



HURRICANE CITY UTAH

Mayor

City Manager

Nanette Billings Kaden DeMille

Planning Commission

*Mark Sampson, Chair
Shelley Goodfellow, Alternate Chair
Ralph Ballard
Paul Farthing
Brad Winder
Kelby Iverson
Amy Werrett
Michelle Smith*

Hurricane Planning Commission Meeting Agenda

March 27, 2025
6:00 PM

Hurricane City Offices 147 N 870 W, Hurricane

Notice is hereby given that the Hurricane City Planning Commission will hold a Regular Meeting commencing at 6:00 p.m. at the Hurricane City Offices 147 N 870 W, Hurricane, UT.

Meeting link:

<https://cityofhurricane.webex.com/cityofhurricane/j.php?MTID=me42b4eb65609e35eb0e0664c925c9dbc>

Meeting number: 2632 882 4836

Password: HCplanning

Host key: 730111

Join by phone +1-415-655-0001 US Toll

Access code: 2632 882 4836

Host PIN: 9461

Details on these applications are available in the Planning Department at the City Office, 147 N. 870 West.

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance

Prayer and/or thought by invitation

Declaration of any conflicts of interest

OLD BUSINESS

1. ZC24-07 PSP24-21: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment and Preliminary Site Plan request from NC, Neighborhood Commercial to R1-8 (PDO), Single Family Residential R1-8 with a Planned Development Overlay, located at 2230-2254 W 600 N. Parcel H-3-1-29-2213, H-3-1-29-2214. 317 Sycamore LLC, Applicant. Beau Ogzewalla, Agent.
2. LUCA24-08: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment to Title 10 Chapter 23 regarding Planned Development Overlays and Title 10 Chapter 11 and Chapter 17 regarding the Public Facility zone.

NEW BUSINESS

1. CUP25-08: Discussion and consideration of a possible approval of a metal building and building of greater height located at 800 W State St. Coral Cliffs Entertainment, Applicant. Chase Stratton, Agent.

Planning Commission Business:

1. Election of a new chairperson and appointment of a new alternate chairperson

Approval of Minutes:

Adjournment



Application

Application Accepted Date: 07/18/2024		Valuation		\$	0.00					
Type of Improvement: Zone Change Application		PERMIT FEES								
Description: Back 9 At Sky Mountain Zone Change to R1-8		Planning Fee		\$	500.00					
Tenant / Project Name: Back 9 At Sky Mountain		Planning Fee		\$	500.00					
Bldg. Address: 2230â€2254 W 600 N St Hurricane, UT 84737		Sub Total:		\$	500.00					
City: Hurricane United States State: UT Zip: 84737		Permit Total:		\$	500.00					
Subdivision: Phase:		Amount Paid:		\$	500.00					
Block: Lot #: Parcel ID #: H-3-1-29-2213-RD2, H-		Remaining Due:		\$	0.00					
Zone: Neighborhood Commercial 3-1-29-2214-RD2										
Property Owner: 317 Sycamore LLC; B&P Properties LLC										
Permit Contact: Brixton Call P:(385) 220-4994										
Email: brixton@317cap.com										
CONTACT INFORMATION										
Engineer of Record: Thomas Hunt										
Email: thomas@huntday.co P: (801) 664-4724										
General Contractor: 317 Sycamore LLC										
License #: P: (385) 220-4994										
Address: 1222 W Legacy Crossing Blvd, Ste 6										
City: Centerville State: UT Zip: 84014										
Email: brixton@317cap.com										
APPLICATION DETAILS										
Setbacks		Front:	Rear:	Left:	Right:					
Min.										
Actual:										
APPLICATION NUMBER: PLANZC24-07										
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be compiled with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.										
Applicant Name: Brixton Call										
Signature of Applicant/Authorized Agent or Owner: Date:										
Application Approved By: Date:										
Application Issued By: Date:										
Receipt #:										



Application

Application Accepted Date: 07/18/2024		Valuation		\$	0.00					
Type of Improvement: Site Plan (Preliminary)		PERMIT FEES								
Description:		Planning Fee		\$	200.00					
Tenant / Project Name: Back 9 At Sky Mountain		Planning Fee		\$	200.00					
Bldg. Address: 2230â€”2254 W 600 N St Hurricane, UT 84737		Sub Total:		\$	200.00					
City: Hurricane United States State: UT Zip: 84737		Permit Total:		\$	200.00					
Subdivision: Phase:		Amount Paid:		\$	200.00					
Block: Lot #: Parcel ID #: H-3-1-29-2213-RD2, H-		Remaining Due:		\$	0.00					
Property Owner: 317 Sycamore LLC; B&P Properties LLC										
Permit Contact: Brixton Call P:(385) 220-4994										
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City: Centerville State: UT Zip: 84014										
Email: brixton@317cap.com										
APPLICATION DETAILS										
										
Setbacks		Front:	Rear:	Left:	Right:					
Min.										
Actual:										
APPLICATION NUMBER: PLANPSP24-21										
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.										
Applicant Name: Brixton Call										
Signature of Applicant/Authorized Agent or Owner: Date:										
Application Approved By:			Date:							
Application Issued By:			Date:							
Receipt #:										

Zone Change Application Narrative

Project Name: Back Nine

Applicant: 317 Sycamore LLC

Property Address: Approximately 2230–2254 W 600 N, Hurricane, Washington County

Current Zoning: Neighborhood Commercial (NC)

Proposed Zoning: Single-Family Residential 8 (R1-8)

Date: 7/17/2024

Introduction

317 Sycamore LLC, the applicant, is submitting this application for a zone change for the property located at 2230–2254 W 600 N, Hurricane, currently zoned as Neighborhood Commercial (NC). We propose a change to Single-Family Residential 8 (R1-8) to support the development of Back Nine, a residential community. This change aligns with the surrounding land uses and provides the community with additional residential housing.

Property Description

The subject property comprises approximately 7.83 acres and is situated in a prime location for development. To the east, the property is bordered by undeveloped land, offering potential for future growth and expansion. To the west, the property borders Sky Mountain golf course, providing scenic views and recreational opportunities for residents. Additionally, to the west, there is a recently approved development featuring a similar mixed-use of commercial and residential, which complements the proposed Back Nine project and promotes a cohesive community environment.

Justification for Zone Change

- 1. Compatibility with Surrounding Land Use:** The proposed R1-8 zoning is consistent with the residential nature of the surrounding area. The golf course adjacent to the property creates a natural buffer and enhances the appeal of a residential community. The transition from commercial to residential zoning will create a harmonious blend with the existing neighborhood.
- 2. Preservation of Commercial Potential Along 600 N:** The Planned Development Overlay (PDO) will ensure that the commercial potential of the property along 600 N is preserved. This approach allows for a balanced development strategy, satisfying the city council's objective of maintaining commercial use along the main road while transitioning the rest of the property to residential use. This dual approach will enhance the overall utility and value of the property.
- 3. Traffic and Infrastructure:** The proposed zone change to R1-8 will have a manageable impact on local traffic and infrastructure. The development plan includes appropriate access points, road improvements, and utility connections to support the new residential community without

overburdening existing systems. Additionally, the intended infrastructure will be required for the development of the property to the east, which needs to use our road as secondary access for fire safety and other purposes. This collaboration enhances overall community safety and connectivity.

4. Supports sustainable growth: The proposed zone change aligns with Hurricane's long-term planning goals of promoting balanced and sustainable growth. By converting part of the property to residential use while retaining commercial possibilities along 600 N, the development supports a mixed-use community, fostering economic and social vitality.

Conclusion

The proposed zone change from Neighborhood Commercial (NC) to Single-Family Residential 8 (R1-8) for our property is a strategic move that benefits the community by providing additional housing, preserving commercial opportunities, and ensuring compatibility with the surrounding land uses. We respectfully request the city council's approval of this application to proceed with the development of Back Nine.

DATE: May 30th, 2024
TO: Hurricane City – Planning & Zoning
SUBJECT: Zone Change and Preliminary Site Plan Application

317 Capital Group, LLC
1222 West Legacy Crossing Blvd.
Suite 6
Centerville, UT 84014
PH: (801) 335-8205
E: Beau@317cap.com
E: brixton@317cap.com

Dear Zoning Department,

We are applying for a zone change for the properties listed below.

Tax Parcel # H-3-1-29-2213-RD2

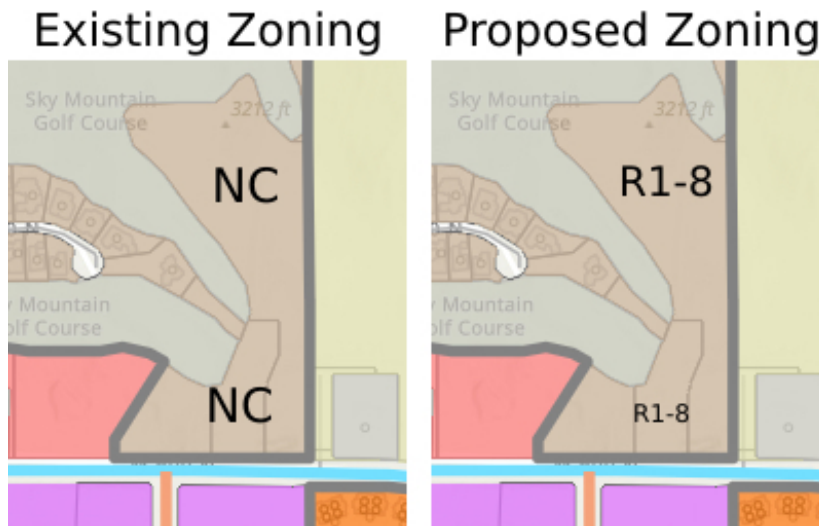
Tax Parcel # H-3-1-29-2214-RD2

Zone Change Application

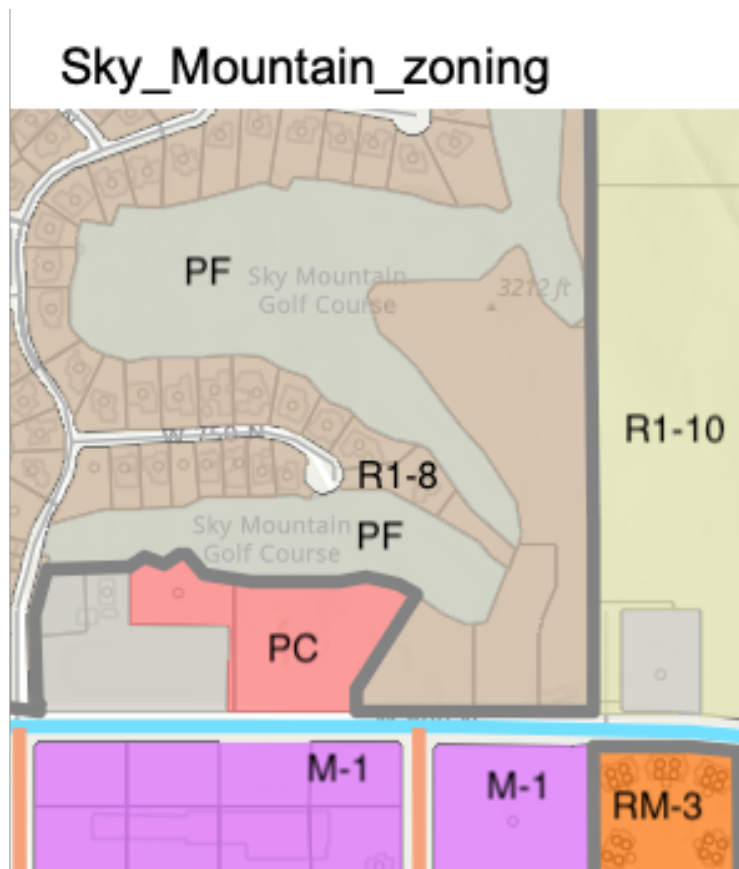
- a) Name and address of every person or company the applicant represents:
- 317 Sycamore LLC – 1222 W Legacy Crossing Blvd Ste. 6 Centerville, UT 84014
 - B&P Properties, LLC – 513 Greystone Drive Farmington, UT 84025



- b) Property map showing the existing and proposed zoning classifications.



