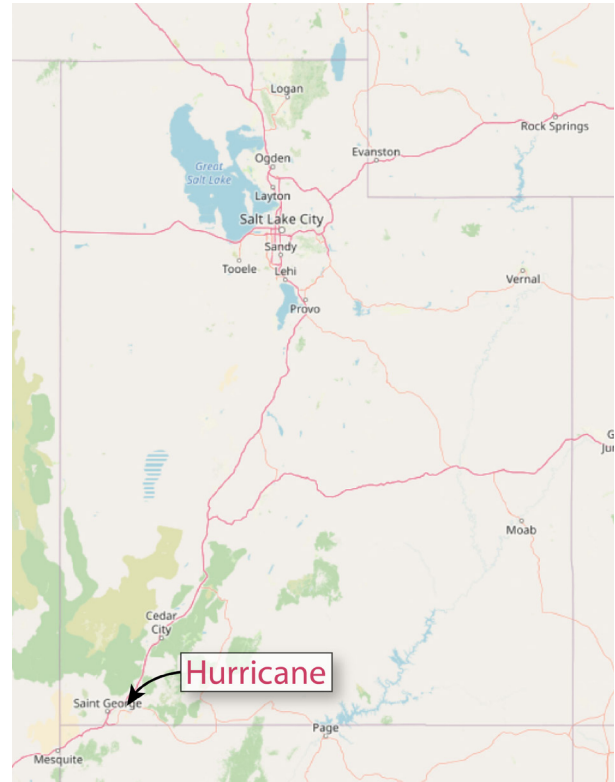
In August of 2023, the Hurricane City engaged the services of Civil Science, Inc. for the purpose of undertaking a comprehensive evaluation of the master plan and impact fees associated with parks, trails, and recreational facilities and programs. Recognizing the vital role of an early planning process, the city aims to ensure the effective fulfillment of both present and future recreational requirements for its residents through the development of an inclusive park and trail system spanning the entire community.

Parks, trails, and recreational facilities constitute a fundamental component of any community. Their strategic placement and characteristics can have a significant impact on the trajectory and nature of development within a community. These amenities also play a pivotal role in enhancing the overall quality of life and contributing significantly to the aesthetic appeal of a neighborhood.

As directed by the city, the specific objectives of this plan are to:

- Analyze population growth rates and projections
- Identify existing parks and trails facilities
- Establish a facilities plan and master plan to accommodate future growth
- Perform a financial and impact fee analysis

The overall goal of this plan is to provide a general guide to the City for making decisions pertaining to future park, trail, and recreation facility development and recreation development for City sponsored programs.



Vicinity and Location of Hurricane City

Background Information

Hurricane City is in Washington County in southern Utah, to the east of Washington City and to the south of La Verkin and Toquerville. The terrain around Hurricane consists of a diverse array of buttes, canyons, and other geological features. The City borders Quail Creek State Park to the north and Sand Hollow State Park to the south. The Virgin River runs along the north edge of the city, flanked by dramatic cliffs and sweeping views of Red Cliffs Desert Reserve.

Hurricane has an arid climate that is typically hot and dry in the summer months and mild in the winter months, with an annual average high temperature of 77°F, an annual average low temperature of 48°F, and annual average precipitation of 16.19 inches (<https://www.usclimatedata.com/climate/hurricane/utah/united-states/usut0343>).

Analysis Area

The master plan area is generally contained within the existing Hurricane City limits and addresses level of service and impacts for 10- and 20-year horizons, as well as planning for full buildout.

Hurricane abuts Quail Creek State Park, the Virgin River and Red Cliffs Desert Reserve to the north, Washington City to the west, Sand Hollow State Park to the south, BLM land to the east, and La Verkin to the north-east. Considerations were made in this plan to connect to their trail facilities wherever it seemed appropriate. While outward geographical growth of the city is not expected or planned for in this report, there are significant areas of agricultural and undeveloped land within current Hurricane City limits that are likely to be developed.

BENEFITS OF PARKS, TRAILS, AND RECREATION

Parks and trails have numerous benefits to communities. Many needs that cities and communities are facing can be addressed through parks. These include:

Economic development

Parks create local job opportunities and can increase municipal revenues. A healthy network of parks and trails also helps to attract homebuyers and affluent retirees and positively affects home values.

Creating safer neighborhoods

Parks can offer a sense of belonging and have been linked with decreased rates of aggression. Parks can function as community gathering places that help build community ties and produce stronger, safer neighborhoods.

Green infrastructure

Green infrastructure in parks can be a cost-effective way to manage stormwater and other forms of public infrastructure. Cities can use parks to protect ecological functions and biodiversity through interconnected natural areas.

Helping children learn

City parks offer places for children to learn and explore in healthy, safe ways, and can even help children to begin to engage with their wider community through programs like community art installations.

Cultural and sports programs

Parks can act as venues for cultural activities and sports tournaments. In addition to providing recreation opportunities for residents and visitors, these types of events can be a major economic benefit to cities.

Heat and air quality management

Urban areas experience the urban heat island effect, where hard surfaces create artificially higher temperatures. Parks can help cool temperatures through shading and evapotranspiration. Parks and green spaces can also help sequester carbon and other air pollutants.

Improving property values

Parks tend to improve the property values of nearby homes. This is especially true for multifamily development or homes on smaller lots, where residents without their own yards and recreation amenities are willing to pay a higher premium for proximity to parks.

Improving Public Health with Parks and Trails

One of the biggest benefits from public parks and trails is improvements to public health. The CDC states:

“Having access to places for physical activity, such as parks and trails, encourages community residents to participate in physical activity and do so more often. The closer you live to a park, the more likely you are to walk or bike to those places, and use the park for exercise.”

Physical activity can help to:

- Control your weight
- Reduce your risk of cardiovascular disease
- Reduce your risk of type 2 diabetes
- Reduce your risk for some cancers
- Strengthen your bones and muscles
- Improve your mental health and mood
- Improve your ability to do daily activities and prevent falls, if you're an older adult
- Increase your chances of living longer

SECTION 3

USER ANALYSIS

An important element in any community plan is a user analysis or a projection of the City’s population growth rate. This projection gives the planner an idea of the future demands the City should plan for throughout the planning period. This section summarizes how the growth rate, planning period, population projections and capacity were calculated or obtained.

Planning Horizon

This analysis considers three planning horizons: existing conditions, 10-year, and 20-year scenarios. The existing condition scenario evaluates the facilities based on the number of Equivalent Residential Connections (ERCs) the City currently serves. The 10-year and 20-year planning horizons evaluate potential deficiencies and plan for improvements needed to resolve any of those deficiencies.

Growth Rate

Projecting the City’s population and growth rate are essential to the development of a facilities plan. Projecting the number of future connections, or population, is a subjective process. This study uses several resources for this projection including census figures and sewer and water connections to evaluate growth trends and provide a projection of how growth occurs. Census data and annual growth rates from 1980 to 2020 are included in the table of historic growth rates. The table of historic growth rates also shows the historic 10-year, 20-year, 30-year, and 40-year average annual growth rates for the dates specified. These historic rates serve as a comparison with projected growth rates.

Description	Year Period	Population	Growth
10-year Historic	1980	2,660	-
10-year Historic	1990	3,915	3.9%
10-year Historic	2000	8,250	7.7%
10-year Historic	2010	13,748	5.2%
10-year Historic	2020	20,036	3.8%
20-year Historic	1980-2000	-	5.82%
20-year Historic	1990-2010	-	6.48%
20-year Historic	2000-2020	-	4.54%
30-year Historic	1980-2010	-	5.63%
30-year Historic	1990-2020	-	5.59%
40-year Historic	1980-2020	-	5.18%

Housing Occupancy	
Occupied Housing Units	68%
Person per Household	2.74
Households	6817

Historic Growth Rates

Equivalent Residential Connections (ERCs)

Calculating an ERC provides a way to compare residential to non-residential users. ERC values are based on water use and are shown in this plan as building area. See the latest Hurricane Water Impact Fee Facilities Plan and Analysis for more information on how this is calculated. It was calculated that 1 ERC equals 1.865 people. Annual population, ERC, and growth rate projections for the 20-year planning horizon are available in the table of projected growth and ERCs.

Year	Source	Population	Growth	ERCs
2010	Census	13,748	-	7,372
2011	Estimate	14,017	1.96%	7,516
2012	Estimate	14,311	2.10%	7,673
2013	Estimate	14,571	1.82%	7,813
2014	Estimate	15,006	2.99%	8,046
2015	Estimate	15,485	3.19%	8,303
2016	Estimate	16,163	4.38%	8,666
2017	Estimate	17,150	6.11%	9,196
2018	Estimate	18,184	6.03%	9,750
2019	Estimate	19,074	4.89%	10,227
2020	Estimate	20,036	5.04%	10,743
2021	Estimate	21,822	8.91%	11,701
2022	Estimate	23,077	5.75%	12,374
2023	Projected	24,697	7.02%	13,242
2024	Projected	25,974	5.17%	13,927
2025	Projected	27,317	5.17%	14,647
2026	Projected	28,729	5.17%	15,404
2027	Projected	30,214	5.17%	16,201
2028	Projected	31,776	5.17%	17,038
2029	Projected	33,419	5.17%	17,919
2030	Projected	35,147	5.17%	18,846
2031	Projected	36,964	5.17%	19,820
2032	Projected	38,875	5.17%	20,845
2033	Projected	40,885	5.17%	21,922
2034	Projected	42,999	5.17%	23,056
2035	Projected	45,222	5.17%	24,248

Equivalent Residential Connections (Continued on following page)

Year	Source	Population	Growth	ERCs
2036	Projected	47,560	5.17%	25,501
2037	Projected	50,019	5.17%	26,820
2038	Projected	52,605	5.17%	28,206
2039	Projected	55,325	5.17%	29,665
2040	Projected	58,185	5.17%	31,198
2041	Projected	61,193	5.17%	32,811
2042	Projected	64,357	5.17%	34,508
2043	Projected	67,684	5.17%	36,292

Equivalent Residential Connections (Continued from previous page)

SECTION 4

COMMUNITY ENGAGEMENT

Community engagement was a critical component in the development of the Parks, Trails, and Recreation Master Plan. Several methods of engagement were used to ensure that all Hurricane residents had the opportunity to contribute their thoughts, concerns, and insight to the future of parks, trails, and recreation in their community. The three primary methods of community involvement were the community survey, partnering meetings, and public open houses. The survey had the widest reach, being sent to all Hurricane residents, and any residents that wished to have more active involvement in the process or had specific questions had the opportunity to attend the public open house. The partnering meetings provided a venue to receive focused input from community group representatives and other important partners.

Partnering Meeting #1

The first partnering meeting was attended by representatives from several community groups and government agencies including the Southern Utah Bicycle Alliance, Southern Utah Baseball, and Red Cliffs Desert Reserve, Washington County and local skatepark and bike park advocates. A presentation was given that reviewed the master planning process and the current distribution and level of service of parks, trails, and recreation facilities in Hurricane. The presentation included maps of the location of existing facilities in Hurricane, and of what areas of the city are serviced by those facilities.

The main outcomes from the partnering meeting are provided below:

- More trail connectivity and safer trails throughout the city. The highest priorities are connecting the Zion Corridor through to Southern Parkway and tying into the trail connection that the County will be building at Legacy Park (the fairgrounds).
- More skateparks throughout the city, possibly as small “skate spots” integrated into other parks.

Open House #1

The first open house was well attended, with about 20 attendees, most of whom were Hurricane residents. After viewing a short presentation similar to the one presented at Partnering Meeting #1 attendees were able to voice their concerns and questions in small groups. Maps were provided at each table, and many attendees expressed desires for particular facilities in certain parts of Hurricane, which were noted on the maps.

Overall, the attendees at the open house wanted:

- More paved, shared-use trails. Priorities were east-west connection across the city, linking Dixie Springs

and Pecan Valley areas into the rest of the city, and continuing the 400 S trail. There was also some interest in equestrian trails that connect to the equestrian park (rim trail).

- A community park somewhere in the vicinity of State St and 2260 W.
- More parks in the Pecan Valley area.
- Reducing conflict with ATVs on roads and trails around Sand Hollow.
- More pickleball courts.
- Current parks to be better maintained.

Community Survey

In addition to being distributed through the mail, the community survey was distributed at the first open house. In total, there were 228 responses to the survey, which is about 1% of the population of Hurricane. Below is a summary of survey results, organized by category. The full survey results are available in Appendix B.

Parks

Residents want more parks overall. In questions where residents selected which types of parks they believe are most important to develop, they focused on large, natural open spaces/community parks and linear parks along rivers and washes. There were many written responses that requested more sports facilities, including softball, tennis, and pickleball. Several requests were also made for more skateparks. Residents in less central parts of town would like to see parks more evenly distributed, and there is a general concern with the maintenance/condition of the current parks.

Trails

Residents are very concerned about the lack of safe routes for biking and walking. Many respondents cited safety

concerns with riding bikes along roads, and asked for more dedicated, paved trails. Several people wanted to see a trail system more like what is available in St George or Washington.

Recreation Facilities

Overall, residents are not satisfied with the current state of recreation facilities in Hurricane and would like to see them improved, expanded, or replaced. People felt that the current facilities do not meet the needs of the community. The state of the pool and the recreation center were specific items of concern, and there were several requests for a new recreation center and an indoor pool.

Dogs and Dog Parks

Residents disagreed about whether dogs should be allowed/ encouraged in parks and trails in Hurricane, with some residents sharing that they wished dogs would be banned from all parks and trails and others expressing a desire to have more dog friendly areas. The biggest point that most people agreed on is that the current dog park is not in good condition, and some people shared that they wished there was a dog park in Hurricane more like the Dog Town Park in Washington.

Managing Growth

Many people were concerned about rapid growth in Hurricane and emphasized the importance of maintaining recreation and open space and keeping a small-town feel. Outdoor recreation is important to many Hurricane residents, and people wanted to make sure that they didn't lose access to open recreation areas as more development happens.

Partnering Meeting #2

The second partnering meeting was attended by representatives from community groups and government agencies including Washington County and local skatepark and bike park advocates.

A presentation was given that reviewed the results from the public survey and the proposed parks and trails plans. This included maps or the proposed systems. The attendees maintained similar priorities to those shared at the first partnering meeting, especially about increasing trail connectivity and skate/bike parks.

Open House #2

The second open house had more attendees than the first, with about 30 people. A presentation was given similar to the one given at Partnering Meeting #2. The emphasis was on presenting the proposed parks and trail system to the public. Attendees had the opportunity to ask questions and voice concerns.

The main topics of discussion were:

- There were several questions about how impact fees work – what they can and cannot be used for under state law, and how Hurricane is planning to use them.
- Several attendees were concerned that the city is putting too much funding towards increasing the amount of parks, trails, and recreation facilities, rather than on maintaining what the city already has.
- There was also significant concern about how the public can be involved in the detailed planning of parks, trails, and recreation facilities. Some attendees were frustrated that they had not been consulted about the construction of the new sports building at American Legion Park. There was discussion about how residents can attend city council meetings to influence these decisions, however, it became clear that residents desire more ways to be involved in the design of facilities that they will be funding through their tax dollars.
- Attendees wanted to make sure that bike trails would be separated from the road, rather than just being a bike lane attached to the road.
- Attendees representing the skating community emphasized the benefits of skateparks and skate features to the community, especially to the youth and to families.



Open House #2

SECTION 5

CLASSIFICATIONS AND INVENTORY

This section seeks to inventory the existing parks and recreation facilities within Hurricane City, establish guidelines, standards, classifications, and existing LOS to be used throughout the facilities plan and in future parks and recreation planning. Information was gathered from the City's GIS department along with various site investigations and with information provided by City personnel.

Parks, Trails, and Recreation Facilities Classification

Hurricane City has various recreational demands and several types of facilities to meet these demands. The following park and trail classifications have been identified as types of recreational facilities that help meet the recreational demand of the community. The following is a description of each type of classification, general parameters that apply to the classification, specific examples of the classification, and if the classification is applicable to the overall LOS used in the impact fee analysis.

Public Involvement Process

While the classifications below provide guidelines and minimum requirements, the public input about the distribution and quantity of facilities and many of the concerns that residents expressed in the community survey and the public meetings was incorporated into the plan to be addressed at the site scale. This includes desires such as having certain sports facilities, crime prevention through environmental design, and park character.



Grandpa's Pond Park

CITY-OWNED FACILITIES			
	Description	Typical Size	Area Served
Neighborhood Park	Remains the basic unit of the park system and serves as the recreational and social focus of the neighborhood.	4-10 acres	0.5-mile radius
Community Park	Serves broader purpose than neighborhood park. Focus is on meeting a wide range of recreational activities (passive, active, programmed sports, league play, tournaments, etc.) for the several neighborhoods or the entire community.	10-40+ acres	2-mile radius
Special Use Park	Covers a broad range of parks and recreation facilities oriented toward a specific use.	<1 acre	Hurricane and surrounding region
Paved Trail	Serves as paved transportation corridors for non-motorized modes of transportation. Used to interconnect parks, neighborhoods, downtown, and bordering cities and sites.	10' or 12' width, length varies	Hurricane and surrounding region
Unimproved Trail	Nature trails for pedestrians or cyclists, typically unpaved. Does not count towards trails level of service.	Width varies, length varies	Hurricane and surrounding region
Recreation Facility	Facilities for recreation opportunities not commonly available in parks or trail, such as swimming pools and indoor fitness areas.	Area varies	Hurricane and surrounding region
NON-CITY-OWNED FACILITIES			
	Description	Typical Size	Area Served
Private Park/Facility	Used to address limited or isolated recreational needs for private communities.	0.25-1 acre	0.15-mile radius
School Park	Often complement open space and could possibly serve in number of capacities such as a neighborhood park or youth athletic field.	Dependent upon school district	1 mile radius or boundary of school
Regional Park	Large recreation area, such as a state or national park, that serves an entire region. Often includes multiple special use facilities and accommodates large numbers of people for a variety of activities.	Variable, large scale	Hurricane and surrounding region

Classification Summary

City Owned Parks

Neighborhood Park

Description: The neighborhood park remains the basic unit of the park system and serves as the recreational and social focus of the neighborhood. This type of park provides activities for all age groups and addresses the specific recreational needs of the nearby neighborhood it serves. Facilities may include play structures, picnic areas, shaded seating, soft and hard surface courts, restrooms, trails, and large informal open areas for unprogrammed play activities. Typically, parks in this classification have no lighted athletic fields for formal team competition, and no schedule for organized programs. These parks are intended for use by local neighborhood residents and are not intended to draw large numbers of residents to the area, unlike parks that have sports fields, splash pads, or large sports court amenities.

Location: Centrally located within its service area and uninterrupted by non-residential roads and other physical barriers.

Access: By way of interconnecting trails, sidewalks, or low volume residential streets.

Desirable Size: 4 – 10 acres

Area Served: 0.5 mile radius

Examples: Stout Park, Zions Gate Park, Sky Ridge Park, Santa Fe Park

Application of LOS: Yes

Required Elements for New Neighborhood Parks:

- Restroom
- Picnic Shelter
- Playground Structure
- Open Grass Areas
- Shaded Areas
- 8-10 Parking Spaces
- Park Furniture
- At least one of the following:
 - Basketball standard
 - Tennis court
 - Volleyball court
 - Sport court (multi-use)
 - Paved walking trail
 - Climbing wall
 - Other neighborhood-desired facility



Santa Fe Park

Community Park

Description: Community parks are larger in size and serve a broader purpose than neighborhood parks. Their focus is on meeting a wide range of recreational activities for several neighborhoods or sections of the community. They allow for group activities and offer other recreational opportunities not feasible – nor perhaps desirable – at the neighborhood level. Community parks can accommodate special events and gatherings and can provide for a broad variety of activities and recreation opportunities. Community parks may be highly developed with amenities such as playgrounds, lighted athletic fields, programmed sports which accommodate specific needs of user groups and athletic associations based on demand and program offering, or they may include large open spaces with sensitive environments such as wildlife habitat, river corridors, and flood plains, greenways, and other protected open space and sensitive lands.

Location: Community parks should be viewed as a strategically located community-wide facility rather than serving a defined neighborhood or area. They should not be adjacent to residential areas unless buffering (topographic breaks, vegetation, walls, etc.) is used, but more importantly the quality of the natural resource base should play a significant role in site selection. Identifying the location of these facilities is critical to avoid long term conflicts and negative impacts to the community.

Access: Community parks should be serviced by a collector level street and not through a residential road. Given that a community park will likely be used for league sports and tournaments, access routes from outside the community should also be considered. Multiple access points in and out of parking areas should be provided to facilitate vehicular movements during events. The site should be easily accessible by way of interconnecting trails, as well.

Desirable Size: 10 – 40+ acres

Area Served: 2-mile radius

Examples: Grandpa's Pond Park, Spilsbury/American Legion Sports Complex, Dixie Springs Park, Hurricane Equestrian Park

Application of LOS: Yes

Required Elements for New Community Parks:

- Restrooms
- Picnic Shelters
- Shaded Areas
- Appropriate Number of Parking Spaces (off-street parking to handle events)
- Sports Fields/Courts
- Walking Paths
- Playground



Spilsbury/American Legion Sports Complex

Special Use Park

Description: Special use parks are usually implemented to serve specific needs, such as access to trails or for a historical marker. Improved trailheads, linear parks, and small picnic areas are included in the special use park classification. They are sometimes located within public easements.

Location: Dependent on use, often adjacent to trails

Access: By way of interconnecting trails, sidewalks, and streets.

Desirable Size: Varies, usually <1 acre

Area Served: Hurricane City and surrounding region

Examples: Hurricane Heritage Wayside Park, Main Street Trailhead, Vlassek Park, Cherry Heights Linear Park

Application of LOS: Yes



Cherry Heights Linear Park

Paved Trail

Description: Paved trails or trail systems are generally transportation corridors for non-motorized modes of transportation such as walking, jogging, running, and cycling and provide valuable recreation and transportation opportunities for residents and visitors. They are used to interconnect parks, neighborhoods, downtown, and bordering cities and sites.

Location: Generally located in natural corridors such as along streams and riverbanks and along washes. Paved trails are also often located in utility corridors. Care should be taken to ensure preservation and enhancement of these natural corridors and habitat to maintain the fragile ecosystem in which they are placed.

Access: These trails should be serviced mainly by other park classifications to capitalize on existing facilities or features. Some trails may require controlled access to preserve environmental features. All trails should interconnect and have access points to parks, residential roads, local connectors, and main thoroughfares.

Desirable Size: 12 feet in width for connector trails shown on active transportation plan, 10 feet in width for internal neighborhood trails, length varies.

Area Served: Hurricane City and surrounding region

Examples: 400 S Trail

Application of LOS: Yes



400 South Trail

Unimproved Trail

Description: Unimproved trails emphasize a relationship with the natural environment. These are most often located within natural resource areas and greenways. Since regional and state parks often develop and maintain these types of trails, the need for them at the local level is often limited. They can provide a different opportunity for interconnectivity between other parts of the park system more oriented on the natural environment rather than parks.

Location: Generally located in natural corridors or in large natural recreation areas. Care should be taken to ensure preservation and enhancement of these natural corridors and habitat to maintain the fragile ecosystem in which they are placed.

Access: These trails should be serviced mainly by other park classifications to capitalize on existing facilities or features. Some trails may require controlled access to preserve environmental features. Trails could interconnect and have access points to parks and residential roads.

Desirable Size: Width varies from 3' wide single-track trails to larger 10' wide trails. The width of the trail should match the environment and the intended use (mountain bike, hiking, etc.). The length of unimproved trails varies.

Area Served: Hurricane City and surrounding region

Examples: Red Rock Walking Trail, Quail Lake Bike Trails

Application of LOS: No

Recreation Facility

Description: Recreation facilities provide additional recreational opportunities to the community not available in parks or trails. Amenities available in a recreation center can be as follows: aquatic facilities including swimming pools, lap pools, water features, splash pads, slides, etc., health and fitness areas including weight rooms, aerobics rooms, tracks, court facilities including tennis, racquetball, basketball, gymnastics, pickleball, rock climbing, etc.

Location: Centrally located within the community and should be identified prior to development to avoid conflicts.

Access: The site should be serviced by a collector level street and not through a residential road. It should be easily accessible from throughout its service area by way of interconnecting trails and sidewalks.

Desirable Size: 25,000 - 50,000 square feet

Area Served: 4+ mile radius

Examples: Hurricane Community Center, Hurricane City Pool

Application of LOS: Yes



Quail Creek Hiking and Mountain Bike Trails

Non-City Owned Parks

Private Park/Facility

Description: The private park/facility is the smallest park classification and is used to address limited or isolated recreational needs for private communities. They are generally developed within a residential area for the exclusive use of residents and are maintained through a neighborhood association. Even though all parks within this classification are private they still serve the recreational needs of the local neighborhoods, however, they are not a complete substitute for public recreation space.

Location: Central to a neighborhood or servicing a specific recreational need or taking advantage of a unique opportunity. Often the location of these private parks/facilities will be determined by the developer with the city negotiating the final location.

Access: By way of interconnecting trails, sidewalks, or low-volume residential streets.

Desirable Size: 0.25 – 1 acre

Area Served: 0.15-mile radius

Examples: Private parks, private clubhouses

Application of LOS: No

School-Park

Description: The school-park combines the resources of two public agencies and provides a range of recreational services and facilities to several neighborhoods that are served by a school. Depending on circumstances, school-park sites often complement open space and could possibly serve in several capacities, such as a neighborhood park or youth athletic field. Even though all parks within this classification are determined by the school district and location of schools, it is important to understand these schools serve the recreational needs of surrounding neighborhoods. This classification also includes private and charter schools. Some communities have agreements with local school districts for shared use of fields and courts and supporting amenities.

Location: Adjacent to a school facility.

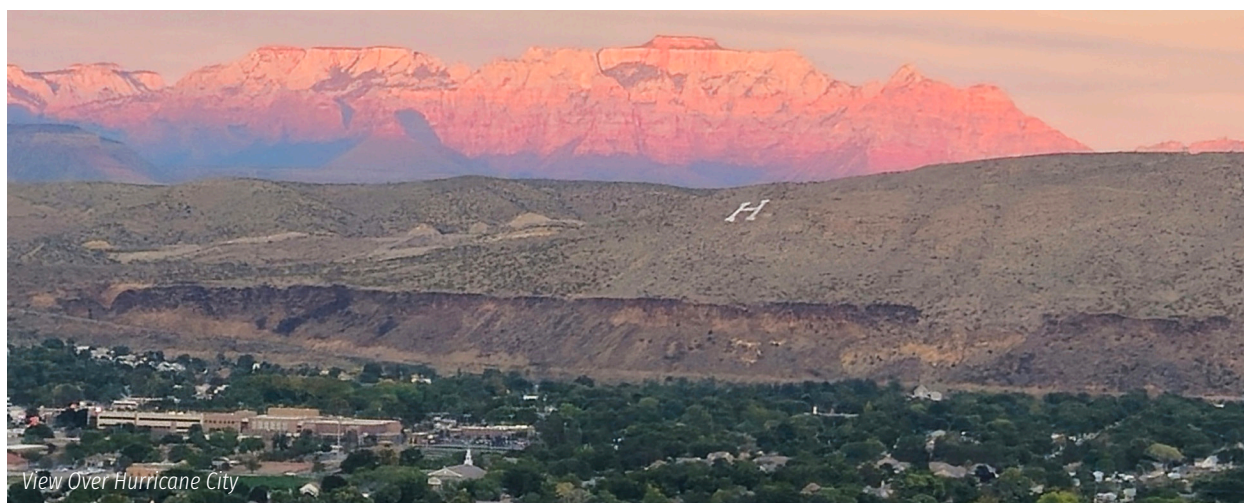
Access: By way of interconnecting trails, sidewalks, and streets. Should have direct access from a collector level (larger) street.

Desirable Size: Dependent upon school district

Area Served: 1 mile or boundary of school

Examples: Elementary, Middle, and High Schools

Application of LOS: No



Regional Park

Description: Regional parks are large recreation areas that serve an entire city or region. The classification of regional parks includes special use facilities such as golf courses, lakes, nature centers, campgrounds, state parks, national parks and other broad expanses of natural scenery or open space. Regional parks are designed to accommodate large numbers of people for a variety of day use activities.

Location: Often developed around a unique or significant resource or to emphasize a regional recreational interest. They also serve as a buffer and separation between communities or other areas.

Access: Typically, regional parks are serviced by a main arterial

Desirable Size: Variable, large scale

Area Served: Hurricane City and Washington County, Southern Utah

Examples: Sky Mountain Golf Course, Sand Hollow Resort Golf Courses, Red Cliffs Desert Reserve, Quail Creek State Park, Sand Hollow State Park, Zion National Park



Sand Hollow State Park



Zion National Park

SECTION 6

EXISTING FACILITIES

This section provides an inventory of all existing City of Hurricane parks, trails, and recreation facilities, including what amenities are at each facility, and the condition of each facility.

Park Name	Acres	Classification
American Legion Park	13.01	Community Park
Bowery Canal Trailhead	0.03	Special Use Park
Cherry Heights Linear Park	1.63	Special Use Park
Community Center Park	5.93	Community Park
Dixie Springs Park	15.04	Community Park
Grandpa's Pond Park	36.61	Community Park
Hall Park	0.78	Neighborhood Park
Hurricane Bike Park	2.63	Community Park
Hurricane Dog Park	1.51	Neighborhood Park
Hurricane Equestrian Park	6.82	Community Park
Hurricane Heritage Wayside Park	0.35	Special Use Park
Main Street Trailhead	0.23	Special Use Park
Pioneer Park	1.26	Neighborhood Park
Santa Fe Park	0.66	Neighborhood Park
Sky Ridge Park	1.26	Neighborhood Park
Spilsbury Sports Complex	8.80	Community Park
Stout Park	2.85	Neighborhood Park
Three Falls Park	4.44	Neighborhood Park
Three Falls Trailhead	0.01	Special Use Park
Vlassek Park	0.13	Special Use Park
Zion's Gate Park	0.51	Neighborhood Park

Existing Park Acreage and Classification

Trail Name	Trail Area	User	Miles	Paved
2800 W Trail	Hurricane	Hike/Bike	0.7	Yes
400 S Trail	Hurricane	Hike/Bike	0.5	Yes
Bowery Canal Trail	Hurricane Cliffs	Hike	0.8	No
Ivy Wood Trail	Hurricane	Hike/Bike	0.2	No
Rock n Roll	Quail Lake	Hike/Bike	2.2	No
Rythm Blues	Quail Lake	Hike/Bike	2.2	No
Rythm Blues Upper	Quail Lake	Hike/Bike	1.9	No

Existing Trails Lengths and Information

Recreation Facility Name	Square Feet
Hurricane Community Center	30,103
Hurricane Fine Arts Center	20,000
Hurricane City Pool	10,570

Existing Recreation Facility Square Footage

	Parking (# of stalls)	Covered Pavilion	Picnic Tables	Barbecues	Park Benches	Electrical Outlets	Restrooms	Drinking Fountains	Playground	Sand Volleyball Courts	Basketball Courts	Pickleball Courts	Tennis Courts	Horseshoe Pits	Softball Fields	Baseball Fields
American Legion Park	100	0	0	0	0	6	0	1	0	0	0	0	0	0	1	1
Bowery Canal Trailhead	5	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0
Cherry Heights Linear Park	0	0	0	0	9	0	0	0	0	0	0	0	0	0	0	0
Community Center Park	277	2	42	0	15	115	6	4	2	0	1	6	0	0	0	0
Dixie Springs Park	93	4	22	0	15	8	3	1	3	0	1	2	0	0	0	0
Grandpa's Pond Park	62	3	29	2	12	8	4	2	1	0	0	0	0	0	0	0
Hall Park	6	1	4	1	3	6	2	1	1	0	0	0	0	0	0	0
Hurricane Bike Park	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hurricane Dog Park	8	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0
Hurricane Equestrian Park	496	1	12	0	0	8	2	2	1	0	0	0	0	0	0	0
Hurricane Heritage Wayside Park	12	1	0	0	3	0	0	0	0	0	0	0	0	0	0	0
Main Street Trailhead	7	0	0	0	2	0	1	1	0	0	0	0	0	0	0	0
Pioneer Park	20	1	12	3	2	8	2	1	1	0	0	0	0	0	0	0
Santa Fe Park	10	1	7	1	2	2	0	1	1	0	1	0	0	2	0	0
Sky Ridge Park	29	1	10	0	9	2	2	2	1	0	0	2	0	0	0	0
Spilsbury Sports Complex	250	0	4	0	0	5	2	3	0	0	0	0	0	12	1	2
Stout Park	15	1	2	0	8	4	0	1	1	1	0	0	0	0	0	0
Three Falls Park	55	0	4	0	4	2	3	1	0	0	0	0	0	0	0	0
Three Falls Trailhead	6	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Vlassek Park	4	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0
Zion's Gate Park	5	1	5	1	1	2	0	1	1	0	0	0	0	0	0	0

Existing Park Amenities (continued on following page)

	Soccer Fields	Open Grass Area	Concessions Stand	Walking Path	Hiking Trail	Trailhead	Urban Fishing	Splash Pad	Corn Hole	Dog Park	Disk Golf	Pond	Skate Park	Pump Track/Bike Area	Amphitheater	ADA Compliance
American Legion Park	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bowery Canal Trailhead	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Cherry Heights Linear Park	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Community Center Park	0	4	0	0	0	0	0	1	5	0	0	0	0	0	0	1
Dixie Springs Park	0	2	0	1	0	0	0	1	0	2	0	0	0	0	0	1
Grandpa's Pond Park	0	3	0	1	0	0	1	0	0	0	1	1	0	0	0	1
Hall Park	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Hurricane Bike Park	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Hurricane Dog Park	0	2	0	0	0	0	0	0	0	2	0	0	0	0	0	0
Hurricane Equestrian Park	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1
Hurricane Heritage Wayside Park	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Main Street Trailhead	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Pioneer Park	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Santa Fe Park	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Sky Ridge Park	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Spilsbury Sports Complex	0	3	1	0	0	0	0	0	0	0	0	0	0	1	0	0
Stout Park	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Three Falls Park	3	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1
Three Falls Trailhead	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Vlassek Park	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Zion's Gate Park	0	1	0	1	0	0	0	0	0	2	0	0	0	0	0	1

Existing Park Amenities (continued from previous page)

	Restroom(s)	Pavilion(s)	Playground(s)	General/ Landscape Areas /Grass
American Legion Park	NA	NA	NA	2
Bowery Canal Trailhead	NA	NA	NA	2
Cherry Heights Linear Park	NA	NA	NA	2
Community Center Park	3	2	3	2
Dixie Springs Park	1	1	1	2
Grandpa's Pond Park	2	2	1	2
Hall Park	3	2	1	2
Hurricane Bike Park	NA	NA	NA	NA
Hurricane Dog Park	NA	1	NA	3
Hurricane Equestrian Park	1	1	1	2
Hurricane Heritage Wayside Park	NA	1	NA	2
Main Street Trailhead	2	NA	NA	2
Pioneer Park	3	1	2	2
Santa Fe Park	NA	2	2	2
Sky Ridge Park	2	2	2	2
Spilsbury Sports Complex	3	NA	NA	2
Stout Park	NA	3	3	2
Three Falls Park	2	NA	NA	2
Three Falls Trailhead	NA	NA	NA	2
Vlassek Park	NA	3	NA	2
Zion's Gate Park	NA	3	1	2

Key:

1. Pristine, like new
2. Mild wear
3. Heavy wear/damage/weathering

Existing Parks Condition

SECTION 7

LEVEL OF SERVICE (LOS) ANALYSIS

Establishing an existing LOS is a fundamental part of an impact fee facilities plan and analysis. Specific terms used in this plan to characterize a level of service are defined as follows:

Existing LOS: the current level of service of parks, trails, and recreational facilities

Target LOS: the level of service the city desires to attain

The existing LOS calculations only count developed park acreage and do not include undeveloped city-owned property. Impact fees may be used to fund future development of any undeveloped acreage. For example, if the city owns a parcel of land and half of that parcel is developed as a park, only the developed half will be counted towards the current level of service and impact fees may be used to expand the park and develop the other half of the parcel.

