HURRICANE CITY
UTAH

Mayor
Nanette Billings

City Manager
Kaden DeMille

City Council
David Hirschi
Kevin Thomas
Clark Fawcett
Drew Ellerman
Joseph Prete

Hurricane City Council Meeting
Agenda

January 2, 2025
3:30 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.

3:30 p.m. Work Meeting

1. Discussion on PDO zoning and affordable housing.
2. Discussion regarding sponsoring the Epson Tour at Copper Rock

5:00 p.m. Pre-meeting

1. Agenda Summary

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Presentation of the 2023-2024 annual audit - Hinton Burdick

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 12:00 p.m. the Tuesday one week before the Council meeting.

OLD BUSINESS

1. 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
2. Consideration and possible approval of the **location of new pickleball courts** - Tiffani Wright/Darren Barney

Consent Agenda

1. Consideration and possible approval of **Resolution 2025-03 Appointing Clark Fawcett** to the Washington County Water Conservancy District Board
2. Consideration and possible approval of **Resolution 2025-04 Appointing Joseph Prete** to the Ash Creek Special Service District Board
3. Consideration and possible approval of **Resolution 2025-05 Appointing Drew Ellerman** to the Hurricane Valley Fire Special Service District Board
4. Consideration and possible approval of **appointing Clark Fawcett** to the Hurricane City Water Board
5. Consideration and possible approval of **appointing David Hirschi** to the Hurricane City Power Board

NEW BUSINESS

1. Consideration and possible approval of **sponsoring the Epson Tour at Copper Rock**
2. Consideration and possible approval of **Resolution 2025-01 adopting a fee for dog licensing** shipping and handling - Chief Yates
3. Consideration and possible approval of **Ordinance 2025-01 Amending Title 3, Chapter 1, Sections 6 and 9** with regards to business licensing procedures - Cindy Beteag
4. Consideration and possible approval of the **design for the central island of the roundabout** on Sand Hollow Road- Arthur LeBaron
5. **Discussion regarding the creation of a Complaints and Violations Committee** - Mayor Billings
6. Consideration and possible approval of **Resolution 2025-02 amending the fees for cemetery plots**
7. **Open and public** meeting training
8. Mayor, Council, and staff reports
9. 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 January 2, 2025

3:30 p.m. Work Meeting

3:30 – 4:30 p.m. Discussion on PDO zoning and affordable housing.

4:30 – 5:00 p.m. Discussion regarding sponsoring the Epson Tour at Copper Rock

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Presentation of the 2023-2024 annual audit – Hinton Burdick

Old Business

1. Council last discussed this item on September 19th where it was continued to the first meeting in December to allow Councilman Ellerman time to speak to other cities that have adopted a similar zone. Councilman Ellerman was not able to attend the council meetings in December, so this item was moved to this agenda. The following is the summary that was provided in September.
   The City Council 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 is to facilitate the development of smaller, 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. On May 2, 2024, and June 6, 2024, staff brought a proposed concept for the R1-4 zone before the City Council for consideration. Based on discussions at those meetings, the item was continued to further refine the R1-4 concept. Also, previous comments from the Public Works, Power, and Engineering departments expressed concerns about the 15-foot front setback that was proposed initially, due to the potential for conflicts with the provision of utilities and parking. The comments were carefully considered, and the proposed setbacks have been revised to address those concerns. Some of the key elements of the proposed zoning classification are listed below:

   - 4,000-square-foot average lot area (3,900-square-foot minimum).
   - 6,000-square-foot maximum lot area.
   - 50-foot minimum lot width.
   - 1,500-square-foot maximum footprint.
   - 12-acre maximum development area.
   - ADUs, accessory buildings, and Air B&Bs will not be permitted.
   - Reduced setback standards:
     - Front Yard – 25 feet
     - Rear Yard – 10 feet

- Side Yard – 5 feet and 10 feet
- Street Side Yard – 15 feet

The proposed R1-4 zoning classification will require updates to portions of Chapters 11, 13, and 50 of Title 10 of the Hurricane City Code. Staff recommends approval. -Gary Cupp

2. The Council held a work meeting on December 5, 2024, to discuss potential locations for the pickleball courts. Staff were tasked with evaluating whether the courts could fit in the grass area at the corner of 100 S. and Main, with plans to report back for a decision. At the December 19th meeting, the item was continued to allow the Council to consider additional options and to give Councilman Ellerman an opportunity to review the proposed site.

Consent Agenda

Appointment of Clark Fawcett to Washington County Water Conservancy District Board.
Appointment of Jospeh Prete to the Ash Creek Special Service District Board.
Appointment of Drew Ellerman to the Hurricane Valley Fire Special Service District Board.
Appointment of Clark Fawcett to the Hurricane City Water Board.
Appointment of David Hirschi to the Hurricane City Power Board.

New Business

1. The City Council has approved to sponsor the Epson Tour at Copper Rock for the last four years. This item is on the agenda for the Council to decide if they want to continue that sponsorship and if so, how much.
2. The Hurricane City Animal Shelter is transitioning to an on-line program for dog licensing service. Our goal is to provide a more convenient and accessible option for the citizens of Hurricane City to license their dogs. We believe the convenience and practicality of the on-line program will lead to greater compliance. To cover shipping and handling cost, we are posing a fee increase of $2.50 per submission. – Chief Yates
3. On November 21st, the Council discussed business license fees and refund procedures. Staff was directed to conduct an analysis of the administrative costs associated with the license fees, and the Council expressed general support for making these fees nonrefundable. While staff is still working on the cost analysis, the proposed ordinance will implement nonrefundable fees. This change aims to help cover the costs of staff time when a business fails to complete the necessary requirements. – Cindy Beteag
4. The Sand Hollow Road project includes a prominent roundabout with a large central area that offers potential for development. Although there have been discussions about what to place in this space, no consensus has been reached. The Council is being asked to make a decision on what should be placed there. When considering options, the Council should take into account the utilities located beneath the area and the potential costs of future improvements, including the possibility of relocating whatever is placed in the space.

5. Complaints or violations on a Political Subdivisions must be filed with the Ethics Review Committee with the state unless a local ethics committee has been created. Mayor Billings would like to discuss creating an Ethics Review Committee and what the requirements would be if it was created.
6. During the last Council meeting, it was briefly noted that Hurricane's nonresident fee for cemetery plots is lower than those in surrounding communities. With both Hurricane and neighboring areas facing limited cemetery space, the Council directed staff to prepare a resolution to increase the nonresident fee. Included in this packet are comparisons of fees from nearby communities. The Council did not specify a target amount for the new fee, so the proposed rate aligns with Washington City's current fee. However, this can be adjusted if the Council wishes to set a different amount. Additionally, during the review process, staff discovered that a resolution passed in 2017 limits the number of plots that can be purchased at the residential rate. Staff recommends that, if the Council wishes to maintain this limitation, it would be more appropriate to include it in the ordinance rather than a resolution. Staff is seeking direction from the Council on this matter. – Cindy Beteag
7. Council is required to have annual training on Open and Public Meetings. A short video will be played at the meeting to fulfill this requirement. – Cindy Beteag
8. Mayor, Council, and staff reports.
9. Closed Meeting upon request.