- c) All abutting properties showing present zoning classifications



d) Accurate legal Description of the property to be rezoned

○ Parcel 1

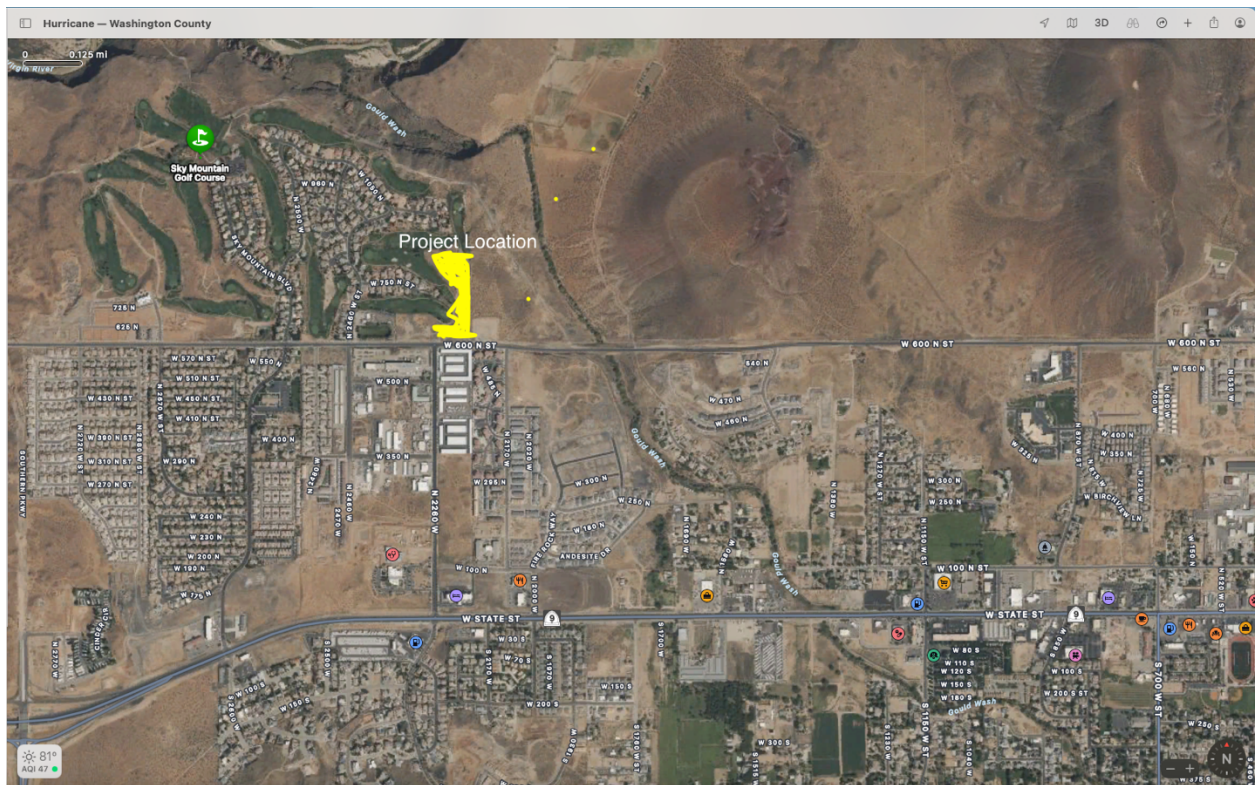
- Beginning at a point South 89°40'47" East, 2501.87 feet and North 0°00'00" East, 40.00 feet from the South Quarter Corner of Section 29, Township 41 South, Range 13 West, Salt Lake Base and Meridian, said point being a point on the North right-of-way line of 600 North Street, a public 80.00 foot wide roadway; thence North 00°19'13" East, 186.64 feet to the beginning of a 100.00 foot radius curve concave to the East; thence Northeasterly to the right, along the arc of said curve 38.92 feet through a central angle of 22°17'51"; thence North 22°37'04" East, 80.02 feet to the beginning of a 100.00 foot radius curve concave to the West; thence Northeasterly, to the left, along the arc of said curve 39.48 feet, through a central angle of 22°37'04"; thence North 00°00'00" East, 78.00 feet; thence North 90°00'00" West, 96.45 feet to a point on the Sky Mountain Golf Course, the following Twenty (20) courses follow the SKY MOUNTAIN GOLF COURSE BOUNDARY: thence North 17°32'08" East, 24.59 feet; thence North 07°49'17" West, 82.25 feet; thence North 33°05'41" West, 153.61 feet; thence North 43°06'09" West, 83.39 feet; thence North 38°59'36" West, 67.43 feet; thence North 35°04'15" West, 120.51 feet; thence North 45°30'57" West, 56.85 feet; thence North 48°33'31" West, 71.87 feet; thence North 16°20'04" West, 94.31 feet; thence North 36°16'05" East, 36.84 feet; thence North 87°59'45" East, 257.61 feet; thence North 53°35'22" East, 51.17 feet; thence North 38°32'44" East, 44.52 feet; thence North 54°14'37" East, 37.22 feet; thence South 46°05'18" East, 31.52 feet; thence South 12°40'51" East, 63.84 feet; thence South 24°26'02" East, 65.29 feet; thence South 46°07'24" East, 92.95 feet; thence North 57°37'95" East, 50.19 feet; thence South 89°56'21" East, 11.36 feet; thence South 00°03'21" West, 983.70 feet to a point on the North right of way line of 600 North Street; thence along said right of way line North 89°40'47" West, 135.20 feet to the point of beginning.



- Parcel 2
 - Beginning at a point South 89°40'47" East, 2501.87 feet and North 00°00'00" East, 40.00 feet from the South Quarter Corner of Section 29, Township 41 South, Range 13 West, Salt Lake Base and Meridian, said point being a point on the North right-of-way line of 600 North Street, a public 80.00 foot wide roadway, and the Southwest corner of that certain property conveyed in Book 1621, at Page 1118 (H-3-1-29-2213-RD2), Official Records, and running thence North 0°19'13" East, 186.64 feet to the beginning of a 100.00 foot radius curve concave to the East; thence Northeasterly to the right, along the arc of said curve 38.92 feet through a central angle of 22°17'51"; thence North 22°37'04" East, 80.02 feet to the beginning of a 100.00 foot radius curve concave to the West; thence Northeasterly, to the left, along the arc of said curve 39.48 feet, through a central angle of 22°37'04"; thence North 00°00'00" East, 78.00 feet; thence North 90°00'00" West, 96.45 feet to a point on the Sky Mountain Golf Course, and that certain property conveyed in Warranty Deed recorded as Doc ID 20080049339 (H-3-1-29-2141-RD2), Official Records, thence the following four (4) courses along the SKY MOUNTAIN GOLF COURSE BOUNDARY: South 17°22'26" West 18.88 feet; thence South 26°13'42" West 52.30 feet; thence South 22°37'04" West 143.11 feet; thence South 83°32'52" West 30.50 feet, to the Northeast corner of that certain property conveyed in Warranty Deed recorded in Book 1537, at Page 2606 (H-3-1-29-2212-RD1), Official Records; thence along the East line of said parcel South 00°00'00" East 213.50 feet, to the North line of said 600 North Street; thence along the North line of said 600 North Street, South 89°40'47" East 163.35 feet to the point of beginning.
- e) Stamped envelopes with the names and addresses of all property owners within 350 feet of the boundaries of the property proposed for rezoning
 - Envelopes being mailed
- f) Warranty Deed or preliminary title report or other document showing evidence that the applicant has control of the property
 - Attached
- g) PDO zone change applications must also have a separate preliminary site plan submitted
 - Preliminary Site Plan Application below.

Preliminary Site Plan Application

1. A vicinity map showing the general location of the project.



2. A site plan showing
3. Preliminary utility plan
4. Tables showing # acres in the proposed development and land use summary
5. Phased development plan if applicable
 - a. Not Applicable
6. Warranty deed or preliminary title report
 - a. See Attached
7. Signed and notarized Acknowledgment water supply
 - a. See Attached

Preliminary Site Plan Application Narrative

Project Name: Back 9 at Sky Mountain

Applicant: 317 Sycamore LLC

Property Address: Approximately 2230–2254 W 600 N, Hurricane, Washington County

Current Zoning: Neighborhood Commercial (NC)

Proposed Zoning: Single-Family Residential 8 (R1-8)

Date: 7/17/2024

Introduction

317 Sycamore LLC, the applicant, is submitting this preliminary site plan application for the development of Back 9 At Sky Mountain, a residential community. The site plan details the proposed layout, infrastructure, and amenities for the property located at 2230–2254 W 600 N, Hurricane. This application is contingent upon the approval of a pending zone change from Neighborhood Commercial (NC) to Single-Family Residential 8 (R1-8).

Property Description

The subject property comprises approximately 7.83 acres and is situated in a prime location for development. To the east, the property is bordered by undeveloped land, offering potential for future growth and expansion. To the west, the property borders Sky Mountain golf course, providing scenic views and recreational opportunities for residents. Additionally, to the west, there is a recently approved development featuring a similar mixed-use of commercial and residential, which complements the proposed Back 9 project and promotes a cohesive community environment.

Justification for Zone Change

1. Compatibility with Surrounding Land Use: The proposed R1-8 zoning is consistent with the residential nature of the surrounding area. The golf course adjacent to the property creates a natural buffer and enhances the appeal of a residential community. The transition from commercial to residential zoning will create a harmonious blend with the existing neighborhood.

2. Preservation of Commercial Potential Along 600 N: The Planned Development Overlay (PDO) will ensure that the commercial potential of the property along 600 N is preserved. This approach allows for a balanced development strategy, satisfying the city council's objective of maintaining commercial use along the main road while transitioning the rest of the property to residential use. This dual approach will enhance the overall utility and value of the property.

3. Traffic and Infrastructure: The proposed zone change to R1-8 will have a manageable impact on local traffic and infrastructure. The development plan includes appropriate access points, road improvements, and utility connections to support the new residential community without overburdening existing systems. Additionally, the intended infrastructure will be required for the development of the property to the east, which needs to use our road as secondary access for fire safety and other purposes. This collaboration enhances overall community safety and connectivity.

4. Supports sustainable growth: The proposed zone change aligns with Hurricane's long-term planning goals of promoting balanced and sustainable growth. By converting part of the property to residential use while retaining commercial possibilities along 600 N, the development supports a mixed-use community, fostering economic and social vitality.

Conclusion

The proposed zone change from Neighborhood Commercial (NC) to Single-Family Residential 8 (R1-8) for our property is a strategic move that benefits the community by providing additional housing, preserving commercial opportunities, and ensuring compatibility with the surrounding land uses. We respectfully request the city council's approval of this application to proceed with the development of the Back 9 At Sky Mountain.



STAFF COMMENTS

Agenda Date:	03/27/2025 - Planning Commission
Application Number:	ZC24-07 PSP24-21
Type of Application:	Zone Change and Preliminary Site Plan
Action Type:	Legislative
Applicant:	317 Sycamore LLC
Agent:	Brixton Call
Request:	Approval of a Zone Change approval from NC/PDO to R1-8/PDO with associated Preliminary Site Plan.
Location:	2230 W 600 N
Zoning:	Neighborhood Commercial NC with a Planned Development Overlay (NC/PDO)
General Plan Map:	Planned Community
Recommendation:	Approve subject to staff and JUC comments.
Report Prepared by:	Fred Resch III/Gary Cupp

Update for March 27, 2025 - Tabled Item:

This item was heard by the Planning Commission on August 8, 2024, and again on February 27th, 2025, and tabled both times to allow the applicant time to continue to acquire access agreements and provide for a water loop. The property requires access from both the property to the east and west for proper access and water looping. The applicant has provided a draft purchase contract for the property to the west and a cooperation agreement with the property owner to the east. Therefore, planning staff finds that these are sufficient for the purposes of this zone change application to confirm adequacy of public facilities, but recorded access will be required prior to any future development. Staff recommends the Planning Commission make a recommendation of approval to the City Council subject to staff and JUC comments, and that dedicated and recorded access be required prior to any future development approvals or entitlements.

Discussion:

This property was previously rezoned from Neighborhood Commercial (NC) with a Planned Development Overlay (PDO) to R1-8/PDO in 2019 to allow for the development of an assisted living facility, which was approved subject to a development agreement that stated that the zoning would revert to Neighborhood Commercial if a final site plan was not approved within two years. That project did not move forward and the property's zoning has reverted back. The current applicant is requesting approval of a preliminary site plan and zone change from the existing NC/PDO to R1-8/PDO and proposes to develop the site with 35 townhomes, open space, and a commercial pad along 600 N.

3. *The extent to which the proposed amendment may adversely affect adjacent property; and*

4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

1. Is the proposed amendment consistent with the City's General Plan's goals, objectives, and policies?

Response: The General Plan Map shows this area as Planned Community which recommends: *Master planned communities should be complete communities that offer a mixture of housing types and supporting uses such as neighborhood and supporting commercial uses, offices, churches, schools, and parks. Development in this designation should take into account the character of existing surrounding development.*

This property is adjacent to, and currently considered part of, the Sky Mountain PDO. This development plan includes townhomes, which are generally permitted in the Planned Community general plan designation of the site, and also proposes supporting commercial space to benefit the community. This development proposes a large open space buffer area between the existing golf course and the existing single family residential homes in the adjacent Sky Mountain development.

The General Plan also states that, *“Medium and high density residential developments should be planned near support facilities such as collector and arterial roads, schools, shopping, and employment centers. Medium and high density residential developments should be planned and designed to minimize impacts to nearby existing developments, while providing high-quality, attractive housing options.”* Additionally, the Moderate Income Housing Plan states that the City should *“Look at areas where “Missing Middle Housing” and mixed-use zones can be implemented within existing and future residential and commercial developments”* This property would be integrated in with existing commercial and residential developments, thus, making the site suitable for the proposal.

2. Is the proposed amendment harmonious with the overall character of existing development in the subject property’s vicinity?

Response: This development will be relatively isolated from the existing development in the vicinity due to the large open space buffer. The approved adjacent development to the west, which this development will eventually tie into, also consists of a similar mixed-use development type that will consist of townhomes and commercial uses. Thus, this proposal is considered harmonious with the overall character of existing development in the vicinity.

3. Will the proposed amendment adversely affect the adjacent property?

Response: Due to the large open space buffer that will prevent any potential conflicts with the golf course, and because this development will not tie into the existing Sky Mountain residential development, it will not have an adverse effect on the adjacent property. This townhome development is

also much less dense than other nearby townhome developments, and is at an equivalent overall density to the other developments in the vicinity. Additional commercial development along 600 N will be a benefit to the community. Most traffic impacts will be along 600 N which is designed to handle larger traffic loads.

4. Are public facilities and services adequate to serve the subject property?

Response: See JUC Comments below. Development of this property will require participation of the neighbors to the east and the west and the applicant has informed staff that they are working with their neighbors for those connections. There were no concerns on the overall adequacy of public facilities and services to serve the property.