Based on the inventory, guidelines, and classifications, the existing LOS for Hurricane City will be divided into three major classifications: Parks, Trails, and Recreation Facilities

Parks

The existing LOS for parks will be based upon an acreage per thousand people (acres/1,000 people). To calculate the existing LOS the area of each park is summed up then the total developed acreage is divided by the estimated 2023 population and then multiplied by 1,000, as illustrated is the following equation:

$$\frac{\text{area of parks}}{\text{population of Hurricane}} (1,000) = \text{existing LOS}$$

This yields level of service of **4.23** acres/1,000 people:

$$\frac{104.5 \text{ acres of park}}{24,697 \text{ people}} (1,000) = 4.23 \text{ acres per 1,000 people}$$

Trails

The existing LOS for trails will be based upon miles per thousand people (miles/1,000 people). To calculate the existing LOS the mileage of trails is divided by the estimated 2023 population and then multiplied by 1,000, as illustrated is the following equation:

$$\frac{\text{miles of trail}}{\text{population of Hurricane}} (1,000) = \text{existing LOS}$$

This yields a level of service of **0.05** miles/1,000 people:

$$\frac{1.1 \text{ miles of trail}}{24,697 \text{ people}} (1,000) = 0.05 \text{ miles per 1,000 people}$$

Recreation Facilities

The existing LOS for recreation facilities will be based upon square footage per thousand people (sf/1,000 people). This was calculated as interior square footage for the Community Center and the Fine Arts Center and as the interior area and swimming area of the pool. To calculate the existing LOS the total square footage is divided by the estimated 2023 population and then multiplied by 1,000, as illustrated is the following equation:

$$\frac{SF\ of\ recreation\ facility}{population\ of\ Hurricane} (1,000) = existing\ LOS$$

This yields a level of service of **2,456.70** sf/1,000 people:

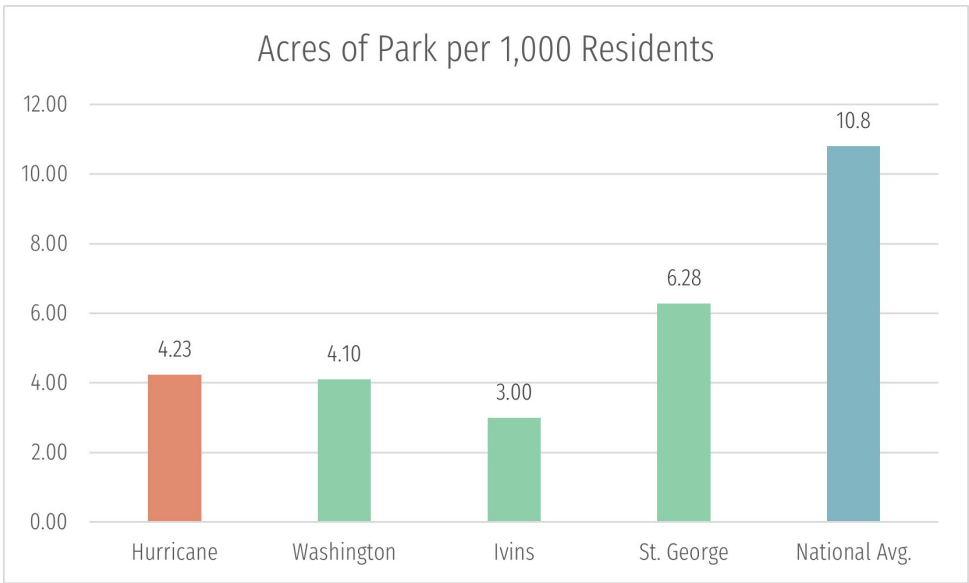
$$\frac{60,673\ SF\ of\ recreation\ facility}{24,697\ people} (1,000) = 2,456.70\ SF\ per\ 1,000\ people$$

Comparative Performance Review

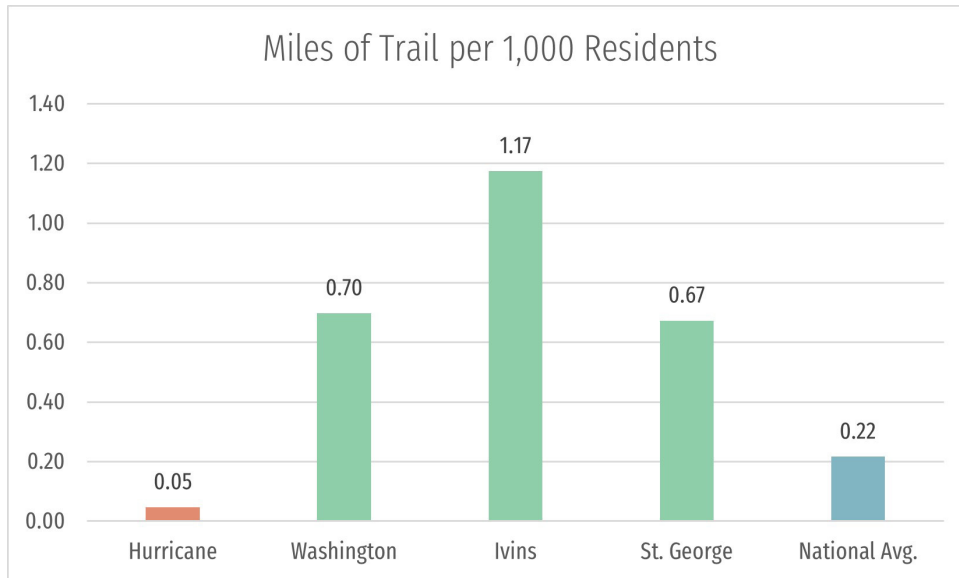
Comparing metrics with similar cities can be a useful way to see where improvements are most needed. This report compares the level of service provided for parks and trails in Hurricane with both adjacent communities and national averages. National average data was taken from the National Recreation and Parks Association (NRPA) 2023 Agency Performance Review.

Although historically, many parks and recreation master plans have relied on standards from the NRPA to set target levels of service and guide future parks and trails development, the NRPA currently advises against this approach, stating the following:

“The 2023 NRPA Agency Performance Review does not present park and recreation “standards,” nor do the benchmarks represent any standards against which every individual park and recreation agency should measure itself. In fact, NRPA does not have a set of specific standards. The reason for this is simple: there is not one single set of standards for parks and recreation because different agencies serve different communities that have unique needs, desires and challenges.”



In comparison to other surrounding cities, Hurricane has a high LOS for parks, in large part due to its well-developed system of large community parks. Hurricane has a lower LOS than the national average for similar sized cities, but this comparison can be misleading because of Hurricane's unique surroundings. Nearby regional parks such as Sand Hollow State Park, Quail Creek State Park, and Zion National Park provide many opportunities for recreation and are not accounted for in the level of service, so the availability of outdoor recreation in Hurricane is potentially higher than or equal to many other cities with higher levels of service.



Hurricane has substantially less miles of trail per capita than neighboring cities. Although Hurricane's LOS is nearly a quarter of the national average for similar size cities, the LOS of surrounding cities as well as the feedback received in public meetings and the public survey show that trails are a high priority for southern Utah residents. This data suggests that developing more miles of trail should be considered an important priority when evaluating future parks, trails, and recreation projects in Hurricane.

Target Level of Service

After presenting the existing LOS data to Hurricane City Staff, they made the decision to make the target LOS equal to the existing LOS for parks and recreation facilities. However, public sentiment and city staff decision is to increase the target LOS for trail miles to 0.75 miles per thousand people (0.75 mi/1000 ppl). This increase in trail miles would bring the paved trail level of service for Hurricane within an average range for other southern Utah cities such as St. George, Washington, and Ivins. The City will need to take into account that any increase from the existing LOS to a higher target LOS will require funding from other fees besides impact fees (i.e. user fees, grants, general fund). As new developments are built, requiring trails to be built according to the maps shown in this plan will also help increase the trails LOS.

SECTION 8

RECREATION PROGRAMS

Hurricane City currently offers the following recreation programs:

Group Fitness Classes

Senior Group Fitness Classes

Esports

Youth Esports

Youth Flag Football

Youth Golf

Youth Tennis

Youth Cross Country

Youth Soccer

Youth Soccer - Adaptive

Youth Volleyball

Youth Volleyball - Adaptive

Youth Basketball

Youth Basketball - Adaptive

Youth Baseball/Softball

Girl's Softball Tournament

Youth Club Volleyball

Girl's Competitive Basketball

Youth Tackle Football

Adaptive Kid Zone

Slow Pitch Men's Softball

Adult Pickleball

Adult Kickball

Women's Volleyball

Tumbling

Jiu Jitsu

Karate

Art Classes

Swim Lessons

Adaptive Swim Lessons

Aquatic Day Camp

Scout Swimming

Tiger Sharks Swim Team

Water Fitness Classes

Hurricane Theatrical

The public survey was informative about what kind of recreation programs residents would like to see, as well as changes that they would like to the way recreation programs are run (For full survey results, please see Appendix B.) Some common requests included:

- **Yoga classes**
- **More adult classes/programs**
- **Water fitness**
- **More class availability for youth classes**
- **More programs in the evenings**



IMPACT FEE FACILITIES PLAN

Growth Demands

The impact that development has on recreation facilities is two-fold: space and access. To achieve the target access to all areas of the City, parks and trails should be regularly spaced throughout the City and be incorporated into neighborhoods. Buffer maps in Appendix A show current spacing and accessibility of the recreation facilities.

Parks, Trails, and Recreation Facilities Plan

This recreation impact fee facilities plan provides Hurricane City with direction in terms of park, trail, and recreation facility development to meet future demands and satisfy the recreational needs of the community.

These recommendations reflect the current needs of the City and projected needs in the near future. It may be necessary to revise these priorities to accommodate new development or unforeseen issues or demands. However, all parks, trails, and recreation facilities built should contribute to Hurricane’s long-range planning goals and to the overall proposed systems outlined in this document.

Parks

To meet future demand, locations for a total of approximately 36 new parks have been identified. A map of all proposed parks is shown in Appendix A. The table below shows the top priorities for parks to develop in the next six years.

PARKS			
Priority #	Name	Est. Acres	Projected Cost
1	Sand Hollow Community Park	20	\$7,872,882.80
2	N-13 (placeholder name - see map)	5	\$1,968,220.68
3	Sand Cove Park	5	\$1,968,220.68
4	Thrill Park	6	\$2,361,864.82

Proposed Parks Priorities

In certain instances, neighborhood parks are the responsibility of new development, to match the demand created by the development. These parks are sometimes built by the developer and then turned over to the City. When this is the case, the City may require a minimum park acreage and standard be built based on typical neighborhood park requirements. In exchange for the park built to City standards, the City may give an impact fee credit for the facility to the developer. This process benefits both parties given that the new development is more appealing to potential buyers with a neighborhood park and the City acquires the park acreage required to be constructed by this plan and new development.

There are several development agreements in place with the City, and it will be important to ensure that the required parks and trails are installed as part of those developments.

These developments include:

- Sand Cove
- Black Ridge
- Sand Hollow Gateway
- Marla Phase 2
- Copper Rock

In the case of community parks, the City will generally be responsible for the development and construction of these types of facilities, since they typically serve multiple neighborhoods and often require a great deal of planning to be strategically located to serve the entire community.

Trails

The trail facilities plan provides Hurricane City with direction in terms of trail development to meet future demands and emphasizes safe travel for pedestrians and cyclists to and from parks and around the community. The focus is as much on transportation as it is on recreation.

To meet the future demand, approximately 159.3 miles of proposed trails, including paved and unpaved trails, have been located throughout Hurricane. A map of all proposed parks is shown in Appendix A. The table below shows the top priorities for trails to develop in the next six years.

In many instances, these trails will come with the arrival of new development. These trails are sometimes built by the developer and then turned over to the City. When this is the case, the City will require the trail material to be asphalt, which complies with their standard specifications, and the trail must be 12 feet in width for connector trails shown on active transportation plan or 10 feet in width for internal neighborhood trails. In exchange for a length of trail constructed to City

TRAILS			
Priority #	Name	Miles	Projected Cost
1	Three Rivers Trail: Grandpa's Pond to 200 W	4.8	\$3,338,015
2	Sand Hollow Road Trails: State St to Southern Pkwy	4.8	\$3,338,015
3	1100 W Trail: 3000 S to 2050 S	1.0	\$695,420
4	Confluence Park Connection: Main St Trailhead to Virgin River	1.3	\$904,046
5	Southern Pkwy ROW Trail: State St to City Boundary	9.8	\$6,815,115
6	Virgin River Trail: State St to WCWCD Diversion	9.1	\$6,328,321

Proposed Trails Priorities

standards, the City may give an impact fee credit for the trail length to the developer or assist with the added cost if the trail is provided in place of a required concrete sidewalk.

This process benefits both parties given that the new development is more appealing with a network of trails and ties into the City trail system and the City obtains the constructed trail mileage needed by this plan and new development.

Recreation Facilities

The City's current efforts to provide increased recreation facility access to residents are focused on the American Legion/ Spilsbury Sports complex, where two new indoor sports building are planned to be constructed. There are also plans for a pool expansion project that will add three lanes and a covering to the pool, as well as an expansion to the pool building.

The eligible percentages for the pool expansion project were calculated as follows:

The pool currently has five lanes, and the expansion will add three more lanes, bringing it to eight lanes total. This means that the pool expansion and the building expansion/renovation needed to support the additional lanes is 3/8 impact fee eligible, or 37.5%.

The pool covering will allow the pool to be used year round. In Hurricane, approximately three months of the year (Dec, Jan, Feb) have an average high temperature of under 60 degrees. Since the pool covering will expand the usable months of the pool to include the three months when it is too cold for most people to swim outside, the pool covering is 3/12 eligible, or 25%.

RECREATION FACILITIES					
Priority #	Name	Sq. Ft	Projected Cost	% Eligible	Eligible Cost
1	2-Gym Building at American Legion Park	15,000	\$2,250,000	100%	\$2,250,000
2	4-Gym Building at American Legion Park	35,000	\$6,700,000	100%	\$6,700,000
3	Pool Expansion Project - Pool & Building	-	\$5,500,000	37.5%	\$2,062,500
4	Pool Expansion Project - Pool Covering	-	\$7,500,000	25%	\$1,875,000

Proposed Recreation Facility Priorities

Recommendations

In order to maintain the existing LOS in regard to all parks, trails, and recreation facilities over the 10-year planning horizon, it is estimated to cost approximately \$43,599,597 for recreation facilities including parks, trails, trailheads, and recreation facilities. The table of costs of improvements shows expanded calculations for the 10-year and 20-year planning horizons and total impact fee eligible costs. Increasing the trails LOS, as noted in the Target Level of Service section, will require funding other than impact fees.

Additional Considerations

Constructing facilities larger than the calculated LOS means that they would be partially impact fee eligible and not have all costs covered by impact fees. All parts of the community will have different levels of service. For example, commercial and industrial areas might reasonably be expected to have lower levels of service for parks and trails opportunities than residential areas.

It is important to recognize that adopting the full maximum allowable impact fee is necessary to maintain the current level of service using impact fees. If a lower than maximum allowable impact fee is adopted, this will mean that either the level of service will drop as the population grows, or other funding will need to be used to maintain the level of service.

SECTION 10

FINANCIAL VIABILITY

The costs of recommended improvements are based on park area, recreation facility area, trail length, and impact fee facilities plan updates and are presented in table of costs of improvements.

Average Costs		Population	
Per Acre of Park	\$393,644	2023 population	24,697
Per Mile of Trail	\$695,420	2033 population	40,885
Per SF of Rec Facility	\$300	2043 population	67,684

	Developed Park [ac]	Recreation Facility [sf]	Paved Trails [mi]	IFFPA Update (every 5 years)	Total Costs
Level of Service (ac, sf, or mi/1000 ppl)	4.23	2,457	0.05		

10-yr Pop. Increase: **16,188**

10-yr Demand Increase	68.49	39,769	0.74	2 (at \$40,000 ea.)	
Est. 10-yr Cost (at 3% for 5 yr)	\$29,766,540.91	\$13,172,450.55	\$567,683.20	\$92,923.01	\$43,599,597.67

20-yr Pop. Increase: **42,987**

20-yr Demand Increase	181.87	105,606	1.96	2 (at \$40,000 ea.)	
Est. 20-yr Cost (at 3% for 15 yr)	\$96,354,949.61	\$42,639,513.03	\$1,837,603.06	\$206,195.64	\$141,038,261.34

New ERCs	8,680
Maximum Allowable Impact Fee	\$5,023.06

Impact Fee Calculation

These costs capture anticipated construction costs including mobilization, construction layout, demolition, material and labor costs, surface restoration, professional services, incidentals, engineering, and contingency.

Equivalent Residential Connection (ERC) Factors

It is recommended that recreation impact fees be based on water meter size, as represented in the ERC Factors Table.

Project Phasing

It is assumed that Hurricane City will construct improvements as impact fee funds are collected. This assumes that parks and trails and recreation facilities will be constructed at a pace that best suits Hurricane City staff and the recreation needs of the City. It should be noted that growth in the study area may occur at a rate faster or slower than that predicted in the cash flow analysis. If growth occurs at a faster rate, more funds will be available to construct projects at an expedited schedule. On the other hand, if growth is slower than expected, implementation of the projects should be delayed until the population base can fund the improvements.

Meter Size	Area (sq. in.)	ERC's
5/8"	0.307	1.00
3/4"	0.442	1.44
1"	0.785	2.56
1-1/2"	1.767	5.67
2"	3.142	10.24
3"	7.069	23.04
4"	12.566	40.96
6"	28.274	92.16
8"	50.266	163.84

Equivalent Residential Connection (ERC) Factors

Impact Fee Analysis

The proposed recreation impact fee was calculated based on the estimated costs, existing LOS, inflation, and impact fee eligibility. Project impact fee eligibility is based on whether the project exceeds or maintains the established LOS. For the purpose of this study, all proposed project costs are impact fee eligible because they maintain the existing LOS.

Equivalent residential connection (ERC) values were taken from the latest water impact fee analysis. The conversion presented therein and used here is **1.865 people per ERC**.

The maximum allowable impact fee for an equivalent residential connection is **\$5,023.06**.

As required by the Utah Impact Fees Act, an Impact Fee Certification is included in Appendix E. It states that this analysis was done in accordance with the Impact Fees Act and its requirements.

Rules regarding the use of impact fees are covered by the Impact Fees Act. Generally, impact fees may only be used for facility improvements that are required to service new development within the existing level of service or expected service requirements and are included in this Impact Fee Facilities Plan. Impact fees must be used within six years of payment, or they must be paid back.

Comparable Impact Fees

For comparison, the recreation impact fees of several nearby and/or similar cities are provided in the table below.

City	Currently Adopted	Maximum Allowable
Cedar City	\$1,350.00	\$3,392.00
Kanab	\$2,081.46	\$4,162.92
Logan	\$1,292.00	\$1,292.00
Spanish Fork	\$4,795.00	\$8,946.04
St George	\$4,525.00	\$4,763.00
Washington	\$4,800.00	\$6,050.00

For comparison, Hurricane's currently adopted impact fee at the time of this analysis is **\$3,109.00**, and the maximum allowable impact fee calculated as part of this analysis is **\$5,023.06**.

Comparable Impact Fees

Cash Flow Analysis

A recreation system cash flow analysis for a 20-year planning horizon was completed to show how the 10-year planning horizon improvement projects could be implemented, to analyze the continued viability of proposed user rates, and to show possible trends in impact fee and cash fund balances. Initial data for the cash flow analysis was taken from fiscal years 2021-2023 Hurricane City budget reports. Values projected through the analysis are based on growth, interest, and inflation trends determined during the process of the study. It should be noted that the analysis is a general forecast only and will vary with the speed and pattern of development in the City. The entire cash flow analysis printout is given in Appendix C.

The upper section of the cash flow printout, entitled “Revenue”, contains the basic data upon which many of the values in the cash flow spreadsheet are generated. Of note are the projected growth trends, the assumed inflation rates, impact fees, general fund cash allocations, and the projected ERC quantities for the coming fiscal years. Most of the revenue in later parts of the cash flow spreadsheet is generated from the impact fees and general fund allocations.

The next section is the expenses section which seeks to quantify all the expenses incurred by the recreation department. Included in the expenses section are the operation and maintenance costs, recreation program costs, and staff salary and benefits. The difference between the total revenues and total expenses is the net cash flow for the department.

Total revenues and total expenses are then broken down into impact fee and cash fund categories. This was done to help show adequate funds would be available over the course of the projection period.

Included at the end of the cash flow analysis is a system improvement implementation schedule for the next twenty years which shows how the impact fee facilities plan improvement projects were incorporated into the cash flow analysis.

Other Financing Options

Within the state of Utah, there are a variety of funding sources available to communities developing their parks, trails, and recreational facilities. There are specific requirements that apply to each of these that should be considered when using them as funding sources. Some of the grants require matching funds and others require substantial commitments related to tracking, monitoring, and reporting that involve staff oversight and involvement. The following list is a summary of potential funding sources in addition to Park Impact Funds (PIF).

- Capital Improvement Funds (CIF)
- Recreations, Arts, Parks Taxes (RAP Tax)
- Park and Recreational Infrastructure Bonding
- Community Development Block Grants (CDBG)
- Alternative Transportation Grants
 - UDOT
 - TIGER
 - RAISE
- Federal Highways
- Safe Schools (last mile program)

Working with developers as they provide required infrastructure based on development agreements is also another key consideration when developing parks, trails, and recreational infrastructure. Agreements can include development of infrastructure, land acquisitions and donations, and easements for trails and amenity connections between residential zones and park facilities. Often, a 12' wide paved shared use trail can be installed in place of a 6' wide sidewalk for a similar cost where the masterplan indicates that the trail is required. These park, trails, and recreational amenities are considered an added benefit to those living in these newly developed communities and a positive by developers when attracting prospective home buyers to their residential and commercial developments projects.

SECTION 11

PUBLIC SIGNAGE

It is recommended that Hurricane establish a standard design for each type of sign below. Examples from other cities of each type of sign are shown, along with guidance on best practices for signage design.

Wayfinding

Wayfinding signage is usually the first type of signage that residents or visitors will encounter when navigating to parks or recreation facilities, or simply to other parts of the city. Wayfinding signage is typically located along roads and is intended to provide guidance and direction for drivers navigating to various destinations. This type of signage may direct to places within the city, such as key community infrastructure, city offices, hospitals, airports, libraries, parks and trails, as well as to regional destinations like national parks.

Wayfinding signage may also be used to reinforce the character of certain neighborhoods or historic areas.



Examples of Wayfinding Signage

Trails

Trail signs are often similar to wayfinding signs, but are intended primarily for trail users (pedestrians, bicyclists, etc.), rather than being primarily for guiding vehicular traffic. Trail signage will often indicate how many miles away various destinations and trail connections are. Trail signage will also often include signs for trail rules and etiquette.

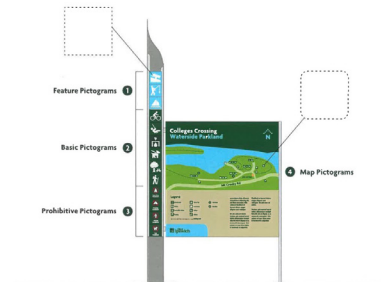


Examples of Trail Signage

Parks and Recreation Facilities

Parks and recreation facilities usually have the largest signs. These large, monument-type signs reinforce the city identity and help users know what park or facility they are at. These types of signs are a great opportunity to show the character of the city and build continuity across diverse types of facilities.

Parks will usually also include a small sign(s) with park rules.



Examples of Parks and Recreation Facility Signage

Interpretive Signs

Interpretive signage may be included as a part of parks, trails, or other facilities. Interpretive signs provide additional information about specific topics, including history, cultural significance, wildlife, plants, geology, and hazards. Interpretive signs may be incorporated into kiosks or other structures or be freestanding. As shown here, there are many options for incorporating art and city branding and identity into interpretive signs.



Examples of Interpretive Signage

SECTION 12

WATER CONSERVATION

As development in the West and especially in Southern Utah continues to put strain on our limited water resources, it is important to conserve water whenever possible. While parks and other public facilities are a crucial part of building a healthy, vibrant community, they also use significant amounts of water. Fortunately, there are many measures that can be taken to reduce the amount of water used at public parks and other facilities while still providing an exemplary experience for residents.

Hurricane City passed a water conservation ordinance January 4th, 2024. It outlines the importance of water conservation in Southern Utah and places several requirements on water use in Hurricane. Some notable requirements from that ordinance related to this report are:

- Requires all plants used to be drought tolerant.
- Does not permit grass outside of active recreation areas.
- Secondary water must be used for landscape irrigation in commercial development if available.
- Prohibits the development of new or the expansion of existing golf courses that use water from the city, Washington County Water Conservancy District, or a canal or irrigation company.
- Prohibits the creation of artificial lakes or water parks as part of new private development using water from the city, Washington County Water Conservancy District, or a canal or irrigation company.

Please see the full text of the ordinance for full requirements, exceptions, and other important content (<https://www.cityofhurricane.com/DocumentCenter/View/1921/Ordinance-2024-02-Water-Efficiency-Standards?bidId=>).

The list below is a compilation of best practices that may be used to reduce water use on city properties, especially public parks. These recommended practices would be in addition to the requirements from the 2023 water conservation ordinance. Please note that some practices may only be feasible to apply to new facilities, while others may be applied to existing park infrastructure.

- The use of rain sensors to prevent unnecessary running of irrigation systems during or after rain events.
- When lawn is used, use drought tolerant grass species.
- Require all landscape and irrigation designers and installers employed on city projects to hold state and local licenses, ensuring competency in the design and construction of landscapes and irrigation systems.
- Group plants with similar water needs together into hydrozones to avoid overwatering low-water plants or underwatering higher-water plants. Different hydrozones should be irrigated through separate control valves.
- Do not include lawn in landscaping of detention basins unless the basin will also function as an active recreation area.
- Use drip irrigation for plants in non-grass areas.
- Use high-efficiency spray nozzles for sprinkler applications.
- Use rigid lateral lines with flexible material (swing joints) to reduce potential for breakage and leaks.
- Only water 2-3 days per week. More water will be required in the summer than in the winter. In December and January it is often not necessary to water at all.
- Water during the early hours of the morning, when evapotranspiration rates are lowest and wind impacts are typically reduced.

SECTION 13

TRAIL RULES

The following are recommendations for possible trail rules to be posted on a sign at each trail and/or trailhead.

- No motorized vehicles, except for e-bikes, electric scooters, and similar vehicles. All trail users shall observe a speed limit of 15 miles per hour.
- Bicyclists or people riding scooters or other vehicles shall yield to pedestrians.
- Pets must be on a leash no longer than 8 feet.
- Owners are responsible for removing all pet waste from the trail.
- No littering – dispose of trash properly.
- Announce intention to pass. Keep right and pass on left.
- Move off the trail when stopped to avoid blocking the trail.
- No artificially amplified sound systems or speakers are permitted without prior approval.
- Respect private property – remain on the trail.
- Lights are recommended for safety if using the trails before dawn or after dark.
- The sale, consumption, or possession of alcoholic beverages, tobacco, or drugs and gambling of any kind is prohibited in all parks, trails, and other recreational facilities.
- No unauthorized weapons of any kind are permitted in all parks, trails, and other recreational facilities.
- No vending or sales of any kind are permitted without prior approval.
- No glassware of any kind is permitted.
- In case of emergency, call 911.

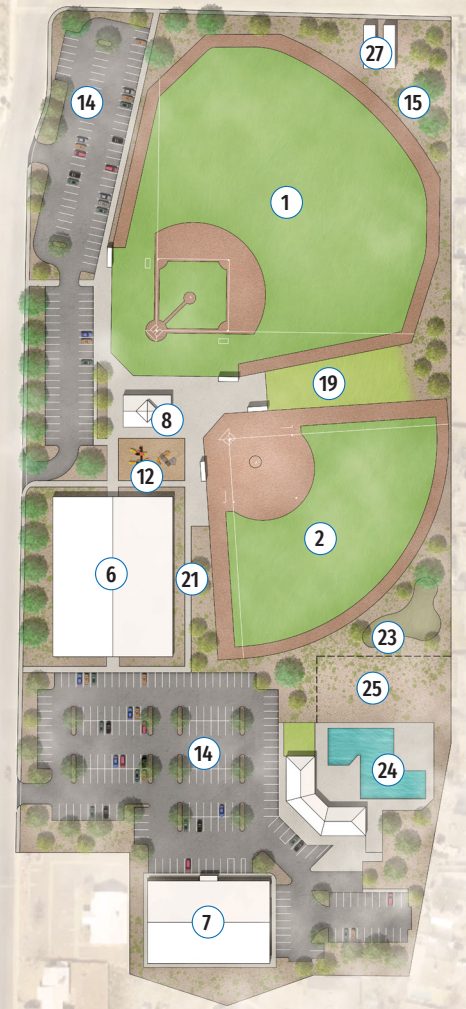
Please note that other governing agencies may have additional or different rules that they require to be posted at trailheads adjacent to lands that they manage.

SECTION 14

Spilsbury / American Legion Concept Plan

LEGEND

- | | |
|--|--|
| 1 Existing Baseball Field | 15 Landscape Area, Typ. |
| 2 Existing Softball Field | 16 Bike Park |
| 3 Existing Little League Field | 17 Bike Park Pump Track |
| 4 Proposed Softball Field | 18 Relocated Horseshoe Pits |
| 5 Proposed Little League Field | 19 Open Grass Area |
| 6 New Sports Building A | 20 Paved Plaza |
| 7 New Sports Building B | 21 Concrete Paths w/ Seating Areas, Typ. |
| 8 Restrooms, Concessions, and Press Box | 22 12' Paved Trail |
| 9 Picnic Pavilions | 23 Retention Basin |
| 10 Restrooms | 24 Existing Hurricane City Pool |
| 11 Relocated Stout Park Pavilion | 25 Area for Future Pool Expansion |
| 12 Playground | 26 Existing Hurricane Dog Park |
| 13 Storage Area with Office/Storage Building | 27 Batting Cages |
| 14 Parking Lot | |



The concept plan for the Spilsbury/American Legion Park Sports Complex is primarily designed to meet the growing needs of the community for organized sports fields and facilities. Adding more sports fields will make it possible to offer more recreation programs for youth and adults. The concept plan also includes two sports buildings to allow space for basketball and other indoor sports. In addition to added fields and facilities for organized sports, the plan includes open grass areas, picnic pavilions, an improved bike park, additional parking, and restroom facilities.

City parks and recreation staff were involved throughout the concept planning process to ensure that the amenities included in the plan meet Hurricane's needs and will bring the maximum value possible to the community.

0 240' 480'



CONCLUSION

A Vision for Hurricane's Parks and Recreation

The Parks, Trails, and Recreation Master Plan for Hurricane, Utah, represents a collaborative effort aimed at enhancing the city's outdoor spaces and recreational opportunities. Through a comprehensive planning process involving input from stakeholders, residents, and experts, this document outlines a strategic vision for the development and improvement of parks, trails, and recreational facilities.

The master planning process involved extensive research, data analysis, and community engagement to understand current needs and future aspirations. Input from residents, stakeholders, and city officials was instrumental in shaping the goals and priorities outlined in this plan. By considering factors such as population growth, demographic trends, and environmental considerations, the plan aims to create well planned and thoughtfully considered recreational spaces for all residents.