HURRICANE CITY
UTAH

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 the September 19, 2024, meeting:
The City Council 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 is to facilitate the development of smaller, 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. On May 2, 2024, and June 6, 2024, staff brought a proposed concept for the R1-4 zone before the City Council for consideration. Based on discussions at those meetings, the item was continued to further refine the R1-4 concept. Also, previous comments from the Public Works, Power, and Engineering departments expressed concerns about the 15-foot front setback that was proposed initially, due to the potential for conflicts with the provision of utilities and parking. The comments were carefully considered, and the proposed setbacks have been revised to address those concerns. Some of the key elements of the proposed zoning classification are listed below:

- 4,000-square-foot average lot area (3,900-square-foot minimum).
- 6,000-square-foot maximum lot area.
- 50-foot minimum lot width.
- 1,500-square-foot maximum footprint.
- 12-acre maximum development area.
- ADUs, accessory buildings, and Air B&Bs will not be permitted.
- Reduced setback standards:
    - Front Yard – 25 feet
    - Rear Yard – 10 feet
    - Side Yard – 5 feet and 10 feet
    - Street Side Yard – 15 feet

The proposed R1-4 zoning classification will require updates to portions of Chapters 11, 13, and 50 of Title 10 of the Hurricane City Code. Staff recommends approval. Gary Cupp

Findings:

Recommendation:

Attachments:

1. Staff Comments - Old business #1
2. Ordinance 2024-07 amending Title 10, Chapters 11, 13, 50_R1-4 Zoning
3. CHAPTER_50.___WIRELESS_TELECOMMUNICATIONS_FACILITIES (Clean)
4. Sec._10_13_4.___Development_standards (Clean)
5. CHAPTER_11.___ZONES_ESTABLISHED (Clean)
6. CHAPTER_50.___WIRELESS_TELECOMMUNICATIONS_FACILITIES (Redline)
7. Sec._10_13_3.___Uses_allowed (Redline)
8. Sec._10_13_4.___Development_standards (Redline)
9. CHAPTER_11.___ZONES_ESTABLISHED (Redline)
10. LUCA24-02_ R1-4 Zoning CC Staff Report_9-19-24
11. Sec._10_13_3.___Uses_allowed (Clean)

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2024-07 amending Title 10, Chapters 11, 13, and 50 to add a new zoning classification 41-4, residential one unit per 4,000 square feet.

Discussion: Council last discussed this item on September 19th where it was continued to the first meeting in December to allow Councilman Ellerman time to speak to other cities that have adopted a similar zone. Councilman Ellerman was not able to attend the council meetings in December, so this item was moved to this agenda. The following is the summary that was provided in September.

The City Council 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 is to facilitate the development of smaller, 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. On May 2, 2024, and June 6, 2024, staff brought a proposed concept for the R1-4 zone before the City Council for consideration. Based on discussions at those meetings, the item was continued to further refine the R1-4 concept. Also, previous comments from the Public Works, Power, and Engineering departments expressed concerns about the 15-foot front setback that was proposed initially, due to the potential for conflicts with the provision of utilities and parking. The comments were carefully considered, and the proposed setbacks have been revised to address those concerns. Some of the key elements of the proposed zoning classification are listed below:

- 4,000-square-foot average lot area (3,900-square-foot minimum).
- 6,000-square-foot maximum lot area.
- 50-foot minimum lot width.
- 1,500-square-foot maximum footprint.
- 12-acre maximum development area.
- ADUs, accessory buildings, and Air B&Bs will not be permitted.
- Reduced setback standards:
    - Front Yard – 25 feet
    - Rear Yard – 10 feet
    - Side Yard – 5 feet and 10 feet
    - Street Side Yard – 15 feet

The proposed R1-4 zoning classification will require updates to portions of Chapters 11, 13, and 50 of Title 10 of the Hurricane City Code. Staff recommends approval. -Gary Cupp

Findings:

Recommendation:

Ordinance No. 2024-07

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 10-7-18(E)(4) 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	N	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	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	N	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	N	N	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	N	P	P	P	N
Guesthouse or casita	P	P	P	N	N	N	N	N	N
Manufactured home	P	P	P	P	P	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
Residential facility for troubled youth	N	N	N	N	N	N	N	N	N
Short term rental[4]	P	P	P	N	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N	N
Public and civic uses:									
Airport	N	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N	N
Convalescent care facility	N	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	N	P	P	P	P
Government service	N	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P	P
Commercial uses:									
Agricultural sales and service	N	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N
Licensed family child care [2]	P	P	P	P	P	P	P	P	P
Residential certificate child care [2]	P	P	P	P	P	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N

Gasoline service station	N	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N	N	N
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N	N
Parking garage, public	N	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N	N
Personal care service, home based[2]	P	P	P	P	P	P	P	P	P
Personal instruction service, home based[2]	P	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	P	N	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	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	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, as defined in Sec. 10-3-4.

   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 by the City Council of Hurricane, Utah that Section 10-13-4 of the Hurricane City Code is amended to read as follows:

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.	4,000 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.	3,900 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.	50 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	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.	30 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building[4]	16 ft.	16 ft.	16 ft.	16 ft.	n/a	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	n/a	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	50% of lot
Distance between buildings	10 ft.	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.	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.	10 ft.
Accessory building, including private garage[6]	See note 9	See note 9	See note 9	See note 9	n/a	See note 9	See note 9	See note 9
Setback standards—interior side yard:								
Main building	10 ft.	10 ft.	10 ft.	8 ft.	See note 11.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	n/a	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	n/a	See note 6	See note 6	See note 6
Pool location and setbacks[8]	3 ft.	3 ft.	3 ft.	3 ft.	n/a	3 ft.	3 ft.	3 ft.

A. *R1-4 specific development standards.*

a. R1-4 developments should not be clustered together or be located adjacent to another R1-4 zone. Areas zoned R1-4 shall be distributed evenly throughout the City in an orderly, harmonious, and functionally efficient manner.

b. No R1-4 zoned development or subdivision shall exceed 12 acres.

c. No building shall exceed two stories.

d. Each lot shall have a minimum width of 18 feet of concrete driveway.

e. The maximum lot size is 6,000 square feet.

f. The maximum footprint of the main building is 1,500 square feet.

g. No accessory buildings or accessory dwellings units are permitted.

h. A development agreement between the City and the applicant may be required by the City Council as part of the Council's legislative action to add R1-4 zoning to the City's zoning map.

i. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

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.
11. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

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 10-7-18(E)(4) 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, January 2025.

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 January 2025. 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 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 10-7-18(E)(4) 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

(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:

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:

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.

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)

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.	4,000 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.	3,900 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.	50 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	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.	30 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building[4]	16 ft.	16 ft.	16 ft.	16 ft.	n/a	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	n/a	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	50% of lot
Distance between buildings	10 ft.	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.	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.	10 ft.
Accessory building, including private garage[6]	See note 9	See note 9	See note 9	See note 9	n/a	See note 9	See note 9	See note 9
Setback standards—interior side yard:								

Main building	10 ft.	10 ft.	10 ft.	8 ft.	See note 11.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	n/a	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	n/a	See note 6	See note 6	See note 6
Pool location and setbacks[8]	3 ft.	3 ft.	3 ft.	3 ft.	n/a	3 ft.	3 ft.	3 ft.

A. *R1-4 specific development standards.*

a. R1-4 developments should not be clustered together or be located adjacent to another R1-4 zone. Areas zoned R1-4 shall be distributed evenly throughout the City in an orderly, harmonious, and functionally efficient manner.

b. No R1-4 zoned development or subdivision shall exceed 12 acres.

c. No building shall exceed two stories.

d. Each lot shall have a minimum width of 18 feet of concrete driveway.

e. The maximum lot size is 6,000 square feet.

f. The maximum footprint of the main building is 1,500 square feet.

g. No accessory buildings or accessory dwellings units are permitted.

h. A development agreement between the City and the applicant may be required by the City Council as part of the Council's legislative action to add R1-4 zoning to the City's zoning map.

i. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

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.
11. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

(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 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.	*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	

(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 R1-4 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.

(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)

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 10-7-18(E)(4) 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

(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:

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:

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.