Other Considerations:

Sky Mountain Master Plan:

The Sky Mountain PDO, last amended in 2003 and attached to this packet, designated this area as “neighborhood commercial business park,” and designated the entire area along 600 N as a commercial corridor. The development agreement also states, “*High density residential attached and/or detached will be generally concentrated along 600 North, although some interior high density may ultimately be desired.*” This development agreement also speaks of design flexibility and that “*this development agreement shall not be considered a hard and fast rule*” and should be able to be changed as market conditions demand. Indeed, over the past two decades there have been a number of deviations from this plan.

Due to the fact that the development agreement is not recorded against the property, and is also only considered a “guiding document,” staff believes that this development proposal can be approved through the requested zone change as a separate project unassociated with the existing Sky Mountain development.

Preliminary Site Plan Review

JUC Comments:

Public Works: Would need to acquire and develop the road to the east labeled Future Public Right of Way for second access. Need to provide a water loop. Interior road does not meet current Hurricane City specifications, private roads need to meet current standards.

Power: Construction plans need to show the transmission line easement on 600N. Power dept also has minimum setback requirements along a transmission line/ this is a NEC mandated code. Block walls shall not come within 10' of the existing power lines. An application for services shall be filled out before construction plans for redlines are allowed to move forward. Application can be found on the Planning and Zoning page of Hurricane City website or requested directly from Hurricane Power. Power has questions about the roadway improvements and also PUE. No medians in the roadway. Power Dept requests that the future ROW be established and dedicated before construction begins, also all roadway improvement be finished at final acceptance. Power dept will require power lines to be established inside the PUE along the said (future roadway).

Water: Will need ductile iron pipe installed in private roads. This may also need a water model.

Streets: No comment.

Sewer: An easement is required for the line extending to existing sewer, along with a 14' all weather road centered over the sewer line.

Engineering: The depicted plan is dependent on neighboring property owners. The applicant must present agreement(s) specifying the arrangement(s) they've made with their neighbors when the preliminary plat application is submitted (HCC 10-39-7(c)(10)). Water looping (HCS 3.6.4 & 3.6.8.2), the sewer connection (crosses Toquerville Enterprises property [see also ACSSD standard 1.2.5(A)]), and access challenges (future public right of way on the plan's east side is not a master planned road and it's owned by Toquerville Enterprises, see also HCS 3.2.4.2(k)) cannot be resolved without neighbors' participation/consent. Where much of the required infrastructure relies on neighboring property owners', engineering would recommend requiring said agreement(s) before granting the zone change. Existing conditions must be accurately modeled to be properly considered (HCC 10-7-10(d)(2)) this plan fails to depict the existing Hurricane City Power substation site (parcel H-3-1-28-3303) and the existing curb, gutter, sidewalk and accesses associated with it. Intersection spacing along the future public right of way can't be checked (see HCS 3.2.4.3 and the Transportation Master Plan section 9.3.2). Private streets must be public and meet Hurricane City standards.

Fire: No comment.

Phone/Cable: No comment.

WCWCD: Washington County Water Conservancy District hereby acknowledges that based on the information provided, the plans adequately mitigate interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Staff Comments:

1. **Density:** The proposed density is 4.45 units per acre which meets R1-8/PDO standards. The site plan says 5.22 units per acre however they are allowed to count the commercial area acreage towards their residential density, as the City has approved in many other developments, so the actual density is 4.4 units per acre, which conforms to the underlying R1-8 density requirements.
 - a. A PDO allows for a wide variety of housing options, including townhomes and duplexes. The City has allowed the commercial areas to count toward the total acres as long as the commercial use adds to the development.

10-23-5

C. Commercial Uses: Any commercial use shown on table 10-15-1 in subsection 10-15-3A of this title may be permitted within a planned unit development provided such use is:

1. *Specifically authorized as part of a site plan approved pursuant to the provisions of this chapter; and*
2. *Designed as an integral element of the planned development, including building and landscaping design which is consistent with design elements of the development. (Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)*

2. **Parking:** Per HCC 10-34-10 two parking spaces are required per unit. Each unit will have garages and driveways to meet this code. The commercial space will need to provide its own site plan to determine parking requirements.
3. **Open Space and Amenities:** This development significantly exceeds the required open space amount of 20% as laid out in HCC 10-33-5(E). A 35 unit development would require one amenity, which the trail system along the golf course provides. Staff would recommend the trail be extended to the east property line so that it can be used to connect to the Future Three Rivers Trail system.
4. HCC 10-23-9(l)(1) specifies, "all streets shall be public streets and shall be established according to public street standards adopted by the city." The City Council can approve a modified cross section, but that should be requested by the applicant.
5. Staff would recommend that, if approved, a new preliminary site plan addressing staff and JUC comments be provided.

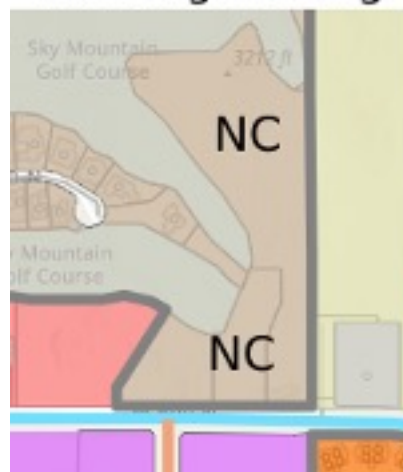
Findings:

Staff makes the following findings:

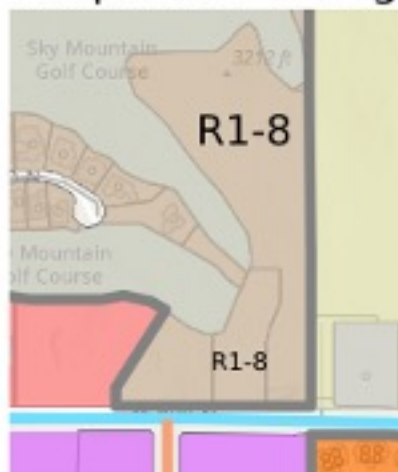
1. The application meets the standards of the General Plan and the General Plan Map.
2. The uses are considered harmonious with most of the surrounding, existing and proposed, development.
3. The proposed amendment will not have a significant impact on the area.
4. Services and facilities are adequate to serve the property.

Recommendation: The Planning Commission should review the site plan and the zone change based on standards within the Hurricane City Code and consider any public comments received in the public hearing. Staff recommends sending a recommendation to approve the zone change to the City Council subject to staff and JUC comments, and that dedicated and recorded access be required prior to any future development approvals or entitlements.

Existing Zoning



Proposed Zoning





HUNT · DAY
3445 Antelope Drive, St 200
Syracuse, UT 84075
PH: 801.664.4724
EM: Thomas@HuntDay.co

PROJECT TITLE
BACK 9 TOWNHOMES
2256 W 600 N
HURRICANE, UT
LOCATED IN THE SE QUARTER OF SECTION 29,
TOWNSHIP 41 SOUTH, RANGE 13 WEST, SL BASE AND MERIDIAN

REV.	DESCRIPTION	DATE	BY

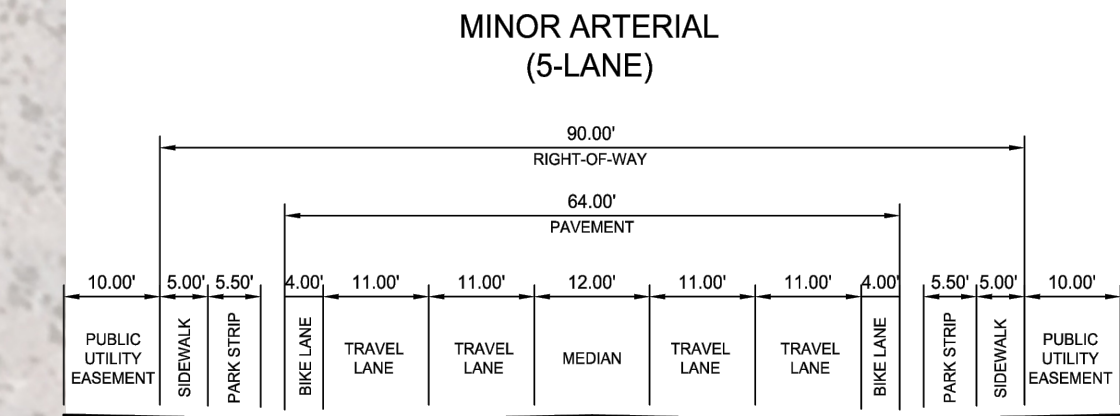
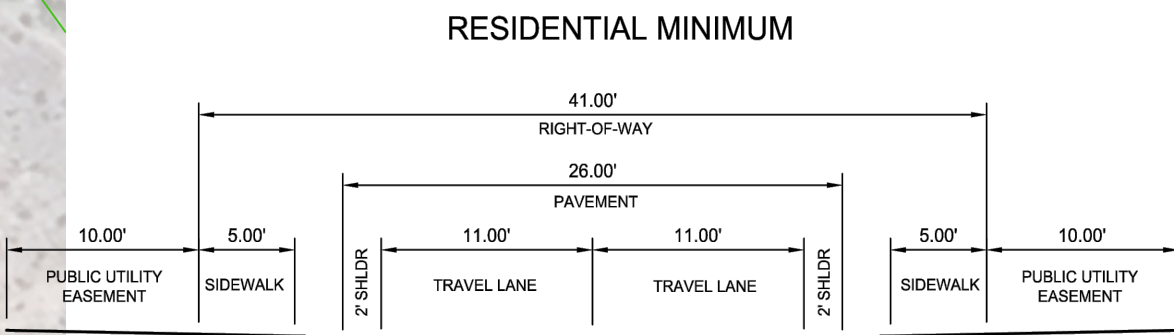
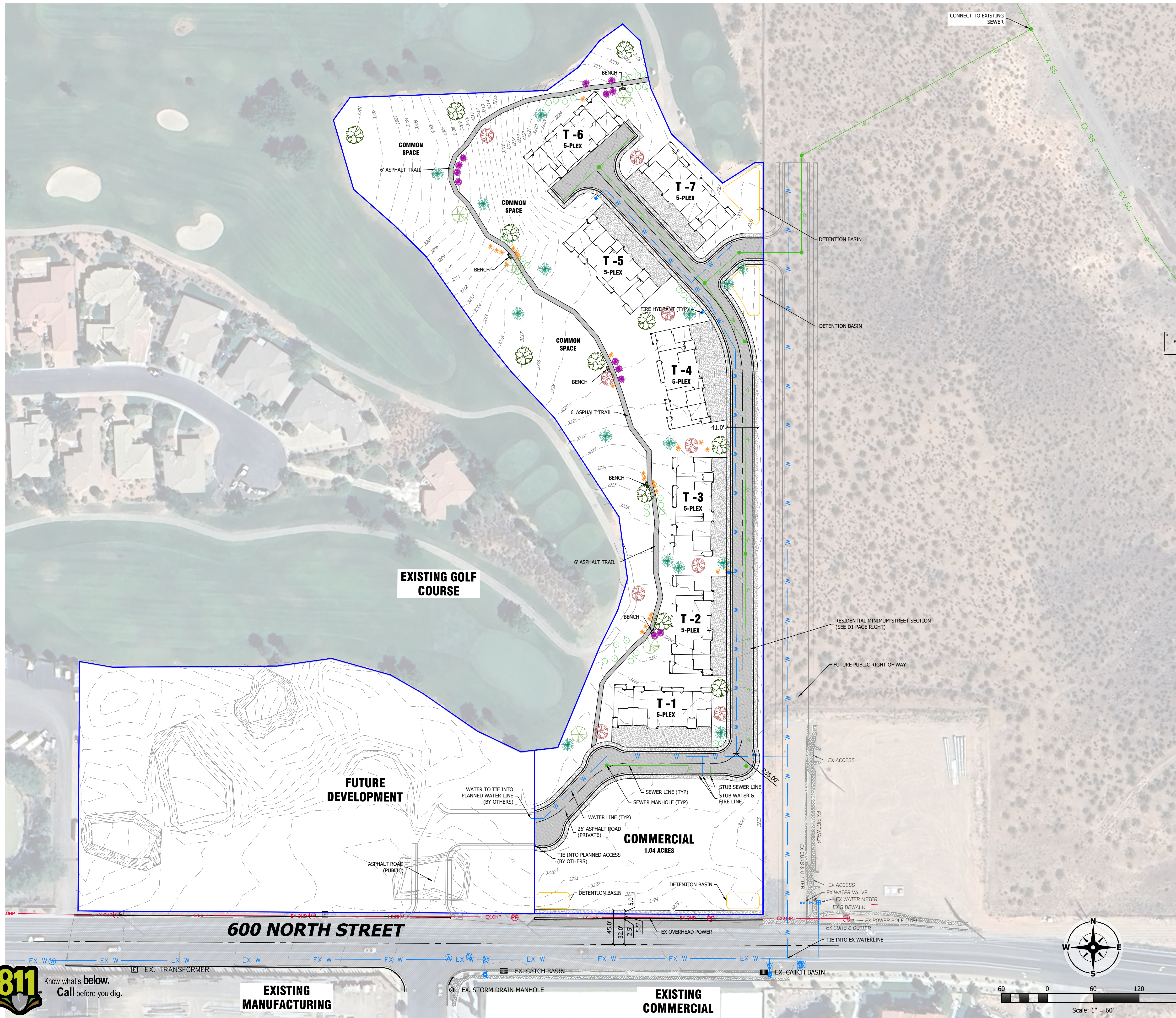
SEAL

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1" 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST
SCALES ACCORDINGLY

PROJECT INFO.
Engineer: T. Hunt
Drawn: R. Hatfield
Date: 08 / 07 / 2024
Proj. No. 101 - 05
SHEET TITLE

**PROPOSED
SITE PLAN**

SHEET NO.
C1.00



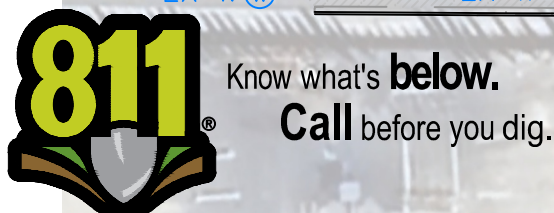
D1 Road Sections
Scale: NTS

General Notes

- TOWNHOMES TO BE PLATTED INDIVIDUALLY, THE REMAINDER OF THE PARCEL WILL BE PLATTED AS COMMON SPACE.