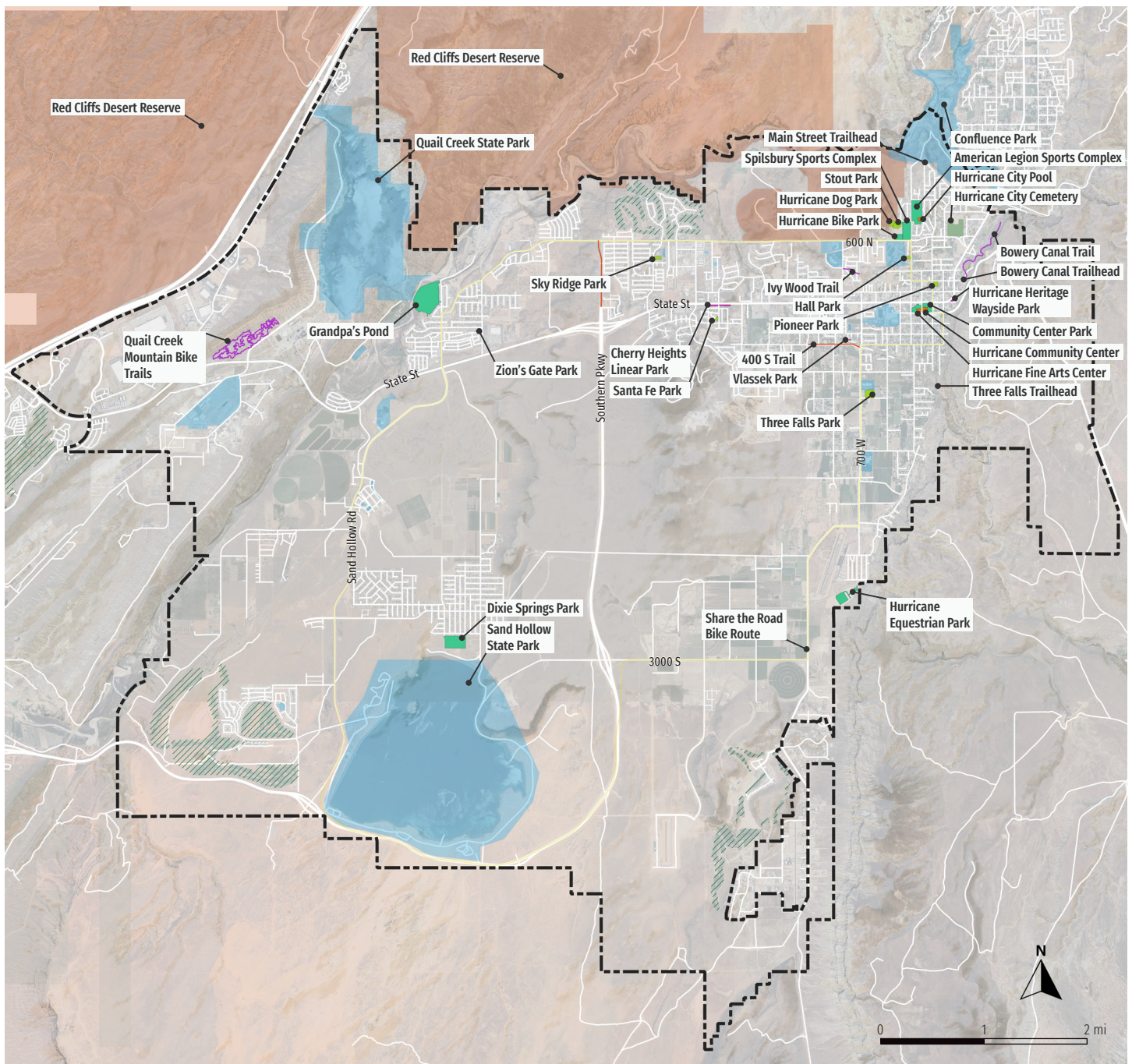
Moving forward, detailed design work will be undertaken to refine concepts and create specific plans for individual parks, trails, and recreation facilities. The detailed design phase will involve collaboration between city planners, landscape architects, engineers, and other professionals to translate the vision outlined in this plan into tangible projects. Each park, trail, and recreational facility will be designed with careful consideration for functionality, aesthetics, accessibility, and sustainability. This process ideally may include opportunities for further input from the community to ensure that the final designs meet the growing needs and preferences of Hurricane's residents.

The Parks, Trails, and Recreation Master Plan represents a commitment to creating vibrant outdoor spaces that promote health, well-being, and community engagement. By working together and remaining dedicated to the goals outlined in this plan, Hurricane can continue to be a place where residents of all ages and backgrounds can connect with nature, enjoy recreational activities, and form strong ties to the community for generations to come.



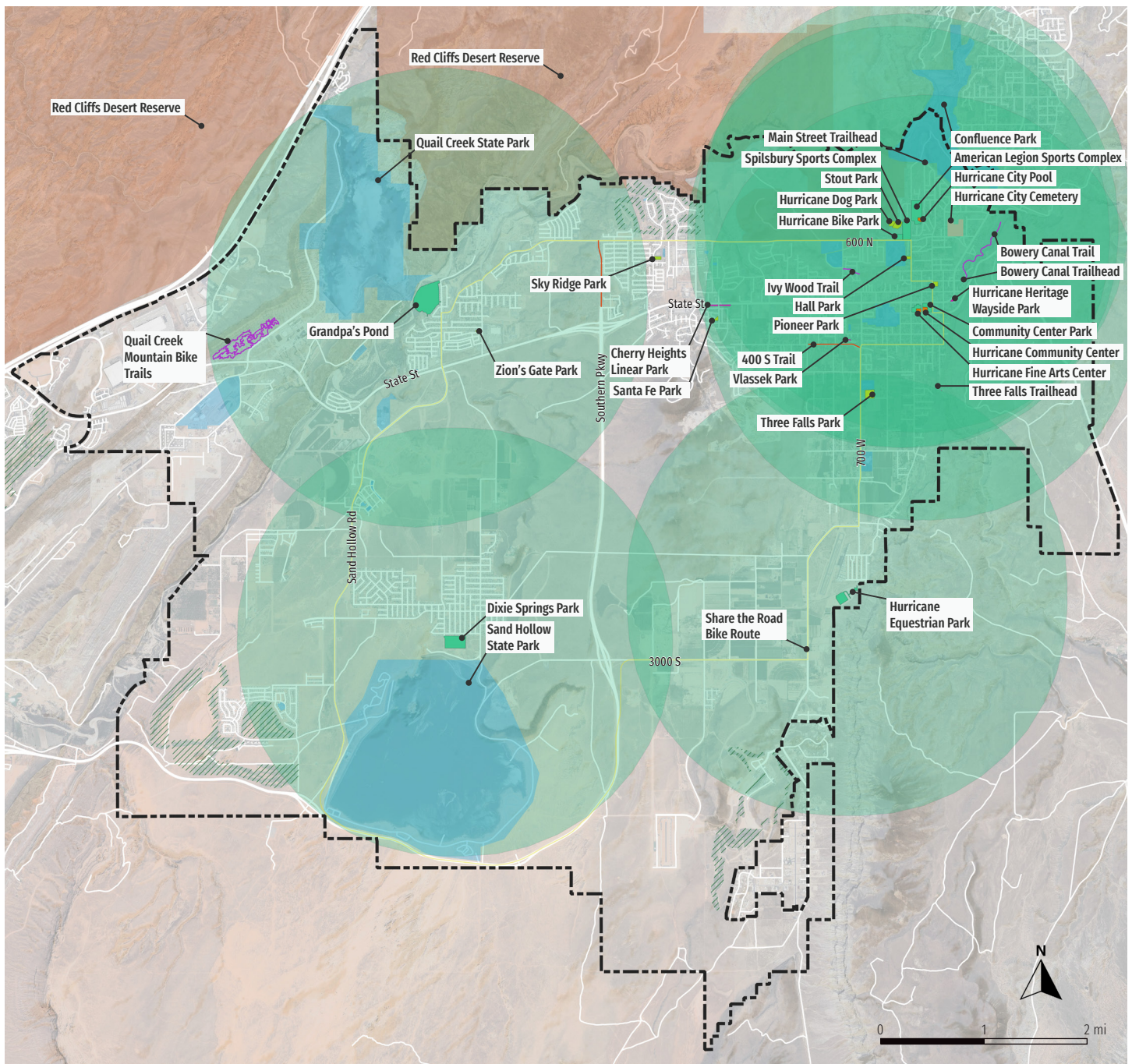
APPENDIX A

MAPS



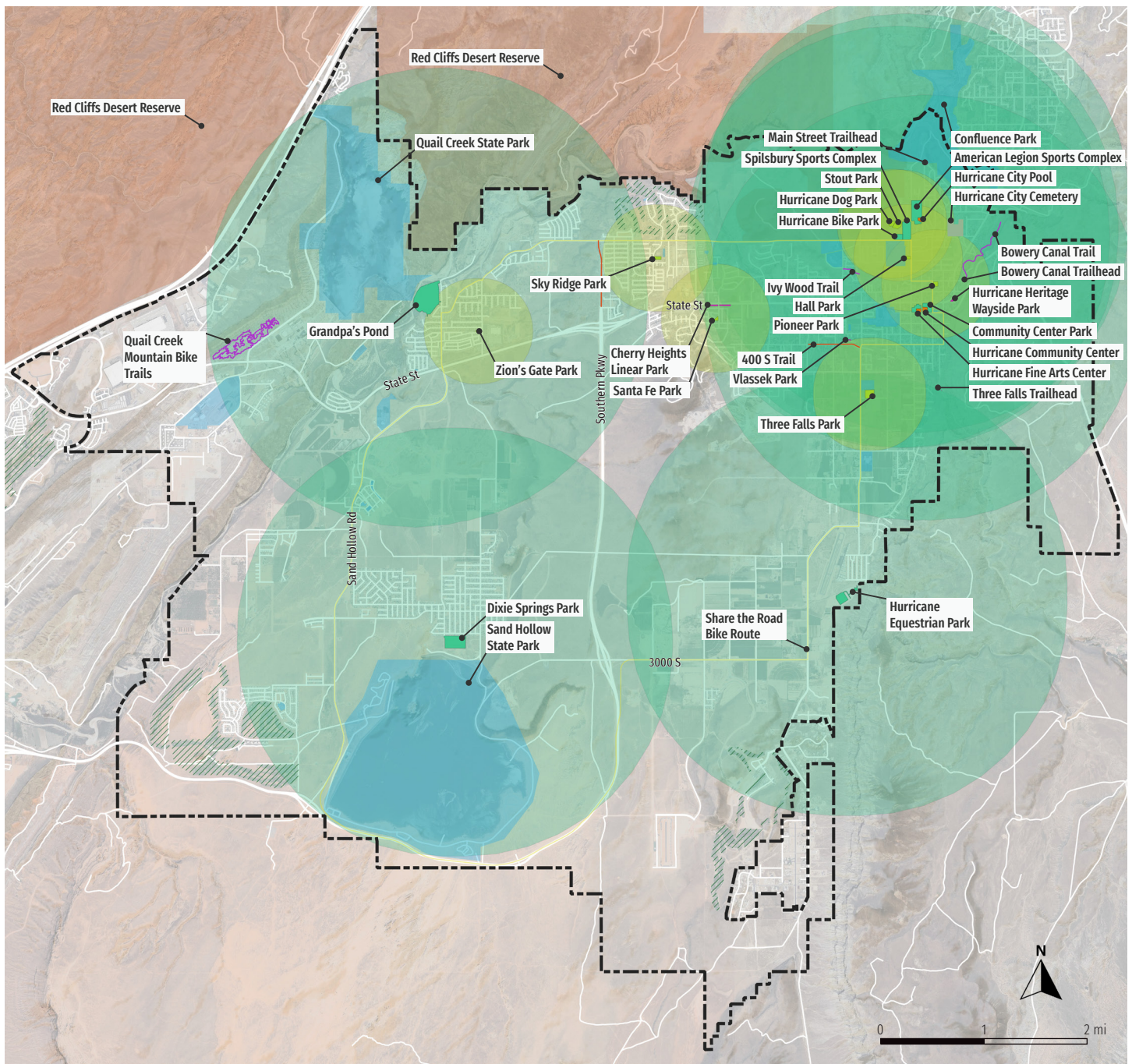
Existing Parks, Trails, and Recreation Facilities



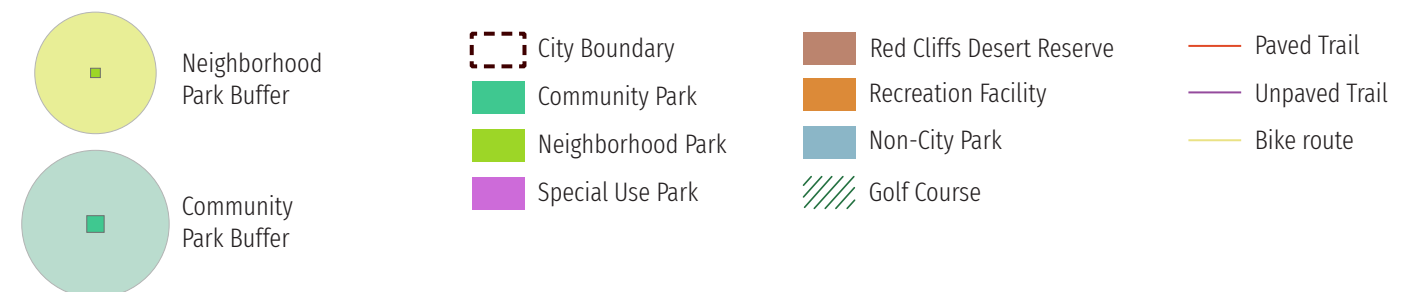


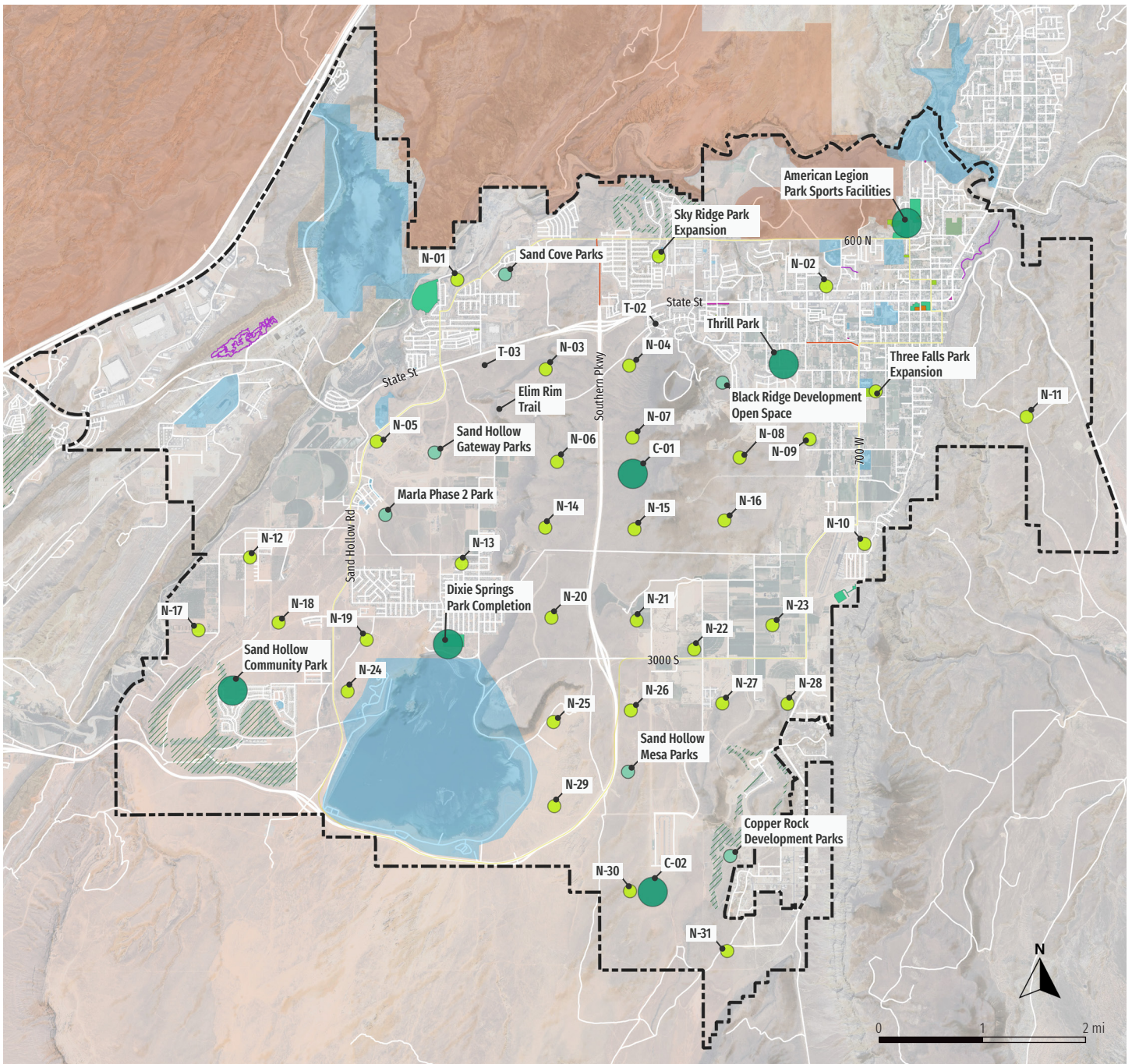
Existing Community Park Buffers





Existing Park Buffers





Proposed Parks

Proposed

- Community Park
- Neighborhood Park
- Development Agreement Park
- Paved Trail
- Unpaved Trail

Existing

- City Boundary
- Community Park
- Neighborhood Park
- Special Use Park
- Red Cliffs Desert Reserve
- Recreation Facility
- Non-City Park
- ▨ Golf Course
- Paved Trail
- Unpaved Trail
- Bike route

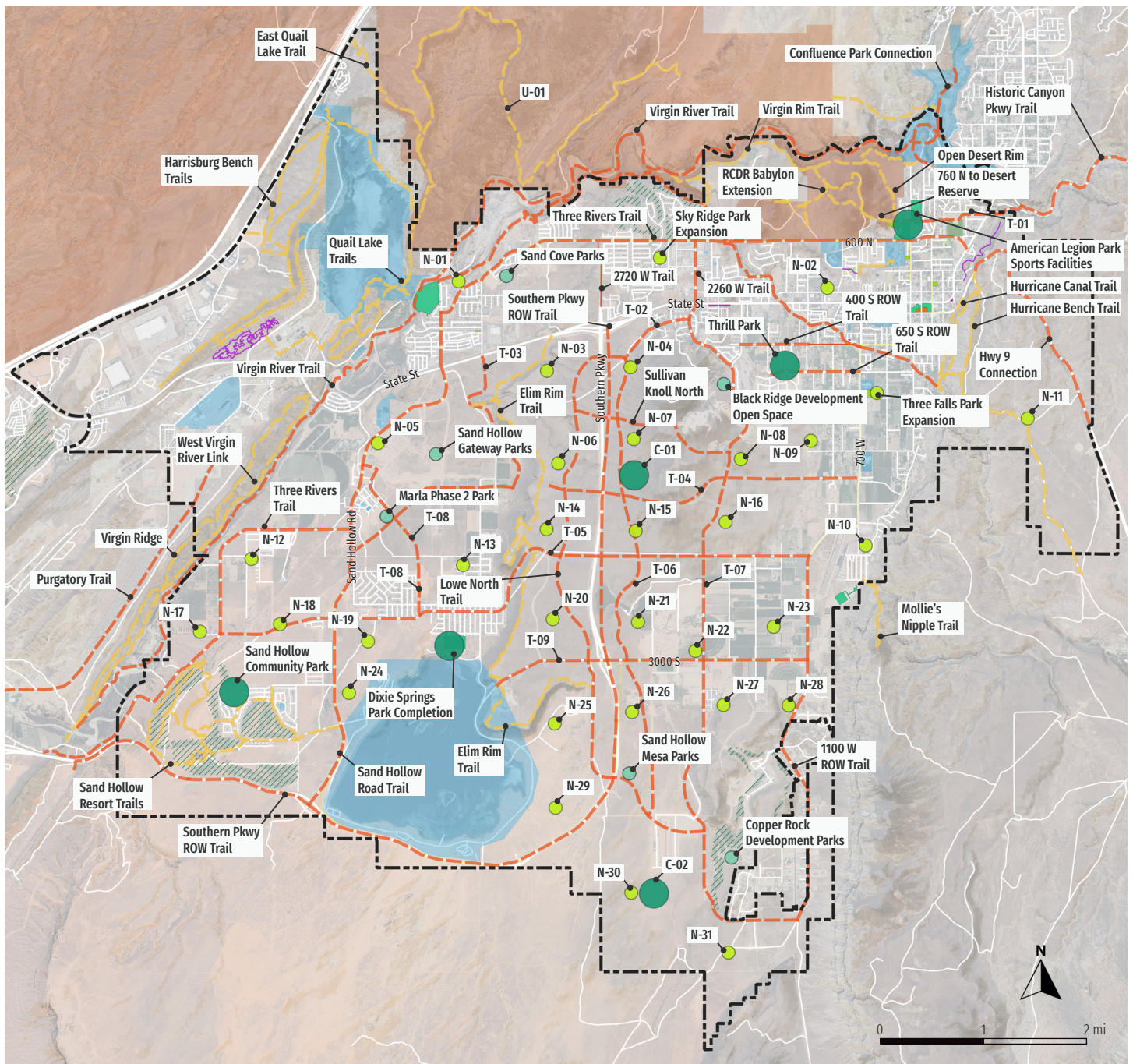
Note: Sand Hollow Gateway Parks and Marla Phase 2 are not impact fee eligible because they are being constructed as part of a Public Infrastructure District



Existing

-  Community Park
-  Neighborhood Park
-  Development Agreement Park
-  Paved Trail
-  Unpaved Trail

- | | | | | | |
|---|-------------------|---|---------------------------|---|---------------|
|  | City Boundary |  | Red Cliffs Desert Reserve |  | Paved Trail |
|  | Community Park |  | Recreation Facility |  | Unpaved Trail |
|  | Neighborhood Park |  | Non-City Park |  | Bike route |
|  | Special Use Park |  | Golf Course | | |



Proposed Parks and Trails Map

Proposed

- Community Park
- Neighborhood Park
- Development Agreement Park
- Paved Trail
- Unpaved Trail

Existing

- City Boundary
- Community Park
- Neighborhood Park
- Special Use Park
- Red Cliffs Desert Reserve
- Recreation Facility
- Non-City Park
- ▨ Golf Course
- Paved Trail
- Unpaved Trail
- Bike route

Note: Sand Hollow Gateway Parks and Marla Phase 2 are not impact fee eligible because they are being constructed as part of a Public Infrastructure District

APPENDIX B

UNIT COST CALCULATIONS

PARKS

Park Name	Year	Owner	Project Type	Construction Cost	Incidentals	Project Total Cost	Acres	Cost per Acre
Green Springs Park	2007	Washington City	New Facility	\$ 834,300.00	\$ 146,256.46	\$ 980,556.46	8.6	\$ 114,018.19
Dixon Park	2008	City of Caliente	New Facility	\$ 2,180,900.00	\$ 287,000.00	\$ 2,467,900.00	5.3	\$ 465,641.51
Super Park	2008	City of Caliente	New Facility	\$ 784,900.00	\$ 181,000.00	\$ 965,900.00	3	\$ 321,966.67
Rose Park	2008	City of Caliente	Upgrade	\$ 394,900.00	\$ 85,000.00	\$ 479,900.00	1.3	\$ 369,153.85
Sullivan Virgin River Phase I	2011	Washington City	New Facility	\$ 1,497,200.00	\$ 262,465.74	\$ 1,759,665.74	10.6	\$ 166,006.20
Rachel Park	2011	Lincoln County	Upgrade	\$ 239,600.00	\$ 52,600.00	\$ 292,200.00	1.5	\$ 194,800.00
Little Valley Pickleball	2012	St. George City	New Facility	\$ 813,800.00	\$ 90,500.00	\$ 904,300.00	2.5	\$ 361,720.00
Pioche Park Phase II	2012	Lincoln County	Upgrade	\$ 758,000.00	\$ 167,500.00	\$ 925,500.00	2.7	\$ 342,777.78
Sky Ridge Park	2012	Hurricane City	New Facility	\$ 274,043.15	\$ 41,106.47	\$ 315,149.62	1.3	\$ 250,118.75
White Pine County	2013	White Pine County	New Facility	\$ 155,400.00	\$ 36,500.00	\$ 191,900.00	0.7	\$ 274,142.86
North Ely Park	2013	White Pine County	New Facility	\$ 162,400.00	\$ 44,100.00	\$ 206,500.00	1.0	\$ 206,500.00
Bianchi Park	2013	White Pine County	Upgrade	\$ 153,600.00	\$ 22,100.00	\$ 175,700.00	0.6	\$ 292,833.33
McGill Park	2013	White Pine County	Upgrade	\$ 255,100.00	\$ 36,800.00	\$ 291,900.00	1.3	\$ 224,538.46
Steptoe Park	2013	White Pine County	Upgrade	\$ 103,200.00	\$ 14,900.00	\$ 118,100.00	0.4	\$ 295,250.00
Courthouse Park	2013	White Pine County	Upgrade	\$ 229,500.00	\$ 48,100.00	\$ 277,600.00	1.3	\$ 213,538.46
Pioneer Park Phase I & II	2014	Lincoln County	Upgrade	\$ 749,700.00	\$ 749,700.00	\$ 1,499,400.00	3.2	\$ 468,562.50
Royal Oaks Park	2014	St. George City	New Facility	\$ 412,000.00	\$ 72,225.41	\$ 484,225.41	1.0	\$ 484,225.41
Silkwood Park	2014	St. George City	New Facility	\$ 385,300.00	\$ 67,544.78	\$ 452,844.78	1.5	\$ 301,896.52
Sunset Park	2014	St. George City	Upgrade	\$ 560,900.00	\$ 98,328.24	\$ 659,228.24	2.4	\$ 274,678.43
Grandpa's Pond Park	2015	Hurricane City	New Facility	\$ 1,465,661.60	\$ 219,849.24	\$ 1,685,510.84	15.3	\$ 110,164.11
Crimson Ridge Park	2018	St. George City	New Facility	\$ 1,145,893.70	\$ 171,884.06	\$ 1,317,777.76	4.3	\$ 306,459.94
Snake Hollow Bicycle Skills Park Phase 1	2018	St. George City	New Facility	\$ 2,337,520.60	\$ 350,628.09	\$ 2,688,148.69	10.4	\$ 259,223.60
Atkinville Wash Park	2019	St. George City	New Facility	\$ 1,224,001.00	\$ 183,600.15	\$ 1,407,601.15	2.9	\$ 485,379.71
Boilers Park	2020	Washington City	New Facility	\$ 1,523,000.00	\$ 228,450.00	\$ 1,751,450.00	2.7	\$ 643,915.44
Fish Rock Park	2021	St. George City	New Facility	\$ 1,522,311.70	\$ 228,346.76	\$ 1,750,658.46	2.8	\$ 625,235.16
Hurricane Equestrian Park	2021	Hurricane City	New Facility	\$ 1,804,900.00	\$ 123,900.00	\$ 1,928,800.00	6.8	\$ 283,647.06
Fossil Falls Park	2022	St. George City	New Facility	\$ 2,585,362.55	\$ 387,804.38	\$ 2,973,166.93	4.5	\$ 660,703.76
Washington City Dog Park Exp	2023	Washington City	Upgrade	\$ 873,182.00	\$ 130,977.30	\$ 1,004,159.30	1.6	\$ 643,691.86
Subtotal				\$ 25,426,576.30	\$ 4,529,167.08	\$ 29,955,743.38	101.41	\$ 9,640,789.56
Cost / Acre				\$ 295,392.40	\$ 44,661.94	\$ 295,392.40		
Avg. Construction Year				2014				
Cost / Acre Including Inflation				3.0%	\$	393,644.14		

TRAILS

Trail Name	Year	Owner	Project Type	Construction Cost	Incidentals	Total Project Cost	Miles	Cost Per Mile
Three Rivers Trail Connection	2014	Washington City	New Facility	\$ 1,200,000.00	\$ 210,365.28	\$ 1,410,365.28	2.32	\$ 607,916.07
Three Rivers Trail Reconstruction	2011	Washington City	New Facility	\$ 220,800.00	\$ 38,707.21	\$ 259,507.21	0.38	\$ 685,099.04
Mill Creek Trail	2011	Washington City	New Facility	\$ 38,560.00	\$ 6,759.74	\$ 45,319.74	0.10	\$ 453,197.38
Virgin River Trail	2010	Washington City	New Facility	\$ 101,200.00	\$ 17,740.81	\$ 118,940.81	0.50	\$ 237,881.61
Virgin River Trail, South C	2013	St. George City	New Facility	\$ 121,500.00	\$ 21,299.48	\$ 142,799.48	0.50	\$ 285,598.97
Virgin River Gap Trail	2019	St. George City	New Facility	\$ 835,713.40	\$ 125,357.01	\$ 961,070.41	1.07	\$ 898,196.64
600 N Trail	2023	Hurricane City	New Facility	\$ 484,179.00	\$ 72,626.85	\$ 556,805.85	1.80	\$ 309,336.58
Subtotal				\$ 3,001,952.40	\$ 492,856.38	\$ 3,494,808.78	6.67	\$ 3,477,226.29
Cost / Mile				\$ 524,054.57	\$ 73,904.94	\$ 524,054.57		
Avg. Construction Year				2014				
Cost / Mile Including Inflation				3.0%	\$	695,419.87		

APPENDIX C

CASH FLOW SPREADSHEET

Title	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Revenue										
Total ERCs	11,701	12,374	12,869	13,383	13,918	14,475	15,054	15,656	16,283	16,934
New ERCs		673	495	515	535	557	579	602	626	651
Impact Fees Collected	\$ 2,279,987	\$ 1,795,254	\$ 945,980	\$ 2,664,584	\$ 2,768,063	\$ 2,881,890	\$ 2,995,717	\$ 3,114,718	\$ 3,238,893	\$ 3,368,241
Service Fees	\$ 512,378	\$ 511,271	\$ 619,460	\$ 638,044	\$ 657,185	\$ 676,901	\$ 697,208	\$ 718,124	\$ 739,668	\$ 761,858
General Fund Allocations	\$ 5,875,036	\$ 5,100,058	\$ 4,866,661	\$ 5,012,661	\$ 5,163,040	\$ 5,317,932	\$ 5,477,470	\$ 5,641,794	\$ 5,811,048	\$ 5,985,379
Other Revenues	\$ 18,598	\$ 332,451	\$ 170,984	\$ 176,113	\$ 181,396	\$ 186,838	\$ 192,444	\$ 198,217	\$ 204,163	\$ 210,288
Total Operating Revenue	\$ 6,406,012	\$ 5,943,780	\$ 5,657,104	\$ 5,826,818	\$ 6,001,622	\$ 6,181,671	\$ 6,367,121	\$ 6,558,135	\$ 6,754,879	\$ 6,957,525
Expenses										
General	\$ 1,134,219	\$ 1,209,928	\$ 1,485,987	\$ 1,530,566	\$ 1,576,483	\$ 1,623,778	\$ 1,672,491	\$ 1,722,666	\$ 1,774,346	\$ 1,827,576
Capital Projects	\$ -	\$ -	\$ 766,253	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Operating Expenses	\$ 1,134,219	\$ 1,209,928	\$ 2,252,240	\$ 1,530,566	\$ 1,576,483	\$ 1,623,778	\$ 1,672,491	\$ 1,722,666	\$ 1,774,346	\$ 1,827,576
Accounts										
Net Cash	\$ 5,271,793	\$ 4,733,851	\$ 3,404,865	\$ 4,296,251	\$ 4,425,139	\$ 4,557,893	\$ 4,694,630	\$ 4,835,469	\$ 4,980,533	\$ 5,129,949
Operating Account Balance	\$ -	\$ 4,733,851	\$ 8,138,716	\$ 12,486,659	\$ 16,911,798	\$ 21,469,691	\$ 26,164,321	\$ 30,999,790	\$ 35,980,322	\$ 41,110,271
Impact Fee Balance	\$ 4,713,783	\$ 5,569,047	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198
Project Costs										
Project Cost	\$ -	\$ -	\$ -	\$ 894,288	\$ 2,664,584	\$ 2,768,063	\$ 2,881,890	\$ 2,995,717	\$ 3,114,718	\$ 3,238,893
Non-Impact Fee Eligible Cost	\$ -	\$ -	\$ -	\$ (51,692)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Impact Fee Eligible Cost	\$ 2,067,350	\$ 3,135,250	\$ 1,121,405	\$ 945,980	\$ 2,664,584	\$ 2,768,063	\$ 2,881,890	\$ 2,995,717	\$ 3,114,718	\$ 3,238,893
Project Name(s)										

2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043
17,493	18,070	18,666	19,283	19,919	20,576	21,255	21,957	22,681	23,429	24,203	25,002	25,827
559	577	596	616	636	657	679	701	724	749	773	799	825
\$ 2,892,238	\$ 2,985,369	\$ 3,083,674	\$ 3,187,153	\$ 3,290,632	\$ 3,399,285	\$ 3,513,112	\$ 3,626,939	\$ 3,745,940	\$ 3,875,289	\$ 3,999,463	\$ 4,133,986	\$ 4,268,509
\$ 784,713	\$ 808,255	\$ 832,503	\$ 857,478	\$ 883,202	\$ 909,698	\$ 936,989	\$ 965,099	\$ 994,052	\$ 1,023,873	\$ 1,054,589	\$ 1,086,227	\$ 1,118,814
\$ 6,164,940	\$ 6,349,889	\$ 6,540,385	\$ 6,736,597	\$ 6,938,695	\$ 7,146,856	\$ 7,361,261	\$ 7,582,099	\$ 7,809,562	\$ 8,043,849	\$ 8,285,164	\$ 8,533,719	\$ 8,789,731
\$ 216,597	\$ 223,095	\$ 229,788	\$ 236,681	\$ 243,782	\$ 251,095	\$ 258,628	\$ 266,387	\$ 274,378	\$ 282,610	\$ 291,088	\$ 299,821	\$ 308,815
\$ 7,166,251	\$ 7,381,238	\$ 7,602,675	\$ 7,830,756	\$ 8,065,678	\$ 8,307,649	\$ 8,556,878	\$ 8,813,584	\$ 9,077,992	\$ 9,350,332	\$ 9,630,842	\$ 9,919,767	\$ 10,217,360
\$ 1,882,404	\$ 1,938,876	\$ 1,997,042	\$ 2,056,953	\$ 2,118,662	\$ 2,182,222	\$ 2,247,688	\$ 2,315,119	\$ 2,384,572	\$ 2,456,110	\$ 2,529,793	\$ 2,605,687	\$ 2,683,857
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
\$ 1,882,404	\$ 1,938,876	\$ 1,997,042	\$ 2,056,953	\$ 2,118,662	\$ 2,182,222	\$ 2,247,688	\$ 2,315,119	\$ 2,384,572	\$ 2,456,110	\$ 2,529,793	\$ 2,605,687	\$ 2,683,857
\$ 5,283,847	\$ 5,442,363	\$ 5,605,633	\$ 5,773,802	\$ 5,947,017	\$ 6,125,427	\$ 6,309,190	\$ 6,498,466	\$ 6,693,419	\$ 6,894,222	\$ 7,101,049	\$ 7,314,080	\$ 7,533,503
\$ 46,394,118	\$ 51,836,481	\$ 57,442,114	\$ 63,215,917	\$ 69,162,933	\$ 75,288,360	\$ 81,597,550	\$ 88,096,015	\$ 94,789,435	\$ 101,683,657	\$ 108,784,706	\$ 116,098,786	\$ 123,632,288
\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198	\$ 4,895,198
\$ 3,368,241	\$ 2,892,238	\$ 2,985,369	\$ 3,083,674	\$ 3,187,153	\$ 3,290,632	\$ 3,399,285	\$ 3,513,112	\$ 3,626,939	\$ 3,745,940	\$ 3,875,289	\$ 3,999,463	\$ 4,133,986
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
\$ 3,368,241	\$ 2,892,238	\$ 2,985,369	\$ 3,083,674	\$ 3,187,153	\$ 3,290,632	\$ 3,399,285	\$ 3,513,112	\$ 3,626,939	\$ 3,745,940	\$ 3,875,289	\$ 3,999,463	\$ 4,133,986

APPENDIX D

SURVEY METHODS AND FULL RESULTS

Methods

Survey Format

The survey included 13 questions about respondents' use of parks, trails, and recreation facilities and their preferences for future development of such facilities, as well as 14 questions about the demographics of survey respondents. There was also a final question for respondents to leave any additional comments. Instructions on how to return the survey were available at the top of the form.