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)

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 10-7-18(E)(4) 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	N	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	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	N	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	N	N	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	N	P	P	P	N
Guesthouse or casita	P	P	P	N	N	N	N	N	N
Manufactured home	P	P	P	P	P	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
Residential facility for troubled youth	N	N	N	N	N	N	N	N	N
Short term rental[4]	P	P	P	N	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N	N
Public and civic uses:									
Airport	N	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N	N

Convalescent care facility	N	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	N	P	P	P	P
Government service	N	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P	P
Commercial uses:									
Agricultural sales and service	N	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N
Licensed family child care [2]	P	P	P	P	P	P	P	P	P
Residential certificate child care [2]	P	P	P	P	P	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N	N	N
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N	N

Parking garage, public	N	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N	N
Personal care service, home based[2]	P	P	P	P	P	P	P	P	P
Personal instruction service, home based[2]	P	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	P	N	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	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	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, as defined in Sec. 10-3-4.

   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.	4,000 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.	3,900 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.	50 ft.	80 ft. project	100 ft. project	200 ft. project
Maximum density per acre	n/a	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.	30 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building[4]	16 ft.	16 ft.	16 ft.	16 ft.	n/a	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	500 sq. ft.	n/a	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	50% of lot
Distance between buildings	10 ft.	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.	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.	10 ft.
Accessory building, including private garage[6]	See note 9	See note 9	See note 9	See note 9	n/a	See note 9	See note 9	See note 9
Setback standards—interior side yard:								

Main building	10 ft.	10 ft.	10 ft.	8 ft.	See note 11.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	n/a	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	n/a	See note 6	See note 6	See note 6
Pool location and setbacks[8]	3 ft.	3 ft.	3 ft.	3 ft.	n/a	3 ft.	3 ft.	3 ft.

A. *R1-4 specific development standards.*

a. R1-4 developments should not be clustered together or be located adjacent to another R1-4 zone. Areas zoned R1-4 shall be distributed evenly throughout the City in an orderly, harmonious, and functionally efficient manner.

b. No R1-4 zoned development or subdivision shall exceed 12 acres.

c. No building shall exceed two stories.

d. Each lot shall have a minimum width of 18 feet of concrete driveway.

e. The maximum lot size is 6,000 square feet.

f. The maximum footprint of the main building is 1,500 square feet.

g. No accessory buildings or accessory dwellings units are permitted.

h. A development agreement between the City and the applicant may be required by the City Council as part of the Council's legislative action to add R1-4 zoning to the City's zoning map.

i. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

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.
11. Side yards shall be 5 feet on one side and minimum 10 feet on the other side.

(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 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.	*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	

(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-~~6~~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.

(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)

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**09/19/2024**
Application Number:	LUCA24-02
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
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 is to facilitate the development of smaller, 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 (3,900-square-foot minimum).
- 6,000-square-foot maximum lot area.
- 50-foot minimum lot width.
- 12-acre maximum development area.
- ADUs, accessory buildings, and Air B&Bs will not be permitted.
- Reduced setback standards:
    - Front Yard – 25 feet
    - Rear Yard – 10 feet
    - Side Yard – 5 feet and 10 feet
    - Street 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.

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 15-foot front setback that was proposed initially, due to the potential for conflicts with the provision of utilities and parking. These comments were carefully considered, and the proposed setbacks have been revised to address their concerns.

Recommendation:
Staff recommends that the City Council review the proposed R1-4 zoning classification with consideration staff and JUC comments, and any public comments received at the public hearing, and approve the proposed land use code amendment updating Chapters 11, 13, and 50 of Title 10.

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 10-7-18(E)(4) 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	N	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	C	N	N	N	N
Boarding house	N	N	N	N	N	N	N	N	N
Building, accessory	P	P	P	P	N	P	P	P	P
Dwelling, earth sheltered	P	P	P	P	P	P	P	P	N
Dwelling, multiple-family	N	N	N	N	N	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	N	P	P	P	N
Guesthouse or casita	P	P	P	N	N	N	N	N	N
Manufactured home	P	P	P	P	P	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
Residential facility for troubled youth	N	N	N	N	N	N	N	N	N
Short term rental[4]	P	P	P	N	N	N	N	N	N
Transitional housing facility	N	N	N	N	N	N	N	N	N
Public and civic uses:									
Airport	N	N	N	N	N	N	N	N	N
Auditorium or stadium	N	N	N	N	N	N	N	N	N
Bus terminal	N	N	N	N	N	N	N	N	N
Cemetery	P	P	P	P	P	P	P	P	P
Church or place of worship	P	P	P	P	P	P	P	P	P
Club or service organization	N	N	N	N	N	N	N	N	N
College or university	N	N	N	N	N	N	N	N	N

Convalescent care facility	N	N	N	N	N	N	N	N	N
Correctional facility	N	N	N	N	N	N	N	N	N
Cultural service	N	N	N	N	N	N	N	N	N
Golf course	P	P	P	P	N	P	P	P	P
Government service	N	N	N	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	N	N	N
Operations center	N	N	N	N	N	N	N	N	N
Park	P	P	P	P	P	P	P	P	P
Post office	N	N	N	N	N	N	N	N	N
Protective service	P	P	P	P	P	P	P	P	P
Reception center	N	N	N	N	N	N	N	N	N
School, elementary, middle, high or private	P	P	P	P	P	P	P	P	P
School, vocational	N	N	N	N	N	N	N	N	N
Stable, public	N	N	N	N	N	N	N	N	N
Utility, major	N	N	N	N	N	N	N	N	N
Utility, minor	P	P	P	P	P	P	P	P	P
Commercial uses:									
Agricultural sales and service	N	N	N	N	N	N	N	N	N
Animal hospital	N	N	N	N	N	N	N	N	N
Bail bond service	N	N	N	N	N	N	N	N	N
Bank or financial institution	N	N	N	N	N	N	N	N	N
Bed and breakfast, home	P	P	P	P	N	N	N	N	N
Bed and breakfast inn	N	N	N	N	N	N	N	N	N
Business equipment rental, services, and supplies	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N
Club, private	N	N	N	N	N	N	N	N	N
Construction sales and service	N	N	N	N	N	N	N	N	N
Convenience store	N	N	N	N	N	N	N	N	N
Licensed family child care [2]	P	P	P	P	P	P	P	P	P
Residential certificate child care [2]	P	P	P	P	P	P	P	P	P
Child care center	N	N	N	N	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N	N
Gas and fuel, storage and sales	N	N	N	N	N	N	N	N	N
Gasoline service station	N	N	N	N	N	N	N	N	N
Hostel	N	N	N	N	N	N	N	N	N
Hotel	N	N	N	N	N	N	N	N	N
Kennel, commercial	N	N	N	N	N	N	N	N	N
Laundry or dry cleaning, limited	N	N	N	N	N	N	N	N	N
Liquor store	N	N	N	N	N	N	N	N	N
Media service	N	N	N	N	N	N	N	N	N
Medical or dental laboratory	N	N	N	N	N	N	N	N	N
Medical service	N	N	N	N	N	N	N	N	N
Motel	N	N	N	N	N	N	N	N	N
Office, general	N	N	N	N	N	N	N	N	N

Parking garage, public	N	N	N	N	N	N	N	N	N
Parking lot, public	N	N	N	N	N	N	N	N	N
Pawnshop	N	N	N	N	N	N	N	N	N
Personal care service, home based[2]	P	P	P	P	P	P	P	P	P
Personal instruction service, home based[2]	P	P	P	P	P	P	P	P	P
Printing and copying, limited	N	N	N	N	N	N	N	N	N
Printing, general	N	N	N	N	N	N	N	N	N
Produce stand	N	N	N	N	N	N	N	N	N
Recreation and entertainment, indoor	N	N	N	N	N	N	N	N	N
Recreation and entertainment, outdoor	N	N	N	N	N	N	N	N	N
Recreational vehicle park	N	N	N	N	N	N	N	N	P
Repair service	N	N	N	N	N	N	N	N	N
Research service	N	N	N	N	N	N	N	N	N
Residential hosting facility	P	P	P	P	N	N	N	N	N
Restaurant, fast food	N	N	N	N	N	N	N	N	N
Restaurant, general	N	N	N	N	N	N	N	N	N
Retail, general	N	N	N	N	N	N	N	N	N
Secondhand store	N	N	N	N	N	N	N	N	N
Shopping center	N	N	N	N	N	N	N	N	N
Tattoo establishment	N	N	N	N	N	N	N	N	N
Tavern	N	N	N	N	N	N	N	N	N
Temporary trailer	P	P	P	P	P	P	P	P	P
Transportation service	N	N	N	N	N	N	N	N	N
Vehicle and equipment rental or sale	N	N	N	N	N	N	N	N	N
Vehicle and equipment repair, general	N	N	N	N	N	N	N	N	N
Vehicle repair, limited	N	N	N	N	N	N	N	N	N
Veterinary service	N	N	N	N	N	N	N	N	N
Warehouse, self-service storage	N	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	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, as defined in Sec. 10-3-4.