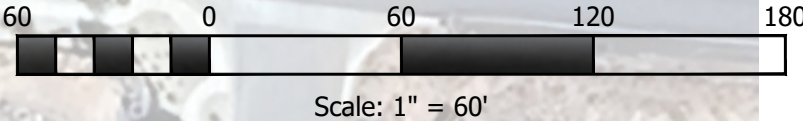
Site Data

LOCATION: HURRICANE, WASHINGTON COUNTY, UTAH
CURRENT ZONING: HC PDD
PROPOSED ZONING: RL-8 PDD
PROPERTY SIZE: 341,386 SF / 7.837 AC
TOWNHOMES: 35 UNITS
RESIDENTIAL: 6.71 ACRES = 5.22 UNITS/ACRE
COMMERCIAL: 1.04 ACRES
OPEN SPACE: 3.88 ACRES
ROAD/HARD SURFACE: 2.17 ACRES



**EXISTING
MANUFACTURING**

**EXISTING
COMMERCIAL**





STAFF COMMENTS

Agenda Date:	03/27/2025 - Planning Commission
Application Number:	LUCA24-08
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapters 11, 17, and 23 regarding Public Facility and PDO zones.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Gary Cupp

Updated Discussion & Recommendation for 03/27/2025 - Tabled Item: The code update was tabled on November 14, 2024, to allow the city attorney and planning staff time to further refine the proposed changes relating to the PDO zoning overlay. The additional updates have been made, including changes to the purpose and objectives of the PDO overlay, and staff feels that the code update is ready for consideration.

Recommendation:

Staff recommends that the Planning Commission send a recommendation of approval to the City Council.

Previous Discussion: On October 17th, 2024, the City Council approved the Civic Center Master Plan to guide the development of 20 city-owned acres to the west of, and including, the current City offices. The master plan includes an urgently needed new Police Station and City Hall, as well as commercial and residential developments to help offset the costs of the planned civic center. The zoning categories in the current Hurricane City Code do not facilitate the varied uses that the master plan envisions. Thus, staff is proposing an amendment to the zoning code that will better accommodate the proposed Civic Center. It is proposed to amend the Public Facility (PF) and Planned Development Overlay (PDO) zones to allow for a Public Facility (PDO) zone that provides for a wider range of uses and standards to meet the needs of the new civic center development. The Public Facility PDO is reserved for city-sponsored civic developments such as the proposed Hurricane Civic Center; a Public Facility PDO shall not be granted to private landowners and the community at large. This ordinance change will also include some clean-up of both the Public Facility and Planned Development Overlay codes.

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 and R1-6 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~~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, [government services](#), hospitals, open air theaters, public parks, public schools, and public utility facilities.

Commented [GC1]: Define in Chapt 3

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)

CHAPTER 17 OPEN SPACE AND PUBLIC FACILITY ZONES

Sec. 10-17-1. Purpose.

See section 10-11-2 of this title.

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

Sec. 10-17-2. Scope.

The provisions of this chapter shall apply to any real property located in an open space or public facility zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, or other laws.

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

Sec. 10-17-3. Uses allowed.

- A. *Permitted and conditional uses.* Permitted and conditional uses allowed within open space or public facility zones shall be as set forth in table 10-17-1 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 10-17-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 10-7-18E4 of this title.

TABLE 10-17-1
PERMITTED AND CONDITIONAL USES ALLOWED IN
OPEN SPACE AND PUBLIC FACILITY ZONES

Use	Zones	
	OS	PF
Agricultural uses:		
Agricultural business	P	N
Animal specialties	P	N
Animals and fowl for recreation and family food production	P	N
Stable, private	P	N
Public and civic uses:		
Airport	N	P
Auditorium or stadium	N	P
Cemetery	N	P
Church or place of worship	N	N
Club or service organization	N	N
College or university	N	P
Cultural service	N	P

Golf course	N	P
Government service	N	P
Hospital	N	P
Park	P	P
Post Office	N	P
Protective service	N	P
Reception center	N	P
School, elementary, middle, or high	N	P
School, vocational	N	P
Utility, major ²	P	P
Utility, minor ²	P	P
Utility substation ²	P	P
Commercial uses:		
Animal hospital	N	N
Child care center ¹	N	P
Club, private	N	N
Licensed family child care ¹	N	N
Parking lot, public	N	P
Recreation and entertainment, outdoor	N	P
Research service	N	N
Residential certificate child care ¹	N	N
Temporary trailer	N	P
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	
Industrial uses:		
Mineral extraction	N	N

Commented [DH1]: This needs a definition in HCC 10-3-4.

Notes

1. See chapter 42 of this title.
 2. See chapter 45 of this title.
- B. *Accessory uses.* Permitted and conditional uses set forth in table 10-17-1 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 public facility zones shall include, but not be limited to, the following:

Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use.

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

Gift shops, newsstands, and similar commercial activities operated primarily for the convenience of employees, residents, clients, or visitors to the main use.

Recreational areas and facilities.

Refreshment stands and food and beverage sales located in uses involving public assembly.

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

(Ord. 2018-01, 2-15-2018)

Sec. 10-17-4. Reserved.

Editor's note(s)—Repealed by Ord. 2018-01, adopted February 15, 2018.

Sec. 10-17-5. Regulations of general applicability.

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

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

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

Sec. 10-17-6. Regulations for specific uses.

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

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

Sec. 10-17-7. Special regulations.

- A. *Increased height.* A greater building height may be allowed in open space or public facility zones pursuant to a conditional use permit.

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

CHAPTER 23. PLANNED DEVELOPMENT OVERLAY ZONE

Sec. 10-23-1. Purpose and objectives.

- A. *Purpose.* The planned development overlay (PDO) zone is a floating zone that is unmapped until applied to specific property in accordance with the provisions of this chapter. It is intended to allow development design flexibility, integration of mutually compatible uses, consolidation of and increase of open spaces, clustering of dwelling units to provide substantial additional open spaces, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations. To achieve these purposes, a planned development should be planned as one complex land use with a common architectural design theme that provides variety with architectural compatibility, rather than as an aggregation of individual, unrelated buildings located on separate, unrelated lots.
- B. *Objectives.* Objectives to be accomplished under the provisions of this chapter include:
1. Create more attractive and desirable environments within the City.
 2. Allow a variety of housing types in one development project.
 3. Encourage variety in physical development patterns, including flexibility in building location.
 4. Preserve open space for visual enjoyment and recreational use.
 5. Encourage development on a large scale, since the purposes of a planned development can be best realized in large scale developments.
 6. Allow clustering of units due to geologic conditions or site restraints, and to reduce grading in order to preserve natural landforms that enhance the scenic quality of the site.

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

Sec. 10-23-2. Scope.

The requirements of this chapter shall apply to any planned development within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, or other laws except to the extent such provisions are altered by the requirements of this chapter.

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

Sec. 10-23-3. Minimum acreage.

The planned development overlay zone shall be applied only to projects consisting of at least five acres. City-sponsored projects on City-owned lands are not subject to this requirement if the City Council finds that the PDO zone will be compatible with existing development patterns in the vicinity of the proposed project. The planned development overlay may be applied to a proposed development site of less than five acres in a developed area upon finding by the City Council that the PDO zone will not be incompatible with existing development patterns in the vicinity of the proposed project.

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

Sec. 10-23-4. Use in combination with underlying zone.

The planned development overlay zone may be used in combination with any zone set forth in chapters 12, 13, 14, and Public Facility zones in chapter 17, 14 of this title, subject to the requirements of this chapter. A Public Facility PDO is reserved for only eCity-sponsored civic developments only on City-owned land.

- A. *Provisions supplementary.* The provisions of the planned development overlay zone shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone.
- B. *Zone designation.* The planned development overlay zone designation shall be shown on the official zoning map in parentheses as a suffix to the zone designation with which it is combined. For example, if the planned development overlay zone were being combined with the residential agriculture (RA-1) zone, it would be designated on the official zoning map as "RA-1 (PDO)."

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

Sec. 10-23-5. Uses allowed.

Uses allowed in a planned development overlay zone shall be limited to those permitted or conditional uses set forth in the zone with which the planned development overlay zone is combined and the uses set forth in this section. Any conditional use shall be subject to the issuance of a conditional use permit as set forth in this title.

- A. *Density.* Multiple-family dwellings shall be a permitted use in a planned development overlay zone provided total density in a particular planned development project does not exceed the greater of:
 - 1. The density permitted by the underlying zone in which the project is situated; or
 - 2. The density authorized by a density bonus pursuant to subsection 10-23-8(C) of this chapter.
- B. *Accessory uses.* Accessory uses located in a common main building may be permitted. Accessory uses may include recreational facilities and structures, daycare centers, personal services, and RV parking.
- C. *Commercial uses.* Commercial uses may be approved within planned developments subject to the following:
 - 1. The locations of any commercial areas are clearly marked on the Preliminary Site Plan as approved by the Planning Commission and City Council.
 - 2. The commercial uses shall be limited to those approved in the NC or PC zoning as shown in table 10-15-1 in subsection 10-15-3(A) of this title, unless otherwise approved by the Zoning Administrator or Planning Commission as a use that is harmonious with adjacent residential properties.
 - 3. The commercial areas should be located near major corridors- and shall be designed as an integral element of the planned development, including building and landscaping design consistent with design elements of the development.
- D. *Recreation Resort.* Short-term vacation rentals and recreation resort uses as permitted in 10-26-3 of this code may be approved within a Planned Development subject to the following:
 - 1. The proposal must be found to meet the standards of 10-26-5(B).
 - 2. The development standards of section 10-26-4 of this title must be followed including requirements for amenities and onsite management.
 - 3. The locations of the Recreation Resort uses must be clearly shown on the Preliminary Site Plan and should be located near major corridors and shall be designed as an integral element of the planned

development, including building and landscaping design consistent with design elements of the development.

E. Legislative Authority. The City Council's legislative decision to create a PDO zone includes the City Council's legislative decision to permit or deny any commercial, short-term rental, recreation resort uses, or any other uses within a proposed PDO zone, and the City Council retains all legislature authority and discretion to legislate City zoning.

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

Sec. 10-23-6. Variations from development standards.~~RESERVED~~

- A. ~~Variations from applicable development standards of an underlying zone and chapter 39 of this title may be approved as part of a preliminary site plan for a planned development pursuant to the provisions of this chapter.~~
- B. ~~A variation from the yard requirements set forth in subsection 10-23-9(D) of this chapter may be approved if the City Council, after receiving a recommendation from the Planning Commission, finds such variation meets the approval criteria set forth in subsection 10-23-7(B) of this chapter and as set forth below. Any such variation shall be explicitly noted in the approval of a preliminary site plan and shall be shown on the approved plan.~~
- ~~1. Variations from the development standards set forth in this chapter are intended to be rare and shall be approved by at least four members of the City Council.~~
 - ~~2. The applicant shall bear the burden of persuasion with regard to any request for a variation under this subsection B. Such burden shall include demonstrating that:~~
 - ~~a. A proposed project which includes a variation is the result of a substantial amount of advanced planning;~~
 - ~~b. Any adverse conditions which may result from the variation will be mitigated; and~~
 - ~~c. The variation will result in a substantial benefit not only to persons who will live or work within the project, but also to the City and its citizens generally.~~

~~(Ord. 2006-29, 10-19-2006)~~

Sec. 10-23-7. Approval of planned development overlay zone.