Survey Distribution and Collection

The community survey was distributed to residents through several channels. Surveys were made available on the city website on October 16, 2023 and paper copies were mailed out with utility bills to all residents shortly thereafter. Paper surveys were also handed out at the first partnering meeting and open house on November 7. There was a final effort to distribute surveys at the city Christmas tree lighting on November 27 before the deadline to submit surveys on November 30, 2023.

Paper surveys were able to be returned at the first public open house, to the city planning office, and at the Christmas tree lighting. If residents opted for the online option, they could fill out the survey in PDF form. The survey could then be emailed to the city.

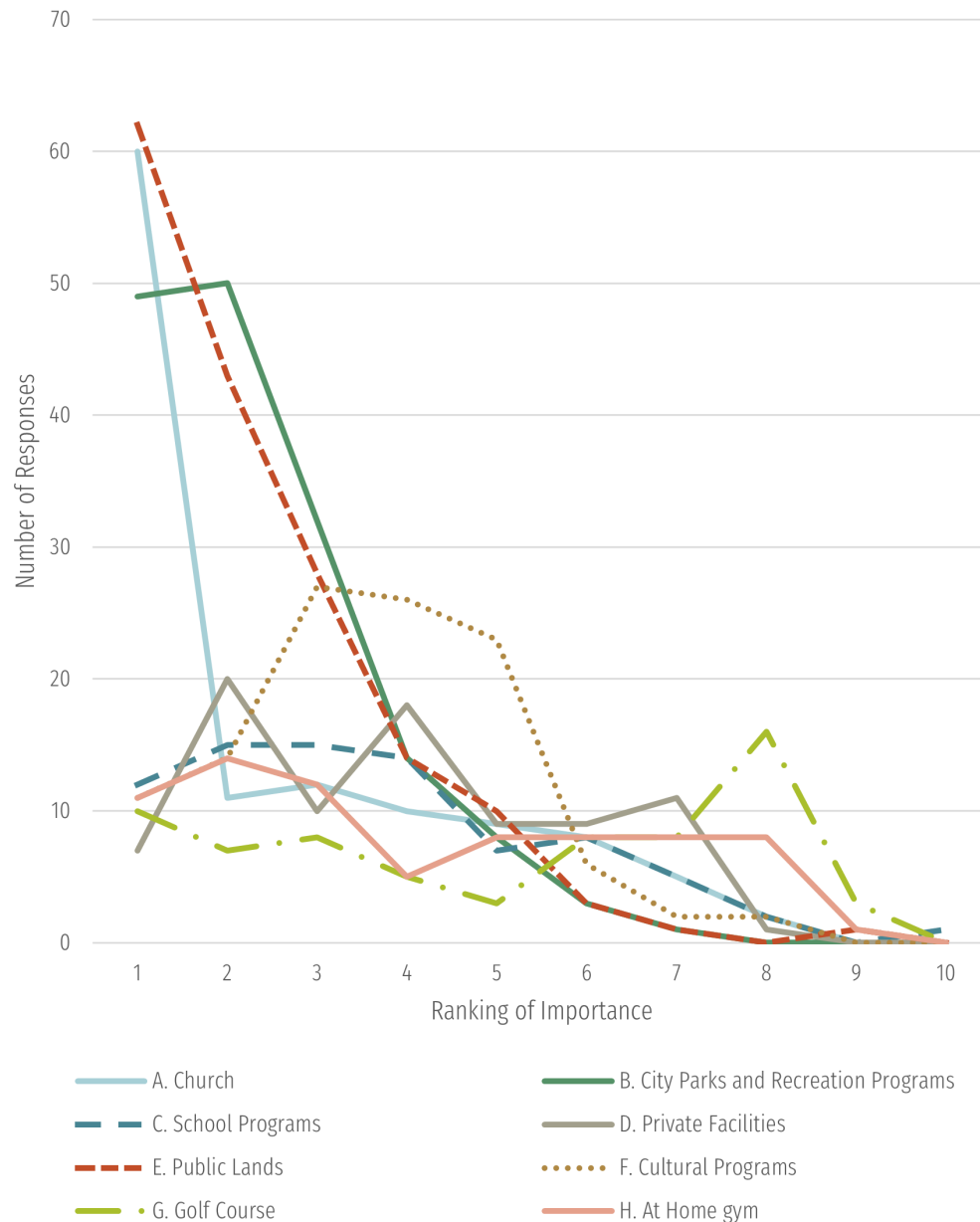
Data Processing and Representation

On questions that allowed for multiple boxes to be checked, such as selecting which facilities and programs that respondents participate in or visit, graphs display a total number of boxes checked for each item. For questions that should only have one response, such as where the options are "Yes", "No", and "Don't Know", the figures show the percentage of respondents who checked each option as a portion of the whole. On Question 12, where respondents were asked to rank which types of parks are most important to develop in Hurricane, a higher response (meaning more important to develop) was given a higher weight in influencing the response score shown on the figure, with the highest response giving seven points to the score of that category and the lowest response giving one point.

In several places on the survey, respondents were given the opportunity to enter text responses. Where this was available, all responses given are listed below the results for that question. Responses are included exactly as they were entered or written including any spelling or grammatical mistakes, except that profanity has been redacted and replaced by [expletive]. If a portion of a handwritten response was illegible, that is indicated by [illegible].

Survey Results

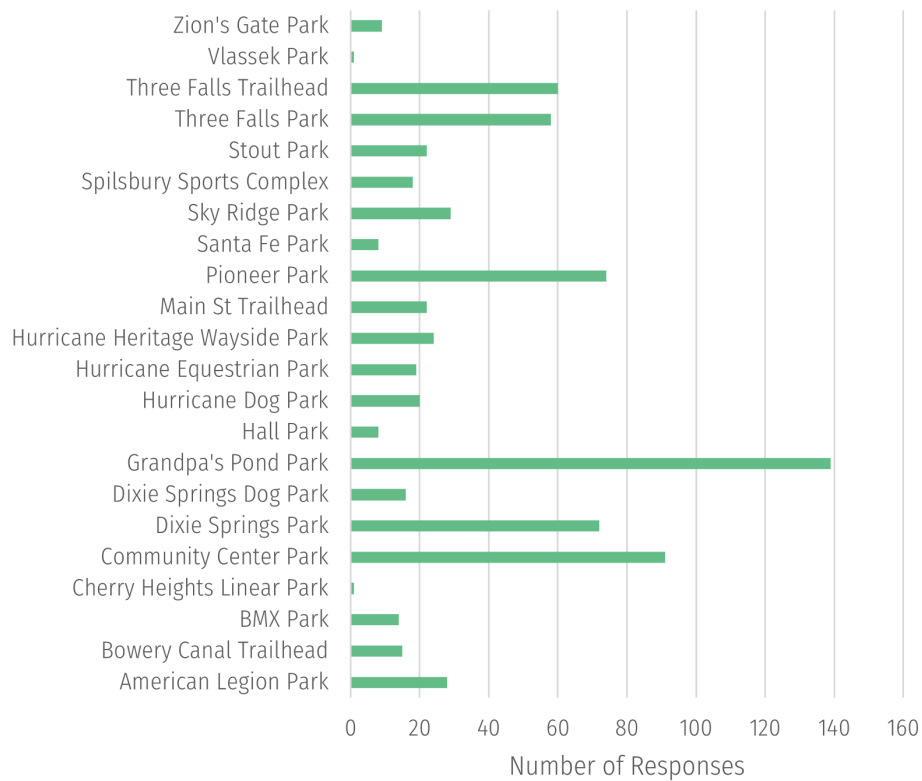
1. Please rank, in order of importance, how your household leisure and recreational needs are met (1 = 1st choice, 2 = 2nd choice, etc.)



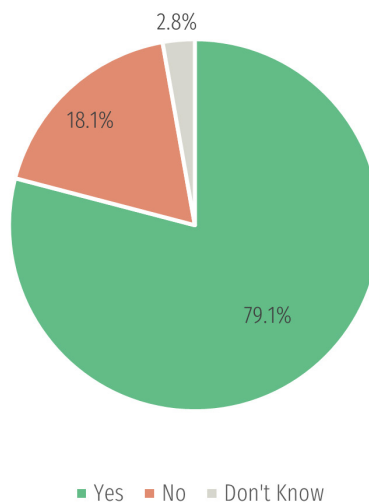
Responses to “Other” (For 1. Please rank, in order of importance, how your household leisure and recreational needs are met)

Equestrian Park	Skate Parks	Zion NP
UYSA Soccer Club	PB Courts	Bike Paths
Skate Parks	Pickleball Courts	Dog Park @ Dixie Springs
Neighborhood walks	Events at Community Center (like Peach Days)	My own Land
Indoor Pool	Dog Walking	Dog Parks
Park/Pickleball/ Dog Park	Library	Do what we do

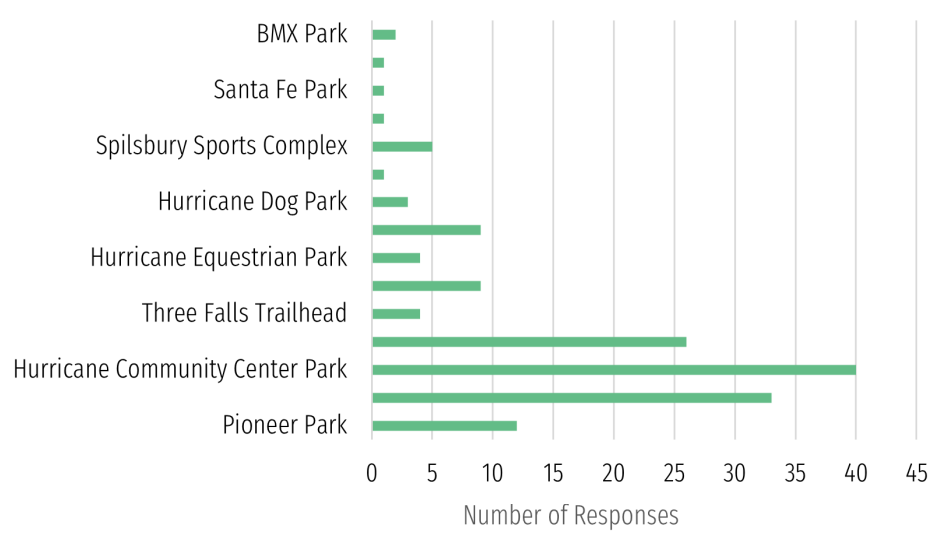
2. Which of the following parks are used most by your household? (Please check all that apply)



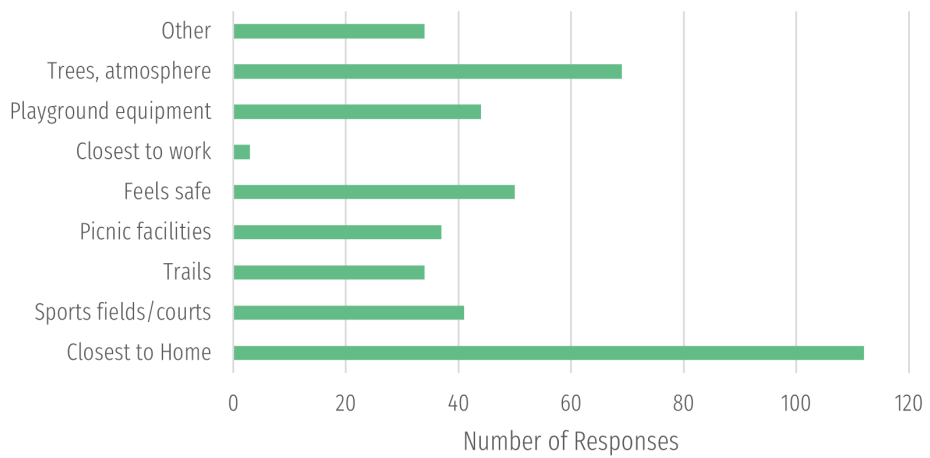
3. From your perspective, is it important to have public parks within walking distance of your neighborhood (within 1/2 mile or 10 minutes)?



4. Which Hurricane City Park do you use most often?



Why do you use this park most often?



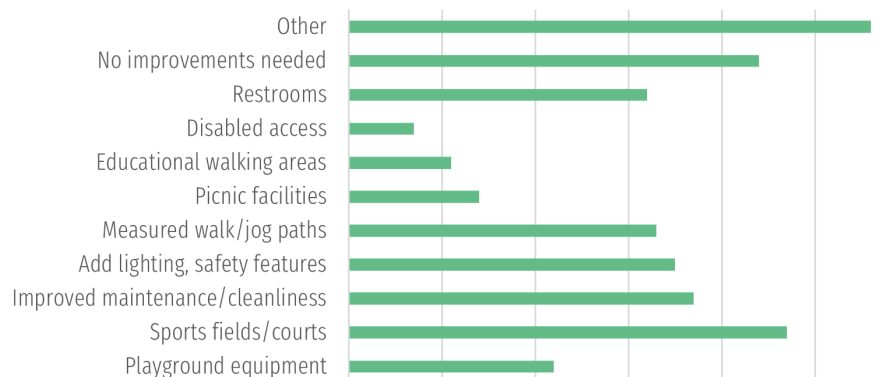
Responses to “Other” (For *Why do you use this park most often?*)

Park Chosen	Response to “Other”
Grandpa’s Pond	Photography
Community Center Park	all other courts are being used
Grandpa’s Pond	Water, Ducks & Path
Grandpa’s Pond	Wildlife there
Hurricane Equestrian Park	Functional
Grandpa’s Pond	Can walk my Dog
Sky Ridge Park	Pickleball
Dixie Springs	Has dog Park, pickleball & walking trails
none	Forest Service BLM
Community Center Park	community center

(Continued) Responses to “Other” (For *Why do you use this park most often?*)

Park Chosen	Response to “Other”
Grandpa’s Pond	Nice walking trails
Community Center Park	Splash Pond
Dixie Springs Park	Splash Pad
Hurricane Dog Park	It’s a dog park
Hurricane Dog Park	Need more Dog Parks
Community Center Park	Pickleball
Grandpa’s Pond	Love it!
Grandpa’s Pond	Water
none	Fitness
Grandpa’s Pond	Walking Trail
Grandpa’s Pond	Water
none	Municiple & Rec Center
Grandpa’s Pond	Rest Rooms
none	Dixie springs
Grandpa’s Pond	Dogs Allowed
none	Hurricane Trailhead
Dog Park in Washington	I have to go to Washington
none	rec center - waiting for classes
Community Center Park	Activities
none	Hiking/Walking
Dixie Springs Park	Pickleball Court
Community Center Park	Close to other activities
Grandpa’s Pond	Don’t use naymore - Too many dogs
Community Center Park	Festivals
Community Center Park	Community Activites
Pioneer Park	Dog Walks
Community Center	Quilt guild meets there

5. What improvements should be made to the park you use most often?



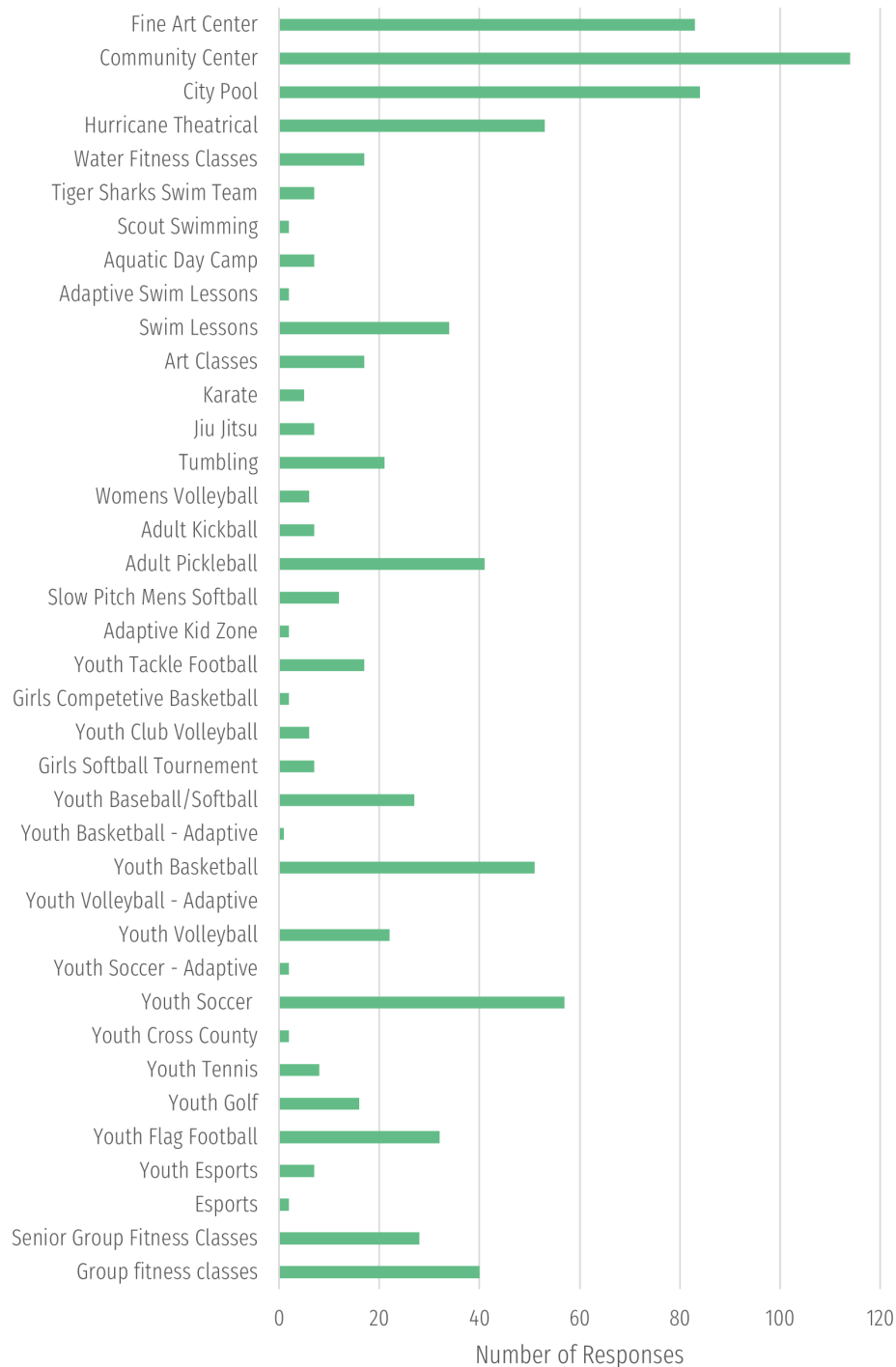
Responses to “Other” (For 5. *What improvements should be made to the park you use most often?*)

Park Chosen	Response to “Other”
Community Center Park	please fix the cracks in the pickleball courts someone is going to get hurt restrooms need to be cleaned regularly
Dixie Springs Park	I use natural BLM parks most
<i>none</i>	Bike & Walking Paths increased
Equestrian Park	Expand Participant Trailer Parking
Dixie Springs Park	Trail Access
[illegible]	Broken in mutiple places
Dixie Springs Park	Skate Parks
Grandpa’s Pond	Control of goatherds (sticker plants)
Dixie Springs Park	Don’t water dog park so often when it’s cold- muddy
Sky Ridge Park	Pickleball Courts-cracked need repaired
<i>none</i>	Parking @ Community Center
<i>none</i>	Parking
Dixie Springs Park	Skatepark
Community Center Park	Trails not road connecting
Community Center Park	Child Safety Fence
Community Center Park	Fitness Equipment
Hurricane Dog Park	More Dog Parks
Hurricane Dog Park	Prettier Dog Parks
<i>none</i>	A sidewalk to get there
Pioneer Park	Shade cover on entire playground equipment
Community Center Park	Clean Restrooms
<i>none</i>	Don’t Use
<i>none</i>	Less People
Grandpa’s Pond	Bike paths along Virgin River
Pioneer Park	Frontage on Pioneer Blvd. between 1800 W & 2000 W - Pine trees should not have been cut down w/o local input
<i>none</i>	Adult 50+ Fitness Park
Community Center Park	Spray for bugs
Grandpa’s Pond	Pioneer Park
Grandpa’s Pond	Another platform near water
Grandpa’s Pond	Pickleball
American Legion Sports Complex	Concession Added to Legion
Grandpa’s Pond	Wider fencing at the water bridge
Grandpa’s Pond	Some trees were infested (with moth sacks?) & died on the N/W side. Spraying them annually would help.
<i>none</i>	Sky Mtn GC is very nice
Grandpa’s Pond	Cleaner Pond
<i>none</i>	Gym & Workout Facilities
Dixie Springs Park	At Dog Parks
<i>none</i>	More Hiking& Bike Trails
Hurricane Equestrian Park	Re-route mollies nipple trail so it is longer & not so steep
<i>none</i>	Dog Park Hurriocane - Improve
Dixie Springs Park	Fitness Course
<i>none</i>	More Trees, Green spaces
	More appealing main street

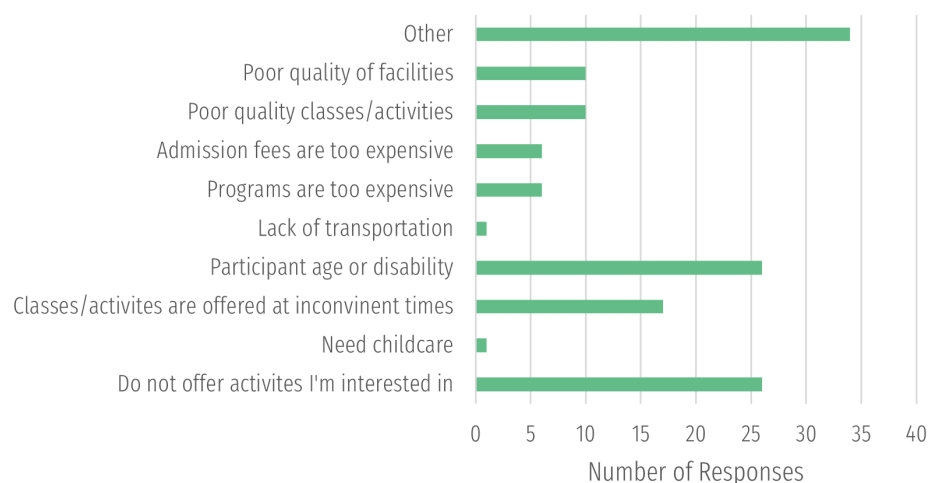
(Continued) Responses to “Other” (For 5. *What improvements should be made to the park you use most often?*)

Park Chosen	Response to “Other”
Grandpa’s Pond	It’s fine just the way it is
<i>none</i>	More Trails/more paths & Shade trees
Grandpa’s Pond	Some Parks missing infant seat swings
Santa Fe Park	Enforce no dogs to eliminate dog poop.
<i>none</i>	Allow Dogs
Stout Park	Trails & Better Parking
<i>none</i>	The verbally abusive chubby guy walking his pitbull didn’t have a leash on the dog - He carried it. Keep dogs off trails
Grandpa’s Pond	Add’l Trails along river
Community Center Park	Trail Marquee at 3 Falls
Pioneer Park	Pickelball Courts
<i>none</i>	Walking Trails
<i>none</i>	Shade Trees
<i>none</i>	Closer to JK Ranch & Airport
American Legion Sports Complex	Fitness equipment
Community Center Park	Bike/Walk paths from parks
Three Falls Park	The path around the perimeter is broken up
Dixie Springs Park	Skate Parks
BMX Park	Better sanctioned/fencing
Three Falls Park	Ga Ga Ball Court

6a. The Hurricane Leisure and Recreation Department offers the following programs and facilities. Please check the facilities that you and your family participate in or visit.



6b. If you do not participate in any of the above activities or use any of the facilities, why not?



Responses to "Other" (For 6b. If you do not participate in any of the above activities or use any of the facilities, why not?)

Times don't work for me	Membership at [illegible]
At this time, not interested in classes.	Travel time from home to city center is 10 minutes
Work long hours; hike on BLM or State Parks when available	Other Activities
Personal Time Constraints	Don't use any
Not Interested	Pool too crowded & don't offer classes
Part time Resident	Not here often enough
Not aware of much of what is listed as available - better marketing?	not full time resident
Not in habit	Sr.
I live in Zion's Gate (Too Far)	Most likely to hike & bike
Like to bike & hike	Don't know enough about the programs
Please reset clocks, smells, old, falling apart	Need Adult Coed Volleyball
No park close enough	Need Indoor Pool
OHV @ Sand Hollow	Not Needed
Too lazy	Don't need them
I have other things I do. Single Adult /no children	Dog Parks are not safe, the signs do not make sense.
No Interest	Distance to Rec Center
Pool closed in Winter - Need year round	My work & play schedule
I watch the grandkids	Another Pickleball Court
Too many people	Horse Arena gone! :(
Time	Always sharing fields with schools
Not enough time as parents	Lack of Awareness of what is offered.
Update & enlarge facility	Too far away from where I live

7. Please choose up to five activities and facilities (parks, recreation, and trails) not currently offered by the city that you feel are most needed in Hurricane

New Activities Needed

More adult activities	Not enough Dog Parks
More evening activities	Cycling
Knitting Classes	Walking
Photography Classes	Pilates
Tech/Stem Classes	More Yoga
Gardening Classes	Evening Sr. Exercise
Language Classes	Eric Dodge Line Dancing
Adult Education	Winter Water Aerobics
Classes that combine young & old	More Hiking
Bouldering	Rock Walls
Flexibility for Adults	Walking Paths
Skate Park	A variety of exercise machines
Paved Trails	More baseball tournaments
Mountain Bike Trails	Larger & Modern Community Center w/ gym, art, dance, cooking classes
Less Kids per swim class	More Parks
Handicap Trails	Yoga
Amature Golf League	Women's mtb club
More Biking Paths	Organized Hiking Groups
Bowling Leagues	Youth Mountain Biking
Year round swimming	Year round Indoor Pool
Cheer Team	More Paved Trails
Toddler/Parent classes in evening	Bingo
Paved Walking	Photography
Biking Trail System-Separated from Roadways	Bird Watching
Skate Boarding Camp	Bocce Ball
Pickle Ball Courts	Year round Pool
Soccer Fields	Adult Gym
Bigger City Pool	Adult Pool w/ Classes
More Asphalt Trails	Rec Center
Women's Softball	Pool
biking routes without traffic	Trails
Trails	Water Fitness
Trails	more bike trails
Finish 5k trail	more hike trails
Walking Trails	paved hiking
Paved Bike Paths	paved biking
Pickleball courts lighted	Self Defense
Dog Park	Mountain Trails
outdoor workout equip.	Make more trails
more live music	preserve open space
open mic	Workout facility
Indoor Swimming	Adult Volleyball
Raquetball Courts	Indoor Pool
Boccee Ball	Year round pool
Cycling	Rec Center
Bocce Ball/Horsehoes	Toddler Programs
Classes after work hours	

New Activities Needed (continued)

Yoga	Water Fitness
Spanish Programs	Yoga Inside
Shooting	Mountain Bike Trail
Archery	Walking Trail
Bingo	Kindergarten Football
Offroad Racing	Skate Park/Events
Hikes	BMX Events
Spiritual Classes	Bike paths
Walking Paths	Ga Ga Ball
Bicycle Paths	Mountain Biking
Park w/ an interior dog park & no dogs allowed outside it.	Biking
Paved Bike Trails	More Trails
Bike & Walking Trails	Hockey
Gymnastics	Bowling
Horse Trails	Bowling
Basketball	Adult Ballet
More Golf	More Hiking Trails
Upgrade Softball	Indoor Pool
LeCross	Running Trails
Water Slide	Bike Trails
Step Class	

New Facilities Needed

walking and bike paths needed in the Dixie Springs area	Continue 600 N Path
Soccer Fields w/ Lights	Skate Parks
Football Fields w/ Lights	Skate Sports
Baseball Fields w/ Lights	Skate [illegible]
Indoor swimming Pool	trails, trails trails!
A garden Park/Trail	More childcare
Trails that lead to lakes	Pool
Bridge Trailheads	Community Center
Parkour Playgrounds	Community Center
Indoor Pool	Pool
Weight Room	Bathrooms
Fix Pickleball Courts at Community Center	New Pool
Large Trailhead sign at Hurricane Canal Trailhead	New Pool
More Trails	600 N Trail
Rec Center	Skatepark
Indoor Pool	Bike Park
Tennis Courts	Pump Track
Paved Bike Paths	Paved Trails
would love an informational sign about wildlife that inhabit	Trail from Sky
Grandpa's Pond	Ridge area to main city
6+ Basketball Gyms	Separate Bike Trails
2nd Access to Equestrian Park	Non street walk/bike
Handicap Trails	Pickle ball Courts
We have 2 courses	More Bike Trails
Safer Paths on Streets	New Pickleball Courts
Bowling Alley	Connected Trails System
Covered Swimming Pool	Trees along Trails
Indoor Pool	Connected Trails System
Bike park w/ trails for kids	Paved Bike Trails

New Facilities Needed (continued)

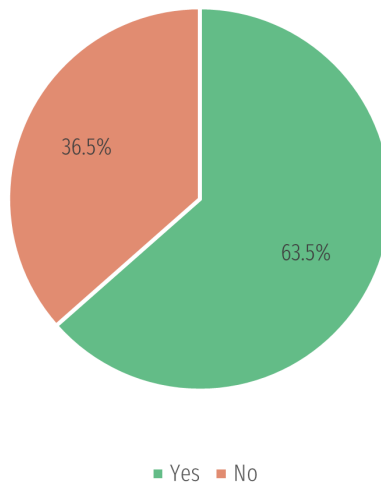
Safety at Existing Parks	Inddor Pool/Indoor Walking
Improvements at existing rec center	Municiple Center
Deicated Skate park	Indoor Pool
More bike lane/walking paths	Fitness Center
Better parking	Rec Center
Paved Trails	New Pool
Bocce Ball	Connecting
Urban Bike Paths	Indoor Pool
Mountain Bike Park	Water Park
Courts in Park	Indoor Swimming
Paved City Trails	Rec Center
Skate Park	Hiking/Walking Paved
Connected Bike Paths	Improve Dog park
Connected Walk Paths	Gym
Covered/Indoor Pool	Indoor Pool
Weight Room	New Rec Center
Gyms	Indoor Pool
Indoor Swimming Pool	Walking Paths
Indoor Courts	Hiking Trails
Jump House	biking paths
Bike Trail	Toddler Safe Playground
4 Seasons Pool/Lazy River	Walking Trail
Pickleball Courts	Bowling Alley
Pickleball Courts	Motorcycle Park
Enclosed Pool	Skate/BMX Park
More complete bike trails	Gym
More Vegetation	More Trails, Less Dogs
new baseball complex	Shooting Pen
new basketball facility	More walking Paths
New Rec Center	Swimming Pool - Indoor
Bocce Ball Court	Paved Bike Trails
Something for active seniors	New Horse Arena
Pickle ball	Bike Trails
Indoor basketball	Walking Trails
football fields	Parks
Comprehensive Recreation Center	Rec Center
Bike Trails	Walking Trails
Swimming Pool	Basketball
Sandbox	Softball
Meditation Garden	Gym
Hiking trails	Water Slides
pickleball courts	Indoor Pool
better mtb park (like St. George)	Parkour
Lined Virgin River Trails system	More Parks
More Ball Fields	Softball Fields
Year round swimming	Walk/bike Paths from Toquerville to DMV
Climbing wall (Changeable)	More Fields
Batting Cage (Rentable)	Walking Path on 400 S (West of 700W)
More paved bike trails	Sidewalks
Trail off 1380 W to BLM for Trail Riders	Skate Park
More Bike Paths (asphalt)	Skate Park
Community Rec/Pool	BMX Park (better)

New Facilities Needed (continued)

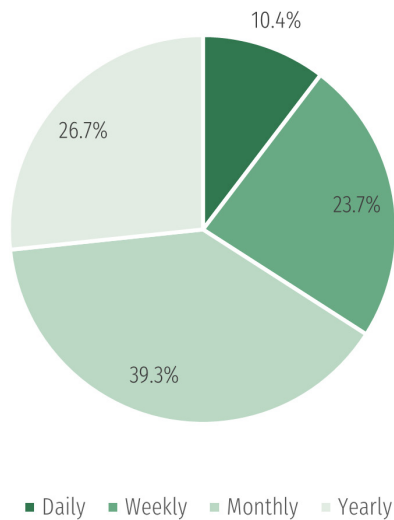
more pickleball courts
bike paths
Court
Trails
Bike Path
Paved Track
Skate Park
More Baseball Fields
More Soccer Field

More Sports Courts
batting cages
wlk/jog paths
Batting Cages
more pickleball
Indoor Soccer Court
Indoor Pool
More Bike Paths

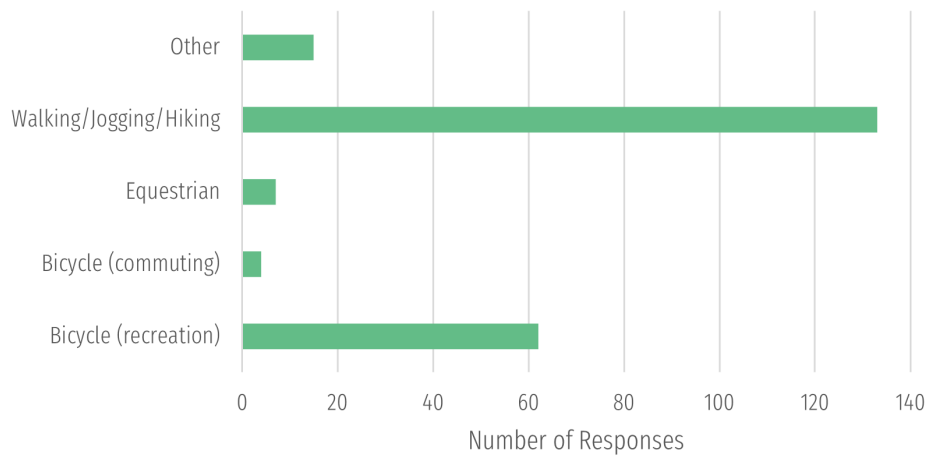
8. Does your family use the City's trail system?



If yes, how often?



Please check the reasons why you use the trails (please check all that apply):

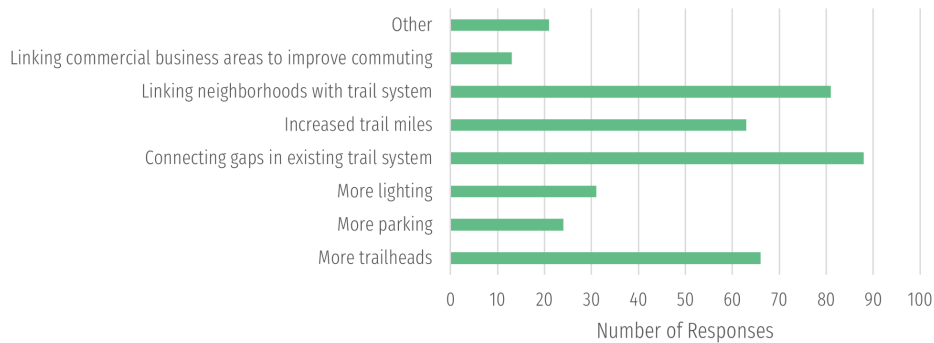


Responses to "Other" (For *Please check the reasons why you use the trails*)

Photography
 Bike Trail from Dixie Springs to State St.
 Only use when family comes to town
 Wouldn't consider it a trail
 The Trails System needs more publicity. I would love to use it but I don't know anything about it
 None Complete
 The trails systems do not connect throughout the town.
 Dog exercise
 I would use bike trails more often if there were more paved trails safe from road.
 Dog exercise
 Dog Accessible
 Trails are subpar
 Didn't know there was a Trail System
 We use Virgin River Trails Weekly.
 Can't really use bike trails because there aren't any.
 Dog
 So many horse owners on 1380 W & we have to trotter out to ride so sad! Help us out
 Wheelchair
 Wheelchair
 Scooters
 Dog Walks
 Trail Running
 I hope somebody looks at this
 Rec Activities should cover their own cost. It should not be a tax to the community
 Running
 Quarterly
 Dog Walks
 We go to St. George & Use their bike trails because we don't have any
 Don't know of them
 Education

9. What improvements should be made to the trails system? (Please pick up to two (2) choices.)

9. What improvements should be made to the trails system?
(Please pick up to two (2) choices.)

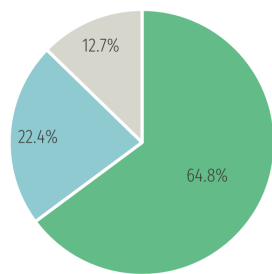


Responses to "Other" (For *Please check the reasons why you use the trails*)

make walking trails near Dixie Springs
I usually use BLM or State Parks preferring natural open spaces
need more maps info on existing trails
Better trail from town to Gould System
More walking trails in town
Paved Trails
Lighting
Separate from Traffic
PB Courts
Go biking w/ kids w/o getting ran over
Make Hurricane walkable city
I don't walk or Hike anymore
More Dog Friendly Trails
parking lot patrolled by Police to prevent crime
Connect to St. George
Dog Park
More trees & Grass
Advertise it where it is.
Less Pavement
Need more neighborhood trails that connect throughout city
If there is a well at 3 falls trail head, they should close the wash entrance
Don't do anything
Increase out awareness
Connect Bike paths
Real Trails in the turtle reserve

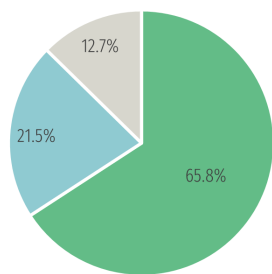
10. Should Hurricane City increase or keep the same amount of trails of each type?

Asphalt Trails - Increase or Keep Same Amount



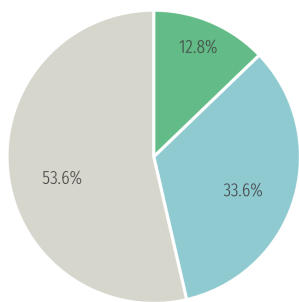
■ Asphalt - Increase ■ Asphalt - Same Amount ■ Asphalt - Don't Know

Natural Trails - Increase or Keep Same Amount



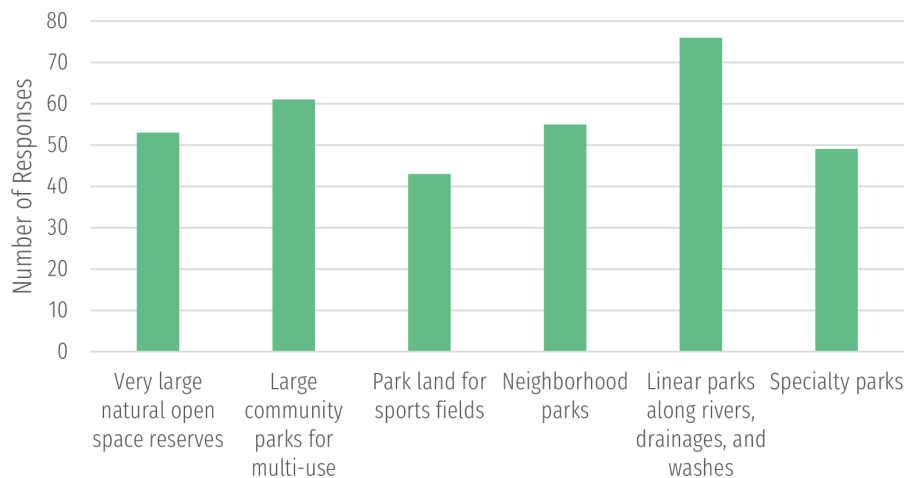
■ Natural - Increase ■ Natural - Same Amount ■ Natural - Don't Know

Equestrian Trail - Increase or Keep Same Amount

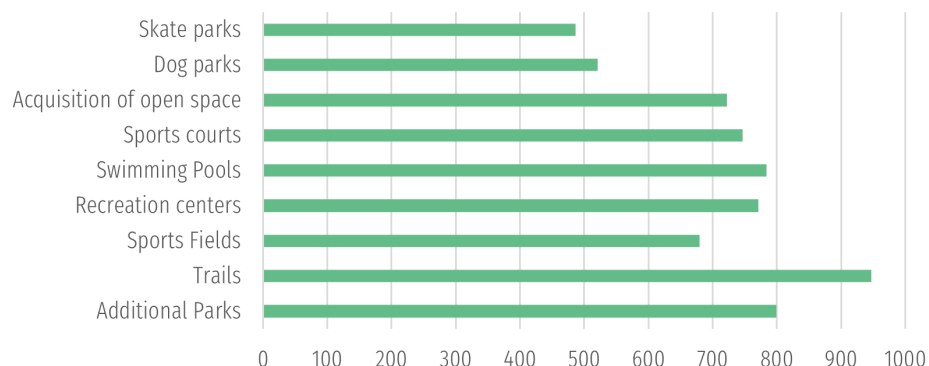


■ Equestrian - Increase ■ Equestrian - Same Amount ■ Equestrian - Don't Know

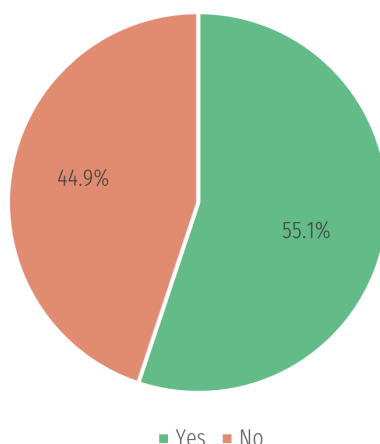
11. What type of park land is most needed in Hurricane? (Please pick up to two (2) choices.)



12. Please tell us how important it is for Hurricane City to develop the following (please circle the number that best describes your feelings, using a scale with “1” meaning unimportant and “7” meaning very important)



13. Do you feel that the Leisure & Recreation Department meets the demands of the community for programming and facilities?



If no, please explain how they can better meet your expectations and wants.

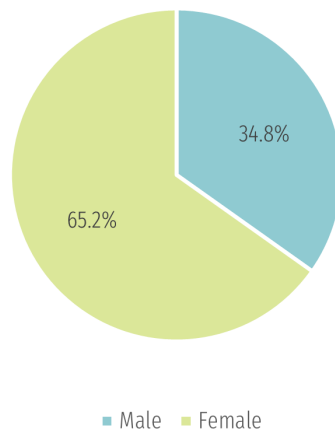
more adult evening activities, like dancing, arts, a ceramics class would be awesome
 there's not enough pickleball courts to meet the need now that pickleball has become so popular
 Need more times for clases . The classes fill up to fast , so a lot of kids can't attend.
 The Pickleball courts at the Rec Center are really cracked badly. Repairs and/or replacement is needed
 Hurricane really needs tennis courts!!! Please! High school no longer option as they posted no trespassing signs.
 Finish the landscaping around Dixie Springs Park
 We need a concrete Skate Park & smaller skate park w/ camps for kids. It's an olympic sport now.
 More Pickle ball courts-at least 4 at a park
 Indoor Pool & Pickleball
 Existing facilities are run down
 No parks available out in pecan valley
 A Rec Center would be great but we the people have spoke. We can't afford it!
 More after hours bars

(Continued) If no, please explain how they can better meet your expectations and wants.

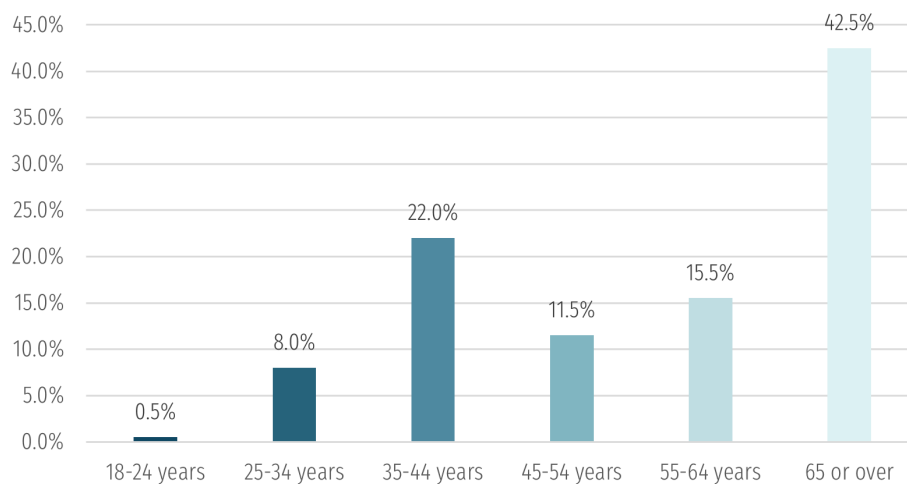
can't use Silver Sneakers at Rec Center Classes
More bike trails needed, safe from vehicle traffic, more walking trails needed.
We need New & Better Pickleball Courts
An Indoor swimming facility should be part of the plan.
Better parking near community center for events
Better trails. More music/festivals. Farmers market w/ not just crafts
Better trail maintenance needed. More off road cycling trails needed. Need paved dedicated cycling paths along 600 & Hwy 9
There are no classes available for people that work
It obviously must increase as we continue to grow
Unavailable for Family functions
Earlier group classes
Earlier classes for working adults
Continuous bike & walk paths please! A patch here & there is not a trails system.
The growth does not meet the amount of classes that are available to the kids. also need more advertising or word of mouth to let people know what is coming up.
Have to go to Washington Rec
If Hurricane is going to continue to allow so much building then we need adequate facilities so travel to surrounding cities not ness.
Not Seniors
Pools needed & exercise gym classes in municipal center
The pool is in bad condition, we need a nice Rec Center
Limited amount of money based on current economy
The Department is Great, the facilities are dated & in vast need of improvements
Increase open space
More Adult Sports Programs Needed
Need a real Rec Center
Clean the Weeds off sidewalks
Year round pool larger rec center w/ better classes general to demographics of city population
As Indicated
Include Seniors
More Sports fields would ultimately bring more revenue to our town
More available time
Red Center: Not everyone wants to drive into town & deal w/ traffic & parking
More needed with current growth
Larger selection of classes & gyms for adults
They do well with the facilities they have
different - non-[illegible] Classes. I want to teach a class but I am not an employee of the City so I can't
St. George offers so much more than we do.
Growing quickly, need to prepare for the growth
Better & more maintained facilities, better run sports programs
Our needs - yes
Does not have own inside courts, pool is too small. Gym does not exist
The ball fields are always given a priority to other sports. We need to be able to play softball on our fields
connect existing trail systems & maintain pickleball courts
Not enough fields
A local Skate Park would help meet more needs
Need a Skate Park & BMX Park
There is no where safe to ride bikes
Could use more fields/complexes
I think it does a great job with given resources, always room to improve.
Needs better soccer fields

Demographics Questions Results

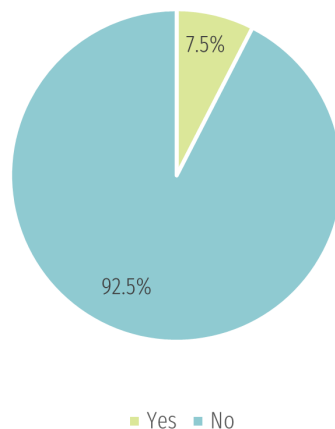
1. Please indicate your gender:



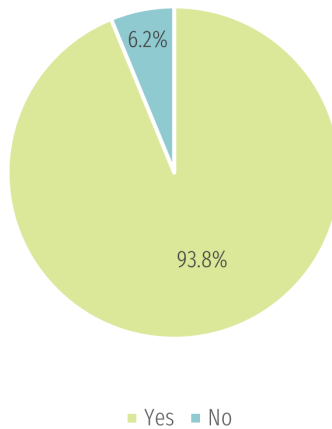
2. Please indicate your age:



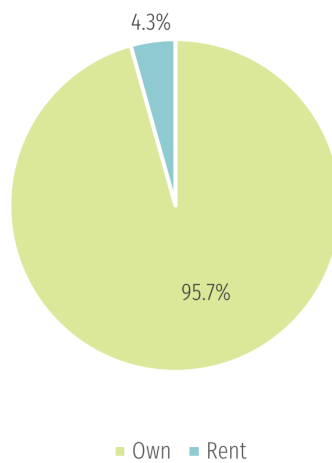
3. Are you a college student?



4. Do you live in Hurricane year round?



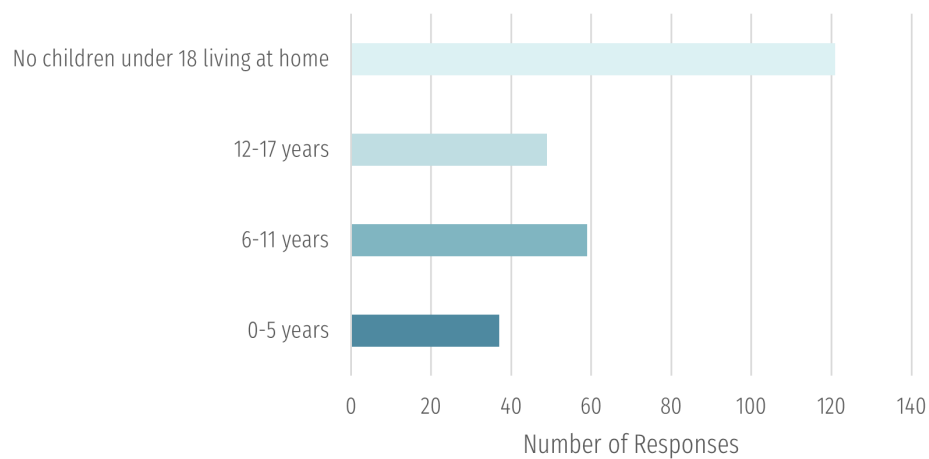
5. Do you own or rent?



6. How long have you lived in Hurricane?

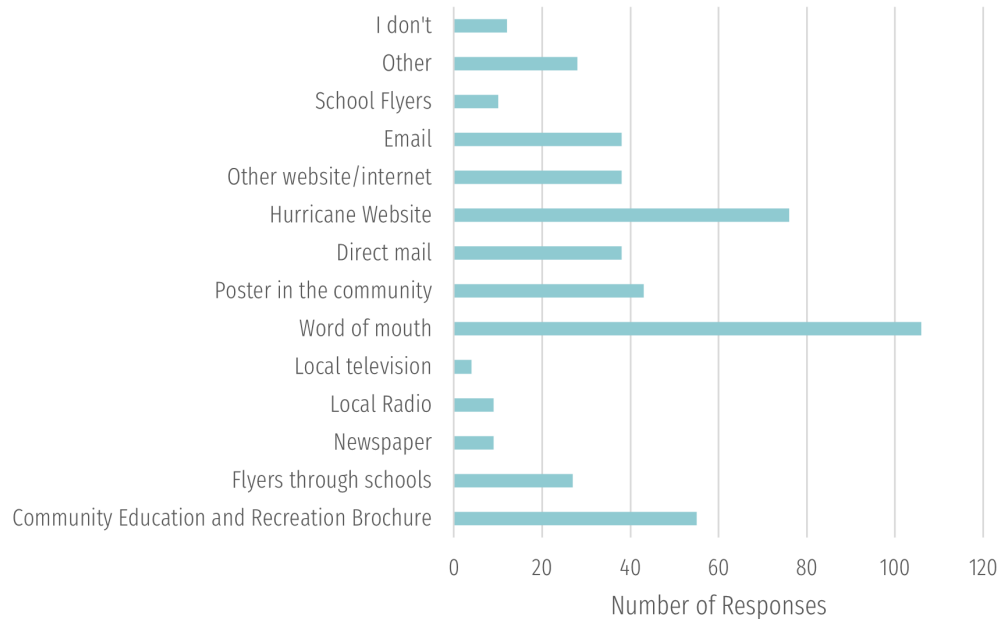
Average years lived in Hurricane: 12

7. Please check the categories for which you have children at home:



8. How do you learn about leisure & recreation events and activities?

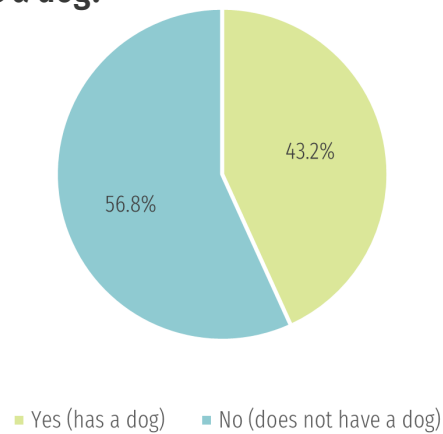
How do you learn about leisure and recreation events and activities?



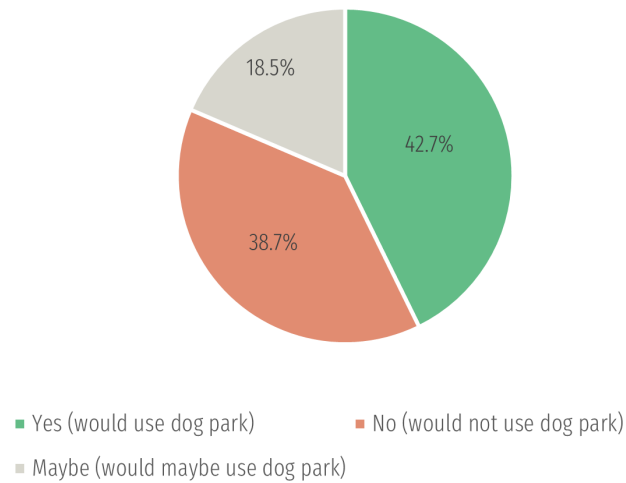
Responses to "Other" (8. How do you learn about leisure & recreation events and activities?)

Social Media	City Mailer
Facebook	Facebook, City News
Social Media	Need better communication
Facebook	Text
City Employee	Hurricane Texts
Social Media	Web Search
Facebook	Utility Bill
Social Media	Facebook
Daughter & Son in law are educators here in town	Social Media
Social Media	Accidental
Annual book with all activities listed	Senior Center
HPD / Facebook	Facebook
Neighbors	I think communication could improve
Digital Billboard at Community Center	Hurricane Rec Website
St. George News Online	Friends

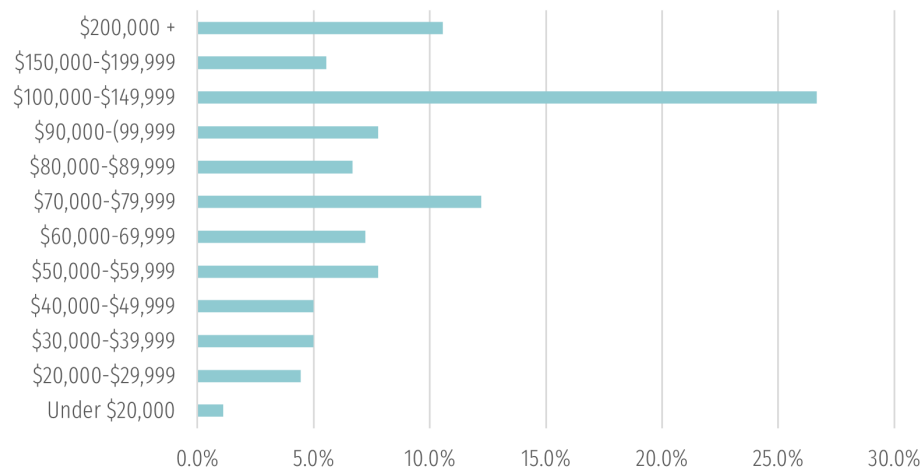
9. Does your household have a dog?



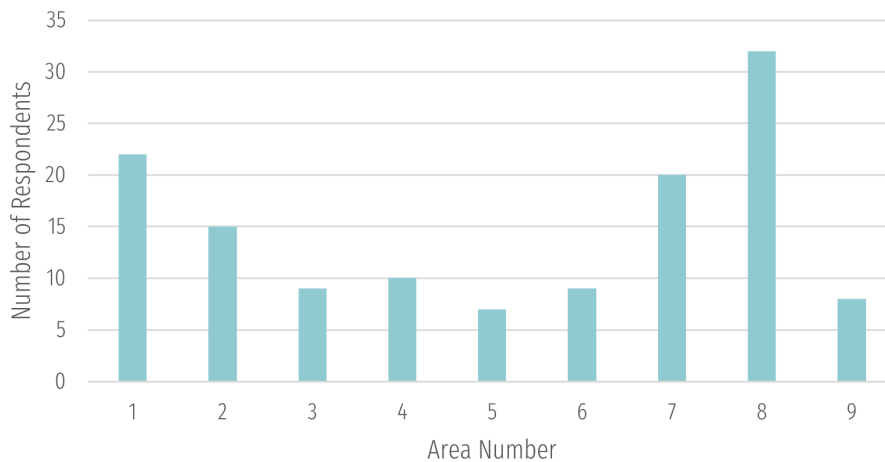
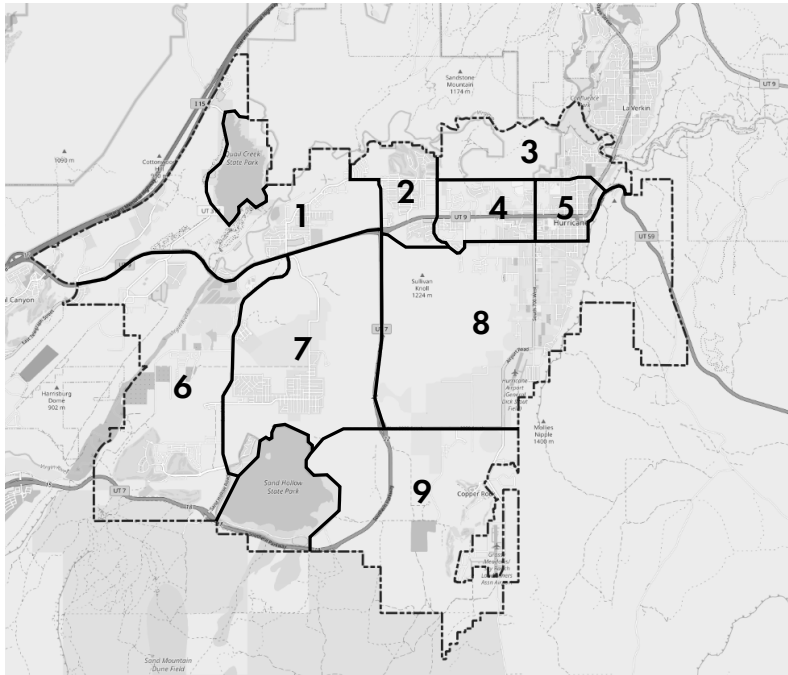
If yes, would you use a city dog park if one were available near you?



13. What is your approximate annual household income?



14. Please select from the areas below, the region in which you reside (1–9):



15. Any additional comments related to parks, recreation, open space, trails, etc. ?

I havent been to the dog park in a few years because it was horrible. There is an amazing dog park in Washington off the [expletive] road. Wish we had one like that.

please consider older age groups not just chिल्dren when adding new activities or programs please build more public pickleball courts

The city & schools need work more together to use what we have. The School facilities & Fields could be better utilized if the I'd like to see near Hurricane an Aquarium, a small zoo, and a childrens museum. Mostly because I want children to learn more about animals and not only desert animals but from other habitats. I'd like to see parks and trails full of trees and have access to bathrooms and parking. A train park would be nice to have near by.

(Continued) 15. Any additional comments related to parks, recreation, open space, trails, etc. ?

Working full time now so have limited time for Parks & Rec activities but plan to retire soon & participate. Interest in art, Music I would bike a lot more if there were a dedicated bike trail from Dixie Springs to the Virgin River Trail in Long Valley or to Wal-Mart area. I feel that the lanes are unsafe/ too narrow and the traffic too fast or unpredictable on Sand Hollow or Flora Tech. The Dixie Springs park is a wonderful neighborhood park, particularly for families. I normally hike (daily) in nature: West Cinder Knoll, Red Cliffs; Zion's Gate; Sand Hollow. Also hike often at Confluence Park, Main St. trailhead. No improvements desired-- want just the natural environment.

Thank you for posting this survey

I love participating in community recreation. I love the affordability. I love that my kids can learn to be good citizens through involvement in city program. I think it's great that so many more kids are participating. The struggle has been with actually enrolling them in programs. For dance and tumbling, if you don't do it ASAP you won't get in. I don't like that I can't sign them up for their tumbling/jiu jitsu online. I have to call which is a pain. I would love to see more outdoor recreation. My kids have to go to St. George for things like bouldering. I would LOVE to see an indoor pool with a baby/toddler friendly area. I would also like it for swim lessons. Several of our lessons were cancelled last summer because of rain.

Please fix the pickle ball courts at the rec center

There is a retention pond behind our subdivision that is owned by the city. It's over 6 acres and would be a great area to develop into a soccer field or some other kind of recreational area other than what it is currently being used as. Counsel Heideman and Fred Ruesch has more information on the property.

Please consider those residents that don't participate in traditional sports programs. Please add more mountain bike trails and a skate park

We need tennis courts!!! The high school posted no trespassing signs on their courts. We would love some city tennis courts since there are zero options in Hurricane now. We would also like more paved bike paths to use in Hurricane. We utilize the St. George and Washington paths. Hurricane needs some! We would like a lined paved bike path all along 600N.

Connect Grandpa's Pond Trail to Quail! Build a bridge to carry hikers over the river to the trails at Quail. Open pit mining has no place in residential neighborhoods. Putting an end to blasting in these areas would be the single best upgrade to our retirement experience!

More Bike Trails

You would get a much better response & save time by using Qualtrics or Google Forms to collect this information but thanks for doing it.

Map is so small I can't tell but I live behind Tractor Supply to the north. I would love the walking path on 600 N to continue to give safer options for walking/biking to school

Please build skate parks. [illegible]

The Zions Gate park near my house, the lights are always off. I know how to turn them on and off so whenever I go by and see a family there I ask them if they'd like me to turn them on. There should be an easier way to turn those lights on because no one ever knows how.

We don't hear about any City programs or events unless we search the City website, which we don't often think to do. Maybe a city newsletter would be nice to announce events & promote resources & programs.

Would dearly love bicycle routes. The current bike routes are on busy roads w/ sporadic shoulders. If you want a long bike ride, options are dangerous. Wish we had a bike path along the river like St. George/Washington.

Thank for all you do!

Keep up the good work! We appreciate your efforts

Please complete trails & clean up piles of dirt etc.

Pecan Valley is in dire need of trails (paved) parks to include bathrooms, dog parks, etc. Something like Dixie Springs walking trails

(Continued) 15. Any additional comments related to parks, recreation, open space, trails, etc. ?

Parking needed at community center. No commercial by the community center or near it

Parking around community center needs to be increased.

Wheels parks will get my kids & many other kids out of the house & doing something active. Many kids need this for their mental health & development.

More Parking at community Center. No commercial development at community center.

600 N State Street & other streets are too dangerous to ride bikes on so we have to take bikes to places like Sullivan soccer park, Santa Clara, Virgin park.

More paved bike paths needed safe from vehicle traffic. More walking paths, both paved & unpaved. Year round pool would be a great thing.

We need more & Better Pickleball Courts.

Maintenance of trails & trails standards need to be addressed from policy perspective. Is this something that parks should be in charge of? In other jurisdictions they have staff that are solely responsible for planning & building trails.

Love living in Hurricane & not in favor of what seems to be uncontrolled growth.

*Pedestrian /Vehicle separation @ parks (i.e fenced play areas w/ access management) *Clear lines of sight (i.e border planting & siting areas between attractions) *Dense low level lighting (avoid harsh shadows & light pollution)

Improve Existing - Safety at Parks/Traffic

Key to longevity is an active lifestyle. - A walkable city, parks w/ fitness equipment & regular instruction on how to use equipment. - this can help the aging community, keep the young active & reduce health issues by making the community healthy "Watch Blue Zones on Netflix"

I wish that Hurricane would look at what Irvine & St. George have done to make cycling a safe way to travel around the city. We need more paved cycling paths so our community can reach the downtown area by bicycle from outlying neighborhoods. Having this available would improve the overall health of our residence. Many of our hiking/cycling paths have eroded & are not safe for beginning cyclist.

When my grandkids visit we use the Sky Ridge Park

Hurricane is huge; remembering there are many residents outside of downtown Hurricane would be great.

Need classes after 5pm, need more dog parks as they are not convenient for everyone. One by the equestrian park would be amazing.

More dog friendly areas. Hurricane City does not love dogs.

We applaud the good job the employees do on keeping the parks common areas & cemetery looking so good, neat, weeded & mowed. Remove non-functional grass areas - such as areas between sidewalk & roads - Use re-use water on areas when & where possible

Tiffany & Jennifer Rock! - Debbie Garrett is amazing

A year round pool should be available in a community this size. It isn't a money maker - it's a gift to our children & grand children - Seniors

I think the parks should be made available to families who wish to use them for family gatherings, reunions, etc...

We don't need anymore parks for [illegible] For people to muck up. We don't have enough water to water grass in another park. - This town needs a regular grocery store. Supermarket.

Can't figure out map. I border Washington on Telegraph.

A single page newsletter would be great - Noting forthcoming events & general park & rec info. You need a PR Manager that's connected with the community.

Where are the existing trails?

(Continued) 15. Any additional comments related to parks, recreation, open space, trails, etc. ?

Create paved Virgin River Trails from Washington to LaVerkin. Paved trails to & around sand hollow lake.

Please connect Trails. Please fix pickleball courts

We need safe bike trails & walking. Asphalt trails to walk & bike would be like heaven. See St. George for example ramp funds could surely help

The recreation staff in Hurricane are wonderful. - We really need an improved baseball complex/ hosting regular tournaments would pay for itself.

People need breathing room, don't over build - Add restaurants - no more convenient or drive throughs

There are open spaces that attract a lot of trash. Access not easy but doable.

The area between SR 9 & SR7 seems as though it should be a safety concern based on all the activities that are going on at any given time. The growth is moving at a rapid pace adding even more concern. Need paved trails all along that route.

I feel that a bike trail is needed out in my area. many people ride out here and a trail would allow safety and access to town. I like that we as a community are asked what is or needs. When I take my grandchildren to the water park or swimming pool it is standing room only. another and/or a covered year round pool would be awesome. i would like to see some sort of activities for or youth 13-16 those that cannot drive, but need to have a place to hang out and be safe.

It would be awesome to connect a trails system to the Virgin River Trail System. It would be nice to be able to have a path for an ebike to safely commute into Washington & St. George. It would also be great to have a mountain bike park (maybe use system by Quail) to build a great mtb bike park w/ beginner-expert runs. With well designed drops to practice on. Like Snake Hollow in St. George.

I know there is a lot of maintenance, but also a pretty steady revenue stream from tournament weekend baseball/softball tournament use of fields and sales of concessions. We live in an area where the lease of the fields themselves to tournaments being hosted is an option year-round almost. The new Sport Court addition is FANTASTIC! Thank you for working hard to do the best you can with the money you have. It's not unnoticed.

Would love to have more asphalt trails for biking with my kids. We go to Washington/St. George to have safe asphalt trails that are a good distance away from cars - Some of our favorite trails are Washington Canyon Park & Hell Hole Trailhead and Snowcanyon trails

Thanks!

My property taxes have gone up 30% in 6 years. Spend our money wisely.

We have needed a trail to 1380 W for so many years, we need it now. Not later. We are all local people with horses and want to ride out from where we live. Thank you!

Keep BLM & Open Space available for Rec use. We don't move here because we want City life.

More accessible paved trails for wheelchair access. Free state park entrance for wheelchairs.

More lighting in parking lots

Sand Hollow

I have been using the pool program for years. We have a problem getting life guards & one of the doors has been broken forever & soap dispenser in showers.

Just more or better up keep of said areas. Maintenance is average to poor in many places that are community based. Overall - pretty good - we love Hurricane and will be full time residents soon.

Can't be in the sun at outdoor pool - Skin Cancer

Thanks for adding lighting at Dixie Springs Pickleball Courts

All of Hurricane not just my area

I love climbing Mollie's Nipple but it is so steep I frequently fall coming down. Decrease the grade. You've got the nice parking area now make it a little easier to access.

Just keep dogs & children in mind and activities for seniors.

(Continued) 15. Any additional comments related to parks, recreation, open space, trails, etc. ?

Provided it is kept clean & free of dog poop. The current dog park is usually a mess, covered in poop because people don't clean up after their dogs.

We would like to see more open spaces & Less mass housing projects

It would be really awesome to get adult coed volleyball or mens and/or women's as well and a trail race in Hurricane

The L & R Dept. is adequate for those that need public support, facilities. Additional facilities would only serve the few & burden the many

The city has plenty of parks and recreation areas. We need to just maintain what we have. We want to keep the current atmosphere of this city. Spend money on streets and not parks.

Walking/Biking Paths please!! Make the canal into a walking /running path

The dog park should indicate small dogs under 25lbs - Large dogs -(Dog Town Park)

Consider building a park on Rlington Parkway just south of S. Valley View Dr. Currently its just a plot of cement. Would love a park with Shade/infant toddler swings & gazebos.

Baseball Field needs safer parking, could be done easily & cheaply why has it not been?

We did not choose to live here when its being turned into one big RV Park. The Traffic, congestion etc, along with the rude people make us want to sell and move the [expletive] out. Wish we had not built here.

No More dogs on trails, Dog Owners do not follow rules. No more dog parks - [expletive] smells and flies and Barking

Need Shooting Range (Over 200 yds)

We need lots of asphalt/concrete walk trails that connect all parts of the city. Especially need them along sand hollow road and Highway 9

After the pitbull event last spring, I tried walking on the dirt roads near the new water park, but they were often muddy. Please provide a walking trail west of the Walmart where dogs are barred or bar them from the Grandpa's Pond Trail, there is plenty of grassy area for them. Little dogs are slow & people give them too much leash or don't use one.

The parks dept. does a great job keeping our parks clean & well supplied. Thank you!

As far as comments, I think it would be so so nice to have a paved biking/walking trail like St. George has. We have a beautiful area with lots of areas that would be fun to ride on a biking trail around. Sand Hollow would be a great place to have a paved bike trail around so you don't get hit by a car when riding. There is hardly any shoulder to ride on there.

Too many dogs

60 East is not a dog park, people use the road for their dogs and don't have a leash or pick up the poop!

I can't read that map. We are near 400 South.

A clip board for this survey.

[illegible] A good survey would allow electronic response from many more residents.

Main Street

I am a fitness person and did not find the programs a good fit. I appreciate the effort though. Good ideas but not implemented well.

Build a Skate Park & BMX Park

Need a bigger recreation Center. Using an old school does not meet our City.

Sky Ranch Airport Area

Open the road between community center at least on weekends

Put a nice softball /sports complex in. Host tournament & Provide more space for various sports. Easy access from SR 7.

Maybe we could vote to use some of the recreation tax for sidewalks

The City of Hurricane desperately needs a skate/bmx park and better fenced (keep dirt bikes off) bmx jumps

(Continued) 15. Any additional comments related to parks, recreation, open space, trails, etc. ?

I wish Hurricane would hook into the Virgin River Trail for walking & biking. Also, more areas to ride bikes. With the amount of people hit, it is dangerous to ride around here. Very little room on the left side of the road & most streets have high speed limits. We have to put our bikes in our vehicles to get to the bike paths. We use the trails system to hike & get exercise. Not enough near us & we have to travel several miles to get there. Grandp's Pond needs to be monitored better. There are drinking parties down by the river with loud music & trash. we have seen homeless people there too so I don't feel safe to send grandkids.

Courts, Pickelball courts, walking paths

I walk every morning and crossing state street can be scary. I would love long state trails to walk on

Our family loves the sports complex and fields. We would love to see more & see more local events/activities because we have the facilities & we would like our sports programs to grow in the community

More Trails, More Parks Please!

I enjoy biking so a more connected bike trail system would be nice. Also, more pickel ball courts. Thank you! I think you're doing a great job!

APPENDIX E

IMPACT FEE CERTIFICATION

Certification of Impact Fee Analysis

In accordance with Utah Code Title 11-36a-306 Cody Howick, P.E., on behalf of Civil Science, Inc., make the following certification:

I certify that the attached impact fee facilities plan and impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
or
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and
4. complies in each and every relevant respect with the Impact Fees Act.

This Certification is made with the following assumptions:

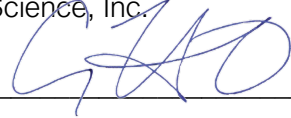
1. All data provided to Civil Science, Inc. is assumed to be correct, complete, and accurate.
2. Any changes to the impact fee facilities plan and impact fee analysis after the issuance of this certification will void same certification.
3. The undersigned is trained and licensed as a professional engineer and has not been trained or licensed as a lawyer. Nothing in the foregoing certification shall be deemed an opinion of law or an opinion of compliance with law which under applicable professional licensing laws

or regulations or other laws or regulations must be rendered by a lawyer licensed in the State of Utah.

4. This certification expresses professional opinion base on the undersigned best knowledge and understanding, and shall not be taken as a guarantee, warranty, or fact.

Civil Science, Inc.

By: _____

A handwritten signature in blue ink, appearing to be 'G. H. O.', written over a horizontal line.

Dated: 5/6/2024

Table 2. Equivalent Residential Connection Factors

Meter Size	Area (sq.in.)	Equivalent Residential Connections (ERC)
5/8"	0.307	1.00
3/4"	0.442	1.44
1"	0.785	2.56
1-1/2"	1.767	5.67
2"	3.142	10.24
3"	7.069	23.04
4"	12.566	40.96
6"	28.274	92.16
8"	50.266	163.84

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH
AMENDING THE IMPACT FEES FOR PARKS, TRAILS, AND RECREATION**

WHEREAS the City of Council of Hurricane, Utah has by ordinance previously imposed impact fees to provide funding for parks and recreation to serve property and residents within Hurricane City; and

WHEREAS the City has undertaken a study for the purpose of preparing an Impact Fee Facilities Plan for Parks, Trails, and Recreation in accordance with the Utah Impact Fee Act contained in Utah law, which identifies the demands placed upon existing facilities and services by new development activity and the proposed means by which the City will meet those demands; and

WHEREAS the Hurricane City Council desires to give formal acceptance and approval of the Hurricane City Parks, Trails, and Recreation Master Plan, which includes an Impact Fee Facilities Plan (referred to collectively as the “Plan”), which is attached herewith and incorporated herein; and

WHEREAS the City Council finds and determines that the Plan establishes a need to impose impact fees on development activity in order to achieve an equitable allocation to the costs borne in the past and to be borne in the future; and

WHEREAS the City desires to assess and impose impact fees based upon the Plan and the analysis contained therein; and

WHEREAS a public hearing, after public notice as required by law, has been held by the Hurricane City Council on the 2nd day of May 2024, to take comments on the Plan, a copy of which has been available at the Hurricane City Office and the Hurricane Branch of the Washington County Library for a period of 10 days prior to the public hearing; and

WHEREAS the City Council adopted the Plan on the 2nd day of May 2024 at a regularly scheduled public meeting, which Plan included an Impact Fee Facilities Plan and Impact Fee Analysis.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah as follows:

2. Based upon the analysis and computations set forth in the Plan previously approved, the City hereby adopts an impact fee of \$_____ per equivalent residential connection.

3. In order to ensure that impact fees are imposed fairly and in order to respond to unusual circumstances in specific cases, the City may adjust the standard impact fee at the time the fee is charged. Such adjustment shall be made only upon specific written request to the City

by persons subject to payment of such fees and after consideration of the matter by the City at a regular meeting of the Hurricane City Council.

4. The City may adjust the amount of impact fees to be paid on any specific development, including bona fide and deed restricted low-income housing, based upon studies and data submitted by the developer evidencing that the impact fee imposed is unfair or not reasonably related to the impacts caused by such new development. The application to adjust fees, together with any supporting data and studies, shall be submitted to the City staff for review and recommendation to the City Council. Within 30 days, the City Council shall consider all pertinent information and make any adjustments deemed appropriate at a regular meeting of the City Council.

5. The City may grant to a developer who constructs facilities included in the Impact Fee Facilities Plan impact fee credits in accordance with Title 9, Chapter 6 of the Hurricane City Code.

6. The City will respond to a request by a state entity, school district, or charter school for an individualized review of the fees charged to their facilities. Said response shall be completed within 30 days of the request.

7. All fees received by the City pursuant to this Ordinance shall be used, accounted for, and, as appropriate, refunded, in compliance with Utah Code Title 11, Chapter 36, Impact Fees Act, Part 6, Impact Fee proceeds

BE IT FURTHER ORDAINED that this ordinance shall take effect 90 days from the date of adoption, as required by law.

PASSED AND APPROVED THIS 6th DAY OF JUNE 2024.

Nanette Billings, Mayor

ATTEST:

Cindy Beteag, Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 6th day of June 2024. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____



STAFF COMMENTS

Consideration and possible approval of **Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50** to add a new zoning classification R1-4, residential one unit per 4,000 square feet.
Hurricane City, Applicant

Discussion:

Summary for June 6, 2024 Meeting:

This proposed new zone was discussed on May 2, 2024, and the item was continued. On May 2, 2024, the Council discussed concerns about the size of the lots that would be permitted in the proposed new zone. Staff also raised concerns regarding the front yard setback, including: (1) a minimum 20' setback is required to satisfy the National Electric Code where 'switches' are installed in the public utility easement, making the 15' setback inadequate and (2) a 20' setback in front of garages is inadequate to accommodate driveway parking, which will push pedestrians into the roadway and set up future residents to violate Hurricane City Code 7-1-6, which prohibits parking on sidewalks. It appears that a front yard setback of 20 feet for living areas and 25 feet for garages would resolve the setback concerns raised by the various departments. Councilman Thomas has met with the Planning Department to discuss some of the items raised in the May 2nd meeting. Staff is awaiting direction from the Council.

-Dayton Hall

Summary for May 2, 2024 Meeting:

The City Council has directed staff to amend the City's land use ordinance for the purpose of creating an R1-4 single-family residential zoning classification. The intent of the proposed R1-4 zone would be to facilitate the development of smaller, naturally more affordable housing in the City by allowing single-family development on smaller lots with reduced development standards. If adopted, this zoning designation would only be available through a formal zone-change request and by approval of the City Council. In response to discussions with the City Council and the Planning Commission, some of the key elements of the proposed zoning classification are listed below:

- 4,000 square foot average lot area (3,600 square foot minimum).
- 50-foot minimum lot width.
- ADUs or Air B&Bs will not be permitted.
- Reduced setback standards:
 - Front Yard – 15 feet for living area / 20 feet to the garage
 - Rear Yard – 10 feet
 - Side Yard – 5 feet
 - Interior Side Yard – 15 feet

The proposed code amendment will require updates to portions of Chapters 11, 13, and 50 of Title 10. The Planning Commission heard this item on April 25, 2024. The majority of the Commission expressed overall support for the proposed R1-4 zone, but they also had significant concerns. During their discussions on the item, worry was expressed that if the General Plan becomes binding, this zone would be allowed anywhere in the city with a single-family designation, thus, causing the city to lose its agricultural character and change into a higher density urban area. The Commission voted 5 to 2 to recommend approval, with the 2 dissenting votes citing doubts as to whether or not this ordinance would even have any real ability to provide more affordable housing at all, and felt that it may even have the unintended effect of possibly increasing prices. Ultimately, the Commission felt that such a zoning class would provide a viable option to develop more affordable housing in the city and supported the adoption of the R1-4 zone with the admonition that it only be allowed by existing multi-family developments and other higher density areas in the city, and also urged that the minimum lot size be no smaller than 4,000 square feet, instead of 3,600, and eliminate the proposed average lot size altogether. Staff has no objections to the Planning Commission's suggestions and recommends approval. Gary Cupp

Findings:

Recommendation:

Attachments:

1. CHAPTER_11.____ZONES_ESTABLISHED (v.1)(GC)
2. Sec._10_13_3.____Uses_allowed (v.1)(GC)
3. Sec._10_13_4.____Development_standards (v.1)(GC)
4. CHAPTER_50.____WIRELESS_TELECOMMUNICATIONS_FACILITIES (V.1)(GC)
5. Ordinance 2024-07 amending Title 10, Chapters 11, 13, 50_R1-4 Zoning
6. LUCA24-02_ R1-4 Zoning CC Staff Report_5-2-24

CHAPTER 11. ZONES ESTABLISHED

Sec. 10-11-1. Establishment of zones.

In order to accomplish the purposes of the City general plan and this title, the following zones, along with their accompanying abbreviations, are hereby established as follows:

A.	<i>Agricultural zones:</i>	
	Agricultural 40	A-40
	Agricultural 20	A-20
	Agricultural 10	A-10
	Agricultural 5	A-5
	Agricultural 1	A-1
B.	<i>Residential agriculture zones:</i>	
	Residential-agricultural 1	RA-1
	Residential-agricultural .5	RA-.5
C.	<i>Residential zones:</i>	
	Single-family residential 15	R1-15
	Single-family residential 10	R1-10
	Single-family residential 8	R1-8
	Single-family residential 6	R1-6
	Single-family residential 4	R1-4
	Multiple-family residential 1	RM-1
	Multiple-family residential 2	RM-2
	Mobile home/RV park	MH/RV
D.	<i>Commercial zones:</i>	
	Neighborhood commercial	NC
	General commercial	GC
	Highway commercial	HC
	Planned commercial	PC
	Pedestrian-oriented commercial	POC
E.	<i>Business and industrial zones:</i>	
	Business/manufacturing park	BMP
	Professional office	PO
	Light industrial	M-1
	Heavy industrial	M-2
F.	<i>Open space and public facility zones:</i>	
	Open space	OS
	Public facilities	PF
G.	<i>Special purpose and overlay zones:</i>	
	Agriculture protection overlay	APO
	Historic district overlay	HDO
	Planned development overlay	PDO
	Sensitive lands overlay	SLO

	Runway protection	RPZ
	Recreation resort	RR
	Extraction industries overlay	

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-9, 4-1-2004; Ord. 2008-10, 6-5-2008; Ord. 2009-04, 3-19-2009; Ord. 2020-03, 2-6-2020)

Sec. 10-11-2. Zone purposes.

In addition to the general purposes of this title as set forth in section 10-1-3 of this title, the various zones each serve more specific purposes as set forth below:

- A. *Agricultural zones.* Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.
- B. *Residential agriculture zones.* Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.
 1. The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the City's semirural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- C. *Residential zones.* Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.
 1. The purpose of the R1-15, R1-10, R1-8, ~~R1-6~~, and R1-~~46~~ zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 2. The purpose of the RM-1 and RM-2 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at medium to high density that are appropriately buffered from and compatible with surrounding land uses. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 3. The purpose of the MH/RV zone is to provide locations where neighborhoods consisting of manufactured/mobile homes and recreational vehicle parks and subdivisions may be created, maintained, and preserved. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- D. *Commercial zones.* Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the City.

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1. The purpose of the NC zone is to provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.
 2. The purpose of the GC zone is to accommodate a wide range of commercial uses developed without an overall plan or design scheme. Use of the GC zone for new commercial development should be avoided unless integrated shopping center development in another zone is not practical or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed appropriate for commercial use. Typical uses in this zone may include offices, retail stores, personal services, heavy commercial, and institutional uses.
 3. The purpose of the HC zone is to provide commercial areas with visibility and access from Interstate 15 and major arterial roads for the convenience of commuters and the traveling public. Typical uses include lodging facilities, personal services, travel plazas, restaurants and fast food facilities, and commuter parking.
 4. The purpose of the PC zone is to provide areas of mixed use developments where a combination of destination-oriented business, retail commercial, entertainment, high density housing, and related uses may be established, maintained, and protected to serve both residents and nonresidents of the City. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.
 5. The purpose of the POC zone is to provide walkable commercial areas which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development and limited medium to high density residential uses that can be harmoniously mixed with commercial development.
- E. *Business and industrial zones.* Business and industrial zones provide areas for conducting business, manufacturing and industrial activities.
1. The purpose of the BMP zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, personal service shops, medical offices, office/warehouse buildings, and research facilities.
 2. The purpose of the PO zone is to provide locations primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the City. Typical uses in this zone include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.
 3. The purpose of the M-1 zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.
 4. The purpose of the M-2 zone is to provide areas where uses involving industrial processes and natural resource extraction may be permitted without negatively impacting other areas of the City, especially when undertaken on a large scale.
- F. *Open space and public facility zones.* Open space and public facility zones allow public or quasi-public uses.

-
1. The purpose of the OS zone is to recognize on the official zoning map areas which are open and generally undevelopable due to government ownership, their sensitive environmental nature and/or the unavailability of adequate public facilities, such as conservation areas and national park land.
 2. The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities and which utilize relatively large areas of land. This zone is intended to provide immediate recognition of such areas on the official zoning map. Typical uses in this zone are cemeteries, hospitals, open air theaters, public parks, public schools, and public utility facilities.
- G. *Special purpose and overlay zones.* Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations apply.
1. The purpose of the APO zone is to protect and preserve existing agricultural areas from encroachment of development and to allow ongoing agricultural operations to continue without unreasonable regulations, except for those needed to protect public health and safety.
 2. The purpose of the HDO zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the City.
 3. The purpose of the PDO zone is to permit a compatible, master planned mix of various uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although development size may vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.
 4. The SLO zone provides regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.
 5. The RPZ zone provides regulations to promote and protect the City airport.
 6. The recreation resort zone is established to designate certain areas within the City where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.
 7. The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in the City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-9, 4-1-2004; Ord. 2004-15, 6-17-2004; Ord. 2008-10, 6-5-2008; Ord. 2009-04, 3-19-2009; Ord. 2009-15A, 11-5-2009; Ord. 2013-02, 3-21-2013; Ord. No. 2022-12, 5-5-2022)

Sec. 10-11-3. Official zoning map.

- A. *Zones.* The location and boundaries of the zones described in this chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Hurricane City Official Zoning Map, as provided in this section.
 - 1. The zones established by this chapter are intended to further the goals and policies of the City general plan. Accordingly, not every zone established by this chapter need be included on the official zoning map unless and until the City Council, in the exercise of its legislative discretion, determines that placing a particular property in a particular zone will further the goals and policies of the general plan.
 - 2. Each lot within the City shall be subject to the requirements of the zone, or zones, in which the lot is located as shown on the official zoning map.
 - 3. The official zoning map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.
- B. *Amendments.* Amendments to the boundaries of a specific zone shown on the official zoning map shall be accomplished in accordance with the provisions set forth in section 10-7-7 of this title.
- C. *Map updates.* The Zoning Administrator shall update the official zoning map as soon as possible after amendments are adopted by the City Council. Upon entering any such amendment on the map, the Zoning Administrator shall note on the map the date of the revision.
- D. *Filing of ordinance and map.* The ordinance codified herein and official zoning map shall be filed in the custody of the City Recorder/Clerk and may be examined by the public subject to any reasonable regulations established by the City Council.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-11-4. Rules for locating zone boundaries.

- A. *Applicability.* Where uncertainty exists as to the boundary of any zone shown on the official zoning map, the provisions of this section shall apply to determine the location of such boundary.
- B. *Centerlines and property lines.* When a zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the official zoning map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.
- C. *Waterways, park and public land.* When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway, public park or other public land, or any section line, then the center of the stream, canal or waterway, or the railroad right-of-way, or the boundary line of the public land or section line shall be deemed to be the boundary of the zone.
- D. *Lot, block, and tract lines.* Zone boundaries indicated as approximately following platted lot lines, or block or parcel tract boundaries shall be interpreted as following such lines.
- E. *Street vacations.* When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two zones, each zone shall extend to the centerline of the vacated right-of-way.
- F. *Uncertainties.* When a physical or cultural feature existing on the ground is at variance with one shown on the official zoning map, or in case any other uncertainty exists with respect to a zone boundary, the Zoning

Administrator shall determine the boundary location, subject to appeal to the Appeals Board as provided in this title.

- G. *Zoning Administrator to make determination.* The Zoning Administrator shall have the authority to make all zone boundary clarifications and determinations subject to the rules above and appeal to the Appeals Board as provided in this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2018-12, 10-18-2018)

Sec. 10-11-5. Clarification of zoning.

- A. *Ambiguous zone.* Any property which is not clearly zoned on the City's official zoning map shall be deemed to be in the most restrictive adjacent zone.

- B. *Ambiguous use.*

1. If ambiguity arises concerning the classification of a particular use within the meaning and intent of this title, the Zoning Administrator shall determine the proper use or development standard. The Zoning Administrator may refer the matter to the Planning Commission for a final determination, if the Zoning Administrator deems the use unusual enough to require special consideration. The Planning Commission's determination shall be final and is subject to appeal to the Appeals Board as provided in this title.

(Ord. 2012-8, 10-18-2012; Ord. 2018-12, 10-18-2018)

Sec. 10-11-6. Newly annexed territories.

Territory which is annexed shall be deemed to be zoned A-20 immediately upon annexation or as otherwise expressly provided in an annexation agreement. This zoning shall be considered a holding zone and no zone change will be considered until a plan for development is presented.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-13-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 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 10-13-1 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 10-7-18E4 of this title.

TABLE 10-13-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

Use	Zones								
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:									
Accessory building	P	P	P	P	<u>P</u>	P	P	P	P
Agricultural business	N	N	N	N	<u>N</u>	N	N	N	N
Agricultural industry	N	N	N	N	<u>N</u>	N	N	N	N
Agriculture	N	N	N	N	<u>N</u>	N	N	N	N
Agriculture residential	P	P	P	P	<u>P</u>	P	P	P	P
Animal specialties	P	P	N	N	<u>N</u>	N	N	N	N
Animals and fowl for recreation and family food production	P3/C	P3/C	P3	P3	<u>P3</u>	N	N	N	N
Stable, private	N	N	N	N	<u>N</u>	N	N	N	N
Residential uses:									
Assisted living facility	C	C	C	C	<u>C</u>	N	N	N	N
Boarding house	N	N	N	N	<u>N</u>	N	N	N	N
Building, accessory	P	P	P	P	<u>P</u>	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	<u>P</u>	P	P	P	N
Dwelling, multiple-family	N	N	N	N	<u>N</u>	P	P	P	N
Dwelling, single-family	P	P	P	P	<u>P</u>	P	P	P	P
Dwelling, single-family with single accessory dwelling unit	P	P	P	P	<u>N</u>	N	N	N	N
Dwelling, temporary	P	P	P	P	<u>P</u>	P	P	P	P
Dwelling, two-family	N	N	N	N	<u>N</u>	P	P	P	N
Guesthouse or casita	P	P	P	N	<u>N</u>	N	N	N	N
Manufactured home	P	P	P	P	<u>P</u>	N	N	N	P
Manufactured/mobile home park	N	N	N	N	<u>N</u>	N	N	N	P
Manufactured/mobile home subdivision	N	N	N	N	<u>N</u>	N	N	N	P
Protective housing facility	N	N	N	N	<u>N</u>	N	N	N	N
Rehabilitation/treatment facility	N	N	N	N	<u>N</u>	N	N	N	N
Residential facility for elderly persons ¹	P	P	P	P	<u>P</u>	P	P	P	P
Residential facility for persons with a disability ¹	P	P	P	P	<u>P</u>	P	P	P	P
Residential facility for troubled youth	N	N	N	N	<u>N</u>	N	N	N	N
Short term rental ⁴	P	P	P	N	<u>N</u>	N	N	N	N
Transitional housing facility	N	N	N	N	<u>N</u>	N	N	N	N
Public and civic uses:									
Airport	N	N	N	N	<u>N</u>	N	N	N	N
Auditorium or stadium	N	N	N	N	<u>N</u>	N	N	N	N
Bus terminal	N	N	N	N	<u>N</u>	N	N	N	N
Cemetery	P	P	P	P	<u>P</u>	P	P	P	P
Church or place of worship	P	P	P	P	<u>P</u>	P	P	P	P
Club or service organization	N	N	N	N	<u>N</u>	N	N	N	N

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College or university	N	N	N	N	<u>N</u>	N	N	N	N
Convalescent care facility	N	N	N	N	<u>N</u>	N	N	N	N
Correctional facility	N	N	N	N	<u>N</u>	N	N	N	N
Cultural service	N	N	N	N	<u>N</u>	N	N	N	N
Golf course	P	P	P	P	<u>P</u>	P	P	P	P
Government service	N	N	N	N	<u>N</u>	N	N	N	N
Hospital	N	N	N	N	<u>N</u>	N	N	N	N
Operations center	N	N	N	N	<u>N</u>	N	N	N	N
Park	P	P	P	P	<u>P</u>	P	P	P	P
Post office	N	N	N	N	<u>N</u>	N	N	N	N
Protective service	P	P	P	P	<u>P</u>	P	P	P	P
Reception center	N	N	N	N	<u>N</u>	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	<u>P</u>	P	P	P	P
School, vocational	N	N	N	N	<u>N</u>	N	N	N	N
Stable, public	N	N	N	N	<u>N</u>	N	N	N	N
Utility, major	N	N	N	N	<u>N</u>	N	N	N	N
Utility, minor	P	P	P	P	<u>P</u>	P	P	P	P
Commercial uses:									
Agricultural sales and service	N	N	N	N	<u>N</u>	N	N	N	N
Animal hospital	N	N	N	N	<u>N</u>	N	N	N	N
Bail bond service	N	N	N	N	<u>N</u>	N	N	N	N
Bank or financial institution	N	N	N	N	<u>N</u>	N	N	N	N
Bed and breakfast, home	P	P	P	P	<u>P</u>	N	N	N	N
Bed and breakfast inn	N	N	N	N	<u>N</u>	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	<u>N</u>	N	N	N	N
Car wash	N	N	N	N	<u>N</u>	N	N	N	N
Club, private	N	N	N	N	<u>N</u>	N	N	N	N
Construction sales and service	N	N	N	N	<u>N</u>	N	N	N	N
Convenience store	N	N	N	N	<u>N</u>	N	N	N	N
Family child daycare facility ²	P	P	P	P	<u>P</u>	P	P	P	P
Family child group daycare facility ²	C	C	C	C	<u>C</u>	C	C	C	C
Family child residential certificate care facility ²	P	P	P	P	<u>P</u>	P	P	P	P
Family childcare center	N	N	N	N	<u>N</u>	N	N	N	N
Funeral home	N	N	N	N	<u>N</u>	N	N	N	N
Garden center	N	N	N	N	<u>N</u>	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	<u>N</u>	N	N	N	N
Gasoline service station	N	N	N	N	<u>N</u>	N	N	N	N
Hostel	N	N	N	N	<u>N</u>	N	N	N	N
Hotel	N	N	N	N	<u>N</u>	N	N	N	N
Kennel	N	N	N	N	<u>N</u>	N	N	N	N
Kennel, residential	P	P	P	P	<u>P</u>	P	P	P	P
Laundry or dry cleaning, limited	N	N	N	N	<u>N</u>	N	N	N	N
Liquor store	N	N	N	N	<u>N</u>	N	N	N	N

Media service	N	N	N	N	<u>N</u>	N	N	N	N
Medical or dental laboratory	N	N	N	N	<u>N</u>	N	N	N	N
Medical service	N	N	N	N	<u>N</u>	N	N	N	N
Motel	N	N	N	N	<u>N</u>	N	N	N	N
Office, general	N	N	N	N	<u>N</u>	N	N	N	N
Parking garage, public	N	N	N	N	<u>N</u>	N	N	N	N
Parking lot, public	N	N	N	N	<u>N</u>	N	N	N	N
Pawnshop	N	N	N	N	<u>N</u>	N	N	N	N
Personal care service, home based ²	P	P	P	P	<u>P</u>	P	P	P	P
Personal instruction service, home based ²	P	P	P	P	<u>P</u>	P	P	P	P
Printing and copying, limited	N	N	N	N	<u>N</u>	N	N	N	N
Printing, general	N	N	N	N	<u>N</u>	N	N	N	N
Produce stand	N	N	N	N	<u>N</u>	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	<u>N</u>	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	<u>N</u>	N	N	N	N
Recreational vehicle park	N	N	N	N	<u>N</u>	N	N	N	P
Repair service	N	N	N	N	<u>N</u>	N	N	N	N
Research service	N	N	N	N	<u>N</u>	N	N	N	N
Residential hosting facility	P	P	P	P	<u>P</u>	N	N	N	N
Restaurant, fast food	N	N	N	N	<u>N</u>	N	N	N	N
Restaurant, general	N	N	N	N	<u>N</u>	N	N	N	N
Retail, general	N	N	N	N	<u>N</u>	N	N	N	N
Secondhand store	N	N	N	N	<u>N</u>	N	N	N	N
Shopping center	N	N	N	N	<u>N</u>	N	N	N	N
Tattoo establishment	N	N	N	N	<u>N</u>	N	N	N	N
Tavern	N	N	N	N	<u>N</u>	N	N	N	N
Temporary trailer	P	P	P	P	<u>P</u>	P	P	P	P
Transportation service	N	N	N	N	<u>N</u>	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	<u>N</u>	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	<u>N</u>	N	N	N	N
Vehicle repair, limited	N	N	N	N	<u>N</u>	N	N	N	N
Veterinary service	N	N	N	N	<u>N</u>	N	N	N	N
Warehouse, self-service storage	N	N	N	N	<u>N</u>	N	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title								
Industrial uses:									
Automobile wrecking yard	N	N	N	N	<u>N</u>	N	N	N	N
Freight terminal	N	N	N	N	<u>N</u>	N	N	N	N
Heavy industry	N	N	N	N	<u>N</u>	N	N	N	N
Junk or salvage yard	N	N	N	N	<u>N</u>	N	N	N	N
Laundry services	N	N	N	N	<u>N</u>	N	N	N	N
Manufacturing, general	N	N	N	N	<u>N</u>	N	N	N	N
Manufacturing, limited	N	N	N	N	<u>N</u>	N	N	N	N

Mineral extraction	N	N	N	N	<u>N</u>	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	<u>N</u>	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	<u>N</u>	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. See licensing and operations requirements in title 3 of this Code.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 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 title.
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:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

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.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2009-01, 2-5-2009; Ord. 2016-11, 11-17-2016; Ord. 2017-03, 1-19-2017; Ord. 2018-04, 4-5-2018)

Sec. 10-13-4. Development standards.

Development standards within residential zones shall be as set forth in table 10-13-2 of this section.

TABLE 10-13-2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES

Development standard	Zones							
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1 ¹	RM-2	RM-3
Lot standards:								
Average lot area ²	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.	<u>4,000 sq. ft.</u>	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	4,800 sq. ft.	<u>3,600 sq. ft.</u>	10,000 sq. ft.	1 acre (see note 10)	1 acre (see note 10)
Minimum lot width and/or project frontage	90 ft.	80 ft.	70 ft.	60 ft.	<u>50 ft.</u>	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	n/a	n/a	n/a	<u>n/a</u>	6 units/lots	10 units/lots	15 units/lots
Building standards:								
Maximum height, main building ³	35 ft.	35 ft.	35 ft.	35 ft.	<u>35 ft.</u>	35 ft.	35 ft.	35 ft.
Maximum height, accessory building ⁴	16 ft.	16 ft.	16 ft.	16 ft.	<u>12 ft.</u>	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	<u>500 sq. ft.</u>	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: see subsection 10-37-12l of this title	50% of lot	50% of lot	50% of lot	50% of lot	<u>50% of lot</u>	50% of lot	50% of lot	50% of lot
Distance between buildings	10 ft.	10 ft.	10 ft.	10 ft.	<u>10 ft.</u>	20 ft.	20 ft.	20 ft.
Setback standards—front yard:								
Any building ⁵	25 ft.	25 ft.	25 ft.	25 ft.	<u>Living area 15' Garage 20'</u>	Living area 20' Garage 22'	Living area 20' Garage 22'	Living area 20' Garage 22'
Setback standards—rear yard:								
Main building	20 ft.	20 ft.	10 ft.	10 ft.	<u>10 ft.</u>	10 ft.	10 ft.	10 ft.
Accessory building, including private garage ⁶	See note 9	See note 9	See note 9	See note 9	<u>See note 9</u>	See note 9	See note 9	See note 9
Setback standards—interior side yard:								

Main building	10 ft.	10 ft.	10 ft.	8 ft.	<u>5 ft.</u>	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	<u>See note 6</u>	See note 6	See note 6	See note 6
Setback standards—street side yard:								
Main building ⁷	20 ft.	20 ft.	20 ft.	20 ft.	<u>15 ft.</u>	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	<u>See note 6</u>	See note 6	See note 6	See note 6
Pool location and setbacks ⁸	3 ft.	3 ft.	3 ft.	3 ft.	<u>3 ft.</u>	3 ft.	3 ft.	3 ft.

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 10-13-7C of this chapter.
4. Except as otherwise permitted by subsection 10-13-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. If located at least ten feet from main building, two feet. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to ten feet.
8. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the building official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
9. If located at least ten feet from main building, ten feet. Otherwise, same as for main building. No accessory building shall be built within a public utility easement.
10. Minimum area shall not be required in downtown area as listed within the general plan map to allow for infill and redevelopment of the downtown area in order to accomplish goals within the City's general plan and supporting master plans.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2004-15, 6-17-2004; Ord. 2005-6, 2-17-2005; Ord. 2017-14, 8-17-2017; Ord. 2018-14, 12-20-2018; Ord. 2019-02, 3-7-2019; Ord. No. 2020-12, 3-5-2020; Ord. 2020-18, 9-3-2020; Ord. No. 2021-05, 6-3-2021)

CHAPTER 50. WIRELESS TELECOMMUNICATIONS FACILITIES

Sec. 10-50-1. Short title.

This chapter shall be known as the Hurricane City Wireless Telecommunications Tower and Facilities Ordinance and may be so cited and pleaded.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-2. Purpose.

The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications towers and facilities. The intent of this chapter is to:

- A. Encourage the location of facilities in nonresidential areas.
- B. Minimize the total number of monopole and lattice tower facilities throughout the community.
- C. Encourage the joint use of new and existing communication sites.
- D. Encourage providers of facilities to locate them where the adverse impact on the community is minimal.
- E. Encourage providers of facilities to use innovative design to minimize adverse visual impact.
- F. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-3. Scope.

This chapter shall apply to both commercial and private low power radio services and facilities such as "cellular" or "pcs" (personal communications services) communications and paging systems. All such facilities shall comply with the requirements of this chapter, other applicable City ordinances, the Federal Communications Commission and the Federal Aviation Administration. This chapter shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies:

- A. *Amateur radio.* Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
- B. *Satellite.* A device designed for the over the air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
- C. *Cable.* Any cable television headend or hub towers and antenna used solely for cable television services.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-4. Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this title:

Antenna means a transmitting or receiving device used in telecommunications that radiates or captures signals.

Collocation means the location of an antenna on an existing structure, tower or building that is already being used for telecommunication service facilities.

Guyed tower means a tower that supports an antenna or antennas and requires guywires or other stabilizers for support.

Lattice tower means a self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

Monopole facility means an antenna or series of individual antennas and any associated equipment mounted on a single cylindrical pole. For the purposes of this chapter, if a facility does conform to the definition of a roof or wall mounted facility it shall be considered a monopole facility.

Roof mounted facility means an antenna or series of individual antennas and any associated equipment mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure.

Stealth facility means a wall, roof, or monopole facility disguised or concealed from view, such as, but not limited to, artificial trees, synthetic rocks, or architectural elements such as corners, steeples, and chimneys.

Wall mounted facility means an antenna or series of individual antennas and any associated equipment mounted against the vertical wall of a building or structure.

Wireless telecommunication facilities zoning table means table 10-50-1 of section 10-50-5 of this chapter, incorporated herein by this reference.

Wireless telecommunications facility means an unmanned structure consisting of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions which is typically attached to a transmission support structure.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-5. Uses allowed.

Permitted and conditional uses allowed within the various zones established by this title shall be as set forth in table 10-50-1 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 10-50-1 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 10-7-18E4 of this title.

TABLE 10-50-1
PERMITTED AND CONDITIONAL WIRELESS TELECOMMUNICATION FACILITIES ALLOWED

Zone	Wall mount	Roof mount	Collocated	Monopole	Lattice tower	Stealth	Guyed tower
A-40	C	C	C	C	C	P	N
A-20	C	C	C	C	C	P	N
A-10	C	C	C	C	C	P	N

A-5	C	C	C	C	C	P	N
RA-1	P	P	C	C	C	P	N
RA-.5	P	P	C	C	C	P	N
R1-15	P	C	C	C	C	P	N
R1-10	P	C	C	C	C	P	N
R1-8	P	C	N	N	N	P	N
R1-6	P	C	N	N	N	P	N
<u>R1-4</u>	<u>P</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
RM-1	P	C	N	N	N	P	N
RM-2	P	C	N	N	N	P	N
RM-3	P	C	N	N	N	P	N
MH/RV	C	N	N	N	N	P	N
NC	P	C	C	C	N	P	N
GC	P	C	C	C	N	P	N
HC	P	C	C	C	N	P	N
PC	P	C	C	C	N	P	N
POC	P	C	C	C	N	P	N
BMP	P	C	C	C	N	P	N
PO	P	C	C	C	N	P	N
M-1	P	P	C	C	C	P	N
M-2	P	P	C	C	C	P	N
OS	P	P	C	C	C	P	N
PF	P	C	C	C	N	P	N

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-6. Master plan required.

All wireless telecommunication facility applicants shall submit a master plan of the area being serviced by wall mounted, roof mounted, monopole, stealth antenna, stealth tower or lattice tower facilities.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-7. Facility types and development standards.

Wireless telecommunication facilities are characterized by four general types of antenna structures: wall mounted; roof mounted; monopole; and lattice tower. Standards for the installation of each antenna types shall be as follows:

- A. *Wall mounted antenna.* The following provisions shall apply to a wall mounted antenna:
 1. A wall mounted antenna shall not extend above the wall line of the building or structure or extend more than four feet horizontally from the face of the building or structure.
 2. The antenna, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. An antenna and supporting structures on buildings should be architecturally compatible with the building.

-
3. An antenna mounted directly on existing parapet walls, with no portion of the antenna extending above the roofline of such structure, shall be considered a wall mounted antenna.
 4. Stealth wall mounted antennas are encouraged and are permitted in all zones.
 5. Any front mounted wall antenna shall be deemed a stealth antenna.
 6. A wall mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A wall mounted antenna permitted as a conditional use shall require a conditional use permit.
- B. *Roof mounted antenna.* The following provisions shall apply to a roof mounted antenna:
1. A roof mounted antenna and the antenna mounting structure shall not extend more than eight feet above the existing roofline and ten feet back of the exterior wall.
 2. An antenna and the antenna supporting structure mounted on a flat roof shall not extend more than eight feet high and ten feet back of the exterior wall.
 3. A roof mounted antenna on a pitched roof shall be allowed provided the antenna is no more than five feet above the roof pitch.
 4. A roof mounted antenna shall be constructed and/or colored to match the surroundings where it is located.
 5. Stealth roof mounted antennas are encouraged and permitted in all zones.
 6. Any front mounted wall or roof antenna shall be deemed a stealth antenna.
 7. A roof mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A roof mounted antenna permitted as a conditional use shall require a conditional use permit.
- C. *Monopole.* The following provisions shall apply to a monopole:
1. The height limit for a monopole shall be 100 feet except where a greater height is allowed by a conditional use permit, provided that:
 - a. The monopole shall blend in with surrounding structures, poles, or trees and is compatible with surrounding uses.
 - b. The monopole shall be available for collocation of antennas owned by other companies.
 - c. The monopole shall be set back at least 300 feet from any residential zone boundary.
 - d. The height of the monopole shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the monopole.
 2. A monopole shall be set back from any residential structure a distance equal to its height.
 3. Stealth monopole facilities are encouraged and shall be permitted in all zones.
 4. A monopole shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A monopole permitted as a conditional use shall require a conditional use permit.
- D. *Guyed tower.* A guyed tower shall not be allowed.
- E. *Lattice tower.* The following provisions shall apply to a lattice tower:
1. The height limit for a lattice tower shall be 100 feet except where a greater height is allowed by a conditional use permit, provided that:

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- a. The lattice tower shall blend in with surrounding structures, poles, or trees and be compatible with surrounding uses.
 - b. The lattice tower shall be available for collocation of antennas owned by other companies.
 - c. The lattice tower will be set back at least 300 feet from any residential zone boundary. The height shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the lattice tower.
2. Lattice towers shall not be allowed in any residential zone.
 3. A lattice tower shall be a permitted or conditional use, or not permitted, as provided in table 10-50-1 in section 10-50-5 of this chapter. A lattice tower permitted as a conditional use shall require a conditional use permit.
- F. *Collocated antennas.* The following provision shall apply to collocated antennas:
1. Collocated antennas shall be permitted in any zone where a monopole or lattice tower is permitted. Collocated antennas shall conform to all applicable provisions of this title.
- G. *City rights-of-way.* Facilities locating in the City rights-of-way shall also comply with title 7, chapter 8 of this Code.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-8. Color.

Monopoles, lattice towers, antennas, towers, and any associated buildings or equipment shall be painted to blend with the surroundings in which they are most commonly seen. The color shall be determined on a case by case basis by the Planning Commission for conditional uses and by the Zoning Administrator for permitted uses. Within six months after the facility has been constructed, the Planning Commission or the Zoning Administrator may require the color be changed if it is determined that the original color does not blend with the surroundings.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-9. Additional requirements.

- A. *Compliance with FCC and FAA regulations.* All operators of personal (private) wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the Zoning Administrator. Failure to comply with applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.
- B. *Other licenses and permits.* The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the facility to the Zoning Administrator, maintain such licenses and permits in good standing, and provide evidence of renewal or extension thereof upon request by the Zoning Administrator.
- C. *Protection against climbing.* A monopole shall be protected against climbing by removing the climbing pegs from the lower 20 feet of the monopole.
- D. *Miscellaneous considerations.* The following shall be considered by the Planning Commission in connection with a request for a conditional use permit for a wireless telecommunication facility:

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1. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.
 2. Locating the antenna on other existing structures in the same vicinity, such as other monopoles, lattice towers, buildings, water storage facilities, utility poles, athletic field lights, and parking lot lights, etc., where possible without significantly impacting antenna transmission or reception.
 3. Location of the antenna in relation to existing vegetation, topography including ridgelines, and buildings to obtain the best visual screening.
 4. Spacing between monopoles or lattice towers which creates detrimental impacts to adjoining properties.
 5. Installation of, but not limited to, curb, gutter, sidewalk, landscaping, and fencing as required by this title.
 6. Color of facilities.
 7. Height of any lattice tower, including the antenna, over 100 feet.
 8. Any antenna, monopole, and/or lattice tower proposed for a location within a historic district or landmark site shall have prior approval by the Historic Preservation Commission.
 9. Security lighting of monopoles and lattice towers shall comply with FAA requirements for lighting. The Planning Commission may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding areas, shall be minimized by using indirect lighting where appropriate.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-10. Accessory buildings.

Accessory buildings to antenna structures shall conform to required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines leading to the accessory building and antenna structure shall be underground.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-11. Nonmaintained or abandoned facilities.

The Building Official may require a nonmaintained or abandoned telecommunications facility to be removed from the building or premises when the facility has not been repaired or put to use by the owner or agent within 90 calendar days after notice of nonmaintenance or abandonment is given to the owner or agent, by certified mail, in person, or by personal service. The applicant shall post a site specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined by the Zoning Administrator. No bond shall be required for roof or wall mounted facilities. Failure to remove antennas, monopoles, and/or lattice towers after receiving written notice to remove is a violation of the terms of this chapter. The City may initiate criminal and/or civil proceedings against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this section. The City may seek a civil injunction requiring the removal of any structures on the site in accordance with this section. Any lease agreement with the City may also stipulate failure to remove antennas and monopoles after receiving written notice to do so pursuant to this section shall automatically transfer ownership of antennas, monopoles, towers, support buildings and all other structures on the site to the City.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-12. Application requirements.

Any person or entity desiring to develop, construct or establish a wireless telecommunication service facility in the City shall submit an application which provides the following information. The application shall not be considered until all required information has been provided.

- A. *Site plan.* A site plan shall be submitted as provided in section 10-7-10 of this title. In addition to the requirements of section 10-7-10 of this title an application for a wireless telecommunication service facility shall include the following:
 - 1. Name of property owner and a written statement from the owner of the property where the facility is proposed to be located, stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and the obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.
 - 2. Footprints of existing and proposed buildings and structures, including a notation of unit's height above the grade.
 - 3. Location and size of existing and proposed antennas, with dimensions to property lines.
- B. *Written information.* The following written information shall be provided:
 - 1. Signed lease agreement with property owner.
 - 2. Signed lease agreement with the City if site is located on City property.
 - 3. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel, equipment needs, and traffic noise or safety impacts of maintenance activity.
 - 4. A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 - 5. A map showing the site and nearest or associated telecommunication facility sites within the network and a description of the distance between the telecommunication facility sites and how the proposed service area relates to the service network.
 - 6. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the antenna.
 - 7. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 - 8. Contact information for a person who can respond to questions concerning the application and the proposed facility, including name, address, telephone number, facsimile number, and electronic mail address, if available.
- C. *Additional information requirements for monopoles and/or lattice towers.* If an applicant desires to construct a monopole or lattice tower, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.
- D. *Additional information requirement for facilities not located on highest priority site.* If an applicant desires to locate antennas on a site other than the highest priority site, the application shall provide the following information to the approving authority:
 - 1. The identity and location of any higher priority sites located within the desired service area.
 - 2. The reason(s) why higher priority sites are not technologically, legally, or economically feasible.

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3. Why the proposed site is essential to meet the service demands of the proposed geographic service area and the City-wide network.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-13. Approval process.

An application for a wireless telecommunication facility which is a permitted use in the zone where the facility is proposed to be located shall be reviewed pursuant to the site plan review provisions of section 10-7-10 of this title. If the facility is a conditional use in such zone, the review shall be pursuant to the conditional use permit process set forth in section 10-7-9 of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-50-14. Building permits.

Building permits shall be issued pursuant to the provisions set forth in section 10-7-13 of this title.

- A. *General requirements.* No tower or antenna structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or conditional use permit is required until the site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of an antenna support structure is beyond the expertise of the City staff or Planning Commission, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
- B. *Special requirements.* If the applicant is constructing a monopole, lattice tower or other tower type structure, the applicant shall, if required by the City, submit a written report from a qualified, structural engineer licensed in the state, documenting the following:
 1. Height and design of the monopole or lattice tower, including technical engineering, economic, and other pertinent factors governing selection of the proposed design.
 2. Seismic load design and wind load design for the monopole or lattice tower.
 3. Total anticipated capacity of the monopole or lattice tower and demonstration that the site and setbacks are of adequate size to contain debris.
 4. Soil investigation report, including structural calculations.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10, CHAPTERS 11, 13, 50 TO ESTABLISH AN R1-4 SINGLE-FAMILY RESIDENTIAL ZONE.

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapters 11, 13, 50 of the Hurricane City Code governing residential zones; and

WHEREAS, the City Council deems this amendment necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane; and

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Section 10-11-1 of the Hurricane City Code is amended to read as follows:

Sec. 10-11-1. Establishment of zones.

In order to accomplish the purposes of the City general plan and this title, the following zones, along with their accompanying abbreviations, are hereby established as follows:

A.	Agricultural zones:	
	Agricultural 40	A-40
	Agricultural 20	A-20
	Agricultural 10	A-10
	Agricultural 5	A-5
	Agricultural 1	A-1
B.	Residential agriculture zones:	
	Residential-agricultural 1	RA-1
	Residential-agricultural .5	RA-.5
C.	Residential zones:	
	Single-family residential 15	R1-15
	Single-family residential 10	R1-10
	Single-family residential 8	R1-8
	Single-family residential 6	R1-6
	Single-family residential 4	R1-4
	Multiple-family residential 1	RM-1
	Multiple-family residential 2	RM-2
	Mobile home/RV park	MH/RV
D.	Commercial zones:	
	Neighborhood commercial	NC
	General commercial	GC
	Highway commercial	HC
	Planned commercial	PC
	Pedestrian-oriented commercial	POC

E.	Business and industrial zones:	
	Business/manufacturing park	BMP
	Professional office	PO
	Light industrial	M-1
	Heavy industrial	M-2
F.	Open space and public facility zones:	
	Open space	OS
	Public facilities	PF
G.	Special purpose and overlay zones:	
	Agriculture protection overlay	APO
	Historic district overlay	HDO
	Planned development overlay	PDO
	Sensitive lands overlay	SLO
	Runway protection	RPZ
	Recreation resort	RR
	Extraction industries overlay	

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Section 10-11-2 of the Hurricane City Code is amended to read as follows:

Sec. 10-11-2. Zone purposes.

In addition to the general purposes of this title as set forth in section 10-1-3 of this title, the various zones each serve more specific purposes as set forth below:

- A. Agricultural zones. Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.
- B. Residential agriculture zones. Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.
 1. The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the City's semirural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

- C. Residential zones. Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.
1. The purpose of the R1-15, R1-10, R1-8, R1-6, and R1-4 zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 2. The purpose of the RM-1 and RM-2 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at medium to high density that are appropriately buffered from and compatible with surrounding land uses. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
 3. The purpose of the MH/RV zone is to provide locations where neighborhoods consisting of manufactured/mobile homes and recreational vehicle parks and subdivisions may be created, maintained, and preserved. Ancillary uses include churches, schools, and parks to serve neighborhood areas.
- D. Commercial zones. Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the City.
1. The purpose of the NC zone is to provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.
 2. The purpose of the GC zone is to accommodate a wide range of commercial uses developed without an overall plan or design scheme. Use of the GC zone for new commercial development should be avoided unless integrated shopping center development in another zone is not practical or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed appropriate for commercial use. Typical uses in this zone may include offices, retail stores, personal services, heavy commercial, and institutional uses.
 3. The purpose of the HC zone is to provide commercial areas with visibility and access from Interstate 15 and major arterial roads for the convenience of commuters and the traveling public. Typical uses include lodging facilities, personal services, travel plazas, restaurants and fast food facilities, and commuter parking.
 4. The purpose of the PC zone is to provide areas of mixed use developments where a combination of destination-oriented business, retail commercial,

entertainment, high density housing, and related uses may be established, maintained, and protected to serve both residents and nonresidents of the City. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.

5. The purpose of the POC zone is to provide walkable commercial areas which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development and limited medium to high density residential uses that can be harmoniously mixed with commercial development.
- E. Business and industrial zones. Business and industrial zones provide areas for conducting business, manufacturing and industrial activities.
1. The purpose of the BMP zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, personal service shops, medical offices, office/warehouse buildings, and research facilities.
 2. The purpose of the PO zone is to provide locations primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the City. Typical uses in this zone include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.
 3. The purpose of the M-1 zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.
 4. The purpose of the M-2 zone is to provide areas where uses involving industrial processes and natural resource extraction may be permitted without negatively impacting other areas of the City, especially when undertaken on a large scale.
- F. Open space and public facility zones. Open space and public facility zones allow public or quasi-public uses.
1. The purpose of the OS zone is to recognize on the official zoning map areas which are open and generally undevelopable due to government ownership, their sensitive environmental nature and/or the unavailability of adequate public facilities, such as conservation areas and national park land.
 2. The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities and which utilize relatively large areas of land. This zone is intended to provide immediate recognition of such areas on the official zoning

map. Typical uses in this zone are cemeteries, hospitals, open air theaters, public parks, public schools, and public utility facilities.

- G. Special purpose and overlay zones. Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations apply.
1. The purpose of the APO zone is to protect and preserve existing agricultural areas from encroachment of development and to allow ongoing agricultural operations to continue without unreasonable regulations, except for those needed to protect public health and safety.
 2. The purpose of the HDO zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the City.
 3. The purpose of the PDO zone is to permit a compatible, master planned mix of various uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although development size may vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.
 4. The SLO zone provides regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.
 5. The RPZ zone provides regulations to promote and protect the City airport.
 6. The recreation resort zone is established to designate certain areas within the City where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.
 7. The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in the City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Section 10-13-3 of the Hurricane City Code is amended to read as follows:

Sec. 10-13-3. Uses allowed.

- A. Permitted and conditional uses. Permitted and conditional uses allowed within residential zones shall be as set forth in table 10-13-1 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 10-13-1 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 10-7-18E4 of this title.

TABLE 10-13-1
PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

[illegible]

Automobile wrecking yard	N	N	N	N	N	N	N	N	N
Freight terminal	N	N	N	N	N	N	N	N	N
Heavy industry	N	N	N	N	N	N	N	N	N
Junk or salvage yard	N	N	N	N	N	N	N	N	N
Laundry services	N	N	N	N	N	N	N	N	N
Manufacturing, general	N	N	N	N	N	N	N	N	N
Manufacturing, limited	N	N	N	N	N	N	N	N	N
Mineral extraction	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, general	N	N	N	N	N	N	N	N	N
Wholesale and warehousing, limited	N	N	N	N	N	N	N	N	N

Notes

1. See chapter 46 of this title.
2. See chapter 42 of this title.
3. See section 10-37-15 of this title for permitted animals and fowl.
4. See licensing and operations requirements in title 3 of this Code.

B. *Accessory uses.* Permitted and conditional uses set forth in table 10-13-1 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 title.
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:

Garage sales, subject to applicable standards of chapter 48, temporary uses, of this title.

Garages and off street parking areas, subject to applicable standards of chapter 34, off street parking and loading, of this title.

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.

Home based businesses, subject to applicable standards of chapter 42, home based businesses, of this title.

Household pets.

Nurseries and greenhouses, when used for family food production.

Playhouses, patios, porches, gazebos, and incidental storage buildings.

Swimming pools and hot tubs for use by residents and their guests.

[illegible]

including private garage ⁶								
Setback standards—interior side yard:								
Main building	10 ft.	10 ft.	10 ft.	8 ft.	5 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Setback standards—street side yard:								
Main building ⁷	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Pool location and setbacks ⁸	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.
2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.
3. Except as otherwise permitted by subsection 10-13-7C of this chapter.
4. Except as otherwise permitted by subsection 10-13-7B of this chapter.
5. Except as modified by the provisions of subsection 10-37-12F, setback measurement, of this title.
6. If located at least ten feet from main building, two feet. Otherwise, same as for main building.
7. When this side setback is required, rear setback may be reduced to ten feet.
8. Pools must be located behind front yard setbacks. Setback is measured from rear and side property lines. Pools may require special engineering. A closer property line setback may be approved by the building official if engineering ensures structural integrity for any adjoining buildings or walls as well as the pool.
9. If located at least ten feet from main building, ten feet. Otherwise, same as for main building. No accessory building shall be built within a public utility easement.
10. Minimum area shall not be required in downtown area as listed within the general plan map to allow for infill and redevelopment of the downtown area in order to accomplish goals within the City's general plan and supporting master plans.

BE IT HEREBY FURTHER ORDAINED by the City Council of Hurricane, Utah that Section 10-50-5 of the Hurricane City Code is amended to read as follows:

Sec. 10-50-5. Uses allowed.

Permitted and conditional uses allowed within the various zones established by this title shall be as set forth in table 10-50-1 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 10-50-1 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 10-7-18E4 of this title.

TABLE 10-50-1
PERMITTED AND CONDITIONAL WIRELESS TELECOMMUNICATION FACILITIES ALLOWED

Zone	Wall mount	Roof mount	Collocated	Monopole	Lattice tower	Stealth	Guyed tower
A-40	C	C	C	C	C	P	N
A-20	C	C	C	C	C	P	N
A-10	C	C	C	C	C	P	N
A-5	C	C	C	C	C	P	N
RA-1	P	P	C	C	C	P	N
RA-.5	P	P	C	C	C	P	N
R1-15	P	C	C	C	C	P	N
R1-10	P	C	C	C	C	P	N
R1-8	P	C	N	N	N	P	N
R1-6	P	C	N	N	N	P	N
R1-4	P	C	N	N	N	P	N
RM-1	P	C	N	N	N	P	N
RM-2	P	C	N	N	N	P	N
RM-3	P	C	N	N	N	P	N
MH/RV	C	N	N	N	N	P	N
NC	P	C	C	C	N	P	N
GC	P	C	C	C	N	P	N
HC	P	C	C	C	N	P	N
PC	P	C	C	C	N	P	N
POC	P	C	C	C	N	P	N
BMP	P	C	C	C	N	P	N
PO	P	C	C	C	N	P	N
M-1	P	P	C	C	C	P	N
M-2	P	P	C	C	C	P	N
OS	P	P	C	C	C	P	N
PF	P	C	C	C	N	P	N

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

1. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
2. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
3. This Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

PASSED AND APPROVED this 2nd day, May 2024.

Hurricane City

Nanette Billings, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2nd day of May 2024. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	___	___	___	___
Kevin Thomas	___	___	___	___
Clark Fawcett	___	___	___	___
Drew Ellerman	___	___	___	___
Joseph Prete	___	___	___	___

Cindy Beteag, Recorder



STAFF COMMENTS

Agenda Date:	05/02/2024
Application Number:	LUCA24-02
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City Planning
Request:	Amend Title 10 Chapters 11, 13, and 50 for the creation of, and to establish standards for, an R1-4 residential zoning classification.
Recommendation:	Approve
Report Prepared By:	Gary Cupp

Discussion:

The City Council has directed staff to amend the City's land use ordinance for the purpose of creating an R1-4 single-family residential zoning classification. The intent of the proposed R1-4 zone would be to facilitate the development of smaller, naturally more affordable housing in the City by allowing single-family development on smaller lots with reduced development standards. If adopted, this zoning designation would only be available through a formal zone-change request and by approval of the City Council. In response to discussions with the City Council and the Planning Commission, some of the key elements of the proposed zoning classification are listed below:

- 4,000 square foot average lot area (3,600 square foot minimum).
- 50-foot minimum lot width.
- ADUs or Air B&Bs will not be permitted.
- Reduced setback standards:
 - Front Yard – 15 feet for living area / 20 feet to the garage
 - Rear Yard – 10 feet
 - Side Yard – 5 feet
 - Interior Side Yard – 15 feet

The proposed code amendment will require updates to portions of Chapters 11, 13, and 50 of Title 10. The Planning Commission heard this item on April 25, 2024. The majority of the Commission expressed overall support for the proposed R1-4 zone, but they also had significant concerns. During their discussions on the item, worry was expressed that if the General Plan becomes binding, this zone would be allowed anywhere in the city with a single-family designation, thus, causing the city to lose its agricultural character and change into a higher density urban area. The Commission voted 5 to 2 to recommend approval, with the 2 dissenting votes citing doubts as to whether or not this ordinance would even have any real ability to provide more affordable housing at all, and felt that it may even have the

unintended effect of possibly increasing prices. Ultimately, the Commission felt that such a zoning class would provide a viable option to develop more affordable housing in the city and supported the adoption of the R1-4 zone with the admonition that it only be allowed by existing multi-family developments and other higher density areas in the city, and also urged that the minimum lot size be no smaller than 4,000 square feet, instead of 3,600, and eliminate the proposed average lot size altogether.

Staff has no objections to the Planning Commission's suggestions and recommends approval.

JUC Comments:

The proposed R1-4 zoning concept was submitted to the JUC for review and input. The following comments were received:

1. **Power** - Power has concerns that every so often, power has need to install a switch in a residential subdivision. This switch will occupy the entire 10 feet of current PUE. Hurricane Power standards require 10 feet of clearance around switches to safely work on the equipment. NEC requires 10 feet of clearance from any electrical equipment to any combustible materials. Power suggests that the minimum setback be 20 feet from back of sidewalk to meet these requirements.
2. **Public Works** - With a 15-foot setback in the front of the lot and a 10-foot PUE behind the sidewalk, it does not leave much room for the accommodation of utility installations. Dominion Energy has had problems with this in the past. I also believe the Power Department has had problems with this type of setback. With the 20-foot setback from the garage, most pickups are about 19 feet in length, thus only allowing 1 foot between the garage and the front of the unit.
3. **Engineering** - Where garages are often used for storage more than parking and other driveways and painted curb at fire hydrants will limit the available parking on the street, it seems that each individual driveway space becomes vital in ensuring that a parking space per unit is preserved. As stated in the redline, expecting to fit a vehicle between the garage and sidewalk within 20 feet is unrealistic. Should be 25 feet to protect the public pedestrian way.

Staff Comments:

Comments from the Public Works, Power, and Engineering departments expressed concerns about the proposed 15-foot front setback and the potential for conflicts with the provision of utilities and parking. These comments and concerns have been carefully considered and staff maintains that a 15-foot setback is reasonable. This is based on similar development standards within the Planned Development Overlay Zone which already allow a 15-foot setback, and essentially 14 feet in cases where a 5-foot sidewalk is constructed. Any conflicts with the installation of utilities can be identified when building permits and/or construction drawings are reviewed and, if necessary, design adjustments can be made to accommodate the utilities at that time. In terms of parking, staff agrees that it may be more limited, but it is generally anticipated that the standard of two parking spaces per single-family dwelling can be adequately satisfied.

Recommendation:

Staff recommends that the Planning Commission review the proposed R1-4 zoning classification, with consideration staff and JUC comments and any public comments received at the public hearing, and make a recommendation to the City Council to approve the proposed land use code amendment updating Chapters 11, 13, and 50 of Title 10.



STAFF COMMENTS

Discussion about our City **Vision, Mission Statement, and Motto.**

Discussion:

This item was first put on the agenda on March 7th. It will be on all future agendas until a vision, motto, and mission statement have been decided. A list of all the suggestions that have been received was emailed to the Council last week for them to review. They are also part of the packet.

Findings:

Recommendation:

Attachments:

1. Core Values
2. Vision, Motto, Mission

Responsibility	Friendship	Potential	Sustainability
Traditional	Quality	Family	Transparency
Potential	Kindness	Fairness	Prosperity
Focus	Recreation	Respect	Fairness
Foresight	Generosity	Service	Cleanliness
Harmony	Careful	Happiness	Communication
Spirituality	Stability	Community	Courtesy
Love	Thankful	Wisdom	Vision
Fun			

Vision

- Small town charm where families thrive with desirable open space we protect and cherish.
- To honor our pioneer heritage and foster a thriving, united community where the pioneering spirit thrives.

Motto

- Built by Pioneers. Sustained in faith.
- Faithfully pioneering into our future.
- Built by Pioneers. Protected by Patriots. Trusting God to Preserve.
- In Godly trust we look to the future.
- Pioneers past, present and future.
- Pioneers, Patriots, Explorers.
- Built by Pioneers, carried on by Patriots. In God We Trust.
- A City built by Pioneers, found on Faith, and based on Trust in God.
- A City built by Pioneers, founded on Faith, and based on Trust in God – both historically and looking to the future.
- A City built by Pioneers and based on Trust in God.
- A City built by Pioneers and based on Trust in God – both historically and looking to the future.
- A Community built by Pioneers with faith in God, in whom we trust.
- Well rooted in the past with a growing future.
- Water, Work, and Wisdom.
- Pioneering Together: Honoring Our Past, Building Our Future.

Mission

- Hurricane City is committed to maintaining its unique small-town charm. Recognizing new growth and development will occur and emphasizes the need to guide such development to help families thrive in business, recreation, and the home.
- Our mission is to preserve and celebrate our pioneer roots while embracing innovation, inclusivity, and progress. Through collaboration and dedication, we aim to create a vibrant and resilient city that honors our past, enriches our present, and inspires future generations.



STAFF COMMENTS

Consideration and possible approval of a **mural at the Community Center** - Youth City Council

Discussion:

The Youth City Council is proposing to do an art mural on the road between the two buildings or possibly on the crosswalk that spans the two buildings. The proposed mural is provided in the packet. - Tiffani Wright

Findings:

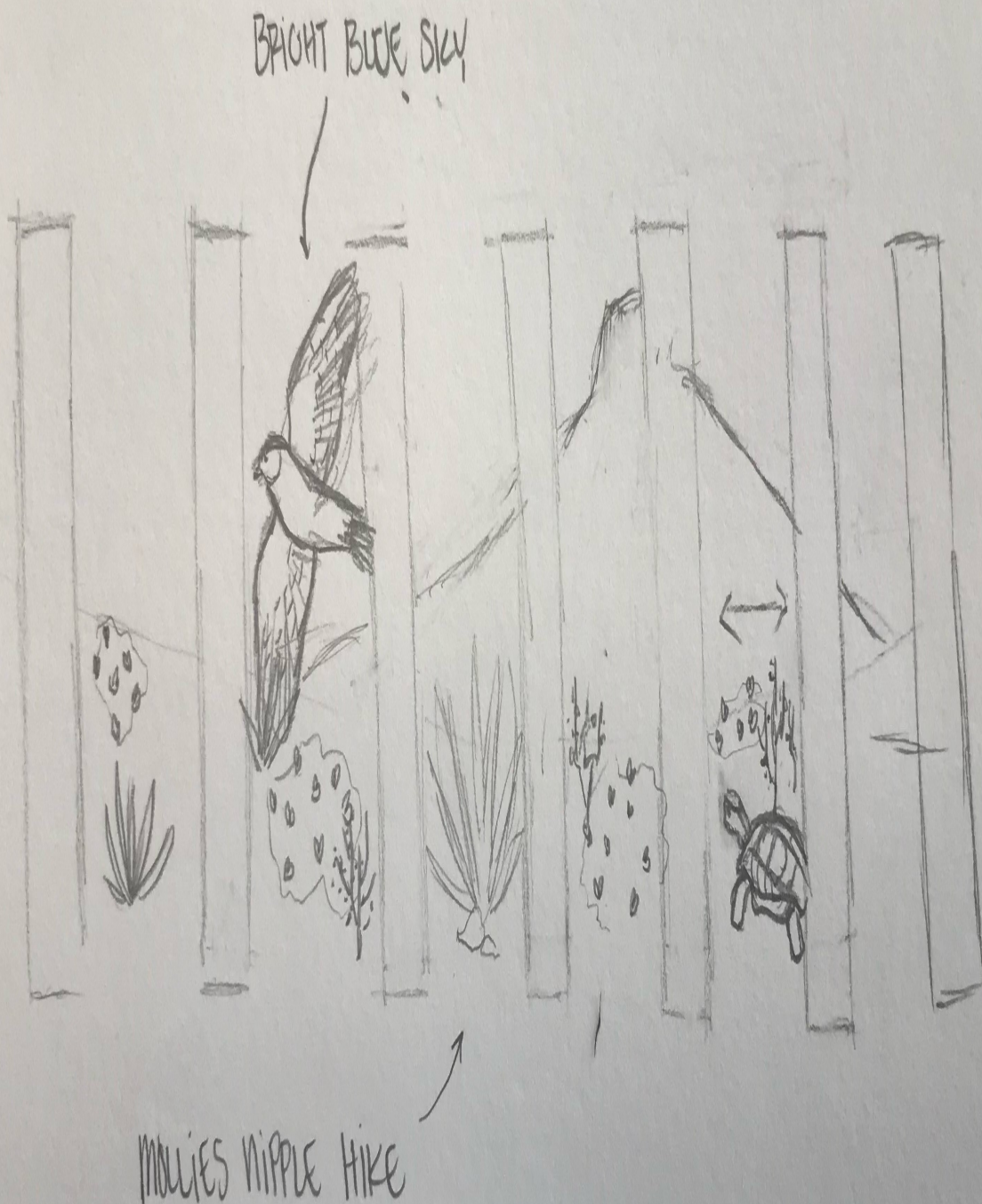
Recommendation:

Attachments:

1. proposed crosswalk mural

HIDING/FEATURING THINGS OR ANIMALS FOUND IN HURRICANE

- COOPERS HAWK - DESERT SAGE - DESERT TORTOISE
- BRIGHAM TEA - GILA MONSTER





STAFF COMMENTS

Consideration and possible approval of the **assignment of the airport lease for the hangar pad at 5 South** from Richard L. Frost to Ray Schureman. -Dave Houston/Mike Vercimak

Discussion:

Summary drafted by Dayton Hall on May 21, 2024:

This agenda item is to consider approving the assignment of a hangar lease to a new tenant. The current tenant is Richard L. Frost, who holds a Hurricane Airport Land Lease for the hangar located at 5 South in the City Airport. The lease is dated September 1, 2018, and provides that the "Lessee shall not at any time assign its rights under this agreement or any part thereof without the prior written approval of the Lessor..." The lease also states that: "In the event of a sale by the Lessee, the Lessor agrees to extend to the purchaser the terms and provisions of the unused years of the original lease, or the new Lessee may negotiate a new twenty year lease." The lease is for a "private aircraft hangar." Mr. Frost desires to assign the remaining term of the lease to Ray Schureman, who desires to assume the lease.

The Airport Board met on May 21, 2024, and recommended unanimously to approve the assignment of the lease to Mr. Schureman.

The lease to be assigned to Mr. Schureman is included in the Council's packet.

Findings:

Recommendation:

Attachments:

1. 180901 Hurricane Airport Land Lease - Frost
2. Lease approval hangar pad 5S

HURRICANE AIRPORT LAND LEASE

AGREEMENT made on this 1st day of September 2018, by and between the City of Hurricane, Utah hereinafter referred to as the "Lessor" and **Richard L Frost**, hereinafter referred to as the "Lessee".

WHEREAS the Lessor is the owner and operator of the Hurricane City Airport; and

WHEREAS Lessee is not engaged in an aviation business and desires to lease ground from the Lessor to construct and occupy for private use, an aircraft hangar, for personal aircraft storage.

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereto agree as follows:

1. Subject to the terms and conditions stated herein, the Lessor hereby leases to the Lessee a certain parcel of real property **1926 square** feet in size including five feet beyond the hangar pad on three sides excluding the front and located at 800 W 2300 S 5 South Hurricane City Airport.
2. As more fully specified hereinafter, Lessee covenants to erect, construct, install and maintain continuous improvements on the leased premises including a private aircraft hangar and fixtures as may be necessary for the Lessee's aviation related operations.
3. The Lessee is hereby granted all rights and privileges to use all the common facilities, equipment, improvements and services which are now available and hereafter may be provided.
4. The Lessee agrees to abide by all pertinent rules and regulations set forth by the Federal Aviation Administration and The Hurricane Airport Authority.
5. The Lessee agrees to abide by all the provisions of the Code of Revised Ordinances of the City of Hurricane, Utah, and the Protective Covenants of the Hurricane City Airport, as the same now exist or as may be amended in the future.
6. The term of this lease agreement shall be for a period of twenty (20) years, commencing as of the date of execution of this agreement. Upon the expiration of said term, the Lessee shall have the first right of refusal to lease said premises for a period of (5) additional years, as may be negotiated by the parties.
7. The Lessee shall pay the Lessor an annual rental fee as follows:
 - a. The sum of Twelve cents (**\$.12**) per square foot per year.

\$231.12

- b. The annual rental fee will be adjusted every five years based on a review of rates by the Airport Board and approved by the City Council. All lessees will be notified of a rate change and the rate will take effect as of the next annual billing.
- c. After 20 years the Lessee shall have the option to renew this lease in increments of five year periods at the rental rate in effect at the time of renewal.
- d. In the event of a sale by the Lessee, the Lessor agrees to extend to the purchaser the terms and provisions of the unused years of the original lease, or the new Lessee may negotiate a new twenty year lease.

Rent payments shall be made to the order of the City of Hurricane and are due and payable each year on the 1st day of August. The first years lease payment will be prorated to the next August 1st payment date. Rents not paid within thirty (30) days of the due date shall accrue interest at the rate of eight percent (8%) per annum until paid in full.

- 8. The Lessee agrees to pay any and all taxes and/or special assessment against the improvements, including taxiways, placed upon the leased ground. The Lessee further agrees to pay all charges for utilities used on the leased premises.
- 9. The Lessee agrees to hold harmless the Lessor for all liability for injuries to persons or damage to property caused by the negligent use or occupancy of the above-described leased premises by Lessee, Lessee's agent, employees, or assigns. The Lessee must comply with all the airport rules and regulations.
- 10. The Lessor discloses to Lessee that the soil at the airport is collapsible. Lessee shall obtain soil reports and take the action necessary during construction of their hangar to mitigate this problem. Lessor will provide an engineered drainage system at the airport and it shall be the Lessee's responsibility to construct the hangar at the engineered elevations and with the proper drainage. Lessee shall keep the area around their hangar clear of obstructions so the drainage will flow away from the hangar and into the city system. Any drainage problems or standing water should be reported to the airport manager.
- 11. The Lessee shall not at any time assign its rights under this agreement or any part thereof without the prior written approval of the Lessor, provided, however that the Lessee shall continue to be liable for all terms of this agreement.
- 12. By virtue of their investment in the Hurricane Air Park, the Lessees shall be eligible and considered for appointment to any board, commission or advisory position now in being or created in the future that concerns airport matters.
- 13. The Lessee shall maintain the premises, surrounding areas, and all improvements in a clean, orderly and sanitary condition. All structures must be painted, furnished, or covered with a permanent exterior surface and must be maintained by the Lessee.

14. Default or Breach. Each of the following events shall constitute a default or breach of this lease by the Lessee:
 - a. Non-payment of rents, when said rent shall become due and Lessee shall not make the payment within sixty (60) days after written notice thereof by the lessor to the Lessee.
 - b. If the Lessee shall fail to perform or comply with any of the provisions of this lease and the nonperformance shall continue for a period of sixty (60) days after written notice from the Lessor to the Lessee.
 - c. If the Lessee shall vacate or abandon the demised premises, or if the premises shall pass to or devolve upon any person or party other than the Lessee's heirs or assigns, except in the manner herein permitted.
 - d. If the Lessee shall use or allow the use of the demised premises for any other purpose than specifically stated herein.
15. In the event of any default by the Lessee, as set forth in the preceding section, the Lessor shall have the right to cancel and terminate this lease by giving the Lessee not less than ninety (90) days' notice of intent to terminate or cancel. Upon termination, Lessee shall not be entitled to a refund of the unused portion of the annual rent paid. Except as otherwise agreed by the parties, all buildings, improvements, equipment and personal items shall be deemed as property of the Lessee and shall be removed at the Lessee's expense within one hundred eighty (180) day period after expiration or termination of this lease shall become a part of the land upon which it is located and title thereto shall thereupon vest in Lessor.
16. Lessor reserves the following rights and privileges:
 - a. The rights to develop, further improve, maintain and repair the Airport, exclusive of leased areas, as it sees fit. The Lessor agrees to coordinate these improvements with Lessee at the Airport in order to insure as small a dislocation of disruption of the Airport use as possible. The Lessor reserves the right to direct and control the above activities.
 - b. The right to take any action it deems necessary to protect the area against obstruction, together with the right to prevent Lessee from erecting or permitting to be erected any building or structure on the Airport which in the opinion of the Lessor would limit the usefulness of the Airport or constitute a hazard to aircraft.
 - c. The right to temporarily close the Airport or any facility or any part thereof, for maintenance or improvement or for the safety of the public, without liability to the Lessee. The Lessor agrees to coordinate any closings with Lessee in order to insure as small a dislocation or disruption of business as possible.

- d. It is understood and agreed that the Lessor has the right, at Lessor's expense to move the facilities of Lessee upon the premises leased hereunder to a new location on said Airport property at such time during the existence of this lease that changed conditions may require. In that event, Lessor agrees to provide the Lessee with a new location and facilities that would be comparable to Lessee's leased area and facilities at the time of such move. Lessor further agrees to provide Lessee with a new lease agreement of the new location upon the same terms and conditions as are contained herein for the unexpired term of the lease agreement.
17. In the event that the demised premises are condemned by any proper authority, the term of this lease will end on the date that Lessee is required to surrender possession of the premises. The Lessee shall be entitled to that portion of the Condemnation proceeds attributable to the fair market value of any improvements placed on the premises by Lessee.
18. In the event that Lessor is required to take any legal action of whatever kind or nature in order to enforce any term or condition of this lease, Lessee agrees to pay all costs and expenses therefore, including a reasonable attorney's fee.
19. Any notice required by the agreement shall be hand-delivered or sent by registered or certified mail, return receipt requested, to the appropriate party at the address set forth below, or to any other address which the parties may designate in writing:

Lessor:	City of Hurricane	Lessee:
	147 North 870 West	
	Hurricane Utah 84737	
	435-635-2811	

20. Any approval required of Lessor by the terms of this lease shall not be unreasonable withheld.
21. This lease contains the entire agreement between the parties and cannot be changed or modified except by written instrument signed by both parties. This lease and the terms and conditions thereof apply to and shall be binding on the heirs, legal representatives, successors and assigns of both parties. In the event of a dispute between Lessor and Lessee cannot be resolved through normal administrative means, the parties agree to resolve the dispute using a neutral 3rd party outside mediator. Parties agree to use mediation or binding arbitration to resolve dispute in lieu of civil litigation.
22. This agreement shall be governed by and construed in accordance with the laws of the State of Utah.
23. The waiver or failure of the Lessor to insist in any one or more instances upon the strict performance by the Lessee of any provisions or covenant in the lease shall not be

considered as a waiver or relinquishment for the future, but the provision or covenant shall continue in full force.

24. Time is of the essence in all provision of this lease.

IN WITNESS THEREOF this lease agreement has been entered into the day and year first above written

LESSOR:


MAYOR CITY OF HURRICANE, UTAH

(SEAL)



ATTEST



CITY RECORDER

LESSEE: BY



Mayor
Nanette Billings

City Manager
Kaden C. DeMille



City Council
David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete

June 6, 2024

Ray Schureman

RE: Hangar Pad at 5 South

Mr. Schureman,

I am pleased to inform you that on June 6, 2024, the Hurricane City Council approved the assignment to you of the Hurricane Airport Land Lease, dated September 1, 2018, initially issued to Richard L. Frost (the "Lease"). The decision of the Council, together with this confirming letter, constitutes the City's written approval of the assignment of the Lease to you. Please do not hesitate to reach out if you have any questions.

Thank you,

Nanette Billing
Hurricane City Mayor





STAFF COMMENTS

Consideration and possible approval of **Resolution 2024-23 approving an increase in Hurricane City's billing rates for water usage**-Ken Richins

Discussion:

The Washington County Water Conservancy District is increasing its wholesale water rate by \$0.13 per thousand gallons. Hurricane City buys a portion of the water it supplies to its residents from the District at the wholesale rate. This agenda item is to consider increasing Hurricane City's retail rate by \$0.13 per thousand gallons to match the increase by the District. The Water Board discussed this item on May 28, 2024, and unanimously recommended that the City Council increase the City's rates by \$0.13 per thousand gallons. - Ken Richins

Findings:

Recommendation:

Attachments:

1. Resolution 2024-23 Approving an increase in Water Rates

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPROVING
AN INCREASE IN BILLING RATES FOR WATER USAGE IN THE CITY OF
HURRICANE**

WHEREAS the Washington County Water Conservancy District has imposed an annual rate increase on the cost of wholesale water in the amount of \$0.13 per thousand gallons; and

WHEREAS the Hurricane City Water Board has recommended a corresponding increase in Hurricane City's billing rates for usage of water; and

WHEREAS the Hurricane City Council finds that an increase in the City's billing rates is necessary to account for the increase in the wholesale water rate, to pay for costs of water development, and to stabilize revenue for the Hurricane City Water Department; and

WHEREAS the Hurricane City Council finds that it is necessary and desirable for the preservation and protection of the health, safety, and welfare of the residents of Hurricane,

BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah as follows:

1. At such time that the Washington County Water Conservancy District imposes its annual increase of \$0.13 per thousand gallons for the cost of wholesale water, the Hurricane City water rates shall also be increased by the following amounts:

- a. an increase of \$0.13 per thousand gallons of water;
- b. unless otherwise amended by the Hurricane City Council, this annual increase in water rates shall continue each year for five years, after which it shall be reviewed by the Hurricane City Water Board and updated by the Hurricane City Council;

2. Unless otherwise amended by the Hurricane City Council, each year for five years, there shall be a 2% increase in Hurricane City's general base rate and per-thousand-gallon rate for water to stabilize revenue for the Hurricane City Water Department, after which it shall be reviewed by the Hurricane City Water Board and updated by the Hurricane City Council;

BE IT FURTHER RESOLVED that this Resolution shall take effect at the earliest date allowed by law.

PASSED AND APPROVED this 6th day of June 2024.

Nanette Billings, Mayor

Attest:

Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 6th day of June 2024. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag



STAFF COMMENTS

Consideration and possible approval of **Resolution 2024-27 Approving the Excess Water Use Surcharge Fees recommended by the Washington County Water Conservancy District.**

Discussion:

This item is on the agenda at the request of the Council. In December of 2021 and December of 2022 the WCWCD Board passed resolutions authorizing a surcharge for water use over certain thresholds. The WCWCD requested that all cities and towns that were parties to the Regional Water Supply Agreement adopt the surcharge and pass those funds on to the WCWCD to be used for water conservation projects within the County. After much deliberation, the Hurricane City Council adopted its own variation of the WCWCD's surcharge, with the funds remaining within Hurricane City to be used for conservation..

At a work meeting held with Zach Renstrom of the WCWCD on May 2, 2024, Mr. Renstrom requested that the City adopt the surcharge and pass the funds on to the WCWCD as other cities have done. The Council directed that this item be placed back on its agenda for further consideration. Because it deals with the City's water, the proposal was placed on the agenda for the City's Water Board. On May 28, 2024, the Water Board unanimously recommended that the City Council adopt the surcharge as requested by the WCWCD.

The key differences between the City's current surcharge and the proposed surcharge are: (1) For new connections (post January 1, 2023), the surcharge for excess use will increase from \$5 to \$10; (2) for prior connections (pre-January 1, 2023), the threshold will be 36,000 gallons each month, instead of the bell curve approach currently adopted; and (3) the collected funds will be passed on to the WCWCD, with the city retaining 10% to cover administrative costs.
-Dayton Hall

Findings:

Recommendation:

Attachments:

1. Resolution 2024-27 Approving the excess water use surcharge fee WCWCD (unsigned)

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH ADOPTING
SURCHARGES RECOMMENDED BY THE WASHINGTON COUNTY WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES**

WHEREAS, on December 1, 2021, the Washington County Water Conservancy District Board of Trustees (the “WCWCD Board”) approved a Resolution of the Washington County Water Conservancy District Board of Trustees Authorizing An Increase in the Water Development Surcharge for Excess Water Use, attached hereto as **Exhibit A**; and

WHEREAS, on December 7, 2022, the WCWCD Board approved a Resolution of the Washington County Water Conservancy District Board of Trustees Authorizing An Increase in the Excess Water Surcharge For New Connections Made On or After January 1, 2023, attached hereto as **Exhibit B**; and

WHEREAS, to protect the public health, safety, and welfare of the City’s residents, the City Council deems it necessary and desirable to adopt and approve the surcharges and fees authorized by the WCWCD Board.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah, as the legislative body with discretionary authority to levy an excess water use surcharge, hereby adopts the surcharges set out in the resolutions attached hereto as Exhibit A and Exhibit B, to be implemented beginning on July 1, 2024.

BE IT FURTHER RESOLVED that the surcharge hereby adopted shall replace the prior surcharge set forth in the Hurricane City Council’s Resolution 2023-05.

PASSED AND APPROVED THIS 6TH day of June, 2024.

Nanette Billings, Mayor

ATTEST:

Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 6th day of June, 2024. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
David Hirschi	_____	_____	_____	_____
Kevin Thomas	_____	_____	_____	_____
Clark Fawcett	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____

Cindy Beteag, Recorder

Exhibit A

**A RESOLUTION OF THE WASHINGTON COUNTY WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES AUTHORIZING
AN INCREASE IN THE WATER DEVELOPMENT SURCHARGE FOR
EXCESS WATER USE**

WHEREAS, Washington County Water Conservancy District provides wholesale water to Municipal Customers under the Revised Regional Water Supply Agreement (effective January 1, 2019); and

WHEREAS, the Revised Regional Water Supply Agreement provides for the payment of a Water Development Surcharge by the Municipal Customers to the District; and

WHEREAS, an increase in the Water Development Surcharge for excess water use, as set forth in Attachment A, has been proposed; and

WHEREAS, notice of the proposed increase in the Water Development Surcharge for excess water use has been given to the Municipal Customers and provided to the public; and

WHEREAS, the Board of Trustees has held a public hearing giving interested persons an opportunity to speak for or against the proposed increase in the Water Development Surcharge for excess water use; and

WHEREAS, the need for the increase in the Water Development Surcharge for excess water use has been demonstrated;

NOW, THEREFORE, the Board of Trustees of the Washington County Water Conservancy District hereby authorizes an increase in Water Development Surcharge for excess water use as proposed in Attachment A.

Signatures on succeeding page.

DATED this 1 day of December, 2021.



ED BOWLER, Chairman

Attest:



ROBERTA MCMULLIN, Secretary

VOTING:

Ed Bowler

Yea ☒ No ☐

Adam Bowler

Yea ☒ No ☐

Chris Hart

Yea ☒ No ☐

Victor Iverson

Yea ☐ No ☐

Ken Neilson

Yea ☒ No ☐

Michele Randall

Yea ☒ No ☐

Kevin Tervort

Yea ☒ No ☐

Attachment A: Proposed Increase to Water Development Surcharge for Excess Water Use

It is proposed that the Water Development Surcharge paid by Municipal Customers to the Washington County Water Conservancy District (District) under the Revised Regional Water Supply Agreement (January 1, 2019), as set forth in Article 8 of that agreement be increased as set forth below:

Section 1. Base Surcharge. Municipal Customers will continue to pay a Water Development Surcharge equal to (i) One and 75/100 Dollars (\$1.75) per Equivalent Residential Connection (ERC) per month (base surcharge).

Section 2. Excess Water Use Surcharge. In addition to the base surcharge, for each issued meter, Municipal Customers will pay an “excess water use surcharge” in the amount of One Dollar (\$1.00) per each thousand gallons of water used that exceeds the designated monthly demand threshold for volume of water per meter size as shown in the table below:

Meter Size	Monthly Demand Threshold (gal)
3/4" meter	36,000
1" meter	80,000
1.5" meter	260,000
2" meter	420,000
3" meter	850,000
4" meter	1,400,000
6" meter	2,600,000
8" meter	4,200,000

Section 3. Billing Labeling. This increase to the Water Development Surcharge contemplates that Municipal Customers may elect to pass the cost of the increase on to their individual retail customers. If a Municipal Customer elects to pass the cost on, it may list the charge on the bill as “Excess Water Use Surcharge” and indicate that it is paid to the Washington County Water Conservancy District.

Section 4. Administrative Fee. To help cover administrative costs of collecting the excess water use surcharge, Municipal Customers may retain from the proceeds of the excess water use

surcharge up to a 5% administrative fee before remitting the proceeds to the District. Municipal customers must clearly indicate the percentage of the administrative fee and the total amount retained when remitting payment to the District.

Section 5. Leak Rate. If the Municipal Customer offers a leak rate program to its retail customers that provides a short-term reduction in the retail customer's bill when a leak is suspected, and if the leak rate program requires the leak to be fixed within 30 days of the previous bill (except under extreme circumstances where the Municipal Customer may extend the time), the Municipal Customer may reduce the excess water use surcharge in the same manner it reduces the regular billing pursuant to its leak rate program.

Section 6. Commercial, Industrial and Institutional Water Users. Where commercial, industrial and institutional water users incur excess water use surcharges because they are using more water than their designated monthly demand threshold for volume of water per meter size as shown in the table above, they may be permitted to upsize their meter(s) to increase their designated monthly demand threshold for volume of water per meter size to reduce the excess water use surcharge, provided that they pay the District the Impact Fee associated with upsizing a meter at the time the meter is upsized. Municipal Customers are responsible for ensuring that the Impact Fee is paid prior to upsizing a meter or adjusting the excess water use surcharge for the commercial, industrial or institutional water user.

Section 7. Livestock Watering Relief Program. When a retail customer of a Municipal Customer is charged an excess water use surcharge and the retail customer is watering more than twenty head of cattle or the equivalent livestock unit using a meter issued by a Municipal Customer, the retail customer may apply monthly for a rebate of up to the total amount of the excess water use surcharge for the month. The rebate will be calculated based on an allotment of 600 gallons of water per month per each animal exceeding twenty. The District will issue a rebate to the retail customer upon proof from the retail customer on forms provided by the District that the retail customer was watering more than twenty head of cattle or the equivalent livestock unit during the month for which the rebate is applied.

Exhibit B

**A RESOLUTION OF THE WASHINGTON COUNTY WATER
CONSERVANCY DISTRICT BOARD OF TRUSTEES AUTHORIZING
AN INCREASE IN THE EXCESS WATER USE SURCHARGE FOR NEW
CONNECTIONS MADE ON OR AFTER JANUARY 1, 2023**

WHEREAS, on December 1, 2021, “A Resolution of the Washington County Water Conservancy District Board of Trustees Authorizing an Increase in the Water Development Surcharge for Excess Water Use” (“2021 Resolution”) was adopted by the Board and is incorporated herein by reference; and

WHEREAS, the 2021 Resolution authorized an increase in the Water Development Surcharge established under the Revised Regional Water Supply Agreement (January 1, 2019, “Agreement”) through the adoption of an excess water use component of the Water Development Surcharge (“Excess Water Use Surcharge”) for all types of connections for which water use exceeded proposed thresholds for volume of water, which varied by meter size. The 2021 kept the base component of the surcharge at \$1.75 per Equivalent Residential Connection per month for all connections; and

WHEREAS, on November 15, 2022, “A Resolution Determining that an Increase in the Excess Water Use Surcharge is Needed for New Connections Made on or after January 1, 2023,” (“November 2022 Resolution”) was adopted by the Board and is incorporated by reference. In the November 2022 Resolution, the Board found that in order to help ensure that the water efficient level of service adopted in the 2022 Regional Water Impact Fee Facilities Plan and Impact Fee Analysis is observed, an increase in the Excess Water Use Surcharge would be needed for new connections to the district’s regional system connecting on or after January 1, 2023 (“New Connections”), and directed the General Manager to evaluate what amount of increase in the surcharge for New Connections would be needed to achieve the District’s objectives set forth in the resolution, along with other related factors, and cause notice to be given to the parties to the Agreement and to the public;

WHEREAS, pursuant to the Board’s direction in the November 2022 Resolution, an increase in the Excess Water Use Surcharge, as set forth in Attachment A (incorporated herein by reference), has been evaluated and proposed for New Connections, and notice of the proposed increase has been provided to the Municipal Customers and the public; and

WHEREAS, the Board of Trustees has held a public hearing giving interested persons an opportunity to speak for or against the proposed increase in the Excess Water Use Surcharge for New Connections; and

WHEREAS, the need for the increase in the Excess Water Use Surcharge for New Connections has been demonstrated;

NOW, THEREFORE, the Board of Trustees of the Washington County Water Conservancy District hereby authorizes an increase in the Excess Water Use Surcharge for new connections to the district's regional system connecting on or after January 1, 2023, as set forth in Attachment A.

DATED this 7th day of December, 2022.



ED BOWLER, Chairman

Attest:



MINDY MEES, Secretary

VOTING:

Ed Bowler	Yea ☒	No ☐
Adam Bowler	Yea ☒	No ☐
Chris Hart	Yea ☒	No ☐
Victor Iverson	Yea ☒	No ☐
Michele Randall	Yea ☒	No ☐
Kress Staheli	Yea ☒	No ☐
Kevin Tervort	Yea ☒	No ☐

Attachment A: Increase in Excess Water Use Surcharge

Section 1. Amount of Excess Water Use Surcharge. For new connections to the district's regional system connecting on or after January 1, 2023 ("New Connections"), Excess Water Use Surcharge established in "A Resolution of the Washington County Water Conservancy District Board of Trustees Authorizing an Increase in the Water Development Surcharge for Excess Water Use," adopted by the Board on December 1, 2021 (2021 Resolution), shall be increased to Ten Dollars (\$10.00) per thousand gallons of potable water exceeding the thresholds set forth in Sections 2 and 3, below. (The base surcharge of the Water Development Surcharge shall remain at One Dollar and Seventy-Five Cents (\$1.75) for all New Connections.)

Section 2. Residential Thresholds. The Excess Water Use Surcharge will be charged monthly for each new residential connection for which water use exceeds the monthly threshold, which varies by type of residential connection and by season, as set forth in the following table:

Residential Thresholds for New Connections				
Season	Winter (December, January, February)	Spring (March, April,)	Summer (May, June, July, August, September)	Fall (, October, November)
Potable Only Residential Connection	8,000 gallons per month	15,000 gallons per month	20,000 gallons per month	15,000 gallons per month
Potable and Non-Potable Residential Connections	8,000 gallons per month	8,000 gallons per month	8,000 gallons per month	8,000 gallons per month

Section 3. Non-Residential Thresholds. The Excess Water Use Surcharge will be charged monthly for each new non-residential connection for which water use exceeds the monthly threshold, which varies by meter size as set forth in the following table:

Non-Residential Thresholds for New Connections	
Meter Size	Monthly Threshold
3/4" meter	36,000 gallons per month
1" meter	80,000 gallons per month
1.5" meter	260,000 gallons per month
2" meter	420,000 gallons per month
3" meter	850,000 gallons per month
4" meter	1,400,000 gallons per month
6" meter	2,600,000 gallons per month
8" meter	4,200,000 gallons per month

Section 4. Allocation of Revenue. To help cover administrative costs of collecting the excess water use surcharge for New Connections, Municipal Customers may retain 10% from the proceeds of the excess water use surcharge for New Connections. The Municipal Customers shall remit the remaining 90% of the proceeds to the District to be budgeted in the appropriate fund for water conservation.

Section 5. Incorporation of 2021 Resolution. With the exception of Section 7 ("Livestock Watering Relief Program"), which shall not apply to New Connections, all other provisions of the 2021 Resolution and its attachment are incorporated herein and shall remain in effect.



STAFF COMMENTS

Consideration and possible approval of the **revocation of the business license for Rafa Academy LLC** - Cindy Beteag

Discussion:

Rafa Academy LLC applied for a residential youth treatment center license on January 12, 2024. Their application was processed, and a license was issued on February 22, 2024, along with a conditional letter stating they had 60 days to provide their state professional license. During a review on May 20, 2024, it was discovered that the state license had not been provided. When contacted, the owner stated they would not be moving forward with the license. However, since a license had already been issued, the revocation process still needs to be followed. On May 20, 2024, a letter was sent to the owners notifying them of the revocation hearing and the reasons for the license revocation. Staff recommends the revocation of the license, as this type of business requires State approval and the applicant has indicated they are no longer pursuing the business.- Cindy Beteag

Findings:

Recommendation:

Attachments:

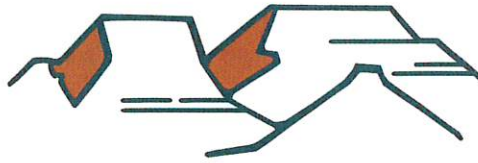
1. Rafa Academy application and letters

Mayor

Nanette Billings

City Manager

Kaden DeMille



HURRICANE CITY

UTAH

City Council

David Hirschi

Kevin Thomas

Clark Fawcett

Drew Ellerman

Joseph Prete

May 20, 2024

Rafa Academy, LLC
11261 N Alpine Hwy
Highland, UT 84003

To Whom It May Concern,

A business license was issued on February 21, 2024, along with a conditional letter specifying that you would need to provide proof of your state professional license within 60 days of issuance, or your license would be revoked. As of today, no such proof has been given.

Therefore, this notice is to inform you that a revocation hearing before the City Council has been scheduled for Thursday, June 6, 2024, at 6:00 pm, or as soon thereafter as the matter can be heard, during the regular City Council meeting. The hearing will be held at the City Office located at 147 North 870 West, Hurricane. You have the right to appear at this hearing, to be represented by counsel, to hear the evidence against you, to cross examine witnesses, and to present evidence as to why the license should not be revoked.

We look forward to working with you to amicably resolve the matter outlined in the previous letter. If you have any questions or concerns, please do not hesitate to contact me at 435-635-2811 x 106.

Sincerely,

Cindy Beteag

Cindy Beteag
City Recorder

Cc: Dayton Hall, City Attorney
Licensing Department



Mayor
Nanette Billings

City Manager
Kaden C. DeMille



City Council
Joseph Prete
David Sanders
David Hirschi
Kevin Thomas
Doug Heideman

February 22, 2023

Rafa Academy
505 S Hope Circle
Hurricane, UT 84737

To Whom it may concern,

You should find enclosed the business license for Rafa Academy. This license indicates City approval of your application, under the condition that a state professional license is obtained and provided within 60 days of issuance. Failure to meet this condition may result in your license being revoked.

If you have any questions or concerns regarding this matter, please feel free to contact my office at 635-2811 x 120.

Sincerely,

Karri Richardson

Karri Richardson
Licensing Clerk





PAID
4/2/24
8-175554

Date of Application 1/8/24

License Fee \$50.00
Application Fee \$25.00
Total Due \$75.00

147 N 870 WEST, HURRICANE, UTAH 84737
PHONE: 435-635-2811 FAX: 435-635-2184
www.cityofhurricane.com

BUSINESS LICENSE APPLICATION

NOTICE: Please complete each statement below. Incomplete applications will not be accepted.

SECTION A — BUSINESS INFORMATION

Name of Business: Rafa Academy LLC

Business Phone: 801-358-8568 (Angie POC) Business Email: angie@stewardventures.com

Business Address: 505 S Hope Circle Hurricane, UT 84737
(Street Number) (Suite) (City) (State) (Zip)

Mailing Address (if different): _____
(Street Number) (City) (State) (Zip)

State Sales Tax Number (if applicable): _____ Dept. of Commerce Entity #: 13750342-0160

Professional License # (if applicable): _____ Federal Identification #: 99-0577015

Website: RafaAcademy.com (not active yet)

Description of Business: Residential Youth Treatment Center

Will there be any building or remodeling: N Will the business be located in a newly constructed building: N

Commercial Lease-Property Owner Written Approval: Y Are you a Sexually Oriented Business: N

Does your business sell alcohol: N Does your business sell tobacco products: N

PART B — HOME OCCUPATION APPLICANTS ONLY

- Will customers visit the home.....
- Will display or stock of merchandise be at home
- Will employees be at the house.....
- Any unusual traffic be created in neighborhood.....
- Will parking on roadside be needed.....
- Will flammable, toxic or poisonous materials be kept at the home
- Will there be any disposal of material into the septic or sewersystem?
- What portion of home is to be used for business (25% total structure area)_____

PART C — BUSINESS OWNER INFORMATION

A list of all corporate officers or partners must be included. This list must include name, home address, and phone number.

Owner's Name: Steward Management LLC Phone Number [REDACTED]

Home Address: 11261 N Alpine Hwy Highland, UT 84003
(Street Number) (City) (State) (Zip)

Please add any additional owners/partners on a separate piece of paper and attach.

➤ **This form is an application for a business license. The receipt for payment of license fees thereof does not constitute being approved to operate a business. The actual license will be issued only when all inspections are completed and signed off by the various City departments and approval is given by the Business License Office. To open and/or operate a business without final approval is a Class B Misdemeanor and punishable by law.**

Manager (if different): _____

Phone Number: _____

All businesses licensed in Hurricane City must be in compliance with applicable fire codes and regulations at all times. New businesses may be required to pass a fire inspection prior to issuance of a business license. Fire inspections encompass, but are not limited to: fire equipment such as extinguishers, exits and aisles, electrical equipment, storage, and fire protection systems. Inspections may include additional areas of concern specific to particular business activities and/or locations. The licensing clerk will inform new applicants whether an initial inspection is required. Please contact the Hurricane Valley District at 435-635-9562 to schedule an inspection.

I understand that compliance with applicable fire codes and regulations is required for all businesses licensed in Hurricane City. I understand that a fire inspection of my business may be required in the future and would be conducted by Hurricane City Fire Department personnel. I understand that failure to comply with applicable fire codes and regulations may be grounds for revocation of my business license.

I UNDERSTAND AND AGREE to comply with all regulations of Title 3 Business License Regulations. **I UNDERSTAND that business shall not commence at this location without first obtaining an official copy of the business license**, and that inspections of the City Building, Zoning, Fire Officials, and the County Health Officials must first be completed and the building approved by these officials for business activities.

Steward Managment LLC
Digitally signed by Steward Managment LLC
Date: 2024.01.08 11:07:31 -0700
Applicant's Signature

1/8/24

Date

TOTAL FEES	\$ 75.00	Office Use Only	AMOUNT PAID \$ 75.00
DATE	1/12/24	RECEIPT #	8-175554
CITY LICENSE NUMBER	11052		
Home Occupation: yes / ☒ no	Zone: PC	Permitted Use: ☒ yes / no	
Planning Commission Approval Required: yes / ☒ no	If yes, which approval: site plan / conditional use		
Planning Commission approval date: N/A	Zoning approval date: [Signature]		
New Construction: yes / ☒ no	Remodel: yes / ☒ no	Building Permit: yes / ☒ no	
Certificate of Occupancy or Tenant Improvement inspection required: yes / ☒ no			

Mayor
Nanette Billings

City Manager
Kaden DeMille



City Council
David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete

February 1, 2024

Rafa Academy LLC
433 S Diamond Ranch Pkwy
Hurricane UT 84737

Re: Application Pending

To Whom it May Concern,

Your business license application was received by the Hurricane City Business Licensing Department on January 8, 2024. This application was reviewed in accordance with licensing procedures, and it was determined that a professional license and health department approval is required. Failure to complete these requirements will result in denial of the business license applications. A business license application that has not had all required items submitted and approved and the license issued within six (6) months of application date shall be considered void.

A business license is required before beginning any business operations within Hurricane City. Operating without a license may result in a citation. If you have any questions regarding the licensing process, please feel free to contact the Business License Office at 435-635-2811 x112.

Sincerely,

Brienna Spencer

Brienna Spencer
Planning Technician/Business Licensing Clerk