   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)

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of the location of new pickeball courts.

Discussion: The Council held a work meeting on December 5, 2024, to discuss potential locations for the pickleball courts. Staff were tasked with evaluating whether the courts could fit in the grass area at the corner of 100 S. and Main, with plans to report back for a decision. At the December 19th meeting, the item was continued to allow the Council to consider additional options and to give Councilman Ellerman an opportunity to review the proposed site.

Findings:

Recommendation:

Resolution No. 2025-03

A RESOLUTION OF THE HURRICANE CITY COUNCIL OF HURRICANE, UTAH, RECOMMENDING AND APPROVING THE DESIGNATION AND APPOINTMENT OF CLARK FAWCETT AS A REPRESENTATIVE TO SERVE ON THE WASHINGTON COUNTY WATER CONSERVANCY DISTRICT BOARD.

WHEREAS, Washington County Water Conservancy District Board (the "District") was created by the Washington County Commission for the purpose of providing water services for residents throughout Washington County, and

WHEREAS, the District is governed by an administrative control board made up members representing the cities and towns in Washington County, which are approved and appointed by the Washington County Commission; and

WHEREAS, Hurricane City desires to designate a person to serve on said administrative control board as the representative for Hurricane City during the calendar year 2025 and for such time thereafter until a successor has been appointed; and

WHEREAS, all legal requirements pertaining to the designation of said representatives have been met; and

WHEREAS, said Hurricane City Council deems it necessary and desirable for the preservation of the public health, safety, and welfare for this appointment to occur,

BE IT HEREBY RESOLVED by the Hurricane City Council of Hurricane, Utah that it recommends and approves the appointment of Clark Fawcett to serve as a representative on the Washington County Water Conservancy District Board.

DATED this 2nd day of January 2025.

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2nd day of January, 2025. 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, City Recorder

RESOLUTION 2025-04

A RESOLUTION OF THE HURRICANE CITY COUNCIL OF HURRICANE, UTAH, APPROVING THE DESIGNATION AND APPOINTMENT OF A RESPRESENTATIVE TO SERVE ON THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE DISTRICT FOR THE CALENDAR YEAR 2025 AND FOR SUCH TIME THEREAFTER UNTIL A SUCCESSOR HAS BEEN DESIGNATED AND APPOINTED

WHEREAS Ash Creek Special Service District was created by the Washington County Commission for the purpose of providing wastewater collection and treatment services for the residents of Hurricane, LaVerkin and Toquerville, Utah as well as other unincorporated areas of Washington County, Utah; and

WHEREAS said District is governed by an Administrative Control Board made up of six (6) members, two (2) of whom are designated by each of the three aforementioned cities within the boundaries of the district; and

WHEREAS Hurricane City desires to designate a person to serve on said Administrative Control Board as the representative for Hurricane City during the calendar year 2025 and for such time thereafter until a successor has been appointed; and

WHEREAS all legal requirements pertaining to the designation of said representative has been met; and

WHEREAS said Hurricane City Council deems it necessary and desirable for the preservation of the public health, safety and welfare,

BE IT HEREBY RESOLVED by the Hurricane City Council of Hurricane, Utah that Joseph Prete, a member of Hurricane City Council, shall be, and is hereby, designated to serve as the representative for Hurricane City on the Administrative Control Board of Ash Creek Special Service District for the calendar year 2025 and for such time thereafter until a successor has been designated and appointed.

DATED this 2nd day of January 2025

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2nd day of January 2025. 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

RESOLUTION 2025-05

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, APPROVING THE DESIGNATION AND APPOINTMENT OF A REPRESENTATIVE TO SERVE ON THE ADMINISTRATIVE CONTROL BOARD OF THE HURRICANE VALLEY FIRE SPECIAL SERVICE DISTRICT FOR THE CALENDAR YEAR 2025 AND FOR SUCH TIME THEREAFTER UNTIL A SUCCESSOR HAS BEEN DESIGNATED AND APPOINTED

WHEREAS the Hurricane Valley Fire Special Service District was created by the Washington County Commission for the purpose of providing fire suppression and protection services for the residents of Hurricane, LaVerkin, Toquerville, Leeds, Virgin, Rockville and Springdale, Utah, as well as other unincorporated areas of Washington County, Utah; and

WHEREAS said District is governed by an Administrative Control Board made up of seven (7) members appointed by the member municipalities; and

WHEREAS Hurricane City desires to designate a person to serve on said Administrative Control Board as the representative for Hurricane City during the calendar year 2025 and for such time thereafter until a successor has been appointed; and

WHEREAS all legal requirements pertaining to the designation of said representative has been met; and

WHEREAS said Hurricane City Council deems it necessary and desirable for the preservation of the public health, safety and welfare,

BE IT HEREBY RESOLVED by the Hurricane City Council of Hurricane, Utah that Drew Ellerman, a member of Hurricane City Council, shall be, and is hereby, designated to serve as the representative for Hurricane City on the Administrative Control Board of Hurricane Valley Fire Special Service District for the calendar year 2025 and for such time thereafter until a successor has been designated and appointed.

DATED this 2nd day of January 2025.

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2nd day of January 2025. 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

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of sponsoring the Epson Tour at Copper Rock.

Discussion: The City Council has approved to sponsor the Epson Tour at Copper Rock for the last four years. This item is on the agenda for the Council to decide if they want to continue that sponsorship and if so, how much.

Findings:

Recommendation:

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2025-01 adopting a fee for dog licensing shipping and handling.

Discussion: The Hurricane City Animal Shelter is transitioning to an on-line program for dog licensing service. Our goal is to provide a more convenient and accessible option for the citizens of Hurricane City to license their dogs. We believe the convenience and practicality of the on-line program will lead to greater compliance. To cover shipping and handling cost, we are posing a fee increase of $2.50 per submission. – Chief Yates

Findings:

Recommendation:

RESOLUTION 2025-01

A RESOLUTION OF THE HURRICANE CITY COUNCIL OF HURRICANE, UTAH, ADOPTING SHIPPING AND HANDLING FEES FOR ONLINE DOG LICENSES

WHEREAS, the Hurricane City Council is authorized by Section 10-3-717 of the Utah Code and Section 1-5-6 of the Hurricane City Code to establish fees for municipal services; and

WHEREAS, Hurricane City will be offering an online dog license service; and

WHEREAS, shipping and handling fees are associated with this service; and

WHEREAS, the Hurricane City Council finds that the adoption of the following fees is necessary and desirable for the preservation and protection of the health, safety, and welfare of the residents of Hurricane:

THEREFORE, BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah that the following fee shall apply to the service provided by the Hurricane City Animal Shelter.

Online Dog License Shipping and Handling Fees	$2.50 per submission

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Passed and adopted this 2nd day of January 2025.

_____

Nanette Billings, Mayor

Attest:

_____

Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2nd day of January 2025. 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

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2025-01 Amending Title 3, Chapter 1, Sections 6 and 9 with regard to business licensing procedures.