- A. *Approval procedure.* Land shall be placed in a planned development overlay zone pursuant to a zoning map amendment as set forth in section 10-7-7 of this title. The following shall be submitted in conjunction with an application for a zoning map amendment:
- ~~1. A natural resource inventory as required by chapter 31 of this title, and~~
 - ~~1.2.~~ A preliminary site plan as provided in subsection 10-7-10(D)(2) of this title.
- B. *Approval criteria.* Submittal of an application for a planned development overlay zone does not guarantee that the zone or a preliminary site plan will be approved. An application for a planned development overlay zone and associated site plan is considered under the general zoning map amendment provisions of subsection 10-7-7(E). In addition, A zoning map amendment and preliminary site plan may be approved only if the City Council, after receiving a recommendation from the Planning Commission, finds:
1. The proposed planned development overlay zone and associated preliminary site plan:

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(Supp. No. 3, Update 4)

-
- a. Does not conflict with any applicable policy of the City general plan;
 - b. Meets the spirit and intent of this chapter as set forth in section 10-23-1 of this chapter, including providing for the integration of mutually compatible uses, the consolidation and increase of open spaces, the clustering of dwelling units to provide substantial additional open spaces, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional;
 - c. Will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional land use regulations;
 - d. Meets the use limitations and other requirements of the zone with which the planned development overlay zone is combined, except as otherwise allowed by this chapter;
 - e. Meets the density limitations of the underlying zone, unless a density bonus is granted pursuant to the provisions of this chapter; and
 - f. If a density bonus is authorized, provides superior site design and increased amenities, as provided in subsection 10-23-8(C) of this chapter, which ameliorate the potential impact of increased density; and
2. The applicant has:
 - a. Sufficient control over the property to be developed to ensure development will occur as approved;
 - b. The financial capability to carry out the planned development project; and
 - c. The capability to start construction within one year of final plan approval.
- C. *Imposition of conditions.* In order to make findings necessary to approve a planned development overlay zone, conditions of approval may be imposed on a preliminary site plan to assure the planned development will:
1. Accomplish the purpose of this chapter;
 2. Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and
 3. Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the planned development.
- D. *Site plan approval.* A preliminary site plan shall be required with the approval of the planned development overlay, which preliminary site plan shall be associated with and shall govern the approved planned development overlay zone.
- ~~1. This site plan~~The approved preliminary site plan shall show locations of uses, densities of units, and basic types of units within the proposed development. Within 12 months after approval of a planned development overlay zone and a corresponding preliminary site plan, and before the issuance of any building permit, an applicant shall obtain approval of a site plan pursuant to section 10-7-10 of this title.
 - ~~12.~~ A planned development may be constructed in phases as shown on an approved preliminary site plan. In such case, a site plan shall be submitted for each phase that includes any form of development that requires a site plan pursuant to section 10-7-10(C). that includes multifamily or commercial elements as cited in 10-7-10(C). In such case, a site plan will be submitted with each phase. For each phase of development, the site plan shall ~~The site plan shall~~ provide a table with each phase of development displaying the total number of units that have been approved for the total project, the number of units approved in previous

phases, the number of units proposed in the current phase, and the approved units remaining for future phases. If the project requires phasing with multiple plats, each plat shall provide a table displaying the total number of units that have been approved for the total project, the number of units included in previous plat phases, the number of units proposed in the current plat, and the approved units remaining for future phases. the remaining number of units should be tabulated on each successive plat.

2. — At its discretion and for good cause, the Planning Commission may extend for 12 months for one time only the period for filing a site plan, or in the case of a phased planned development, a site plan for the first phase. If these time requirements are not met, the preliminary site plan approval shall be deemed revoked and the property may be rezoned to remove the planned development overlay zone.

E. — ~~Subdivision requirements.~~ An application for subdivision approval may proceed concurrently with an application for a planned development. Compliance with the requirements of this chapter does not exempt any applicant from meeting the requirements of chapter 39 of this title except as may be amended by the provisions of this chapter.

FE. ~~Construction limitations.~~ Upon approval of a site plan for a planned development, construction shall proceed in accordance with approved plans and specifications, and in conformity with any conditions associated with preliminary site plan or site plan approval. No permit shall be issued for any proposed building, structure or use within a planned development unless such building, structure, or use accords with the approved preliminary site plan and site plan and with any conditions imposed in conjunction with such approvals.

GF. ~~Amendments.~~ Amendments to the approved preliminary site plan for any planned development and specifications shall be obtained by following the procedure required for a zone change application as set out in sections 10-7-7 and 10-23-7; provided, however, that the Planning Commission is granted limited authority to approve minor deviations to street layouts that differ from the approved preliminary site plan. All other deviations from the approved preliminary site plan require a zone change application, including but not limited to: (1) Any increase in the number of units, including increases for specific phases if the approved preliminary site plan calls out phases; (2) Any change to any approved use; and (3) Any change that may increase the impact of the development. for any change that increases the impact of the development either by increasing the number of units or changing the approved uses. Minor changes, such as changing the street layout or shifting units from one phase to another, may be approved by the Planning Commission as part of a preliminary site plan application in 10-7-10 and as required by this chapter. preliminary plan approval.

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

Sec. 10-23-8. Density.

- A. ~~Base density.~~ Base density for a planned development shall be determined as set forth in subsection B of this section; provided, however, that base density shall not exceed the density permitted in the underlying zone in which the planned development will be situated. If a planned development incorporates multiple types of uses, the density limitations for specific uses shall be based on the land area designated for that use.
- B. ~~Base density calculation.~~ Base density shall be determined by calculating the number of dwelling units that could be developed on lots in a conventional subdivision under the provisions of the underlying zone where the planned development will be located (referred to as the "yield plan").
1. The yield plan shall be prepared as a conceptual plan based on requirements of this Code that pertain to a conventional subdivision and shall reflect the dimensional (lot area, frontage, width, setbacks, etc.) and other standards of the underlying zone in which the proposed planned development will be located.

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2. The yield plan shall take into consideration the site's natural and cultural features as shown on a natural resource inventory prepared for the property and shall demonstrate that sensitive lands identified in the natural resource inventory can be successfully included within open space areas or as part of residential lots without disturbing the health or safety of present or future City residents. At least one-half of the minimum area required for each lot shall be exclusive of wetlands, floodplains, and slopes exceeding 30 percent.
 3. The yield plan shall be drawn to scale, but need not be based on a field survey. Each yield plan shall, however, exhibit a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements and other encumbrances on the property identified by the natural resource inventory and the requirements of this title, and any other regulatory requirements applicable to the property.
- C. *Density bonus.* The City Council, after receiving a recommendation from the Planning Commission, may authorize a density bonus of up to 20 percent above the base density for a planned development. The purpose of a density bonus is to provide an incentive to an applicant to provide amenities that are not required by this chapter or the applicable underlying zone, and which otherwise would not be provided.
1. The basis for granting a density bonus shall be included in the findings required to approve a planned development set forth in subsection 10-23-7(B) of this chapter.
 2. A density bonus may be authorized based upon provision of one or more of the following amenities. The maximum density bonus granted for any one class of amenities shall not exceed but may be less than the percentage indicated.
 - a. Enhanced overall design theme (~~up to~~ five percent):
 - (1) Landscaping is designed and installed along all streets of the development according to a theme which provides overall design unity;
 - (2) Theme lighting that minimizes light pollution, glare, light trespass, and sky glow is used throughout the development for street lighting, walkway lighting, parking areas, entrances, and building exteriors;
 - (3) Perimeter fencing is used throughout the project that matches building design, such as, masonry columns or piers using the same brick or stone as the buildings; and
 - (4) Special features such as ~~fountains, streams, ponds,~~ sculptures, buildings, or other elements which establish a strong design theme for the development and are utilized in highly visible locations.
 - ~~b. Improved building design (up to five percent):~~
 - ~~(1) Seventy-five percent of the front exterior of each dwelling, exclusive of windows or doors, consists of brick or stone;~~
 - ~~(2) Required parking for each unit is provided within a garage.~~
 - ~~c. Improved energy efficiency (up to five percent):~~
 - ~~(1) Dwellings and main buildings have insulation greater than R-19 in walls and R-38 in ceilings; and~~
 - ~~(2) Dwellings are designed with an active or passive solar feature, including, but not limited to, solar water heaters, Trombe walls, earth insulation of building walls.~~
 - ~~d. Parking upgrades (up to five percent):~~

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- ~~(1) Parking lots are screened from public view by means of increased berming or landscaping around the parking lot perimeter;~~
 - ~~(2) Parking lots have landscaped islands beyond the minimum required by this title;~~
 - ~~(3) Additional and/or larger trees that will shade 50 percent of the parking area upon tree maturation; and~~
 - ~~(4) Provision of screened recreational vehicle parking areas.~~

eb. Provision of usable open space above and beyond any required open space (~~up to~~ five percent):

- (1) Open space is integrated into the entire development and is connected to developed areas by a system of trails and walkways; and
- (2) Stormwater detention facilities are designed, landscaped, and used for multiple purposes that are consistent with the overall design of the planned development and which reduce the perception of the area as a stormwater detention pond.

fc. Provision of recreational facilities (~~up to~~ five percent):

- (1) The planned development includes recreational amenities primarily for the use by residents of the development, including swimming pools, sports courts, spas, barbecue and picnic facilities;
- (2) Development of one or more common buildings used for meetings, indoor recreation, daycare, or other common uses; and
- (3) Dedication and improvement of land for a publicly accessible park or trail system, subject to acceptance by the City.

gd. Increased landscaping (~~up to~~ five percent):

- (1) Planting more than the minimum number of trees, shrubs, and other landscaping required by this title; and
- (2) Use of landscaping to soften the appearance of wood or masonry fences and walls.
- (3) Use of water wise landscaping throughout the development as recommended by the Washington County Water Conservancy District.

he. ~~Utilization of recommended design and compatibility guidelines set forth in chapter 33 of this title (up to five percent).~~

fe. Provision of affordable housing (for every one affordable unit, one additional unit may be added, up to a ten percent bonus fifteen percent):.

- (1) Satisfaction of the requirements of Title 10, Chapter 52, allowing for incentives up to a 15 percent density bonus to provide affordable housing. Affordable Housing means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households in Washington County. Housing costs must be affordable based on Housing and Urban Development standards. Duration and requirements of affordability:
Affordable rental unit: An affordable rental unit shall remain affordable for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a Final Site Plan, a deed restriction requiring compliance with this section shall be recorded with the Washington County Recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.

Affordable ownership unit: An affordable ownership unit shall be sold only to income-qualified households for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a Final Site Plan, a deed restriction requiring compliance with this section shall be recorded with the Washington County Recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.

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

Sec. 10-23-9. Residential Development standards for planned developments.

The development standards set forth in this section shall apply to any planned development and shall prevail over any contrary standard established in chapters 12, 13, 14, and Public Facility zones in chapter 17 of this title.

- A. *Residential use types.* Residential use types within a planned development shall be shown on an approved site plan and may include one or more of the following:
- 1. *Single-family detached dwelling.* This dwelling type consists of a single-family dwelling located on a privately owned lot which is not attached to another dwelling unit and has a private yard on all four sides of the dwelling.
 - 2. *Twin home dwelling.* This dwelling type consists of a single-family dwelling which has one common wall with another dwelling.
 - 3. *Townhouse dwelling.* This dwelling type consists of three or more single family dwelling units where each unit has its own front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other dwelling unit by one or more common walls.
 - 4. *Multiple dwelling.* This dwelling type consists of single-family dwelling units arranged in a variety of configurations including back to back, side to side, or vertically.

TABLE OF DEVELOPMENT STANDARDS FOR RESIDENTIAL USES

<u>Lot standards:</u>	
<u>Average lot area</u>	<u>n/aDoes not apply</u>
<u>Maximum density per acre</u>	<u>See underlying zone</u>

<u>Building standards:</u>	
<u>Maximum height, main building¹</u>	<u>See underlying zone</u>
<u>Maximum height, accessory building¹</u>	<u>See underlying zone</u>
<u>Building coverage</u>	<u>50 percent per site plan</u>
<u>Distance between buildings</u>	<u>10 feet</u>
<u>Setback standards - front:</u>	
<u>Any building - pedestrian entrance</u>	<u>20 feet</u>
<u>Garage or parking building³</u>	<u>1525 feet</u>
<u>Setbacks - rear:</u>	
<u>Main building</u>	<u>10 feet</u>
<u>Accessory building, including private garage^{3,2}</u>	<u>10 feet. See note 310 feet</u>
<u>Setback standards - interior side yard:</u>	
<u>Main building</u>	<u>10 feet</u>

<u>Accessory building, including private garage²</u>	<u>See note 23 feet10 feet. See note 2.</u>
<u>Setback standards - street side yard:</u>	
<u>Main building</u>	<u>20 feet</u>
<u>Accessory building, including private garage⁴</u>	<u>See note 4Not permitted20 feet</u>
<u>Parking⁵</u>	<u>See note 544</u>

Notes:

1. Except aA greater height may be approved subject to a conditional use permit.
 2. If located at least 10 feet from the main building, the setback is reduced to 32 feet, provided that no building shall be located within 15 feet of any building on an adjacent lot.
 3. If located at least 10 feet from the main building, the setback is reduced 5 feet, provided that no building shall be located within 15 feet of any building on an adjacent lot.:
 4. If located at least ten feet from the main building, two feet. Otherwise, same as the main building. No accessory building shall be built within a public utility easement.
 45. Garages are not required in Planned Developments. Off-street parking standards in 10-34 of this titleTitle 10, Chapter 34 must be met.
- ~~B. Lot area and width. A planned development shall not be subject to the lot width and lot area requirements of the underlying zone in which the development is located. The area and widths of lots shall be shown on an approved site plan.~~
- ~~C. Lot and dwelling location requirements. Where possible, dwelling lots should be accessed from interior streets rather than from roads bordering a planned development.~~
- ~~D. Required yards. Minimum required yards shall be as follows:~~
- ~~1. Front yard.~~
 - ~~a. Dwellings: 19 feet from back of curb.~~
 - ~~b. Garages with doors facing the street: at least 20 feet from back of sidewalk to accommodate cars parked in driveways.~~
 - ~~2. Side yard.~~