Discussion: On November 21st, the Council discussed business license fees and refund procedures. Staff was directed to conduct an analysis of the administrative costs associated with the license fees, and the Council expressed general support for making these fees nonrefundable. While staff is still working on the cost analysis, the proposed ordinance will implement nonrefundable fees. This change aims to help cover the costs of staff time when a business fails to complete the necessary requirements. – Cindy Beteag

Findings:

Recommendation:

Ordinance 2025-01

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 3, CHAPTER 1 SECTIONS 6 AND 9 WITH REGARDS TO BUSINESS LICENSING

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 3, Chapter 1, Section 6 and 9 of the Hurricane City Code; and

WHEREAS, the City Council finds these amendments necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane City;

BE IT HEREBY ORDIANED by the Hurricane City Council that Section 3-1-6 and 3-1-9 of the Hurricane City Code is amended to read as follows:

Chapter 1

Sec. 3-1-6. Fee for license.

A. *Determination.* No new business license or renewal business license shall be issued to any person or entity until such time that the City Recorder-Clerk shall have completed to his satisfaction the steps set forth in section 3-1-3 of this chapter and the applicable license fee shall have first been paid to the City. Except for specific businesses enumerated herein, the license renewal fee or adjustments to the license fee for the immediately preceding year, if any, shall be determined by the City Recorder-Clerk.

B. *Enumerated.*

1. Except for "nonprofit enterprises", as defined in section 3-1-2 of this chapter, and those businesses specified in subsection B2 of this section, every person or entity engaged in business within the City shall be required to pay an annual license fee of $50.00. An application fee of $25.00 shall be required of all business entities filing an application for a new license. If any licensee shall require a replacement license to be issued by the City Recorder-Clerk, a $10.00 fee shall be charged.

2. Every person or entity engaged in operating a short term vacation rental shall be required to pay an annual license fee of $300.00. All other fees specified in subsection B1 of this section shall apply.

3. The following requirements shall apply to any home based businesses:

    a. The following home based businesses are required to obtain and maintain a current City business license and meet all requirements of this title:

        (1) In-home child or adult care and preschool businesses.

        (2) Businesses that require or attract more than ten vehicle trips per day, including but not limited to package delivery, client visits, and employee trips.

(3) Any business that is required to have a fire inspection due to possible hazardous storage or activities.

(4) Any business that is required to obtain a license from another governmental agency, such as the Department of Health or United States Department of Agriculture.

(5) Any business requiring a backflow prevention device inspection by the Water Department.

(6) Any intrinsically commercial operation, such as residential hosting or home bed and breakfast.

b. Any other home based business may operate with a one-time registration fee of $25.00 but shall comply with the remainder of this chapter, as well as all applicable local, state, and federal laws.

c. In recognition of the additional City resources required to process a business license, any home occupations that require a business license for their own purposes must pay all applicable application and licensing fees.

C. *Receipt.* In the event that the City Recorder-Clerk has not completed to his satisfaction or obtained any information set forth in section 3-1-3 of this chapter at the time that the applicant or licensee pays for a license or renewal thereof, the City Treasurer may issue a receipt for the amount of money so paid, but acceptance of such payment and issuance of any receipt shall not be construed as approval by the City Recorder-Clerk for the issuance of a business license, nor shall it entitle or authorize the applicant or licensee to engage in business until such time that the license or renewal thereof has been duly issued by the City Recorder-Clerk.

D. *Time of payment.* Except as may be otherwise provided in this chapter, all license fees shall be due and payable as follows: new license fees shall be due and payable upon filing an application for license and annual renewal license fees shall be due and payable upon issuance by the City Recorder-Clerk of notice for renewal. Annual renewal fees shall become delinquent if not paid within 30 days of the expiration date.

E. *Penalty for late payment.* In the event that any license fee is not paid within 30 days of the date of expiration, a late penalty of $20.00 shall be assessed.

F. *Refund or Rebate of fees.* All fees charged under this Chapter are nonrefundable. No rebate or refund of any license fee or part thereof shall be made by reason of the nonuse of such license or by reason of a change of location or type.

G. *Fee constitutes debt.* The amount of any license fee imposed by this chapter shall be deemed to constitute a debt to City, and any person engaging in business without having first procured a business license from City shall be liable in an action at law in the name of the City in any court of competent jurisdiction for the amount of the license fee imposed pursuant to this chapter.

(1998 Code §§ 9-214, 9-215, 9-310; Ord. 2007-19, 9-20-2007; Ord. 2013-12, 11-7-2013; Ord. 2016-05, 3-17-2016; Ord. 2017-13, 8-17-2017)

Sec 3-1-7 – 3-1-8 remains unchanged.

Sec. 3-1-9. Revocation or denial of license.

A. *Grounds.* A business license application or existing business license may be denied or revoked for any of the following reasons:

1. The application is not on the form provided or does not contain the required information.
2. The application contains materially false information.
3. The equipment, vehicle, device or structure to be used is inadequate or unsafe for the purpose for which it is to be used.
4. The business or location of the business activity is such as to interfere with or unreasonably obstruct the free flow of vehicular traffic or with other means of travel on any public street or with pedestrian traffic on the sidewalk.
5. The applicant, or any other person conducting the business has violated any federal, state or local law, regulation or ordinance governing the business, or has been convicted of a felony or a misdemeanor involving moral turpitude.
6. The conduct of the business or activity will be contrary to law, including the requirements of this chapter.
7. The conduct of the business or activity will interfere with the preservation of the public peace, health, safety or welfare of the public.
8. Failure of the licensee or applicant to comply with any conditions and requirements of this chapter or any other ordinance of the City.
9. Failure to pay sales tax, or other required taxes, or any other fee imposed by the City.

B. *Denial of applications by City Recorder-Clerk*. The City Recorder-Clerk shall not issue or renew a business license until the applicant has satisfied the requirements of this chapter, nor shall the City Recorder-Clerk issue or renew a business license if any one of the grounds for denial stated in subsection A of this section apply. If an applicant fails to satisfy the requirements of this chapter within six months after an application is submitted, the City Recorder-Clerk shall deny the application. A denial of a business license application under this paragraph may be appealed by the applicant to the City Council by filing a written notice of appeal with the City Recorder-Clerk within 15 days of the denial. Upon receiving a timely-submitted written notice of appeal, the matter shall be heard and decided by the City Council in the next City Council meeting at least 14 days from the date the notice of appeal was received by the City Recorder-Clerk.

C. *Revocation of Existing Business Licenses by City Council*. The City Council may revoke an existing business license on any one of the grounds for revocation set forth in subsection A

of this section. Any licensed business found to be in violation of this chapter shall be notified in writing by the City Recorder-Clerk of any facts constituting a violation. Notification shall include facts describing the violation, the applicable ordinance or law, and measures to be taken in order to correct the violation. The notification shall also set a deadline 30 days from the date of notification when the violation must be corrected in order to avoid penalty. The notification shall also state that in the event of unusual circumstances the licensee may apply to the City Recorder-Clerk for an extension. If, during the 30-day period, the licensee applies to the City Recorder-Clerk for an extension, more time may be granted at the reasonable discretion of the City Recorder-Clerk. Any such extension shall be detailed in a written agreement that must be signed by the licensee. If, after the 30-day period has expired, the violation has not been corrected and the licensee has not received an extension, the City Recorder-Clerk shall proceed with the steps described in subsection D of this section to revoke the business license. If at any time during this process the license becomes due for renewal, the licensee will not be permitted to renew the license prior to satisfactorily resolving the violation.

D. *Notice; hearing.* Prior to the revocation of a license, the licensee shall be given written notice which shall state in substance that the City Council intends to revoke the business license, together with the reason or reasons therefor, at a regular or special meeting of the City Council, and that the licensee has a right to appear, to be represented by counsel, to hear the evidence against him, to cross examine witnesses and to present evidence as to why the license should not be revoked. The regular or special meeting of the City Council shall be at least ten days and not more than 30 days from the date such notice is sent.

(1998 Code § 9-306; Ord. 21-5-3A, 5-3-2001; Ord. 2007-19, 9-20-2007; Ord. 2013-12, 11-7-2013; Ord. No. 2022-57, 10-20-2022)

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

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.

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.

BE IT FURTHER ORDAINED that this Ordinance shall, after adoption and approval, take effect immediately upon publication or posted as required by law.

PASSED AND APPROVED this 2nd day of January 2025

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 January, 2025. 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
Joseph Prete	___	___	___	___
Clark Fawcett	___	___	___	___
David Hirschi	___	___	___	___
Kevin Thomas				
Drew Ellerman	___	___	___	___

_____
Cindy Beteag, Recorder

Sec. 3-1-6. Fee for license.

A. *Determination.* No new business license or renewal business license shall be issued to any person or entity until such time that the City Recorder-Clerk shall have completed to his satisfaction the steps set forth in section 3-1-3 of this chapter and the applicable license fee shall have first been paid to the City. Except for specific businesses enumerated herein, the license renewal fee or adjustments to the license fee for the immediately preceding year, if any, shall be determined by the City Recorder-Clerk.

B. *Enumerated.*

1. Except for "nonprofit enterprises", as defined in section 3-1-2 of this chapter, and those businesses specified in subsection B2 of this section, every person or entity engaged in business within the City shall be required to pay an annual license fee of $50.00. An ~~nonrefundable~~ application fee of $25.00 shall be required of all business entities filing an application for a new license. If any licensee shall require a replacement license to be issued by the City Recorder-Clerk, a $10.00 fee shall be charged.

2. Every person or entity engaged in operating a short term vacation rental shall be required to pay an annual license fee of $300.00. All other fees specified in subsection B1 of this section shall apply.

3. The following requirements shall apply to any home based businesses:

   a. The following home based businesses are required to obtain and maintain a current City business license and meet all requirements of this title:

      (1) In-home child or adult care and preschool businesses.

      (2) Businesses that require or attract more than ten vehicle trips per day, including but not limited to package delivery, client visits, and employee trips.

      (3) Any business that is required to have a fire inspection due to possible hazardous storage or activities.

      (4) Any business that is required to obtain a license from another governmental agency, such as the Department of Health or United States Department of Agriculture.

      (5) Any business requiring a backflow prevention device inspection by the Water Department.

      (6) Any intrinsically commercial operation, such as residential hosting or home bed and breakfast.

   b. Any other home based business may operate with a one-time registration fee of $25.00 but shall comply with the remainder of this chapter, as well as all applicable local, state, and federal laws.

c. In recognition of the additional City resources required to process a business license, any home occupations that require a business license for their own purposes must pay all applicable application and licensing fees.

C. *Receipt.* In the event that the City Recorder-Clerk has not completed to his satisfaction or obtained any information set forth in section 3-1-3 of this chapter at the time that the applicant or licensee pays for a license or renewal thereof, the City Treasurer may issue a receipt for the amount of money so paid, but acceptance of such payment and issuance of any receipt shall not be construed as approval by the City Recorder-Clerk for the issuance of a business license, nor shall it entitle or authorize the applicant or licensee to engage in business until such time that the license or renewal thereof has been duly issued by the City Recorder-Clerk.

D. *Time of payment.* Except as may be otherwise provided in this chapter, all license fees shall be due and payable as follows: new license fees shall be due and payable upon filing an application for license and annual renewal license fees shall be due and payable upon issuance by the City Recorder-Clerk of notice for renewal. Annual renewal fees shall become delinquent if not paid within 30 days of the expiration date.

E. *Penalty for late payment.* In the event that any license fee is not paid within 30 days of the date of expiration, a late penalty of $20.00 shall be assessed.

F. *Refund or Rebate of fees.* All fees charged under this Chapter are nonrefundable. No rebate or refund of any license fee or part thereof shall be made by reason of the nonuse of such license or by reason of a change of location or type. ~~Annual license fees shall be refunded only by reason of denial by the City Recorder- Clerk of the license application.~~

G. *Fee constitutes debt.* The amount of any license fee imposed by this chapter shall be deemed to constitute a debt to City, and any person engaging in business without having first procured a business license from City shall be liable in an action at law in the name of the City in any court of competent jurisdiction for the amount of the license fee imposed pursuant to this chapter.

(1998 Code §§ 9-214, 9-215, 9-310; Ord. 2007-19, 9-20-2007; Ord. 2013-12, 11-7-2013; Ord. 2016-05, 3-17-2016; Ord. 2017-13, 8-17-2017)

Sec 3-1-7 – 3-1-8 remains unchanged.

Sec. 3-1-9. Revocation or denial of license.

A. *Grounds.* A business license application or existing business license may be denied or revoked for any of the following reasons:

1. The application is not on the form provided or does not contain the required information.

2. The application contains materially false information.

3. The equipment, vehicle, device or structure to be used is inadequate or unsafe for the purpose for which it is to be used.

4. The business or location of the business activity is such as to interfere with or unreasonably obstruct the free flow of vehicular traffic or with other means of travel on any public street or with pedestrian traffic on the sidewalk.

5. The applicant, or any other person conducting the business has violated any federal, state or local law, regulation or ordinance governing the business, or has been convicted of a felony or a misdemeanor involving moral turpitude.

6. The conduct of the business or activity will be contrary to law, including the requirements of this chapter.

7. The conduct of the business or activity will interfere with the preservation of the public peace, health, safety or welfare of the public.

8. Failure of the licensee or applicant to comply with any conditions and requirements of this chapter or any other ordinance of the City.

9. Failure to pay sales tax, or other required taxes, or any other fee imposed by the City.

B. *Denial of applications by City Recorder-Clerk*. The City Recorder-Clerk shall not issue or renew a business license until the applicant has satisfied the requirements of this chapter, nor shall the City Recorder-Clerk issue or renew a business license if any one of the grounds for denial stated in subsection A of this section apply. If an applicant fails to satisfy the requirements of this chapter within six months after an application is submitted, the City Recorder-Clerk shall deny the application ~~and refund any refundable fees~~. A denial of a business license application under this paragraph may be appealed by the applicant to the City Council by filing a written notice of appeal with the City Recorder-Clerk within 15 days of the denial. Upon receiving a timely-submitted written notice of appeal, the matter shall be heard and decided by the City Council in the next City Council meeting at least 14 days from the date the notice of appeal was received by the City Recorder-Clerk.

C. *Revocation of Existing Business Licenses by City Council*. The City Council may revoke an existing business license on any one of the grounds for revocation set forth in subsection A of this section. Any licensed business found to be in violation of this chapter shall be notified in writing by the City Recorder-Clerk of any facts constituting a violation. Notification shall include facts describing the violation, the applicable ordinance or law, and measures to be taken in order to correct the violation. The notification shall also set a deadline 30 days from the date of notification when the violation must be corrected in order to avoid penalty. The notification shall also state that in the event of unusual circumstances the licensee may apply to the City Recorder-Clerk for an extension. If, during the 30-day period, the licensee applies to the City Recorder-Clerk for an extension, more time may be granted at the reasonable discretion of the City Recorder-Clerk. Any such extension shall be detailed in a written agreement that must be signed by the licensee. If, after the 30-day period has expired, the violation has not been corrected and the licensee has not received an extension, the City Recorder-Clerk shall proceed with the steps described in subsection D of this section to revoke the business license. If at any time during this process the license becomes due for renewal, the licensee will not be permitted to renew the license prior to satisfactorily resolving the violation.

D. *Notice; hearing.* Prior to the revocation of a license, the licensee shall be given written notice which shall state in substance that the City Council intends to revoke the business license, together with the reason or reasons therefor, at a regular or special meeting of the City Council, and that the licensee has a right to appear, to be represented by counsel, to hear the evidence against him, to cross examine witnesses and to present evidence as to why the license should not be revoked. The regular or special meeting of the City Council shall be at least ten days and not more than 30 days from the date such notice is sent.