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- a. ~~Single-family dwelling: five feet.~~
 - b. ~~Accessory buildings: three feet from a property line and ten feet from a dwelling located on the same lot or property.~~
 - c. ~~All other uses: ten feet.~~
 - 3. ~~Aggregate side yard (on the same lot).~~
 - a. ~~Single-family dwelling and twin home: 15 feet.~~
 - b. ~~All other structures: 20 feet.~~
 - c. ~~All other uses: ten feet.~~
 - 4. ~~Rear yard.~~
 - a. ~~Single-family dwelling: ten feet.~~
 - b. ~~Garages and accessory buildings located ten feet from main building: five feet.~~
 - c. ~~All other structures: ten feet.~~
 - E. ~~Distance between buildings.~~ The minimum distance between main buildings shall be ten feet. Main buildings include all buildings in a common area. The minimum distance between accessory buildings, such as garages, may be four feet if the accessory building is located at least ten feet from a main building.
 - F. ~~Tract perimeter setback and buffer requirements.~~ Structures shall be situated so as to maintain a minimum setback from any tract property line equivalent to the front rear yard setback of the adjoining zone.
 - B. Non-residential uses. All non-residential uses shall comply with the development standards of the applicable uses.
 - GCB. Walls and fences. Walls and fences may be required around the perimeter of a planned development where the development ~~abuts an adjacent zone~~ is adjacent to a different zone.
 - H. ~~Height of buildings.~~ The maximum residential building height permitted in the underlying zone shall apply unless the terms of a development agreement have set other standards.
 - IC. ~~Commercial and recreation resort industrial.~~ Development standards for commercial and recreation resort industrial uses shall be the same as for GC and RRM-1 zones.
 - JD. Common areas.
 - 1. Areas intended for public use shall be freely accessible from streets and/or other common areas that have unrestricted entry. Areas intended for restricted use shall be interspersed within residential development so as to convey a sense of openness within the planned development. Residential development may not unreasonably restrict access ~~totally exclude open space~~ from ~~fronting onto public~~ streets, and access from public streets must be provided at appropriate intervals.
 - 2. Common areas shall include all jointly used recreation areas and related landscaping provided for the use and/or visual enjoyment of the residents of the project. Common recreation areas shall be located and improved so they may be readily accessed and used by residents of the dwelling units they are intended to serve. Where necessary, walls or landscaping may be required to protect the privacy of adjoining residents.
 - 3. Common areas may include:

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- a. Natural areas of undisturbed vegetation or areas replanted with vegetation after development.
 - (1) Use and maintenance shall be limited to removal of litter and accumulated plant material.
 - (2) Natural waterways and drainage channels shall be maintained as free flowing and devoid of debris.
 - (3) Stream channels shall conform to the city stormwater management requirements and be maintained so as not to alter floodplain levels.
 - b. Agricultural uses where conditions are suitable for agricultural production. ~~Minimum areas for agricultural use designation shall be five acres.~~
 - c. Garden plots for use by residents.
 - d. Greenways, including pedestrian ways, bike paths and equestrian trails linking residential areas with other open space uses.
 - e. Recreation areas designed for specific recreational activities such as children's play areas, playing fields, tennis courts, and similar facilities.
 - f. Stormwater control and management areas that are designed, landscaped, and used for multiple purposes that are consistent with the overall design of the planned development and which reduce the perception of the area as a stormwater detention pond.
 - ~~g. Roads, buildings and other impervious surfaces as needed to support common open space use. A determination as to whether the roads, buildings or other impervious surfaces may function as common open space shall be made in conjunction with approval of a preliminary site plan.~~
- ~~KE.~~ *Public and community facilities.* In addition to dwellings, a planned development may include areas for schools, churches, public or private recreation buildings, and other similar community facilities.
- ~~LE.~~ *Required improvements.*
- 1. All streets shall be public streets and shall be established according to public street standards adopted by the City.
 - 2. Curb and gutter shall be required along each side of all streets ~~except:~~
 - ~~a. Where an approved stormwater management system eliminates the necessity of the curb and gutter function; and~~
 - ~~b. Where the roadway is approved for construction without curb and gutter according to City street standards.~~
 - 3. Sidewalks shall be installed along both sides of all streets except where alternate pedestrian ways are provided as part of an approved preliminary site plan.
 - 4. Stormwater shall be controlled and managed according to a plan approved by the City.
 - 5. Water and sewer systems shall be provided in accordance with standards of chapter 39, subdivisions, of this ~~title~~Title.
 - 6. Irrigation water, street signs, street lighting, fencing, and any other required improvements shall be provided in accordance with City standards.
 - 7. Other utilities and improvements shall be provided and installed in accordance with City standards.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2016-08, 10-6-2016; Ord. 2018-12, 10-18-2018; Ord. 2019-01, 2-7-2019; Ord. 2019-10, 9-19-2019)

Sec. 10-23-10. Protection of common areas.

- A. *Maintenance of common areas.* If common areas are provided within a planned development, adequate guarantees shall be provided to protect such common areas from future development. No certificate of occupancy shall be issued for any structure in a planned development until all required guarantees have been submitted to and approved by the City. The developer of a planned development may elect any of the following to preserve common areas:
1. *Fee simple donation.* A fee simple donation of any portion of common area land may be made to the City so long as the City agrees to accept such donation. ~~Upon receipt of such donation the City shall impose a conservation easement on such land.~~
 2. *Condominium association.* Common areas and facilities may be controlled by a condominium association as provided in the Utah Condominium Ownership Act. All common area land and facilities shall be held as a "common element."
 3. *Homeowners' association.* Common area land and facilities may be owned by a homeowners' association, subject to applicable provisions of state law. The developer shall provide the City with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities. The proposed association shall be established by the owner or applicant and shall be operating (with a financial subsidy from the developer if necessary) before the sale of any dwelling units in the planned development. The association documents shall include the following provisions:
 - a. Membership in the association shall be mandatory for each owner and its grantees, successors and assigns.
 - b. Restrictions concerning common open space and/or facilities shall run with the land and not for a period of years.
 - c. The association shall be responsible for the maintenance of all common open space and/or facilities, liability insurance on all common open spaces and/or facilities and paying general property taxes on all common open spaces and/or facilities.
 - d. In the event the association does not maintain private common open space areas and facilities as shown on an approved site plan, the City may perform any required maintenance and may thereafter recover all costs incident to performing the required maintenance from the association and/or each of its members.
 - e. Members of the association shall pay their pro rata share of costs of upkeep, maintenance, and operation of common open space and/or facilities and/or improvements not dedicated to the City. The association bylaws shall confer legal authority on the association to place a lien on the real property of any member whose dues become delinquent. The bylaws shall also provide that such delinquent dues and all accrued interest shall be paid before the lien may be removed.
 - f. Written notice to all association members and to the City shall be provided no less than 60 days prior to any proposed transfer of any common area land or facility, or the assumption of maintenance for common area land or facility. No such transfer shall be effective unless approved by the City, which approval shall not be unreasonably withheld so long as it is consistent with the provisions of this chapter and applicable law.

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4. *Private conservation organization or the City.* Fee simple title of common area land or conservation easements may be transferred to a private nonprofit conservation organization or to the City having jurisdiction where the land is located. [Any such transfer shall be subject to the City's approval.](#)
 5. *Grant of easements to the City.* The City may, but shall not be required to, accept easements for public use of any portion of common area land or facilities. Such land shall be subject to a satisfactory maintenance agreement between the developer and the City.
 6. *Noncommon private ownership.* Common area land and facilities may be located on one or more privately owned lots of at least five acres provided that the lot is restricted from future development through a conservation easement, except uses allowed by an approved site plan. [Any such transfer shall be subject to the City's approval.](#)
- B. *Protective covenants.* A declaration of building use restrictions (protective covenants) shall be required for each planned development and phase thereof. The declaration in original form bearing appropriate signatures and certifications shall be submitted to the City for approval, which approval shall not be unreasonably withheld. Such protective covenants shall include provisions that:
1. An architectural control committee shall approve plans for all buildings proposed for erection, placement, or alteration with the planned development. The City may require that building permit applications show evidence that the architectural control committee has approved each building plan.
 2. No person, firm or entity shall change, modify or amend any of the conditions of a recorded declaration of building use restrictions for a planned development without first obtaining City approval. No change shall be approved which would be contrary to the requirements of this chapter or an approved preliminary plan.

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



Application

Application Accepted Date: 03/18/2025		Valuation		\$	0.00
Type of Improvement: Conditional Use Permit		PERMIT FEES			
Description:		Planning Fee		\$	250.00
Tenant / Project Name: Coral Cliffs Entertainment Center		Planning Fee		\$	250.00
Bldg. Address: 800 W State St		Sub Total:		\$	250.00
City: Hurricane City State: UT Zip: 84737		Permit Total:		\$	250.00
Subdivision: N/A Phase:		Amount Paid:		\$	250.00
Block: Lot #: Parcel ID #: H-3-1-34-3141		Remaining Due:		\$	0.00
Property Owner: Coral Cliffs Entertainment					
Permit Contact: Chase Stratton P:(435) 773-3666					
Email: chase.stratton@interstaterock.com					
CONTACT INFORMATION					
General Contractor: Coral Cliffs Entertainment					
License #: P:					
City: State: Zip:					
Email:					
APPLICATION DETAILS					
APPROVALS					
DATE					
INFO					
Setbacks					
Front: Rear: Left: Right:					
Min.					
Actual:					
APPLICATION NUMBER: PLANCUP25-08					
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.					
Applicant Name: Chase Stratton					
Signature of Applicant/Authorized Agent or Owner: Date:					
Application Approved By: Date:					
Application Issued By: Date:					
Receipt #: 226151129-03/18/25					

Statement of Intent

Coral Cliffs Entertainment, Inc. is seeking a conditional use permit to build a building of greater height than permitted for its Family Entertainment Center. We are also requesting a conditional use permit to allow for the building to be of a metal building design.

Greater Height

The building has a peak of 44'. Only approximately 23% of the building will be over the height requirement. The adjacent building is the Coral Cliffs Cinema building. It has a peak of 33'-35' and a consistent height of 30'.

Metal Building Construction

The building is planned to be a metal building with quality exterior finishes. We have brick / stone work along with stucco / EFIS. The portions of the building not covered in those finishes will be covered in Insulated Metal Panels, which do not look like a regular metal building.

Agenda Date:	03/27/2025 - Planning Commission
Application Number:	CUP25-08
Type of Application:	Conditional Use Permit
Action Type:	Administrative
Applicant:	Coral Cliffs Entertainment
Agent:	Chase Stratton
Request:	A conditional use permit for a metal building of greater height.
Location:	800 W State St
Zoning:	HC
General Plan Map:	Commercial
Recommendation:	Approve subject to staff comments.
Report Prepared by:	Fred Resch III

Discussion: The applicant is the developer of the Coral Cliffs Entertainment Center, that will be constructed adjacent to the Coral Cliffs Cinema. They are proposing that their new entertainment center be a metal building with a 44-foot-tall peak and an average height of approximately 36 feet above the maximum permitted height of 35 feet. A property owner may apply for a conditional use permit to build a taller building, as well as a metal building in a commercial zone. The site is zoned Highway Commercial (HC).

Aerial of Site



The standards to obtain a conditional use permit are as follows:

10-7-9: CONDITIONAL USE PERMIT E. Approval Standards: The following standards shall apply to the issuance of a conditional use permit:

- 1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.*
- 2. Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2n of this section:*

e. Standards for greater heights than permitted by this Code.

(1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.

(2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.

(3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.

(4) In no event shall a building exceed 55 feet in height.

The Planning Commission should make a finding that it meets each of these conditions:

1. The entertainment center is not planned to be more than two stories and will be under the maximum allowed height of 55 feet.
 - a. The applicant's narrative states the average height of the movie theater is 30' and one and a half times that height is 45 feet. The approved plans for the movie theater available to the City show it's 28 feet tall and there are other buildings adjacent to the planned building, such as the police station and single family homes. Since the building is not planned to be greater than two stories this standard does not apply.
2. The plans submitted show that the building will be made to be architecturally compatible with the movie theater.
3. The building will be set back more than 5 feet from the nearest property lines.

h. Standards for metal buildings.

(1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.

(2) The building must meet the following design standards:

(A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.

(B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.

(C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.

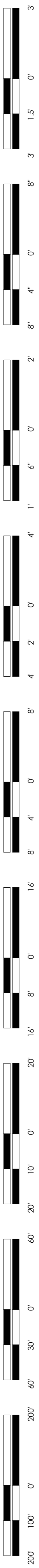
(D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.

1. The applicant's statement of intent indicates that the building will be finished with stucco and stone and the portions not finished will be covered in a way to disguise or conceal and minimize the appearance of the metal building.
2. The submitted plans show that the sides visible from State St. and 700 W will include architectural relief elements.

Findings:

1. The building will not be greater than two stories and is less than 55 feet tall.
2. The building will be architecturally compatible with the adjacent building based on the applicant's submitted plans.
3. The building will feature architectural relief elements to disguise or conceal and minimize the appearance of the metal building, and will have architectural relief elements on all sides of the building visible from the streets.

Recommendation: The Planning Commission should review the application against the standards for conditional use permits in the Hurricane City Code. Staff recommends approval of the application subject to staff comments.



EXTERIOR FINISH LEGEND

VISION GLASS
MANUFACTURER: GUARDIAN GLASS, PRODUCT: SNX 51/23, COLOR: CLEAR

MTL. PANEL TYPE 1
MANUFACTURER: MCELROY METAL, PRODUCT: NOSTALGIA BOARD & BATTEN
METAL PANEL, COLOR: DARK CHARCOAL

MTL. PANEL TYPE 2
MANUFACTURER: NUCOR, PRODUCT: CFR STANDING SEAM ROOF PANEL
COLOR: PAINTED DARK CHARCOAL

STONE TYPE 1
MANUFACTURER: ELDORADO STONE LLC, PRODUCT: CLIFFSTONE, COLOR: MESQUITE

EIFS 1
MANUFACTURER: NUCOR, COLOR GROUP: PREMIUM | EXTERIOR COLORS
COLOR: E-0.84 SR: 33

MTL. FINISH
MTL. TO MATCH STOREFRONT MULLIONS

STOREFRONT
MANUFACTURER: EFCO, COLOR: BLACK

EXTERIOR FINISH KEY

VISION GLASS

MTL. PANEL, TYPE 1

MTL. PANEL, TYPE 2

EIFS, TYPE 1

STONE, TYPE 1

PERFORATED MTL. SCREEN

VERTICAL EXPANSION JOINT

LED STROKE LIGHTING



12101 W 110th Street, Suite 100
Overland Park, KS 66210

913.232.2123

Project Team:

bc Design Group
12101 W 110th St, Suite 100 |
Overland Park, KS 66210
913.232.2323

Dialectic Engineering
310 W. 20th Street, Suite 100 |
Kansas City, MO 64108
816.997.9601

Wallace Design Collective
1703 Wyandotte Street, Suite
200 | Kansas City, MO 64108
816.421.8282

Katom Restaurant Supply Inc.
305 Katom Drive - Kodak, TN
37764
865.225.1562

Interstate Rock Products
42 S. 850 W. Hurricane, UT
844737
435.635.2628

Project Title:
RICK MOSER
CORAL CLIFFS FEC
835 W STATE ST, HURRICANE, UT 84737

NOT FOR
CONSTRUCTION

Issue Date: 11.27.2024

Issue: Date:

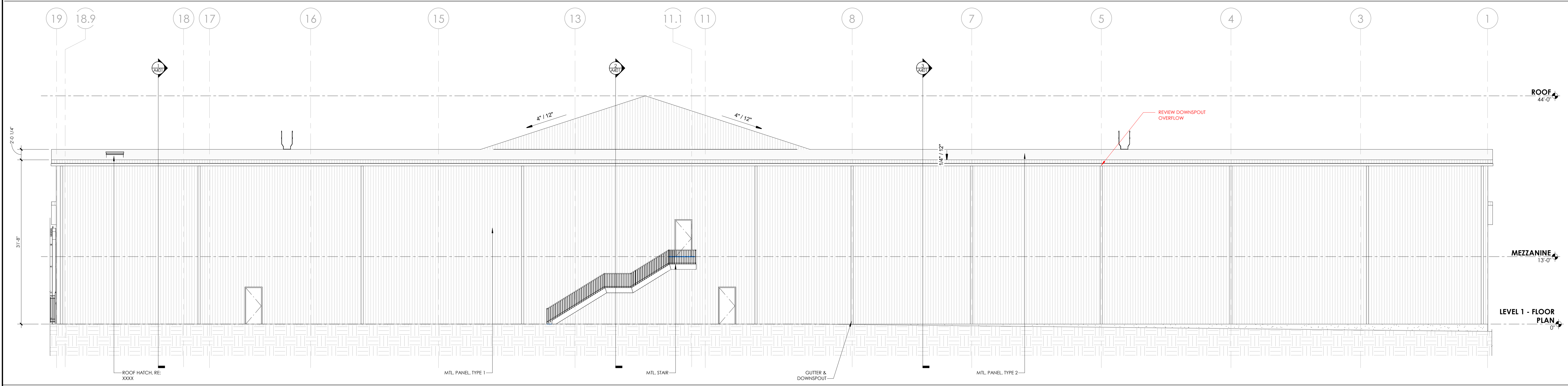
Drawn by: Author

Project Number: E36-01

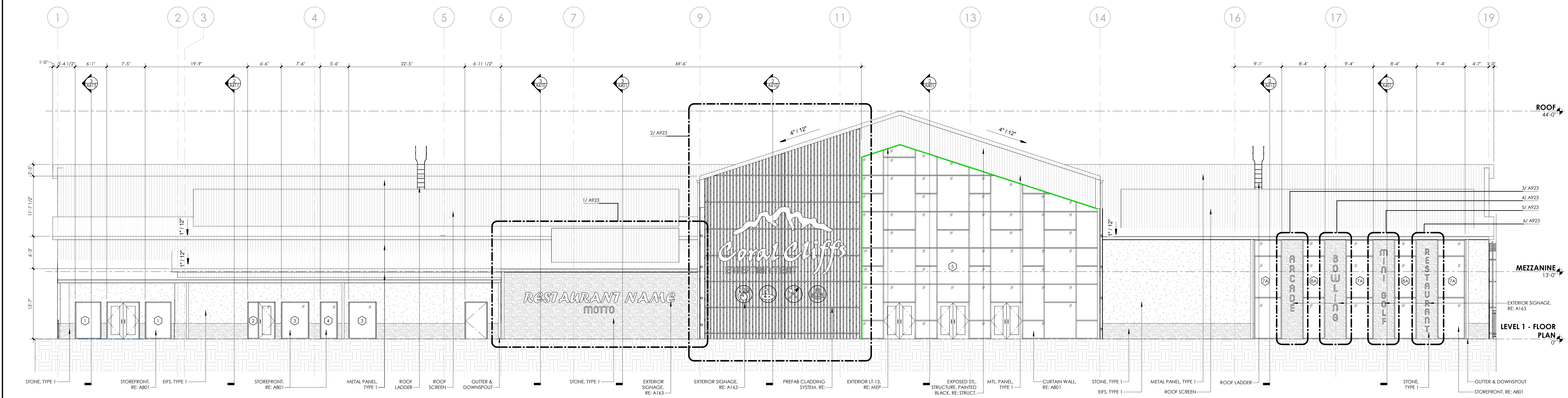
A300

EXTERIOR ELEVATION - AREA A

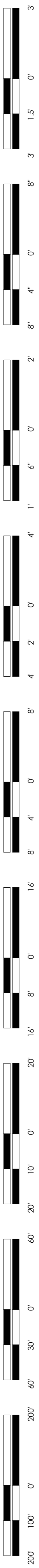
PERMIT REVIEW



2 SOUTH ELEVATION - AREA A
1/8" = 1'-0"



1 NORTH ELEVATION - AREA A
1/8" = 1'-0"



EXTERIOR FINISH LEGEND

VISION GLASS
MANUFACTURER: GUARDIAN GLASS, PRODUCT: SNX 51/23, COLOR: CLEAR

MTL. PANEL TYPE 1
MANUFACTURER: MCELROY METAL, PRODUCT: NOSTALGIA BOARD & BATTEN
METAL PANEL COLOR: DARK CHARCOAL

MTL. PANEL TYPE 2
MANUFACTURER: NUCOR, PRODUCT: CFR STANDING SEAM ROOF PANEL
COLOR: PAINTED DARK CHARCOAL

STONE TYPE 1
MANUFACTURER: ELDORADO STONE LLC, PRODUCT: CLIFFSTONE, COLOR: MESQUITE

EIFS 1
MANUFACTURER: NUCOR, COLOR GROUP: PREMIUM | EXTERIOR COLORS
COLOR: E 0.84 SR: 33

MTL. FINISH
MTL. TO MATCH STOREFRONT MULLIONS

STOREFRONT
MANUFACTURER: EFCO, COLOR: BLACK

EXTERIOR FINISH KEY

VISION GLASS

MTL. PANEL TYPE 1

UPDATE MTL. PANEL TYPE 2

EIFS, TYPE 1

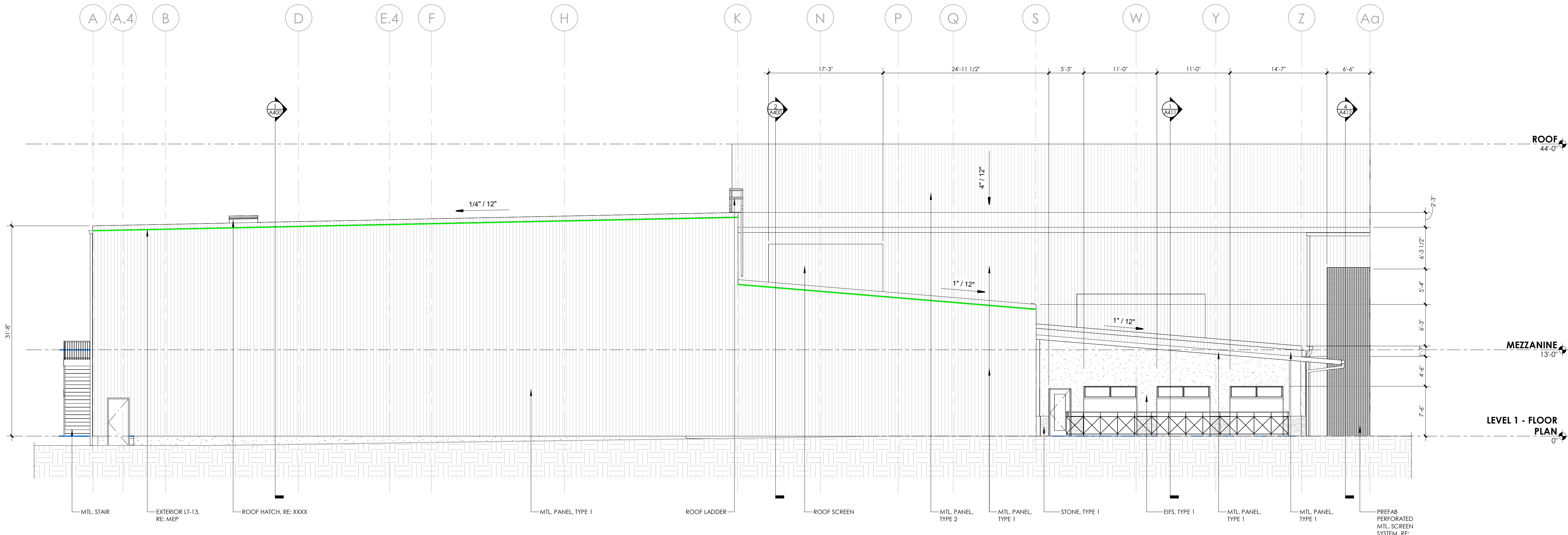
STONE, TYPE 1

PERFORATED MTL. SCREEN

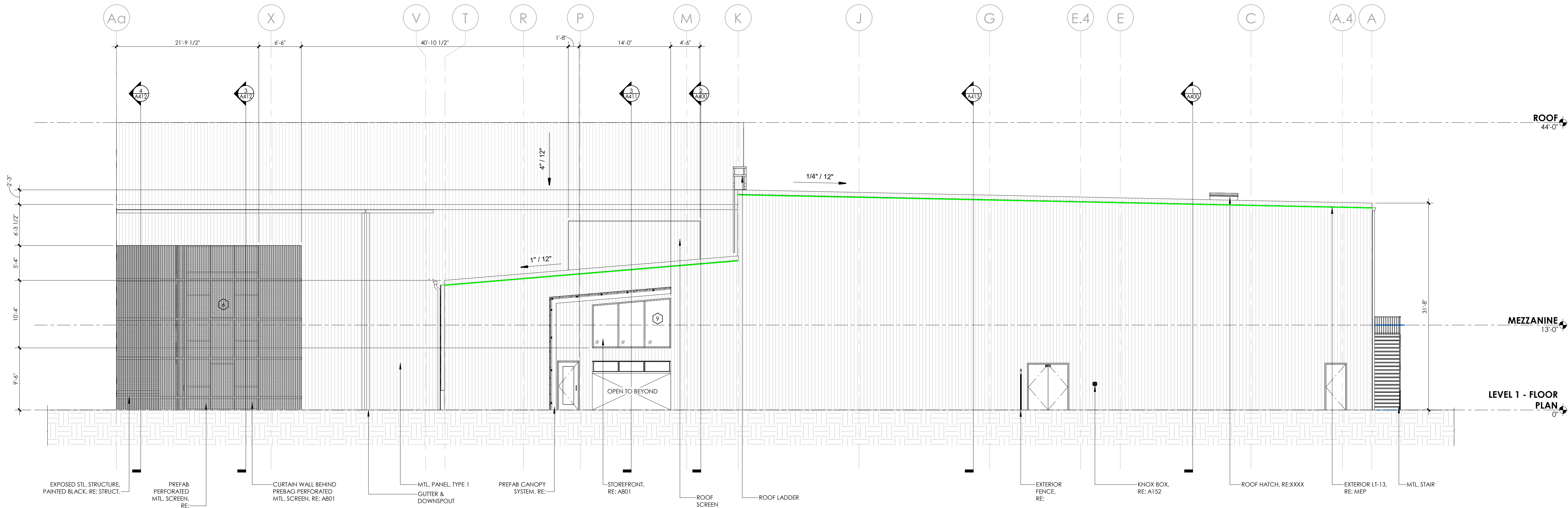
V.E.J.

VERTICAL EXPANSION JOINT

LED STROKE LIGHTING



2 EAST ELEVATION - AREA A
1/8" = 1'-0"



1 WEST ELEVATION - AREA A
1/8" = 1'-0"



bc DESIGN GROUP

12101 W 110th Street, Suite 100
Overland Park, KS 66210

913.232.2123

Project Team:

bc Design Group
12101 W 110th St, Suite 100 |
Overland Park, KS 66210
913.232.2323

Dialectic Engineering
310 W. 20th Street, Suite 100 |
Kansas City, MO 64108
816.997.9601

Wallace Design Collective
1703 Wyandotte Street, Suite
200 | Kansas City, MO 64108
816.421.8282

Katom Restaurant Supply Inc.
355 Katom Drive - Kodak, TN
37864
865.225.1562

Interstate Rock Products
42 S. 850 W, Hurricane, UT
844737
435.635.2628

Project Title:
RICK MOSER
CORAL CLIFFS FEC
835 W STATE ST, HURRICANE, UT 84737

NOT FOR
CONSTRUCTION

Issue Date: 11.27.2024
Issue: Date:

Drawn by: Author
Project Number: E36-01

A301

EXTERIOR ELEVATION - AREA A

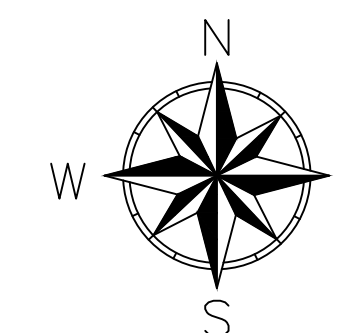
PERMIT REVIEW

WARRANTY DEEDS
THE PROJECT IS CONTAINED WITHIN THE EAST
PORTION OF H-3-1-34-3141 AND THE
SOUTHER PORTIONS OF H-3-1-34-32011
& H-3-1-34-3200

A RECORD OF SURVEY WITH THE LOT LINE
ADJUSTMENT WILL BE CREATED TO SHOW THE
CHANGES.

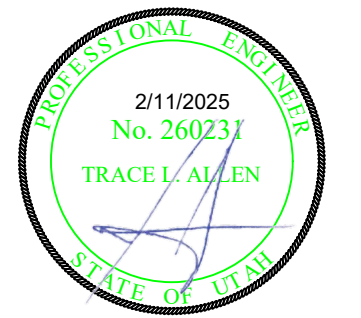
PARKING CALCULATIONS
TOTAL PROVIDED STALLS: 434

REQUIRED STALLS (SEE LETTER: PARKING REQUIREMENT ADJUSTMENT FOR CORAL
CLIFFS ENTERTAINMENT CENTER)
THEATER: 225
FUN CENTER: 77
TOTAL: 301



INTERSTATE ROCK

GENERAL BUILDING & ENGINEERING CONTRACTOR
 42 SOUTH 850 WEST, HURRICANE, UT 84737
 P: 435.635.2628 | F: 435.635.2177



DESIGNED BY SZ
DRAWN BY IRP
CHECKED BY TA

[illegible]

Staff Note: The Planning Commission by-laws are being presented as a courtesy and as a yearly reminder of the agreed-upon rules and procedures. No action is planned at this meeting; however, if you would like to propose any amendments, they can be discussed.

HURRICANE CITY PLANNING COMMISSION BYLAWS: RULES OF PROCEDURE AND ORDER

Intent

The intent of these bylaws is to supplement the Utah Code and the Hurricane City Code regarding the affairs of the Hurricane City Planning Commission. Conflicts between Utah Code, Hurricane City Code, and these bylaws shall be resolved first by Utah Code, second by Hurricane City Code, and last, by these bylaws. It is not necessary for the bylaws to be readopted each year unless a majority of the Commission determines that a change to the bylaws is needed.

Chairperson and Alternate Chairperson

The Planning Commission shall select a Chairperson from its own members for a term of one (1) year. The Chairperson shall appoint an Alternate Chairperson, with the Planning Commission's advice and consent, to act in the Chairperson's absence. The Chairperson and Alternate Chairperson may be reelected for successive terms.

These selections shall take place at the first Planning Commission in March of each year. The Chairperson shall preside at Planning Commission meetings, or in his/her absence, the Alternate Chairperson shall preside. If neither the Chairperson or Alternate Chairperson are present at the meeting, the most senior commissioner present shall preside.

The presiding commissioner is encouraged to take part in discussion and vote on matters before the Planning Commission while at the same time maintain the opportunity for impartial discussion among commissioners.

If the Chairperson is unable to serve their remaining term, the Planning Commission, by a majority vote, may choose another member to fulfill the remaining term. If the Alternate Chairperson is unable to serve their remaining term, the Chairperson may appoint, with the advice and consent of the Planning Commission, an Alternate Chairperson for the remaining term.

By a majority vote, the Planning Commission may remove the Chairperson or Alternate Chairperson from their term of service by finding that they have violated the code of ethics within these Bylaws.

Meetings

The Planning Commission shall hold regular meetings at least once a month, and preferably twice a month. The Commission shall adopt its regular meeting schedule at its last meeting of each calendar year for the following year. The Chairperson, or in his/her absence, the Alternate Chairperson, with advice from the Planning Director, may call special meetings in addition to regular meetings or cancel a regular meeting as long as the Planning Commission meets at least once a month. The Planning Commission may amend their schedule by a vote of the Commission.

Rules of Conduct

Recognizing that the Planning Commission, as an appointed body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the Planning Commission for full, open, and comprehensive debate of issues brought before the Planning Commission for action in a forum open to the public, and which encourages citizens' awareness of Planning Commission activities.

These procedures do not increase or diminish the existing powers or authority of the Planning Commission, as set forth in state law or local ordinance.

Planning Commission Meeting Agenda

All meetings of the Planning Commission will have a notice and agenda that complies with the Utah Public Open Meetings Act.

An item may be placed on the agenda only by the Chairperson of the Planning Commission or by the Planning Director, or at the request of a majority of Commission members. Agenda items that require a public hearing must be submitted to the Planning Director at least two (2) weeks in advance of the meeting, all other applications must be submitted prior to Tuesday at noon the week before the next meeting unless otherwise approved by the Planning Director.

The agenda and information packet shall be posted the Monday before the next meeting.

Quorum of the Planning Commission

No official business shall be conducted by the planning commission unless a quorum of its members is present. Five (5) members of the planning commission shall constitute a quorum. The minimum number of yes votes required for the planning commission to take any action shall be the majority of members present, unless otherwise prescribed by law.

Role Of The Chairperson And Other Commission Members:

- The Chairperson shall preside at meetings of the Planning Commission. The Chairperson may participate in discussion of and vote on all matters.
- In addition, the Chairperson has the primary responsibility for ensuring that the Commission's rules of procedure are followed and:
 - For maintaining the dignity of Commission meetings.
 - Calls the meeting to order and confines the discussion to the agenda.
 - Recognizes Commissioners for motions and statements and may allow audience and staff participation at appropriate times.
 - Requires knowledge of the City's adopted rules of parliamentary procedure and how to apply it.
 - Ensures that the Utah Open and Public Meetings Act is complied with.
 - Knows how to courteously discourage Commissioners who talk too much or too often.
 - Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
 - Recognizes the Commission member offering the motion, restates the motion, presents it to the Commission for consideration and discussion, calls for the vote, announces the

vote, and then announces the next order of business.

Code of Conduct

Members of the Planning Commission, including the Chairperson shall:

- ☐ Ensure that remarks apply to the question under debate.
- ☐ Avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- ☐ Demonstrate courtesy and shall not disrupt proceedings.
- ☐ Understand and recognize the Chairperson is conducting the meeting and not attempt to take on that role.
- ☐ Not use their positions to secure privileges or personal gains and shall avoid situations that could cause anyone to believe that they may have brought bias or partiality to a question before the Planning Commission.
- ☐ Be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- ☐ Be dedicated to the effective use of the City's available resources.
- ☐ Refrain from any activity that would hinder their ability to be objective and impartial.
- ☐ See that City business is discussed in open, well-publicized meetings.

Ethics

The Chairperson and Commission members shall comply with the Utah Municipal Officers and Employees Ethics Act as found in Utah Code 10-3-1301 et seq.

Parliamentary Rules

The following may be referred to as the Commission's Rules of Order and shall be the parliamentary rules for conducting the business of the City. Each rule is followed by a purpose and, in some cases, a procedure, to explain the rule and guide the Chairperson and Commission members in its intended application.

Rule No. 1: The meeting is governed by the agenda and the agenda constitutes the Planning Commission's agreed-upon roadmap for the meeting.

Purpose Of The Rule: All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition, the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the Commission speaking on an issue, the substance of what the member says, an accurate description of any action taken by the Commission and the voting record of each individual member of the Commission.

Rule No. 2: Any matter that requires a Planning Commission decision shall be brought before the Commission by motion and each motion requires a second.

Purpose Of The Rule. The purpose of this rule is to limit items under discussion to those and only those that the Commission members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

Rule No. 3: One question at a time and one speaker at a time.

Purpose Of The Rule. The purpose is to focus on only one question and to allow Commission members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

Rule No. 4: The Chairperson may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes or otherwise require a roll call of the Commission.

Purpose Of The Rule. General consent is helpful in expediting general routine business or when the Chairperson senses the Commission is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

Rule No. 5: There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

Procedure: The initial motion. The initial motion is the one that puts forward an item for the Planning Commission's consideration. An initial motion might be: "I move that we adopt ordinance number 10-1 as presented."

The motion to amend. If a member wants to change the initial motion that is before the Planning Commission, they would move to amend it. A motion to amend takes the initial motion which is before the Planning Commission and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the Planning Commission, and put a new motion before the Planning Commission, they would move a substitute motion.

Purpose Of The Rule. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Chairperson. So that if a member makes what that member calls a "motion to amend", but the Chairperson determines that it is really a "substitute motion", then the Chairperson's designation governs.

Rule No. 6. There can be up to three motions on the floor at the same time and no more than three. The Chairperson can reject a fourth motion until the Chairperson has dealt with the three that are on the floor and has resolved them.

Purpose Of The Rule: Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering without undue confusion.

Rule No. 7: The debate can continue as long as members of the Planning Commission wish to discuss an item, subject to the Chairperson determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a Commission member to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

Purpose Of The Rule. Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Chairperson by General Consent or the majority of the Commission to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

Rule No. 8: A majority of those present votes are required to pass any item before the Commission. Where the Planning Commission is the Land Use Authority, a failure to obtain a majority vote is a failed motion.

If the Commission is not able to pass a recommendation to the City Council with a majority vote, the Commission may pass two recommendations to the City Council with a minority supporting each.

Any member of the commission may also make a concurring or dissenting report or recommendation to the city council, which may be joined by another member or members. The appropriate time to submit or make a concurring or dissenting report or recommendation and any joiner thereto is immediately following the majority's vote on a report or recommendation to the city council.

Purpose Of The Rule. Utah and Hurricane statutes set out both the number of the quorum and the minimum vote required on any issue.

Rule No. 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Planning Commission. In addition, a motion to reconsider cannot be made at a special meeting of the Commission unless the number of members of the Commission present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If the motion to reconsider is made and approved at the meeting where the item was first voted upon, the Planning Commission may immediately consider the item at the discretion of the Chairman. If the motion to reconsider is made at the following meeting, the Planning Commission may not consider the item until it is properly listed on the agenda.

Purpose Of The Rule. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Planning Commission again and again. That would defeat the purpose of finality. If the motion to reconsider passes, then the original matter is back before the Planning Commission, and a new initial motion is then in order. The matter can be discussed and debated as if it were

on the floor for the first time.

Rule No. 10: The Planning Commission may motion to approve, deny, recommend approval, recommend to deny, continue or table an item on the agenda with following rules.

- For items the Planning Commission is the Land Use Authority, the Planning Commission can approve or deny an application.
- For items that the Planning Commission serves as a recommending body to the City Council, the Planning Commission may recommend approval or recommend denial.
- The Planning Commission may make approval or recommendation of approval based on conditions or findings by the Commission. The Planning Director will ensure the applicant complies with approval conditions or ensure the City Council knows of the recommended conditions from the Planning Commission.
- The Planning Commission may continue an item on the agenda, meaning the item shall be placed on the next regularly scheduled meeting's agenda. The Planning Commission may continue an item if they find the application is incomplete, the applicant agrees to provide additional information, or the Planning Commission needs more time to review an item. If an application is complete, the Planning Commission may only continue a land use application for two consecutive meetings without the consent of the applicant.
- The Planning Commission may table an item on the agenda, meaning the item shall not be reviewed again by the Planning Commission until the applicant is able to meet conditions contained within the motion to table.
- The Planning Commission has the obligation to hear, review, and make findings for all complete applications in a timely manner and may not table or continue an item for an unreasonable amount of time without the applicant's consent. An applicant may petition the Planning Commission to make a finding on a complete application.

Purpose Of The Rule. The role of the Planning Commission is to vote and make decisions on land use application and land use policy in the City. For the majority of land use applications, the commission will either be able to make a recommendation or approve or deny without multiple meetings. In some cases, such as incomplete applications, the Planning Commission request for more information, the size of the application takes additional time to review, at the applicant request, etc; the Planning Commission may find the application needs further review or information then can be provided at a single meeting. In these cases, it is appropriate for the Planning Commission to continue or table an item until any concerns can be resolved. The Planning Commission may also continue or table an item if the application would likely be denied and the applicant consents to review proposed changes suggested by the Planning Commission or City staff. In addition, some of the needed changes to an application may be minimal. In these cases, the Commission may find it appropriate to make a motion with attached compliance conditions as the Commission may find.

Rule No. 11: The Chairperson and Commission members shall adhere to the code of conduct.

Purpose Of The Rule. Debate and discussion should be focused, but free and open. In the interest of time, the Chairperson may, however, limit the time allotted to speakers, including

members of the Planning Commission. A Commission member may continue speaking on a majority vote of the Commission. The rules of order are meant to create an atmosphere where the members of the Planning Commission and the members of the public can attend to business efficiently, fairly, and with full participation. At the same time, it is up to the Chairperson and the members of the Planning Commission to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Chairperson before proceeding to speak.

Rule No. 12: If the Parliamentary rules set forth in these Bylaws fail to address a particular point of order that arises, the most recent version of Robert's Rules of Order shall govern, provided that the rule from Robert's Rules of Order is consistent with the Utah Code and the Hurricane Code.

Residents' Right To Be Heard:

Residents may from time to time believe it is necessary to speak to the Planning Commission on matters of concern. Accordingly, the Planning Commission expects any person presenting to the Planning Commission to speak civilly, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Chairperson.
- Public comments will only be heard during the appropriate portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the Chairperson.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit their comments to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the Chairperson.
- If a representative is elected to speak for a group, the Chairperson may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed.
- Any member of the public interrupting Planning Commission proceedings, approaching the dais or podium without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Planning Commission, shall be deemed to have disrupted a public meeting and, at the direction of the Chairperson, shall be removed from the meeting by law enforcement personnel or other agent designated by the Planning Commission.