(1998 Code § 9-306; Ord. 21-5-3A, 5-3-2001; Ord. 2007-19, 9-20-2007; Ord. 2013-12, 11-7-2013; Ord. No. 2022-57, 10-20-2022)

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of the design for the central island of the roundabout on Sand Hollow Road.

Discussion: The Sand Hollow Road project includes a prominent roundabout with a large central area that offers potential for development. Although there have been discussions about what to place in this space, no consensus has been reached. The Council is being asked to make a decision on what should be placed there. When considering options, the Council should take into account the utilities located beneath the area and the potential costs of future improvements, including the possibility of relocating whatever is placed in the space. – Cindy Beteag

Findings:

Recommendation:

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Discussion regarding the creation of a Complaints and Violations Committee.

Discussion: Complaints or violations on a Political Subdivisions must be filed with the Ethics Review Committee with the state unless a local ethics committee has been created. Mayor Billings would like to discuss creating an Ethics Review Committee and what the requirements would be if it was created.

Findings:

Recommendation:

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2025-02 amending the fees for cemetery plots.

Discussion: During the last Council meeting, it was briefly noted that Hurricane's nonresident fee for cemetery plots is lower than those in surrounding communities. With both Hurricane and neighboring areas facing limited cemetery space, the Council directed staff to prepare a resolution to increase the nonresident fee. Included in this packet are comparisons of fees from nearby communities. The Council did not specify a target amount for the new fee, so the proposed rate aligns with Washington City's current fee. However, this can be adjusted if the Council wishes to set a different amount. Additionally, during the review process, staff discovered that a resolution passed in 2017 limits the number of plots that can be purchased at the residential rate. Staff recommends that, if the Council wishes to maintain this limitation, it would be more appropriate to include it in the ordinance rather than a resolution. Staff is seeking direction from the Council on this matter. – Cindy Beteag

Findings:

Recommendation:

	$5,450.00 6" Culinary Water/Size
Additional Re-Inspection Fee (beyond first re-inspection)	$ 125.00 per each re-inspection
Washington County HCP (endangered species) Fee	$ 250.00 per acre @ Final Plat; and Plus $ 25.00 Administrative Cost of Collection and 0.2% Total Value of Construction for Reporting Fee, payable to Toquerville City, Residential, Commercial & Industrial. Building Permit Requests Paid at Application
Floodplain Compliance Review	$ 350.00 flat rate

Business License	**Fee**
Business License Application	$ 50.00 Calendar Year (to Dec. 31st)
Commercial Business License Application	$ 50.00 Calendar Year (to Dec. 31st) + Employee Fee
Per Full-Time Employee Fee	$ 10.00
Per Part-Time Employee Fee	$ 5.00
Maximum Fee (Before Late Fee)	$350.00
Late Fee (assessed after Dec. 31 & before March 1)	$ 20.00
Sign Application Fee	$ 35.00 + $2.00 sq. ft.
Special Event Permit	$ 100.00* for 100 or fewer attendees
	$ 200.00* for 101-200 attendees
	$ 300.00* for 201+ attendees
	*Plus additional deposit fees assessed by Staff

Cemetery	**Fee**
Open and Closing of Grave	
Weekday Burial	$ 550.00
Friday/Saturday/After Hours Burial *see current cemetery policy*	$ 800.00
(No Sunday or Holiday)	
Burial Right (Includes Perpetual Care) No Purchase of ½ Plots is Permitted	$ 570.00 Resident
	$ 1,150.00 Non-Resident
Disinterment	$ 1,000.00
Late Notice/Late Arrival Fee	$ 200.00

Culture and Recreation	**Fee**
Neighborhood Market	$ 20.00 10'x10' Booth and Canopy Rental

City Hall Reserve Use Fees – No rentals shall be made for holidays per Resolution 2016.12	
Refundable Deposit	$ 75.00
Anything less than 4 hours (considered ½ day)	$ 50.00
Anything more than 4 hours (considered 1 day)	$ 100.00

Park Pavilion and Ball Field Fees or Pickleball Courts – No rentals shall be made for holidays per Resolution 2016.12

	BALL FIELD	**PAVILION**	**BOTH**	**PICKLEBALL COURT**
Refundable Deposit	$ 75.00	$ 75.00		$ 75.00
Local – 4 hours	$ 50.00	$ 35.00	$ 85.00	$ 50.00
Local – 8 hours	$ 75.00	$ 75.00	$ 125.00	$ 75.00
Non-Local – 4 hours	$ 90.00	$ 60.00	$ 150.00	$ 90.00
Non-local – 8 hours	$ 150.00	$ 80.00	$ 200.00	$ 150.00
Local league – 4 hours	$ 30.00			$ 30.00
Local league – 8 hours	$ 60.00			$ 60.00
Local league – Each season (Ball field or Pickleball Courts)	$ 20.00 per team / per game – payable prior to season			
Non-local league – 4 hours	$ 180.00			$ 180.00

Cedar City

Thank you for your understanding!

Cemetery Fees

Opening and Closing Fee	Fee
Weekday Resident Opening and Closing	$275
Weekday Non-Resident Opening and Closing	$325
Weekend or Holiday Resident Opening and Closing	$475
Weekend or Holiday Non-Resident Opening and Closing	$525
Weekday Infant Resident Opening and Closing	$160
Weekday Infant Non-Resident Opening and Closing	$190
Weekend or Holiday Infant Resident Opening and Closing	$285
Weekend or Holiday Infant Non-Resident Opening and Closing	$315
Weekday Cremation Resident Opening and Closing	$160
Weekday Cremation Non-Resident Opening and Closing	$190
Weekend Cremation Resident Opening and Closing	$285
Weekend Cremation Non-Resident Opening and Closing	$315
Disinterment	$500 - $1,400
Plot Burial Rights Purchase Resident	$600
Plot Burial Rights Purchase Nonresident	$1,200
Transfer	$35

Regular hours: 8am-3pm Monday-Friday (non-holidays)

Ivins City Cemetery Rates

	Resident	Non-Resident
Single Adult Traditional Burial Plot	**$850**	**$1700**
Total includes:		
Burial Right	$300	$600
Perpetual Care	$300	$600
Interment	$250	$500
Single Adult Cremation Burial Plot (in Section 4 cremation section)	**$475**	**$950**
Total includes:		
Burial Right	$200	$400
Perpetual Care	$125	$250
Interment	$150	$300
Single Infant Burial Plot (in Section 2 infant burial section)	**$400**	**$800**
Total includes:		
Burial Right	$150	$300
Perpetual Care	$125	$250
Interment	$125	$250
ADDITIONAL FEES:		
***Saturday Interment - Adult**	**$300**	**$300**
***Saturday Interment - Infant**	**$150**	**$150**
(in Section 2 infant burial section)		
Disinterment	**$1,200**	**$1,200**
Sale of Plot back to City	**$50**	**$50**

Cremations – Propose same cost as single adult grave with two burials allowed per grave
OR can purchase single cremation grave in cremation section of Block 4

Ivins City will be collecting the interment fee and perpetual care fee with the purchase of the burial right.

*If it is a Saturday burial, the additional **$300.00 must** be collected prior to the burial.
(Saturday burial fee is for prior & current purchases.)

Approved by City Council December 2021

Laverkin

CEMETERY SERVICE FEES	For Residents[1]	For Nonresidents[2]
Burial plot fee[3]:	$550	$850
Opening/Closing fee (burial)		
a. Weekday, scheduled arrival 8:30-2:30[4]	$300	$500
b. Weekday, scheduled arrival 2:30-5:00*	$500	$700
c. Saturday, scheduled arrival 8:30-2:30*	$500	$700
d. Holiday[5], scheduled arrival[6] 8:30-2:30*	$500	*Not Available*
Opening/Closing fee (cremation)		
a. Weekday, scheduled arrival 8:30-2:30*	$150	$250
b. Weekday, scheduled arrival 2:30-5:00*	$250	$350
c. Saturday, scheduled arrival 8:30-2:30*	$250	$350
d. Holidays**	$250	*Not Available*
Disinterment (weekdays, 8:00-4:00), unless otherwise ordered by a court)		
a. Infant[7]	$500	$500
b. Other*** (Vault)	$1,000	$1,000
c. Other*** (Non-vault)	$3,000	$3,000
d. Cremation	$300	$300
Late Fees:		
a. Late interment notification (< 48 hours)[8]	$200	$200
b. Late fees for delay:		
1. Late arrival fee[9]	$100	$200
2. Exceeding time fee[10]	$50 per half-hour	$50 per half-hour
Certificate Change or Replacement Fee	$40	$40

[1] A full-time or legal resident of the City, of the purchaser or deceased on the date of payment or placement in a care facility prior to the date of death of the deceased, as proven by a driver's license, voter identification card, or other legal document showing residency.

[2] All others not qualifying as a "resident" for purposes of this resolution.

[3] Including $200 perpetual care fee.

[4] Interment (and associated graveside services or visits) may be scheduled until 2:30 p.m. and shall finish within two hours from the scheduled time; and all visitors will be clear of the grave site prior to the end of such two-hour period and no later than 4:30 p.m. for an afternoon interment, to give City employees sufficient time to complete all associated services and needed site-restoration by 5:00 p.m.

[5] City-observed State and Federal holidays, except New Year's Day, Memorial Day, Thanksgiving Day, and Christmas Day. When the City-observed State and Federal holiday falls on a Saturday, this includes the actual holiday and the preceding day; when it falls on a Sunday, this includes the actual holiday and the following day. Except as otherwise ordered by the Mayor (in exceptional circumstances), there shall be no interments on Sundays, New Year's Day, July 4th, Pioneer Day, Veterans Day, Thanksgiving Day, Christmas Day, or Friday through Monday of the Memorial Day weekend.

[6] Arrival of transport of the deceased

[7] Under two years of age.

[8] Persons desiring to arrange for an interment must contact the City at least 48 hours prior to the scheduled time of interment. Failure to do so may prevent the scheduling of the interment at the desired time; if the sexton or other applicable City official determines that the interment may practically occur at the desired time of interment, the additional $200 fee shall be assessed and paid at the time of scheduling.

[9] Additional fee assessed for hearse or other transport of deceased arriving at the cemetery 1+ hours after scheduled time of arrival.

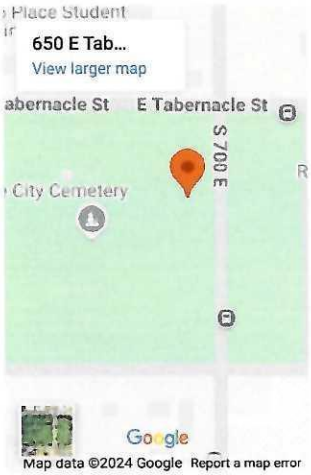
[10] Interment and associated graveside service or visits shall finish within two hours from the scheduled arrival time; and all visitors will be clear of the grave site prior to the end of such two-hour period and no later than 4:30 p.m. for an afternoon interment, to give City employees sufficient time to timely complete all associated cleanup and restoration services relative to the interment.

* See footnote 3.

** See footnote 4.

*** Deceased not defined in footnote 7.

650 East Tabernacle Street
St. George, UT 84770
https://www.goog...



St. George City Cemetery

ST. GEORGE CITY CEMETERY

The St. George Cemetery has been serving Washington County for 162 years.

The first person to be buried there was in 1862. The older/pioneer graves are located at the 600 E and Tabernacle side near the old Sexton's shack. The graves east of 700 E are burials that started in the early 1980s and continue to
this day.

St. George City Cemetery Interactive Map

ST. GEORGE CEMETERY FEES

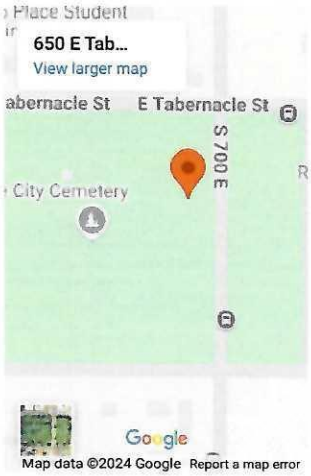
Resident | **Non-Resident**

Lot Fees	Total Cost	Lot Fee	Prep/Care Fee
Full Lot	$3,500	$700	$2,800
Half Lot	$1,750	$500	$1,250

Burial Fees	Total Cost
Adult - Weekday	$750
Adult - Saturday	$1,200
Cremation - Weekday	$400
Cremation - Saturday	$450

Infant - Weekday or Saturday	No charge
Disinterment (full casket)	$1,190
Disinterment (cremation)	$595
Late Burial Fee - after 4:00 pm	$300

650 East Tabernacle Street
St. George, UT 84770
https://www.goog...



St. George City Cemetery

ST. GEORGE CITY CEMETERY

The St. George Cemetery has been serving Washington County for 162 years.

The first person to be buried there was in 1862. The older/pioneer graves are located at the 600 E and Tabernacle side near the old Sexton's shack. The graves east of 700 E are burials that started in the early 1980s and continue to this day.

St. George City Cemetery Interactive Map

ST. GEORGE CEMETERY FEES

Resident | Non-Resident

Lot Fees	Total Cost	Lot Fee	Prep/Care Fee
Full Lot	$2,500	$600	$1,900
Half Lot	$1,250	$400	$850
Burial Fees		**Total Cost**	
Adult - Weekday		$600	
Adult - Saturday		$1,100	
Cremation - Weekday		$300	
Cremation - Saturday		$350	

Infant - Weekday or Saturday	No charge
Disinterment (full casket)	$1,190
Disinterment (cremation)	$595
Late Burial Fee - after 4:00 pm	$300

The Washington City Council has adopted the following Fee Schedule:

CEMETERY			
PLOT FEES	**Resident**	**Non-Resident**	
Plot	$600.00	$2,000.00	
Ossuarium	$400.00	$500.00	
Columbarium (Companionship two-urn Capacity)	$1,000.00	$1,250.00	
Specialty Discount			$(100.00)
BURIAL FEES	**Weekday**	**Weekend / After Hours**	
Interment	$400.00	$550.00	
Interment Non-Resident	$650.00	$950.00	
Infants	None	None	
Cremation Interment	$200.00	$400.00	
Disinterment	$1,250.00		
Certificate Change	$40.00		
Late Notice (less than 24 hours)	$100.00		

RESOLUTION 2025-02

A RESOLUTION OF THE HURRICANE CITY COUNCIL OF HURRICANE, UTAH, AMENDING THE NONRESIDENT FEE FOR CEMETERY PLOTS.

WHEREAS, the Hurricane City Council is authorized by Section 7-5 of the Hurricane City Code authorizes the City Council of Hurricane, Utah to set rates for the City Cemetery; and

WHEREAS, the City Council of Hurricane, Utah desires to set rates sufficient to provide for actual expenses incurred by Hurricane City; and

WHEREAS, the expenses associated with providing cemetery services have increased since rates were last set in December 2017; and

WHEREAS, available cemetery space within Hurricane City is becoming increasingly limited, and it is necessary to prioritize access for residents by establishing rates that reflect this scarcity for nonresidents; and

THEREFORE, BE IT HEREBY RESOLVED by the City Council of Hurricane, Utah that the following fee shall apply to services and sales associated with the City Cemetery for nonresidents:

NON-RESIDENT PLOT:	$1,800	Plot
	$200	Perpetual Care
	$2,000	**Total**

ALL OTHER FEES REMAIN UNCHANGED.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Passed and adopted this 2nd day of January 2025.

_____

Nanette Billings, Mayor

Attest:

_____

Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 2nd day of January 2025. 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

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Open and Public Meeting training

Discussion: Council is required to have annual training on Open and Public Meetings. A short video will be played at the meeting to fulfill this requirement. – Cindy Beteag

Findings:

Recommendation: