HURRICANE CITY
UTAH

Mayor
Nanette Billings

City Manager
Kaden DeMille

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

Hurricane City Council Meeting
Agenda

April 3, 2025
5:00 PM
City Council Chambers 147 N 870 W, Hurricane

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

5:00 p.m. Pre-meeting

1. Agenda Summary

6:00 p.m. - Call to Order

Prayer

Thought

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for March 20, 2025 and Special City Council Meeting for March 24, 2025

Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 12:00 p.m. the Tuesday one week before the Council meeting.

OLD BUSINESS

1. Consideration and possible approval of **LUCA25-01, a Land Use Code Amendment** to Title 10 Chapter 15 regarding Planned Commercial standards - Gary Cupp

NEW BUSINESS

1. Consideration and possible approval of a **boundary line agreement** between Hurricane City, Western Mortgage, and Lowe - Arthur LeBaron
2. Consideration and possible approval of Ordinance **2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee** for Power on Development
3. Consideration and possible approval of **a new sign** on the SR-7 interchange - Beautification Committee
4. Consideration and possible approval of **Chapters 2 and 3 of the employee manual** - Sel Lovell
5. Consideration and possible approval of **Ordinance ZC24-07 Zone Change 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
6. Consideration and possible approval of **LUCA24-08, 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
7. Continued **training** for Municipal Officials
8. Mayor, Council, and staff reports
9. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

I hereby certify that the above notice was posted to the city website, (www.cityofhurricane.com) posted to the state public notice website, and at the following locations:
1. City office – 147 North 870 West, Hurricane, UT
2. The Post Office – 1075 West 100 North, Hurricane, UT
3. The library – 36 South 300 West, Hurricane, UT

_____ for the City Recorder

Agenda Summary for Hurricane City Council April 3, 2025

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Minutes of the Regular City Council Meeting for March 20, 2025, and Special City Council Meeting for March 24, 2025

Old Business

1. The Council discussed this item during the March 20th meeting and agreed to update the proposal to include that commercial development must be built first or simultaneously, with the percentages adjusted to 67% commercial and 33% residential. Staff was directed to make these changes and bring the revised proposal back for further consideration.

New Business

1. Lorin Lowe and Western Mortgage have been working on cleaning up some boundary issues on their common line. In doing so it has been discovered that some errors have been propagated through subsequent transfers of title, resulting in overlaps. After extensive searching of title and identifying junior and senior rights, along with performing a survey, a boundary line agreement has been proposed that sets the common boundary in the correct place, which Western Mortgage and Lowe have agreed upon. However, the Hurricane City property that contains the West Well and appurtenances is affected slightly by the agreement. Although the proposed agreement results in a net loss of acreage to the City by approximately 5,015 square feet, it does not affect the City's use and operation of the West Well. The Water Department has examined the location of existing fencelines and the new survey stakes and has indicated that as marked on the ground the proposed boundary agreement does not affect the property.

   It is recommended by staff that the boundary line agreement by approved by the City. The documents have been reviewed by the parties, including the City Engineer and the City Attorney. The property owners have prepared the agreement documents at their own expense and have worked with the City in good faith on other fronts for rights-of-way for City infrastructure. This is an opportunity for the City to reciprocate in good faith. - Arthur LeBaron

2. Hurricane City collaborated with LRB Public Finance Advisors and Intermountain Consumer Professional Engineers to conduct a new Impact Fee Analysis and develop an Impact Fee Facility Plan. The previous analysis was completed in 2018, when the City

Council approved impact fees at 75% of the recommended rate. In November 2022, the Council adjusted the recovery rate to 100% of the 2018 calculation. The latest recommendation proposes a 132% increase in impact fees. The Power Board discussed this item at its last meeting, and the Power Board is expected to make a recommendation on April 2 (the day before the Council's meeting). A public hearing was held on March 20, 2025, with no public comments submitted. For a more detailed summary, refer to page 5 of the Impact Fee Analysis (IFA) document.

3. The Council discussed this item during the March 20th meeting and directed staff to check if funding was available in this year's budget. Additionally, they requested a rendering of the sign to review before making a decision.

4. Chapter 2 focuses on standards which have been established by Hurricane City and the role administration plays in the process. This includes compliance with federal ADA standards, use of electronic mail, and social media use just to name a few.

   Chapter 3 focuses on facilities within the City but more on having a safe environment set up for the public and staff. It also talks about the proper way to display flags on City property.

5. The applicant requests a zone change from Neighborhood Commercial with a Planned Development Overlay to R1-8 (PDO) for the property located at 2230 W 600 N, adjacent to the Sky Mountain Golf Course. As part of the Planned Development Overlay request, the applicant has submitted a preliminary site plan outlining the proposed development. The plan includes 35 townhomes, open space along the golf course, and a commercial pad along 600 N. **Findings:** 1. The application meets the standards of the General Plan and General Plan Map. 2. The proposed uses are generally compatible with surrounding existing and planned developments. 3. The amendment is not expected to have a significant impact on the area. 4. Adequate services are available to support the proposed development.

   March 27, 2025 – Planning Commission
   The Planning Commission considered this request at its March 27, 2025, meeting, after previously tabling it on August 8, 2024, and February 27, 2025. A public hearing was held on August 8, 2024, where concerns were raised by residents of the Sky Mountain neighborhood regarding high density and the project's proximity to the golf course. The applicant later engaged with neighborhood representatives to address these concerns. At the March 27 meeting, no members of the public were present or voiced objections. The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the

project, discussions focused on whether the City should require screening between the townhomes and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council approval of the zone change, subject to staff and JUC comments outlined in the staff report. – Fred Resch III

6. To support the development of the Civic Center, located on 20 acres of city-owned property west of the current City Offices, staff is proposing the use of a Planned Development Overlay (PDO) in conjunction with the Public Facility (PF) zone. This change would enable the mixture of uses envisioned in the Civic Center Master Plan.As part of this initiative, planning and legal staff have prepared ordinances to refine and clarify regulations for the Public Facility and Planned Development Overlay zones.
   Key Ordinance Revisions:
   Public Facility Zone:
   Explicitly allows government services within the Public Facility (PF) zone, correcting what is believed to be an oversight in the original zoning ordinance.
   Planned Development Overlay (PDO) Ordinance:
   Permits the use of a PDO in conjunction with the PF zone for city-sponsored projects.
   Clarifies the roles of staff, the Planning Commission, the City Council, and applicants in the proposal, approval, and development process for Planned Developments.
   Adjusts regulations on setbacks and density bonuses in PDOs.

   Planning Commission Review – March 27, 2025
   The Planning Commission initially reviewed this item on November 14, 2024, but tabled it to allow the City Attorney and planning staff to refine the proposed changes related to the PDO zoning overlay. At the March 27, 2025, meeting, the Commission had an extensive discussion on the proposed ordinance changes, focusing on:
   The Civic Center Master Plan
   The role of government in private development
   Other general amendments to the ordinance
   Public comments at both meetings primarily addressed the Civic Center Master Plan itself, rather than the zoning changes under consideration. Following discussion, the Planning Commission voted 7-1 to approve most of the proposed changes but recommended removing the Public Facility (PDO) option. Instead, they suggested requiring the City to develop the property under standard zoning regulations.While staff acknowledges that the property can be developed under existing ordinances, this approach is not ideal given the unique nature of the Civic Center. As a result, the City Council is presented with two options (the difference in the options only has implications for revisions to Chapter 23; Chapters 11 and 17 are the same in both

versions):

Option A: Allow the Public Facility (PDO) Zone for the Civic Center Master Plan
This is the Staff Recommendation
Aligns with the primarily Public Facility nature of the Civic Center.
Common practice for cities to create specific zoning ordinances for civic developments.
Provides flexibility to implement the Civic Center Master Plan as intended.

Option B: Require the Civic Center to Follow Current Zoning Ordinances
This is the Planning Commission Recommendation
Would require rezoning the entire property, including the Future City Hall and Police Station, as RM-3 (PDO)—an unusual and potentially confusing designation.
Lowering project density could modify the required zoning, but it would likely still require residential zoning for City Hall and the Police Station, which is impractical.

Staff Recommendation: Staff recommends that the City Council approve Option A, allowing the Public Facility (PDO) zone for the Civic Center Master Plan.
Important Note: The specifics of the Civic Center Master Plan are not under consideration in this decision—only the zoning ordinances that will govern the property. The specifics will be decided when the property is rezoned. – Fred Resch III

7. Continued training for Municipal Officials

8. Mayor, Council, and staff reports.

9. Closed Meeting upon request.

Minutes of the Hurricane City Council meeting held on March 20, 2025, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

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

Member Excused: David Hirschi

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Sam Lytle, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, MS4 Coordinator Roger Blaser, Recreation Director Tiffani Wright, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, and City Recorder Cindy Beteag.

AGENDA

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

Fred Resch III noted that the Planning Department has been short-staffed, so he has been filling in as needed. The Planning Commissioners approved a townhome subdivision in the Desert Sands area, while all other items will be presented to the Council for review. He is also working on the updates that the state legislators approved. Mayor Billings inquired about the vehicles on 920 West, to which Mr. Resch III responded that he has already contacted the owners but will follow up to ensure the issue is addressed.

Mayor Billings inquired about the timeline for getting items on the Planning Commission agenda. Gary Cupp explained that it depends on the application. Mayor Billings asked staff to review the process to see if it could be expedited. Mr. Cupp responded that they do their best to place items on an agenda as soon as possible. Mayor Billings agreed with the process, as long as items are scheduled sooner when feasible. Councilman Ellerman noted that the current 20-day timeframe is already shorter than in many cities and cautioned against pushing it too much.

Arthur LeBaron reported an ongoing issue with people parking along 600 North near the trail access, creating a safety hazard. He has been in discussions with the BLM about establishing a designated trailhead in the area. Southwest issued a letter of support, which he provided to the BLM, and they have requested a right-of-way application. If approved, the trailhead would be the city's responsibility to maintain. He recommended including a restroom and noted that while funding is available, the city would need to contribute some funds. The Council expressed support for moving forward with the project. Additionally, he is collaborating with the County, WCWCD, and LaVerkin on a trail connecting Confluence Park to SR-9. They plan to apply for an Outdoor Rec grant alongside other stakeholders. He also informed the Council that interchange plans for the Kachina development have been submitted, and they will soon review an agreement between the City, the developer, and UDOT.

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Weston Walker noted that their department has undergone several transitions. He announced that Sam Lytle is the new superintendent, while Roger Blaser, formerly the crew supervisor, has moved into the MS4 Director position. Hayden Roberts has stepped up to replace Mr. Blaser as crew supervisor. The team is continuing preparations for chip and seal road work and has completed all necessary arrangements with the State to submit the Storm Water Management Plan.

Sam Lytle introduced himself, noting that he started this week. He brings extensive experience across various fields and expressed his enthusiasm for joining the team and collaborating with everyone.

Sel Lovell reported that he has been reviewing the employee policy, working on OSHA requirements, and coordinating employee training. He also noted that a few positions remain open. Mayor Billings thanked him for his dedication to overseeing these new requirements.

Roger Blaser introduced himself as the new MS4 Director and noted that his office will be located in the Streets building.

Tiffani Wright reported that the pillars for the four-court gym are up. While the project is slightly behind schedule, they hope to catch up soon. She announced that *The Hunchback of Notre Dame* will begin in early April and that next week, they will travel to Nevada to gather ideas for a covered pool. The goal is to begin construction after the pool season ends this year. She also met with the Peach Days committee this morning as preparations begin. Summer program registration will open in April, and the Easter Egg Hunt and Car Show are scheduled for April 19th. Mayor Billings noted that Roger McDonald's company will sponsor the gym but emphasized the need for additional sponsors.

Chief Yates announced that the DARE graduation will take place on March 27th, with ceremonies held at each elementary school. The program spans 10 weeks, and he commended Officer Thornton for his dedication to its success. He also reported that officers conducted alcohol compliance checks last week, and all 15 stores passed, with no sales to minors. Additionally, extra officers will be on duty this weekend for Matt's Off-Road Games to ensure safety and support the event.

Ken Richins announced that the Board of Water Resources has approved funding for the city's projects. A water sample from the Sky Ranch well has been sent for testing, and they plan to begin advertising for the Dixie Springs well soon.

Darren Barney mentioned that they are still searching for a mechanic and have been conducting interviews over the past few days. He hopes to have narrowed it down to a few strong candidates soon. He also noted a significant increase in vandalism over spring break, with Pioneer Park being hit the hardest. The team is busy preparing for spring, which is their busiest season of the year. They are aiming to have the splash pads open in a couple of weeks.

Larry Palmer reported that since the last meeting, they have issued permits for 20 single-family homes, the Hampton Inn on 1760 West, and two 16-unit condo buildings.

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6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Jeff Hall.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for February 20, 2025, and March 6, 2025

Kevin Thomas motioned to approve the February 20, 2025, and March 6, 2025, minutes. Seconded by Clark Fawcett. Motion carried unanimously.

Swearing in of Officer Megan Holcomb

Chief Yates introduced Megan Holcomb, a Wisconsin native who joined the team in October and graduated in February. A dedicated member of the Army since 2018, she brings valuable experience to her new role. Chief Yates expressed enthusiasm about her addition to the team. Officer Holcomb was officially sworn in by City Recorder Cindy Beteag.

Presentation and Update from Liberty Village including the placement of the Stand Your Ground statue on April 19th and the Liberty Bell on June 7th

Mayor Billings announced that the *Stand Your Ground* statue, previously located at the County building, will be installed on April 19th. The Liberty Bell, which was placed on June 7th last year, will be installed on the same date this year. Jeff Hall, Director of Operations, highlighted their mission to promote liberty. A proud graduate of Hurricane, he expressed his excitement about contributing to the community once again. During the meeting, he presented a video showcasing the project's progress, including the planned statue placements. The parking lot is expected to be completed next month, with infrastructure development being the most challenging aspect of the project. The *Stand Your Ground* statue will be installed in the morning of April 19th, and a ribbon-cutting ceremony for the project is scheduled for September 17th—Constitution Day. Phase 1 is set for completion by September, with Phase 2 expected to begin soon after. The park will be open six days a week, with the ultimate goal of creating an inviting and meaningful destination for visitors.

Public Forum – Comments From Public

NEW BUSINESS

1. Consideration and possible approval of Resolution 2025-19 appointing Dave Zundel to the Airport Board

Dave Zundel introduced himself, sharing that he is a Hurricane High School graduate who later served in the military. He holds degrees in airport management and political science. He is excited for the opportunity to serve and contribute to the board.

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Clark Fawcett motioned to approve Resolution 2025-19 appointing Dave Zundel to the Airport Board. Seconded by Kevin Thomas. Motion carried unanimously.

2. Consideration and possible approval of the reassignment of Byron Stansfield's lease to his LLC for a hangar pad located at the Hurricane Airport

Mayor Billings explained that the lease is currently in his name, and he wishes to transfer it to his LLC. Dayton Hall clarified that the existing lease requires Council approval for reassignment, even when transferring it from an individual to a family trust. Councilman Prete confirmed that it is the old lease form.

Clark Fawcett motioned to approve the reassignment of lease to Carl Byron Stansfield and Myrlene Y. Stansfield, Trustees of the Carl Byron Stansfield Revocable Trust, dated April 22, 2004. Seconded by Joseph Prete. Motion carried unanimously.

3. Consideration and possible approval of assigning Scott Freeman as an additional liaison for the MOU with SUU

Mayor Billings explained that Kaden DeMille will continue overseeing the matter, but Scott Freeman will now be the primary contact with SUU. This does not change the MOU, but a letter will be sent to inform them of the new liaison.

Joseph Prete motioned to approve Scott Freeman as an additional liaison for MOU with SUU. Seconded by Kevin Thomas. Motion carried unanimously.

4. Consideration and possible approval of a revised version of the Rules and Regulations for the Hurricane City Municipal Airport updating noise abatement policies - Dave Houston

Mayor Billings explained that the noise abatement policy was incorporated into the rules and regulations to consolidate all guidelines in one place. As a result, any changes to the noise abatement policy will require updates to the rules and regulations. Councilman Fawcett noted that the only modifications include an adjustment to the flight pattern on page 18 and a clarification about night flying on page 19, as the airport lacks lighting. Councilman Prete confirmed that the Airport Board supports these changes. Mayor Billings also mentioned that the AWOS system will notify pilots about the absence of lights at the airport.

Clark Fawcett motioned to approve revised version of the Rules and Regulations for the Hurricane City Municipal Airport. Seconded by Joseph Prete. Motion carried unanimously.

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5. Consideration and possible approval of a Proclamation regarding the discharge of fireworks

Councilman Prete noted that this condition has been approved for years and asked what circumstances might warrant approval at a different level. Dayton Hall explained that the City's ordinance relies on the Fire District's recommendation, so that question would be best directed to them. Councilman Fawcett added that the City's goal is to prevent additional fires. Councilman Prete then inquired whether the ordinance could be changed if this has become the standard practice each year. Mayor Billings clarified that it is a State requirement and asked Mr. Hall to read the proclamation. After Mr. Hall read it, Councilman Prete questioned why Chinese New Year was included and suggested allowing fireworks from July 1-5 instead of July 2-5. Mr. Hall also recommended adding Peach Days and Homecoming to the list of approved events. Mayor Billings summarized the proposed changes: adjusting the firework allowance to July 1-5, removing Chinese New Year, and adding Peach Days and high school Homecoming. However, Mr. Hall pointed out that Chinese New Year is explicitly listed in the ordinance and would need a formal amendment for removal. The Council ultimately agreed to permit fireworks during Homecoming but not at all football games.

Joseph Prete motioned to approve the Proclamation regarding the discharge of fireworks subject to allowing them July 1-5 and adding that the City can discharge them for Peach Days and the High School can for homecoming. Seconded by Drew Ellerman. Motion carried unanimously.

Steve Nation suggested adding the location for the high school fireworks.

Kevin Thomas motioned to go into public hearing at 6:41 p.m. Seconded by Joseph Prete. Motion carried unanimously.

6. Public Hearing to take comments on the following:

a. Storm Water Pollution Prevention Plan

b. Public safety impact fee facilities plan, impact fee analysis, and increase to public safety impact fee

c. Power impact fee facilities plan, impact fee analysis, and increase to power impact fee

No comments were made.

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Kevin Thomas motioned to go out of public hearing at 6:42 p.m. Seconded by Drew Ellerman. Motion carried unanimously.

7. Consideration and possible approval of Ordinance 2025-03 Approving a Public Safety Impact Fee Facilities Plan, a Public Safety Impact Fee Analysis, and an Impact Fee for Public Safety on Development

Mayor Billings stated that Zion's Bank conducted the impact fee study, which is designed to help fund public facilities. Kaden DeMille explained that it has been several years since the fee was last updated, and with aging infrastructure and the planned construction of a new police station, an adjustment is necessary. Currently, the fee stands at $257.00. Dayton Hall outlined the proposed changes, which would increase the fee to $384.49 per residential unit and $163.58 per 1,000 square feet of nonresidential space. Councilman Fawcett noted that the proposal includes annual increases. Mayor Billings reassured the Council that they could revisit the fee if needed. Mr. Hall further explained that impact fees should be reviewed every 3-5 years, but the proposed structure allows for annual inflation adjustments. If unexpected economic changes arise, the Council can reassess the fee. Councilman Fawcett stated that growth should fund growth.

Clark Fawcett motioned to approve Ordinance 2025-03 approving a Public Safety Impact Fee Facilities Plan, a Public Safety Impact Fee Analysis, and an Impact Fee for Public Safety on Development. Seconded by Kevin Thomas. Motion carried unanimously by a roll call vote.

8. Consideration and possible approval of the Storm Water Pollution Prevention Plan

Mayor Billings announced that Roger Blaser will serve as the new MS4 Coordinator. Paul Taylor noted that water quality has improved since the State implemented these regulations. Arthur LeBaron explained that the plan includes specific goals and minimum standards, with a focus on setting reasonable timelines for implementation. The City has outlined a five-year rollout to achieve full compliance with the regulations.

Joseph Prete motioned to approve the Storm Water Management Plan. Seconded by Clark Fawcett. Motion carried with Clark Fawcett, Drew Ellerman, and Joseph Prete voting aye. Kevin Thomas voted nay.

9. Presentation and discussion with the Beautification Committee regarding future projects

Mayor Billings read the following summary that was provided in the packet written by Fred Resch III. "The Beautification Committee is proposing to replace the "Welcome to Hurricane" sign located at the SR-7 and SR-9 interchange. The current sign, measuring approximately 38

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square feet, is too small and difficult to read from SR-9. To address this, the Committee has obtained a preliminary bid of $6,714.58 from FX Lighting for a new metal sign featuring the official city logo, measuring approximately 130 square feet. Attached to the packet is a rough estimation of what the new sign would look like. The Committee is seeking guidance and direction from the Council on whether to proceed with this project. It's important to note that UDOT approval will be required to replace the sign; however, the City will be responsible for its installation and maintenance. Additionally, the Beautification Committee would like to provide a brief overview of upcoming events and projects: SR-9 Cleanup: Scheduled for April 29th at 6:00 PM. Cemetery Cleanup: Scheduled for May 20th. The Committee welcomes any additional ideas or suggestions from the Council for future events or projects.

Doug Heideman stated that he measured the sign at the last exit in St. George, noting that the capital letters were 29 inches tall, and the sign itself was 24 feet 8 inches in length. Fred Resch III stated that the sign cannot exceed 200 square feet. Mr. Heideman mentioned that he has received numerous complaints about the visibility of the current sign. Mayor Billings pointed out that the existing sign could potentially be reused. Mr. Resch III stated that the bid received last year for a new sign was $6,714.58. Mayor Billings asked if funds from the beautification budget could be used for this project. Kaden DeMille stated that if the Council is in favor, they can explore costs and check if funding is available in this year's budget. Mayor Billings suggested reaching out to FX Lighting to confirm if the previous quote was still valid and consulting UDOT to ensure the sign meets regulations. Mr. Heideman confirmed that UDOT has already approved the project as long as the sign meets size requirements, and that FX Lighting has upheld the original quote. Councilman Prete suggested revisiting the dimensions but supported the idea of improving the sign. Councilman Ellerman requested to see a visual representation before making a final decision, and Councilman Thomas agreed, expressing concerns that 22 feet might be too long. The Council agreed to move forward with the sign, provided funding is available. Arthur LeBaron added that there may be power available for downlighting and offered to coordinate with Mr. Resch III. Mayor Billings requested that the issue be added to the next agenda as an action item.

Mr. Heideman announced that the City cleanup will take place on April 29th in the evening and asked if city staff could assist. Mr. DeMille explained that it would be difficult to have staff work in the evening due to overtime costs. Mr. Heideman noted that last year, volunteers worked in the evening, and city employees completed the work the following morning. He suggested having employees work the morning shift, and volunteers could finish up in the evening. Mayor Billings pointed out that UDOT needs to be informed of the cleanup date and asked Mr. LeBaron to notify them. Councilman Prete requested to see the costs associated with paying staff for this task. Mr. DeMille mentioned that while they haven't paid much overtime in the past, employee work hours are still affected. Councilman Prete proposed having employees volunteer in the evening instead of being paid for their time. Weston Walker added that in previous years, the Streets Department collected the trash bags and disposed of them in their dumpsters, which could still be done the next day during regular hours. Mayor Billings

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suggested assigning specific areas for the cleanup the week before, allowing volunteers to work longer. The cleanup will still be held in the evening, and employees can volunteer if they wish. Mr. Heideman requested that the event be advertised on the City's social media and noted that they are still short one person on their board. Mayor Billings agreed to find someone to serve. Mr. Heideman also mentioned that the board now meets on the second Monday of each month.

10. Consideration and possible approval of contract award for the Goulds Wash well drilling and well development project - Ken Richins

Mayor Billings announced that the City has been awarded $12,650,000 from the Board of Water Resources as of yesterday and is now ready to proceed with awarding bids for the project. The lowest bid for the Goulds Wash well drilling came in at $680,728. Ken Richins explained that this part of the project involves only the drilling of the well, which will be used for irrigation. Dayton Hall clarified that while the Board has awarded the funding, the bond still needs to be finalized. He recommended that the bids be awarded with the condition that the Mayor does not sign any contracts until the bond has closed.

Kevin Thomas motioned to award the contract for the Goulds Wash well drilling and well development project to Gardner Drilling in the amount of $680,728.00 executed after the bond closes. Seconded by Clark Fawcett. Motion carried unanimously by a roll call vote.

11. Consideration and possible approval of contract award for the Sky Ranch area 2-million-gallon water tank project - Ken Richins

Mayor Billings stated Interstate Rock was the low bidder at $2,737,224.25. They anticipate this will take a year to build. She stated the motion needs to include the same language as the previous item.

Clark Fawcett motioned to award the contract for the Sky Ranch area 2-million-gallon water tank project to Interstate Rock in the amount of $2,737,224.25 executed after the bond closes. Seconded by Joseph Prete. Motion carried unanimously by a roll call vote.

12. Consideration and possible approval of contract award for the Sky Ranch area 18" pipeline project - Ken Richins

Mayor Billings announced that Interstate Rock was the low bidder for the project at $1,032,382.19. Ken Richins explained that the pipeline will start at the south end of the Sky Ranch runway and will include a booster station to help pump water until the wells are operational. He noted that the bids were very close, but Interstate Rock received the highest

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ranking. The price includes the installation of a small booster station, which will be placed in a manhole in the road.

Joseph Prete motioned to award the contract for the Sky Ranch area 18" pipeline project to Interstate Rock in the amount of $1,032,382.19 executed after the bond closes. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

13. Consideration and possible selection of a design consultant for the Community Center Pickleball Courts - Darren Barney

Mayor Billings stated the two bids were very close. Darren Barney thanked Arthur LeBaron for his help with the RFQ. He then read the summary that was provided in the packet written by Mr. LeBaron. "Included in the packet are the advertisement and statements of qualifications (SOQ's) that the City received in response to our advertisement for the design of the Downtown Pickleball Courts Project. A 5-member selection committee that consisted of Darren Barney, Tiffani Wright, Chris Hansen, Mike Vercimak, and Arthur LeBaron has evaluated and scored the SOQ's and a summary of the scores is attached. We received SOQ's from Civil Science and Sunrise Engineering. Both firms have St. George offices and have experience with the type of project that we envision downtown. Ultimately, Sunrise Engineering consistently came out with a higher score amongst the selection committee for this project. It is recommended that the City Council award the selection to Sunrise Engineering. Once the selection is made, Staff will negotiate a scope and fee and come back to the Council with an agenda item to award a contract based on that negotiation."

Mr. Barney added that they sent out the RFQ to ten companies but only Sunrise Engineering and Civil Science responded. They both would do an excellent job, but Sunrise Engineering ranked a little higher and has a little more experience.

Drew Ellerman motioned to approve Sunrise Engineering as the consultant for the Community Center Pickleball Courts. Seconded by Kevin Thomas. Motion carried unanimously.

Mayor Billings stated the Peach Days committee asked for it to not to be torn up during the event.

14. Consideration and possible approval of HIL25-01, a Request for an Exception to the Sensitive Lands Ordinance for retaining walls located at 760 S 1480 W. Kendra Eliot, Applicant. Terry Spinks, Agent.

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant is requesting an exception to the Sensitive Lands Ordinance, which limits the height of retaining walls or stacked rock walls to no more than 16 feet within a 50-foot

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horizontal distance. This request pertains to a retaining-wall extension that was constructed without building permits on Lot 50 of Scenic Pointe Phase 2, which was subject to the Sensitive Lands Ordinance when the subdivision was approved. The lot was originally designed as a walk-out-basement lot; however, the owner wanted a flat pad and constructed a two-tiered rockery-faced wall with a combined height of 15 feet to create a level lot. Taking into account the existing 5-foot walls on the adjacent lots, the combined wall height is 20 feet, which exceeds the 16-foot maximum by four feet. An exception to the height requirement may be granted by the City Council pursuant to Section 10-24-3(G)(1) of the Hurricane City Code if they determine, after a recommendation from the Planning Commission, that the four following conditions have been established: The non-compliant retaining wall is based on sound and generally accepted engineering and land development principles; The non-compliant retaining wall will result in equal or better protection than development under normal standards; The non-compliant retaining wall is consistent with the purposes of the Sensitive Lands ordinance; and The non-compliant retaining wall is consistent with the general plan policies affecting sensitive lands. Findings. The applicant has provided geotechnical and civil engineering reports certifying that the wall's construction meets the compaction requirements and design recommendations contained in the Scenic Point geotecnical recommendations. These reports have been reviewed and accepted by the Building Official. Planning staff have also reviewed the wall construction and have determined that it does not conflict with the intent or purpose of the Sensitive Lands Ordinance or with any provisions in the General Plan, and therefore find that the four conditions needed for approval of the requested exception have been satisfied. 3/13/2025 Planning Commission. The Planning Commission reviewed and considered the exception request after discussion with staff, the applicant, and a neighboring property owner (Aaron Earles) who reported the unpermitted construction. The Planning Commission expressed concern about setting a negative precedent by approving something that was constructed without permits or without going through the proper process, and they do not want to condone builders who "ask for forgiveness instead of permission." The applicants stated that they didn't know that building extensions to existing retaining walls that were previously constructed by the subdivision developer required building permits. The Commission discussed the option of denying the exception, but felt it would be unreasonable since the four conditions required for approving the exception have been adequately satisfied. The Commission unanimously recommended that the City Council approve the requested exception."

Councilman Fawcett clarified that the original developer constructed the first retaining walls, sold the lots, and then the current owner added additional rows. Councilman Thomas shared that he visited the property with the neighbor and took drone footage, which he showed to the Council. He explained that the lot was originally designed for a walk-out basement, but the owner wanted a single-level home. As a result, the retaining wall was built without a permit, although it was engineered. He pointed out that the existing homes surrounding the lot also have retaining walls. Councilman Thomas mentioned that the neighbor, Aaron Earles, emailed the City about the wall, expressing concerns that it exceeds eight feet in height and doesn't

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match the width of the other retaining walls around the property. He also noted that the heavy rain caused flooding in some of the neighboring yards. Councilman Thomas raised concerns about the proximity of the footings to the retaining wall and referenced the City's sensitive land ordinance, which requires that any grading changes meet specific requirements. Measuring from the neighbor's backyard, he found the wall to be ten feet, not eight. After discussing the issue with the neighbor, Councilman Thomas spoke with City staff, who contacted Wayne Rogers, an engineer from AGEG, who performed soil testing. Mr. Rogers visited the site, took measurements, and confirmed that the wall met the design standards, agreeing that the wall's height is eight feet, not ten. Mr. Rogers assured Councilman Thomas that AGEG had conducted all the inspections and stood by the design and construction of the wall. He also addressed the drainage pipe in the gravel, stating that it needed to be abandoned. When asked about any safety concerns, Mr. Rogers confirmed there were none. Councilman Thomas concluded that, according to the engineer, the wall is safe and complies with design standards, although it was constructed without a permit and without obtaining an exception in advance.

Aaron Earles, along with his neighbor Kelli, both living adjacent to the property in question, has voiced strong opposition to the requested exception for the large retaining wall constructed without proper permitting. Mr. Earles expressed his appreciation for the City officials' engagement but criticized the Planning Commission's recommendation to approve the exception, claiming it was based on misleading information. He challenged the assertion that the wall meets engineering and safety standards, pointing out discrepancies between the approved design and the unpermitted expansion. Mr. Earles argued that the retaining wall fails to comply with the Sensitive Lands Ordinance and does not align with the City's General Plan. He highlighted that the wall, with a height of 26 feet and a steep 60-degree slope, far exceeds the permitted limits and contradicts key objectives, including minimizing grading, erosion, and visual impact. Additionally, Mr. Earles raised concerns about the outdated engineering reports that were used in the approval recommendation, noting that they predated the wall's expansion. He noted that the construction was done without permits, disregarding city regulations and neighborhood concerns. Mr. Earles also pointed out inconsistencies in the contractor's statements, referring to compaction tests that list the contractor's company as the client from the project's start. Ultimately, Mr. Earles urged the Council to deny the exception, stressing the long-term negative impact on his home's view and quality of life. He also noted that the applicant, who resides in Oregon, has been absent from the discussions.

Terry Spinks explained that a permit was obtained for the first part of the retaining wall, and the excavators were instructed to get the necessary permits and follow the engineer's recommendations. He stated that they believed the wall was approved because the existing wall was already in place. According to Mr. Spinks, the wall was constructed according to the engineering specifications and was inspected during the construction process. He also brought in a second engineer to verify that everything was up to standard, and they agreed that the wall was built correctly. Mr. Spinks mentioned that he was advised that deepening the footings would relieve pressure on the wall. He pointed out that Mr. Earles purchased his lot in Phase 1, so he was aware that the next phase of construction could potentially impact his view. He

handed out pictures showing the wall from the front view. Regarding the flooding issue, Mr. Spinks explained that the work on the wall began, but they didn't finish before the end of the day. After it rained that night, it caused flooding in the neighbor's yard. He visited the neighbor, replaced the rock in her backyard, and ensured that since the wall's completion, it no longer drains into her yard. Cole Spinks added that the first two tiers of the wall are seven and eight feet tall. They consulted with the engineer to ensure that the footings were the proper size and that drainage systems were installed throughout the lot. Mayor Billings acknowledged that the challenge here is the retroactive nature of the request, noting that the only way to protect the neighbor's view would be for him to purchase the neighboring lot. She explained that the Council's main concern is ensuring that the wall is sound and was built correctly. Since the engineer has confirmed it was constructed according to standards, Mayor Billings expressed hesitation in having the wall torn down only to have the applicant return to the Council for proper approvals and then rebuild it in the same location.

Dayton Hall read code 10-24-3(G) regarding the requirements for granting exceptions, outlining four criteria that must all be met before an exception can be granted. He then asked the Council to identify which of these criteria are met or not in this case. Councilman Ellerman pointed out that if the lot were designed as a walkout basement, the neighbors would experience more drainage on their lots. He confirmed that all the retaining walls are located on the property. Mr. Cupp read the purpose of the Sensitive Land Ordinance and explained that no scenic qualities are being disturbed in this case because this is a buildable lot, and this type of development is typical. He also stated that much of the ordinance doesn't apply because the subdivision had already been built. Councilman Thomas expressed sympathy for the neighbors but emphasized that the engineers have confirmed the wall is safe. He believes there may be changes that could be made to the ordinance in the future to address rock walls, but for now, he has to rely on the engineers, who state that everything was done correctly. Councilman Ellerman stated he trusts Wayne Rogers' judgment, noting that Mr. Rogers is a member of the Hillside Committee and is one of the best geotechnical engineers in the county. Councilman Prete acknowledged that while there should be an ordinance for rock walls, there isn't one at the moment. He noted that the Sensitive Land Ordinance is more applicable during the initial stages of subdivision development. The core issue, he explained, is determining whether the wall is in compliance and safe. The Council needs to assess whether all factors are met. Councilman Fawcett, upon reviewing the four criteria, stated that he was not convinced this was the best solution and felt that drainage should be addressed before moving forward with the homes. Councilman Thomas agreed that the drainage issue depends on the building inspector ensuring that it is done correctly. Arthur LeBaron added that when a site plan is submitted for review, it must demonstrate how water will be drained from the property.

Councilman Prete focused on the four criteria, noting that they have an engineer's report from a respected professional confirming that the wall is built correctly. He stated that it provides at least equal protection, and he believes it meets the third and fourth criteria. Based on this, he feels all four factors have been satisfied. Councilman Ellerman agreed, highlighting that the decision is based on sound engineering that has been proven. He added that the development

meets or exceeds normal standards. He highlighted that the third requirement, which concerns consistency with surrounding uses, is also satisfied, as the four criteria are consistent with the area. He reminded the builders that they are responsible for managing drainage water. Councilman Thomas mentioned that Mr. Rogers would provide an updated letter confirming what was built. Mr. Cupp stated that the compaction tests are valid, and the wall is constructed correctly. The updated letter will address drainage issues, some rocks that need to be moved, and the footings. Mike Vercimak questioned why a house would be built where you couldn't walk around it. Councilman Ellerman responded that such structures are built everywhere, and Councilman Thomas agreed, noting that this is why new requirements need to be adopted for future cases. Councilman Prete requested to see the updated report before making his decision. Mayor Billings pointed out that the letter wouldn't affect the wall itself, as the building official is waiting for approval of the application before signing off on the building permit. The updated report, which will address the footings, will be submitted to the building official before the permit is issued.

Drew Ellerman motioned to approve HIL25-01 exception to hillside based on the reports that have been submitted including it meets the four conditions on the sensitive land criteria. Seconded by Joseph Prete. Motion carried with Kevin Thomas, Drew Ellerman, and Joseph Prete voting aye. Clark Fawcett voted nay.

15. Consideration and possible approval of Ordinance ZC25-06, a Zone Change Amendment request located at 1485 W 400 S from Residential Agricultural RA-1 to Residential Agricultural RA-0.5 and Single Family Residential R1-15. Parcel number H-3-2-4-1416. Tonya Beutler, Applicant.

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant requests a zone change from a single zoning designation to a dual zone; that is, from Residential Agricultural RA-1 to Single Family Residential R1-15 and Residential Agricultural RA-0.5 on 1 acre located at 1485 W 400 S. This request is in preparation for a future lot split that would result in a 15,026-square-foot lot zoned R1-15 and a 28,611-square-foot lot zoned RA-0.5. There is an existing home on the front portion of the lot where the proposed R1-15 zone would be, while the back half of the lot is proposed to be rezoned to RA-0.5. The application meets the standards within the General Plan and General Plan Map.
Most of the surrounding development is large-lot single-family homes consistent with the proposed development. The proposed amendment will not adversely impact the area since it conforms with the parameters and recommendations of the General Plan.
Services are adequate to serve the area and proposed project. The Planning Commission heard this item at the March 13, 2025, meeting. A public hearing was held and no comments or objections were received for this application. The Commission had no concerns about the request, but had clarification questions about the proposed split zone for the property. The Commission also had discussion about the planned lot split regarding the feasibility of creating a flag lot and meeting fire-turnaround requirements. They voted unanimously to approve the zone change since there is enough area on the 1-acre lot to meet all the lot-split requirements."

Tonya Beutler stated that she currently has no specific plans for the back lot but is planning for future development. She intends to keep a portion of her land for potential use later. The flag portion of the lot will be located on the east side, and she plans to extend utilities to the back portion of the property.

Joseph Prete motioned to approve Ordinance ZC25-06 a zone change amendment request located at 1485 W 400 South based on reasons stated in packet. Seconded by Kevin Thomas. Motion carried with Kevin Thomas, Clark Fawcett, and Jospeh Prete voting aye. Drew Ellerman voted nay.

16. Consideration and possible approval of LUCA25-01, a Land Use Code Amendment to Title 10 Chapter 15 regarding Planned Commercial standards. -Gary Cupp

Mayor Billings read the following summary provided in the packet written by Gary Cupp. “In response to direction by the City Council, the Planning Department has proposed updates to the requirements of the Planned Commercial zoning designation located in Chapter 15 of Title 10. The intent of the update is to increase the percentage requirement for the commercial component in the Planned Commercial zoning district. For requests to rezone properties to the Planned Commercial designation, the current code standard requires a minimum 20 percent of the development area be used for commercial activities, and another 20 percent for long-term residential uses with the remaining 60 percent to be used for additional commercial, residential, or open space uses. The desire of the City Council is to encourage more commercial development to benefit the city and its residents; therefore, staff was directed to increase the minimum percentage for the commercial component of any proposed Planned Commercial developments to 70 percent. The residential minimum was not proposed to be changed and will stay at 20 percent, thus, leaving the remaining 10 percent of the development area for additional commercial, residential, or open space uses. The code update also proposes to reduce the building height maximum for the Planned Commercial and Pedestrian Oriented Commercial zones from 55 feet to 35 feet to match the standard in the other commercial zones. The Planning Commission heard this item at the March 13, 2025, meeting. A public hearing was held and no comments or objections to the proposed code update were received. The Commission discussed the requested ordinance amendment and expressed overall agreement with the intent of the proposed changes, but felt that increasing the commercial component to 70% seemed very high and would reduce the City's ability to get a variety of uses when a zone change to Planned Commercial is requested, and felt that the commercial component should be increased to 50% instead. They also felt that requiring "hard minimums" for this zone is not desirable and suggested building some flexibility into the code to be able to negotiate the percentages with applicants, at the City Council's discretion, if there were reasonable alternatives to the minimum percentages. The Planning Commission unanimously recommended that the land use code amendment be approved, but only by increasing the commercial component to 50% instead of 70%, and also making the percentage minimums flexible as opposed to a strict requirement, or by providing an exception option.”

Gary Cupp mentioned that the Planning Commission believed 50% commercial would be better than 70%, but they still supported the overall intent of the proposal. Councilman Prete stated that the name suggests a commercial development and expressed uncertainty about whether 70% was the right figure. He suggested the percentage should fall between 50% and 70%. Councilman Thomas felt 70% was too high, while Councilman Fawcett questioned whether different standards could apply depending on the development style. He proposed that if the building is one level, the commercial portion could be 70%, but if it has residential on top and commercial on the bottom, the ratio could be 50%. Mr. Cupp explained that the main purpose of the proposed changes was to start with a higher commercial requirement. Councilman Thomas liked the idea of defining whether the commercial space would be one or two stories, so developers would know the expectations upfront. Mr. Cupp added that the Planning Commission did not favor hard minimums for the commercial portion. Councilman Ellerman expressed concerns about reducing commercial space, especially in areas where commercial zones are needed. He suggested that the smallest ratio he would support is 67% commercial and 33% residential. He also noted that this plan should not result in losing any commercial zones. Mayor Billings noted that this approach wouldn't apply to highway commercial zones. Councilman Ellerman also recommended calculating the ratio based on square footage, which Dayton Hall confirmed is how it would be calculated. Hall also clarified that the percentages could be calculated considering common areas. Councilman Prete proposed requiring that commercial space be built first and expressed a preference for a 2/3 (67%) commercial and 1/3 (33%) residential split, rather than 70%. Mr. Hall confirmed the Council's preference to require commercial first or simultaneously, with the agreed-upon 67% commercial and 33% residential. Councilman Ellerman suggested including exceptions if developers propose a development agreement. Councilman Prete then asked if they could require attainable housing in these developments. Mr. Hall explained that attainable housing is already addressed through a previous ordinance allowing for density bonuses.

Joseph Prete motioned to continue LUCA 25-01 a Land Use Code Amendment to Title 10 Chapter 15 to the next meeting. Seconded by Clark Fawcett. Motion carried unanimously.

17. Continued training for Municipal Officials

The next videos regarding the fraud triangle and internal audit plan were played.

18. Mayor, Council, and staff reports

Kaden DeMille reminded the Council of the budget meeting on Monday at 3:30 p.m.

Councilman Thomas inquired about the status of creating an airport protection zone over Sky Ranch. Mayor Billings explained that she had reached out to the County, but the Commissioners were hesitant to take action since Sky Ranch is a private airport. She also mentioned that recent legislative updates to the code now include private airports, with new

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regulations set to take effect on May 7th. Fred Resch III added that the State law will require UDOT to assess whether Sky Ranch qualifies as a significant private airport, and he is keeping an eye on the bill's progress. Mayor Billings concluded that the City cannot make a determination on this matter because it falls under the County's jurisdiction.

Mayor Billings shared updates on recent legislative activity, highlighting several bills that have passed or not passed: SB67 regarding sales tax did not pass. The TRT bill passed a quarter percent of the tax but did not pass the advertisement portion. It also redistributed a percentage of the tax revenue from the three larger counties to smaller counties. SB340 protects elected officials, police officers, and others threatened in their homes. HB104 requires firearm awareness videos for students: three times in K-6, once in middle school, and once in high school. SB181 allows cities, rather than the state, to determine parking requirements for affordable housing. HB262 benefits first-time homebuyers. HB240 allows small farms to get exceptions if they produce a certain amount of agriculture annually. Income tax cuts reduced the rate from 4.55% to 4.5%, along with an expansion of the child tax credit. Social Security tax exemptions now apply to those earning up to $90,000 (up from $75,000). Education funding was reallocated to promote career development. The trespassing bill regarding squatters was approved. An energy bill with IPA was renewed through 2026. Line of duty death benefits were updated. An EMS bill was approved to allow cities to be competitive and attract new providers, expanding options for services. SB442 regarding HVAC and linemen was approved. She also mentioned the Utah Cities and Leagues will provide an update next Wednesday, and the State of the City event is scheduled for April 28th.

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

Joseph Prete motioned to go into closed session at 10:12 p.m. to discuss the purchase of real property. Seconded by Kevin Thomas. Motion carried unanimously.

Adjournment: Kevin Thomas motioned to go out of a closed session and adjourn the meeting at 10:33 p.m. Seconded by Drew Ellerman. Motion carried unanimously.

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Minutes of the Hurricane City Council special meeting held on March 24, 2025, at the Power Department 526 W 600 North, Hurricane, Utah at 3:30 p.m.

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

Also Present: City Manager Kaden DeMille, City Accountant Paige Chapman, and HR Director Sel Lovell

AGENDA

3:30 p.m. Discussion regarding the 2025-2026 budget

The City Council met with various Department Heads to discuss the upcoming budget requests.

Adjournment: 11:00 p.m.

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HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of LUCA25-01, a Land Use Code Amendment to Title 10 Chapter 15 regarding Planned Commercial standards.

Discussion: The Council discussed this item during the March 20th meeting and agreed to update the proposal to include that commercial development must be built first or simultaneously, with the percentages adjusted to 67% commercial and 33% residential. Staff was directed to make these changes and bring the revised proposal back for further consideration.

Findings:

Recommendation:

Sec. 10-15-4. Development standards.

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

TABLE 10-15-2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES

Development standard	Zones				
	NC	GC	HC	PC	POC
Lot standards:					
Minimum lot area	No requirement	No requirement	No requirement	5 acres (see note 3)	5 acres
Minimum lot width	No requirement	No requirement	No requirement	No requirement	No requirement
Building standards:					
Maximum height, main building[1]	35 feet	35 feet	35 feet	~~55~~ 35 feet	~~55~~ 35 feet
Maximum height, accessory building	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards—front yard:					
All buildings[2]	20 feet	20 feet	20 feet	12 feet, corner lots 20 feet	20 feet
Setback standards—rear yard:					
Main building Accessory building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: no requirement.				
Setback standards—interior side yard:					
Main building Accessory building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: No requirement				
Setback standards—street side yard:					
Main building	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

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

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

Sec. 10-15-8. Planned commercial zone approval and standards.

A. *Purpose.* Planned commercial developments shall incorporate elements of commercial and residential within each zoned area and development.

B. *Mix use types.* Planned commercial developments shall incorporate both commercial and residential uses. The following definitions apply to this section:

1. *Horizontal mix use.* Development that combines single-use buildings on distinct parcels on a range of land uses in a planned commercial development project.

2. *Vertical mixed use.* Development that combines different uses in the same building. Commercial or public uses shall only occupy lower levels.

3. *Live/work unit.* A single unit consisting of both a commercial use/office and a residential component that is occupied by the same resident. A live/work unit shall not exceed two bedrooms for the residential portion of the unit. A live/work unit shall be the primary dwelling of the occupant. Live/work units may only be owner-occupied and cannot be sublet to long-term or short-term renters. The owner-occupied requirement and prohibition of long-term or short-term renters shall be included in a recorded deed restriction prior to or as a condition of final site plan approval.

C. *Approval; Site Plan; Legislative Authority*. Submittal of an application for a planned commercial zone does not guarantee that the zone or a preliminary site plan will be approved. An application for a planned commercial zone is considered under the general zone map amendment provisions of subsection 10-7-7(E) and the spirit and intent of this Chapter. A preliminary site plan shall be required with the application and any approval of a planned commercial zone change application, which preliminary site plan shall be associated with and shall govern the approved planned commercial zone. The City Council's legislative decision to create a planned commercial zone includes the City Council's legislative authority to permit or deny any uses within the newly created zone as shown on the approved preliminary site plan.

D. *Regulations.* Planned commercial developments are subject to the following:

1. A minimum of 67 percent of the development area shall be used for commercial uses identified in table 10-15-1 as permitted uses in planned commercial zones. A minimum of 20 percent of the development area shall be used for long-term residential uses identified in table 10-15-1 as permitted residential uses in planned commercial zones.

a. The residential versus commercial area shall be calculated based on the area of the uses authorized and required by the approved preliminary site plan. The area of the uses may include buildings, features, amenities, and infrastructure of commercial or residential uses, as legislatively determined by the City Council in approving an application for the zone change to planned commercial. As a guide to analyzing the zone change applications and associated preliminary site plans, improvements intended to support both residential and commercial may be calculated based on the percentage of the improvements that will be impacted either by commercial or residential needs, and the percentages of uses within mixed-use buildings may be calculated in the same manner as calculating area for density.

b. The preliminary site plan shall show general areas of use and specify percentages of different uses. The general areas of use and specific percentages of use within the final site plan submitted to and approved by the Planning Commission shall correspond with the approved preliminary site plan.

c. The required 67 percent of commercial development shall be completed prior to, or concurrently with, the residential components of the development.

2. Each project shall have a mixture of residential and commercial use.

E. *Residential density.* Except as stated in this section, the areas designated as residential within planned commercial developments shall not exceed 15 units an acre or the density identified in the approved preliminary site plan, whichever is less.

1. *Affordable housing.* Residential areas of a planned commercial development are entitled to a density bonus by meeting the affordable housing requirements of Title 10, Chapter 52 of this Code. The available density bonus shall be based on the original residential density authorized in the approved preliminary site plan.

2. *Residential areas.* Unless modified by the City Council in the approved preliminary site plan as part of the zone change approval, residential areas shall be calculated based on the following:

    a. *Horizontal mix use.* Residential areas shall be calculated based on the footprint of residential buildings and sections of buildings, parking, amenities, and roadways that primarily serve residential areas and other residential uses.

    b. *Vertical mix use.* Residential areas shall be measured by the percentage of space within the building that is occupied by commercial versus residential uses, which percentages are then applied to the total footprint of the building to calculate the areas of commercial and residential use. Other residential areas shall be calculated based on the area of use including designated residential parking, amenities reserved for residential use, roadways that primarily serve residential areas, and other residential uses.

        (1) Example: if a two-story building has a building square footage of 10,000 square feet and a 5,000 square feet footprint, and the first floor is completely commercial use and the second floor is residential use, then 2,500 square feet (50 percent of the footprint of the building) shall count towards the density of residential use.

3. *Live/work units.* Live/work units as defined in this chapter shall be considered a 50% commercial and 50% residential use.

4. *Shared uses.* Amenities and parking shall be designed with both commercial and residential uses in mind. For amenities that substantially serve both residential and commercial uses, 50% of the area shall count toward residential density areas.

    a. *Parking.* Shared parking must comply with Section 10-34-9 of this Code.

F. *Development agreement.* A development agreement between the city and the applicant may be required by the City Council and executed before the zoning designation shall be effective.

G. *Landscaping.* Landscaping within a planned commercial development shall comply with the following standards:

1. Street trees are required for every 50 feet of frontage. These trees may be incorporated within park strips, landscape buffers, or planter boxes within the right-of-way. The placement of street trees must be approved by the City.

2. The applicant shall comply with City standards for landscaping.

3. In lieu of a ten-foot landscaping buffer along the right-of-way frontage for commercial uses, an applicant can provide that space for sidewalks, outdoor dining, and retail space that enhances the neighborhood's walkability. In these areas, street trees shall be required every 50 feet of frontage.

4. Parking lots and parking courts shall remain buffered by a ten-foot landscape area along the frontage with one tree and three shrubs for every 35 linear feet. Except as set forth in this Chapter, other landscape requirements within the City landscaping and screening standards shall apply.

H. *Off street parking.*

1. Parking areas shall be designed to allow greater pedestrian connectivity and to limit conflicts between vehicular and pedestrian use.

2. For commercial parking, parking lots shall not be located in front of buildings nearest the right-of-way but shall be contained within parking lots located to the side or behind buildings that front the right-of-way. Commercial buildings may only be located behind parking lots if other buildings are fronting onto the right-of-way.

3. Each building shall provide pedestrian access from the nearest right-of-way to the main entrance of the building with a paved path and marked crossings for private drives.

4. All developments must comply with all other City off street parking standards.

I. *Street design.* A developer or the City may propose different street cross-sections that enhance walkability, street life, outdoor gathering, traffic calming, street parking, and beautification. The City Council may approve a different street cross-section after a recommendation from the Planning Commission.

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

Sec. 10-15-8. Planned commercial zone approval and standards.

A. *Purpose.* Planned commercial developments shall incorporate elements of commercial and residential within each zoned area and development.

B. *Mix use types.* ~~Planning~~ Planned commercial developments shall incorporate both commercial and residential uses. The following definitions apply to this section:

1. *Horizontal mix use.* Development that combines single-use buildings on distinct parcels on a range of land uses in a planned commercial development project.

2. *Vertical mixed use.* Development that combines different uses in the same building. Commercial or public uses shall only occupy lower levels.

3. *Live/work unit.* A single unit consisting of both a commercial use/office and a residential component that is occupied by the same resident. A live/work unit shall not exceed two bedrooms for the residential portion of the unit. A live/work unit shall be the primary dwelling of the occupant. Live/work units may only be owner-occupied and cannot be sublet to long-term or short-term renters. The owner-occupied requirement and prohibition of long-term or short-term renters shall be included in a recorded deed restriction prior to or as a condition of final site plan approval.

C. *Approval; Site Plan; Legislative Authority*. Submittal of an application for a planned commercial zone does not guarantee that the zone or a preliminary site plan will be approved. An application for a planned commercial zone is considered under the general zone map amendment provisions of subsection 10-7-7(E) and the spirit and intent of this Chapter.

~~C. *Site plan.*~~ A preliminary site plan shall be required with the application and any approval of a planned commercial zone change application, which preliminary site plan shall be associated with and shall govern the approved planned commercial zone. ~~submitted with every zone change to planned commercial.~~ The City Council's legislative decision to create a planned commercial zone includes the City Council's legislative authority to permit or deny any uses within the newly created zone as shown on the approved preliminary site plan.

D. *Regulations.* Planned commercial developments are subject to the following:

1. A minimum of ~~20~~67 percent of the development area shall be used for commercial uses ~~listed~~ identified in table 10-15-1 as permitted uses in planned commercial zones. A minimum of 20 percent of the development area shall be used for long-term residential use~~s as listed~~identified in table 10-15-1 as permitted residential uses in planned commercial zones.

a. The residential versus commercial area shall be calculated based on the area of the uses authorized and required by the approved preliminary site plan. The area of the uses may include buildings, features, amenities, and infrastructure of commercial or residential uses, as legislatively determined by the City Council in approving an application for the zone change to planned commercial. ~~intended use of improvements such as buildings, features, amenities, and infrastructure for either commercial or residential needs.~~ As a guide to analyzing the zone change applications and associated preliminary site plans, ~~I~~improvements intended to support both residential and commercial ~~shall~~ may be calculated based on the percentage of the improvements that will be impacted either by commercial or residential needs~~.~~, and the percentages of uses within m~~M~~ixed-~~-~~use buildings ~~use percentage shall~~may be calculated in the same manner as calculating area for density.

b. The preliminary site plan shall show general areas ~~and proposed percentages of use~~ of use and specify percentages of different uses. The general areas of use and specific percentages of use within the final site plan submitted to and approved by the Planning Commission shall correspond with the approved preliminary site plan. ~~Applicants shall provide final percentages of~~

uses within the final site plan application. Percentage calculations shall be approved by the Planning Commission.

c. The required 67 percent of commercial development shall be completed prior to, or concurrently with, the residential components of the development.

2. The Planning Commission may approve a lower percentage of long-term residential use for developments that are adjacent to multi-family development.

3. The Planning Commission may approve a lower percentage of commercial use if the project is located within or adjacent to existing commercial property.

42. Each project shall have a mixture of residential and commercial use.

E. *Residential density.* The Except as stated in this section, the areas designated as residential within planned commercial developments shall not exceed 15 units an acre or the density identified in the approved preliminary site plan, whichever is less. for residential areas except as stated within this section.

1. *Forty percent commercial area.* Projects that contain a minimum area of 40 percent for commercial use shall not exceed 17 units an acre for residential areas.

21. *Affordable housing.* Residential areas of a planned commercial development are entitled to a density bonus by meeting the affordable housing requirements of Title 10, Chapter 52 of this Code. The available density bonus shall be based on the original residential density authorized in the approved preliminary site plan. Projects shall not exceed 17 units an acre A density bonus of up to 20 units an acre may be granted for residential areas that reserve ten percent of given units as affordable housing.

a. *Defined.* "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the median gross income for households in the county. Housing costs must be affordable based on housing and urban development standards.

b. *Duration and requirements of affordability.*

(1) *Affordable rental unit.* An affordable rental unit shall remain affordable for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a final site plan, a deed restriction requiring compliance with this section shall be recorded with the county recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.

(2) *Affordable ownership unit.* An affordable ownership unit shall be sold only to income-qualified households for a period of 25 years from the time a certificate of occupancy is issued. Prior to or as a condition of approval of a final site plan, a deed restriction requiring compliance with this section shall be recorded with the county recorder, which deed restriction shall run with the land and bind all assigns, heirs, and successors of the applicant.

32. *Limitation.* A planned commercial project shall not exceed 20 units an acre for residential areas by providing both 40 percent of the area as commercial use and ten percent of given residential units as affordable housing according to the standards listed within these sections.

42. *Residential areas.* Unless modified by the City Council in the approved preliminary site plan as part of the zone change approval, Residential residential areas shall be calculated based on the following:

a. *Horizontal mix use.* Residential areas shall be calculated based on the footprint of residential buildings and sections of buildings, parking, amenities, and roadways that primarily serve residential areas and other residential uses.

b. *Vertical mix use.* Residential areas shall be measured by the percentage of space within the building that is used to occupyoccupied by commercial versus residential uses., which percentages are then applied to the total footprint of the building to calculate the areas of

commercial and residential use. ~~Then the percentage of each use shall apply to the footprint of the building to calculate the area for commercial and residential use.~~ Other residential areas shall be calculated based on the area of use including designated residential parking, amenities reserved for residential use, roadways that primarily serve residential areas, and other residential uses.

(1) Example: if a two-story building has a building square footage of 10,000 square feet and a 5,000 square feet footprint, and the first floor is completely commercial use and the second floor is residential use, then 2,500 square feet (50 percent of the footprint of the building) shall count towards the density of residential use.

~~5~~3. *Live/work units.* Live/work units as defined in this chapter shall be considered a 50% commercial and 50% residential use ~~and shall not count toward the overall density of the project~~.

~~6~~4. *Shared uses.* Amenities and parking shall be designed with both commercial and residential uses in mind. ~~Amenities~~ For amenities that substantially serve both residential and commercial uses, 50% of the area shall count toward residential density areas.

a. *Parking.* Shared parking must comply with ~~s~~Section 10-34-9 of this Code.

F. *Development agreement.* A development agreement between the city and the applicant may be required by the City Council and executed before the zoning designation shall be effective.

G. *Landscaping.* Landscaping within a planned commercial development shall comply with the following standards:

1. Street trees are required for every 50 feet of frontage. These trees may be incorporated within park strips, landscape buffers, or planter boxes within the right-of-way. The placement of street trees must be approved by the City.

2. The applicant shall comply with City standards for landscaping.

3. In lieu of a ten-foot landscaping buffer along the right-of-way frontage for commercial uses, an applicant can provide that space for sidewalks, outdoor dining, and retail space that enhances the neighborhood's walkability. In these areas, street trees shall be required every 50 feet of frontage.

4. Parking lots and parking courts shall remain buffered by a ten-foot landscape area along the frontage with one tree and three shrubs for every 35 linear feet. Except as set forth in this ~~c~~Chapter, other landscape requirements within the City landscaping and screening standards shall apply.

H. *Off street parking.*

1. Parking areas shall be designed to allow greater pedestrian connectivity and to limit conflicts between vehicular and pedestrian use.

2. For commercial parking, parking lots shall not be located in front of buildings nearest the right-of-way but shall be contained within parking lots located to the side or behind buildings that front the right-of-way. Commercial buildings may only be located behind parking lots if other buildings are fronting onto the right-of-way.

3. Each building shall provide pedestrian access from the nearest right-of-way to the main entrance of the building with a paved path and marked crossings for private drives.

4. All developments must comply with all other City off street parking standards.

I. *Street design.* A developer or the City may propose different street cross-sections that enhance walkability, street life, outdoor gathering, traffic calming, street parking, and beautification. The City Council may approve a different street cross-section after a recommendation from the Planning Commission.

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

Sec. 10-15-4. Development standards.

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

TABLE 10-15-2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES

Development standard	Zones				
	NC	GC	HC	PC	POC
Lot standards:					
Minimum lot area	No requirement	No requirement	No requirement	5 acres (see note 3)	5 acres
Minimum lot width	No requirement	No requirement	No requirement	No requirement	No requirement
Building standards:					
Maximum height, main building[1]	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards—front yard:					
All buildings[2]	20 feet	20 feet	20 feet	12 feet, corner lots 20 feet	20 feet
Setback standards—rear yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: no requirement.				
Accessory building					
Setback standards—interior side yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: No requirement				
Accessory building					
Setback standards—street side yard:					
Main building	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

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

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

Ordinance No. 2025-03

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10, CHAPTER 15 WITH REGARDS TO PLANNED COMMERCIAL ZONES

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapter 15 of the Hurricane City Code governing commercial zones; and

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

WHERAS, the Planning Commission of Hurricane City has recommended approval of the changes;

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 15, Section 10-15-4 of the Hurricane City Code is amended to read as follows:

Sec. 10-15-4. Development Standards.

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

TABLE 10-15-2
DEVELOPMENT STANDARDS IN COMMERCIAL ZONES

Development standard	Zones				
	NC	GC	HC	PC	POC
Lot standards:					
Minimum lot area	No requirement	No requirement	No requirement	5 acres (see note 3)	5 acres
Minimum lot width	No requirement	No requirement	No requirement	No requirement	No requirement
Building standards:					
Maximum height, main building[1]	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards—front yard:					
All buildings[2]	20 feet	20 feet	20 feet	12 feet, corner lots 20 feet	20 feet
Setback standards—rear yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet. Otherwise: no requirement.				
Accessory building					
Setback standards—interior side yard:					

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

Notes:

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

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 15, Section 10-15-8 of the Hurricane City Code is amended to read as follows:

Sec. 10-15-8. Planned commercial zone approval and standards.

A. *Purpose.* Planned commercial developments shall incorporate elements of commercial and residential within each zoned area and development.

B. *Mix use types.* Planned commercial developments shall incorporate both commercial and residential uses. The following definitions apply to this section:

1. *Horizontal mix use.* Development that combines single-use buildings on distinct parcels on a range of land uses in a planned commercial development project.
2. *Vertical mixed use.* Development that combines different uses in the same building. Commercial or public uses shall only occupy lower levels.
3. *Live/work unit.* A single unit consisting of both a commercial use/office and a residential component that is occupied by the same resident. A live/work unit shall not exceed two bedrooms for the residential portion of the unit. A live/work unit shall be the primary dwelling of the occupant. Live/work units may only be owner-occupied and cannot be sublet to long-term or short-term renters. The owner-occupied requirement and prohibition of long-term or short-term renters shall be included in a recorded deed restriction prior to or as a condition of final site plan approval.

C. *Approval; Site Plan; Legislative Authority*. Submittal of an application for a planned commercial zone does not guarantee that the zone or a preliminary site plan will be approved. An application for a planned commercial zone is considered under the general zone map amendment provisions of subsection 10-7-7(E) and the spirit and intent of this Chapter. A preliminary site plan shall be required with the application and any approval of

a planned commercial zone change application, which preliminary site plan shall be associated with and shall govern the approved planned commercial zone. The City Council's legislative decision to create a planned commercial zone includes the City Council's legislative authority to permit or deny any uses within the newly created zone as shown on the approved preliminary site plan.

D. *Regulations.* Planned commercial developments are subject to the following:

1. A minimum of 67 percent of the development area shall be used for commercial uses identified in table 10-15-1 as permitted uses in planned commercial zones. A minimum of 20 percent of the development area shall be used for long-term residential uses identified in table 10-15-1 as permitted residential uses in planned commercial zones.

    a. The residential versus commercial area shall be calculated based on the area of the uses authorized and required by the approved preliminary site plan. The area of the uses may include buildings, features, amenities, and infrastructure of commercial or residential uses, as legislatively determined by the City Council in approving an application for the zone change to planned commercial. As a guide to analyzing the zone change applications and associated preliminary site plans, improvements intended to support both residential and commercial may be calculated based on the percentage of the improvements that will be impacted either by commercial or residential needs, and the percentages of uses within mixed-use buildings may be calculated in the same manner as calculating area for density.

    b. The preliminary site plan shall show general areas of use and specify percentages of different uses. The general areas of use and specific percentages of use within the final site plan submitted to and approved by the Planning Commission shall correspond with the approved preliminary site plan.

    c. The required 67 percent of commercial development shall be completed prior to, or concurrently with, the residential components of the development.

2. Each project shall have a mixture of residential and commercial use.

E. *Residential density.* Except as stated in this section, the areas designated as residential within planned commercial developments shall not exceed 15 units an acre or the density identified in the approved preliminary site plan, whichever is less.

1. *Affordable housing.* Residential areas of a planned commercial development are entitled to a density bonus by meeting the affordable housing requirements of Title 10, Chapter 52 of this Code. The available density bonus shall be based on the original residential density authorized in the approved preliminary site plan.

2. *Residential areas.* Unless modified by the City Council in the approved preliminary site plan as part of the zone change approval, residential areas shall be calculated based on the following:

a. *Horizontal mix use.* Residential areas shall be calculated based on the footprint of residential buildings and sections of buildings, parking, amenities, and roadways that primarily serve residential areas and other residential uses.

b. *Vertical mix use.* Residential areas shall be measured by the percentage of space within the building that is occupied by commercial versus residential uses, which percentages are then applied to the total footprint of the building to calculate the areas of commercial and residential use. Other residential areas shall be calculated based on the area of use including designated residential parking, amenities reserved for residential use, roadways that primarily serve residential areas, and other residential uses.

(1) Example: if a two-story building has a building square footage of 10,000 square feet and a 5,000 square feet footprint, and the first floor is completely commercial use and the second floor is residential use, then 2,500 square feet (50 percent of the footprint of the building) shall count towards the density of residential use.

3. *Live/work units.* Live/work units as defined in this chapter shall be considered a 50% commercial and 50% residential use.

4. *Shared uses.* Amenities and parking shall be designed with both commercial and residential uses in mind. For amenities that substantially serve both residential and commercial uses, 50% of the area shall count toward residential density areas.

a. *Parking.* Shared parking must comply with Section 10-34-9 of this Code.

F. *Development agreement.* A development agreement between the city and the applicant may be required by the City Council and executed before the zoning designation shall be effective.

G. *Landscaping.* Landscaping within a planned commercial development shall comply with the following standards:

1. Street trees are required for every 50 feet of frontage. These trees may be incorporated within park strips, landscape buffers, or planter boxes within the right-of-way. The placement of street trees must be approved by the City.

2. The applicant shall comply with City standards for landscaping.

3. In lieu of a ten-foot landscaping buffer along the right-of-way frontage for commercial uses, an applicant can provide that space for sidewalks, outdoor dining, and retail space that enhances the neighborhood's walkability. In these areas, street trees shall be required every 50 feet of frontage.

4. Parking lots and parking courts shall remain buffered by a ten-foot landscape area along the frontage with one tree and three shrubs for every 35 linear feet. Except as set forth in this Chapter, other landscape requirements within the City landscaping and screening standards shall apply.

H. *Off street parking.*

1. Parking areas shall be designed to allow greater pedestrian connectivity and to limit conflicts between vehicular and pedestrian use.
2. For commercial parking, parking lots shall not be located in front of buildings nearest the right-of-way but shall be contained within parking lots located to the side or behind buildings that front the right-of-way. Commercial buildings may only be located behind parking lots if other buildings are fronting onto the right-of-way.
3. Each building shall provide pedestrian access from the nearest right-of-way to the main entrance of the building with a paved path and marked crossings for private drives.
4. All developments must comply with all other City off street parking standards.

I. *Street design.* A developer or the City may propose different street cross-sections that enhance walkability, street life, outdoor gathering, traffic calming, street parking, and beautification. The City Council may approve a different street cross-section after a recommendation from the Planning Commission.

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

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

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

3. This Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

PASSED AND APPROVED this 3rd day, April 2025.

Hurricane City

_____

Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of April 2025. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

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

_____
Cindy Beteag, Recorder

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**04/03/2025 – City Council**
Application Number:	LUCA25-01
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapter 15 regarding Planned Commercial Standards.
Recommendation:	Approve
Report Prepared By:	Gary Cupp

Discussion: (Continued item from 3/20/25)
In response to direction by the City Council, the Planning Department has proposed updates to the requirements of the Planned Commercial zoning designation located in Chapter 15 of Title 10. The intent of the update is to increase the percentage requirement for the commercial component in the Planned Commercial zoning district. For requests to rezone properties to the Planned Commercial designation, the current code standard requires a minimum 20 percent of the development area be used for commercial activities, and another 20 percent for long-term residential uses with the remaining 60 percent to be used for additional commercial, residential, or open space uses. The desire of the City Council is to encourage more commercial development to benefit the city and its residents and instructed staff to increase the commercial component to 70 percent. But after consideration of the Planning Commission's recommendations from 3/13/25 (see below), the City Council has determined that the minimum percentage for the commercial component of any proposed Planned Commercial developments should be increased to 67 percent. The residential minimum will remain at 20 percent, thus, leaving the remaining 13 percent of the development area for additional commercial, residential, or open space uses. The Council also directed that the commercial components of any Planned Commercial developments will have to be built prior to, or concurrently with, the residential components of the development. The code update also proposes to reduce the building height maximum for the Planned Commercial and Pedestrian Oriented Commercial zones from 55 feet to 35 feet to match the standard in the other commercial zones.

The Planning Commission heard this item at the March 13, 2025, meeting. A public hearing was held and no comments or objections to the proposed code update were received. The Commission discussed the requested ordinance amendment and expressed overall agreement with the intent of the proposed changes, but felt that increasing the commercial component to 70% seemed very high and would reduce the City's ability to get a variety of uses when a zone change to Planned Commercial is requested, and felt that the commercial component should be increased to 50% instead. They also felt that requiring "hard minimums" for this zone is not desirable and suggested building some flexibility into the code to be able to negotiate the percentages with applicants, at the City Council's discretion, if there were reasonable alternatives to the minimum percentages. The Planning Commission unanimously recommended that the land use code amendment be approved, but only by increasing the commercial component to 50% instead of 70%, and also making the percentage minimums flexible as opposed to a strict requirement, or by providing an exception option.

Recommendation:
The City Council should review the proposed ordinance revision pursuant to Hurricane City Codes and standards. Staff recommends the City Council approve the proposed zoning code update.

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of a boundary line agreement between Hurricane City, Western Mortgage, and Lowe.

Discussion: Lorin Lowe and Western Mortgage have been working on cleaning up some boundary issues on their common line. In doing so it has been discovered that some errors have been propagated through subsequent transfers of title, resulting in overlaps. After extensive searching of title and identifying junior and senior rights, along with performing a survey, a boundary line agreement has been proposed that sets the common boundary in the correct place, which Western Mortgage and Lowe have agreed upon. However, the Hurricane City property that contains the West Well and appurtenances is affected slightly by the agreement. Although the proposed agreement results in a net loss of acreage to the City by approximately 5,015 square feet, it does not affect the City's use and operation of the West Well. The Water Department has examined the location of existing fencelines and the new survey stakes and has indicated that as marked on the ground the proposed boundary agreement does not affect the property.

It is recommended by staff that the boundary line agreement by approved by the City. The documents have been reviewed by the parties, including the City Engineer and the City Attorney. The property owners have prepared the agreement documents at their own expense and have worked with the City in good faith on other fronts for rights-of-way for City infrastructure. This is an opportunity for the City to reciprocate in good faith. - Arthur LeBaron

Findings:

Recommendation:

Cindy Beteag

From: Arthur Lebaron
Sent: Tuesday, March 18, 2025 4:16 PM
To: Cindy Beteag
Cc: Nanette Billings; Dayton Hall; Ken Richins
Subject: FW: FW: Lowe matter
Attachments: Lowe Western Mortgage Hurricane Boundary Line Agreement 12-12-24.pdf; Section 6 ROS for BLA 12-12-24.pdf

Cindy,

I have run this by the Mayor and have her permission to request the following new business agenda item:

Consideration and possible approval of a boundary line agreement between Hurricane City, Western Mortgage, and Lowe.

Lorin Lowe and Western Mortgage have been working on cleaning up some boundary issues on their common line. In doing so it has been discovered that some errors have been propagated through subsequent transfers of title, resulting in overlaps. After extensive searching of title and identifying junior and senior rights, along with performing a survey, a boundary line agreement has been proposed that sets the common boundary in the correct place, which Western Mortgage and Lowe have agreed upon. However, the Hurricane City property that contains the West Well and appurtenances is affected slightly by the agreement. Although the proposed agreement results in a net loss of acreage to the City by approximately 5,015 square feet, it does not affect the City's use and operation of the West Well. The Water Department has examined the location of existing fencelines and the new survey stakes and has indicated that as marked on the ground the proposed boundary agreement does not affect the property.

It is recommended by staff that the boundary line agreement by approved by the City. The documents have been reviewed by the parties, including the City Engineer and the City Attorney. The property owners have prepared the agreement documents at their own expense and have worked with the City in good faith on other fronts for rights-of-way for City infrastructure. This is an opportunity for the City to reciprocate in good faith.

There's also a lot of background information in the correspondence below, if you want to include the body of the email chain in the packet. Will you please include the attachments in the packet?

Thanks,

Arthur

From: Arthur Lebaron
Sent: Friday, January 10, 2025 12:14 PM
To: Dayton Hall <dayton@hurricane.utah.gov>
Cc: Kaden DeMille <kaden@hurricane.utah.gov>
Subject: FW: FW: Lowe matter

Dayton,

Lorin Lowe and Western Mortgage have been working on a boundary line agreement based on the location of existing historic fencelines, old deeds, and title research. It appears that there have been some errors that have been propagated over the years, and the City property that contains the West Well is a victim of the errors to the

tune of about 5,620 square feet, or 0.13 acres. I have reviewed the proposed boundary line agreement and I don't think this will create a problem for our operations out at the West Well. However, Lorin and Western are requesting the City be a party to the boundary line agreement, which will require legal review and Council action, so I think your review is the next step toward a resolution to the problem. Will you please take a look at these documents? I would be happy to review the record of survey with you.

Thanks,

Arthur

From: Lorin Lowe <lorinlowe@lorinlowe.com>
Sent: Thursday, January 9, 2025 6:46 PM
To: Arthur Lebaron <arthur@hurricane.utah.gov>; Karl Ramussen <karl@pv-eng.com>; Tim Tippett <ttippett@westernmort.com>
Cc: Ken Richins <kenr@hurricane.utah.gov>; Jason Tuttle <jtuttle@jtengineering.design>
Subject: Re: FW: Lowe matter

Hi Arthur/Karl/Tim,

Please find the attached Boundary Line Agreement to resolve the property line discrepancy described in the email threads below. Please advise if you are good to move forward with signing or if you have any comments/edits.

Thanks,

Lorin

On Wed, Jul 17, 2024 at 7:57 AM Lorin Lowe <lorinlowe@lorinlowe.com> wrote:

> Hi Arthur. Thank you. I appreciate you reviewing it. We will work on a boundary line agreement to address the issue.
>
> Thanks,
>
> Lorin
>
> On Tue, Jul 16, 2024 at 8:35 AM Arthur Lebaron <arthur@hurricane.utah.gov> wrote:
>
> > Lorin,
> >
> > Thanks for the detailed summary about the history of the boundaries in this area. It appears that the adjustments to the boundary lines are minor, especially regarding the West Well site. I don't see it having an impact on our operation there and will be supportive of helping to iron out the issues as proposed.
> >
> > Thanks,

Arthur

From: Lorin Lowe <lorinlowe@lorinlowe.com>
Sent: Monday, July 15, 2024 5:46 PM
To: Arthur Lebaron <arthur@hurricane.utah.gov>; Ken Richins <kenr@hurricane.utah.gov>
Cc: Karl Ramussen <karl@pv-eng.com>
Subject: Fwd: FW: Lowe matter

Hi Arthur/Ken,

It was brought to our attention that there is a potential issue with the property line which slightly impacts the City's well site between Western Mortgage and the Lowe property (accessed from the Southern Parkway). I have reviewed this with Karl and Western Mortgage who are agreeable to fix it. Please see below and attached and let me know your thoughts. I am happy to jump on a call to discuss.

Thanks,

Lorin

---------- Forwarded message ---------
From: **Lorin Lowe** <lorinlowe@lorinlowe.com>
Date: Mon, Jun 17, 2024 at 8:00 AM
Subject: Re: FW: Lowe matter
To: <karl@pv-eng.com>, Tim Tippett <ttippett@westernmort.com>
Cc: Jason Tuttle <jtuttle@jtengineering.design>

Hi Tim/Karl,

Thank you for bringing this matter to our attention. I reviewed Brad Seemiller's research below along with the deeds he included, and also asked Jason Tuttle, licensed surveyor and engineer, to review and advise on the matter as well. Below is a summary of what we discovered and I have attached an exhibit that Jason prepared that shows more detail with diagrams of the history of grants and surveys.

A. In April 1951 (per Brad below), the BLM granted a patent to Sanders which included the subject Lowe and Western Mortgage parcels.

B. In May 1951 (recorded April 1956), Sanders granted property to Spilsbury Land and Livestock which became the Lowe parcel. Soon thereafter, a fence was installed that matched the property line on the north end described in the deed (the fence on the west side appears to have followed the topography and existing road as a matter of convenience).

C. In July 1961 (recorded December 1961), Sanders granted property north and west of the Lowe parcel to Wilson which was granted to Winding River and then ultimately became the Western Mortgage parcel. There was a problem with the legal description in the deed from Sanders to Wilson. It looks like the description intended to follow the Sanders to Spilsbury deed, but instead it was 218' off and did not close to the point of beginning.

D. In 1998, Winding River granted a deed to Winding River which appears to be based on a record of survey that Alpha Engineering provided. When Winding River engaged Alpha, the surveyor most likely relied on the Sanders to Wilson deed with the busted legal description which did not resolve the issue of the deed not closing (he should have investigated further when observed his stakes were 218' off of the northern fence). The surveyor also made another mistake: he did not recognize that the south quarter corner of section 31 is not the same as the north quarter corner of section 6 which caused further misalignment. There is also a misalignment of the Hurricane City well parcel which was staked by Alpha Engineering.

Proposed Solution. Use the original alignment described in the Sanders to Spilsbury deed which was the first deed granted and recorded from Sanders. Jason has staked this boundary so you can see it on site. If you agree with this proposed boundary, then we can review with Hurricane City and Jason can draw up a boundary line agreement which we can all sign, notarize and record.

I suggest that once you have had a chance to review, let's all (you, me, Karl, Jason) get on a conference call to discuss and answer any questions. Is there a time this week that would work for you?

Thanks,

Lorin Lowe
801-369-1030

On Tue, Mar 5, 2024 at 10:48 AM <karl@pv-eng.com> wrote:

> Lorin,
>
> Here's what Brad Seegmiller found in his search for both properties.
>
> Sincerely,

Karl Rasmussen, P.E. S.E. M.E.

Provalue Engineering, Inc.

From: Brad Seegmiller <brad@sutc.com>
Sent: Wednesday, June 16, 2021 12:20 PM
To: Karl Rasmussen <karl@pv-eng.com>; Tim Tippett <ttippett@westernmort.com>
Subject: Lowe matter

Tim and Karl,

I spent some time last night and this morning looking at the chain of title associated with the Lowe matter, and I'm including herewith the following:

Regarding the Lowe Parcel:
1. Patent from the USA to Ervil Sanders and the abstract of patent (see the very bottom of the page) from the county records indicating the patent was recorded in April, 1951. The patent was described in sectional lots and quarter sections.
2. Deed Entry No. 100392, recorded April 27, 1956 from Ervil and Belva Sanders to Spilsbury Land and Livestock. This encompasses more than the H-3-6-2401 parcel, but does run the same distance of 3889.8 feet along the east side, so this distance has as been around since at least April of 1956. This deed also runs a distance from the North Section line of 1538.0 feet indicating the total distance from the north section line to the south section line is 5,427.80 feet, +/-. The east section line indicates on the 2003 map included herewith shows the section line is 82.24 chains (5,427.84 feet), so this corresponds pretty well.
3. Deed Entry No. 201639, recorded Feb. 16, 1979; Spilsbury Land and Livestock to A. R. Spilsbury Family Enterprises. Tract II is the Lowe parcel and is the same description as is now being carried forward for parcel number H-3-6-2401. So this description goes back to at least February of 1979.
4. Deed Entry No. 451190 recorded Dec. 3, 1993. This is a deed from A. R. Spilsbury Family Enterprises to Calvin D. Lowe and Mona W. Lowe. The parcel in question is Tract X.
5. Other deeds (#20090048186 and 20090048192) in the chain conveying title to the current owner of record using the same description.

I have been able to find the the chain of title on the Lowe Parcel all the way back to patent and things seem to line up pretty well on the Lowe parcel.

Regarding the Western Mortgage Parcel:
1. Deed Entry No. 115152, recorded December 21, 1961 from Ervil and Belva Sanders to W. Kent Wilson. This is the parcel to the north of Lowes, and the predecessor of Western Mortgage. Note in parcel 3 that the POB starts at the NE corner of SW1/4 NE1/4 and runs 218 feet south. Then runs the

basic courses as the deed #100392 See number 2 in the Lowe area above). It appears that the 115152 deed description was supposed to match the 100392 deed description.

2. Deed Entry No. 243130 recorded Nov. 24, 1982 from 5M, Incorporated to Winding River Properties, Inc. - See parcel 34 which appears to carry the same description as is in deed #115152, No. 1 just above.
3. Deed Entry No. 284760 which is a deed from Winding River Properties, Inc. to Winding River Associates, a Utah Partnership. The parcel in question is Parcel 18. It described the property as sectional lots, and added a PLUS description which begins at the NE Corner of the SW1/4 NE1/4 of Section 6, T42S, R13W. The first call in the PLUS description runs 218 feet almost due south.*
4. Deed Entry No. 638425 from Winding River Associates, L.P. fka Winding River Associates, a Utah Limited Partnership to Winding River Associates, LLC. This is the first deed I can file where the current legal descriptions are used (Parcel 1 in this deed).*
5. Survey legal description from Alpha Engineering with a date of May 15, 1997. This came from an old file, and it appears to be where the description originated.*
6. Trustees deed #20170000855, conveying to Western Mortgage & Realty Company.

NOTE: There are additional deeds to transfer from W. Kent Wilson to 5M, Incorporated I think the documents included provide a picture so I haven't included the other deeds herewith.

Regarding both parcels:
-2003 Map of Section 6, T43S, R13W.

*The property in question looks to be part of the SW1/4 of the NE1/4 which Ervil Sanders received by patent. He first conveyed the south portion to Spilsbury Land & Livestock who then conveyed it on. He then conveyed the northern parcel to W. Kent Wilson beginning 218 feet from the NE corner of SW1/4 NE1/4 of section 6, so it would appear based on the deed recording order that the Lowe parcel would have precedence as its predecessor deed was recorded first.

Maybe Karl can make sense of the chain of deeds and the descriptions contained therein.

Hope this helps.

Thanks,

Brad Seegmiller
Southern Utah Title Company
20 N. Main, Suite 300
St. George, Utah 84770
Ph: 435-652-4829
fax: 435-656-9823
e-mail: brad@sutc.com

Cyber crime is on the rise so please be vigilant and watchful. If you receive an email or other communication appearing
to be generated from our office containing new, revised, or altered bank wire instructions consider it suspicious and
contact your closing officer directly. Our bank wire instructions will not change during a transaction.

Affects Tax Parcel Nos.
H-3-2-6-1402-GS2
H-3-2-6-33-GS2
H-3-2-6-3101
H-3-2-6-1402
H-3-2-6-33A
H-3-2-6-1101
H-3-2-6-2401
H-3-2-6-2301

BOUNDARY LINE AGREEMENT

This Boundary Line Agreement ("**Agreement**") is entered into effective as of the date of the last/latest of the signatures specified below herein, by and between Western Mortgage and Realty Company, a Washington Corporation ("**Western Mortgage**"), Lowe Land BL LLC, a Utah Limited Liability Company ("**Lowe**"), and Hurricane City, a Utah Municipal Corporation. Western Mortgage, Lowe, and Hurricane City are occasionally referred to in this Agreement individually as a "**Party**" or collectively as the "**Parties**".

RECITALS

WHEREFORE, pursuant to that certain *Amended Trustee's Deed* which was recorded on January 6, 2017, as Entry 20170000855 in the office and records of the Washington County Recorder, Western Mortgage owns of record that certain real property, which is located in Washington County, State of Utah, which is more particularly described as set forth in said *Amended Trustee's Deed* (the "**Historical Western Mortgage Property**").

WHEREAS, pursuant to that certain *Quit Claim Deed* which was recorded on December 22, 2009, as Entry 20090048192 in the office and records of the Washington County Recorder, Lowe owns of record that certain real property, which is located in Washington County, State of Utah, which is more particularly described as set forth in said *Quit Claim Deed* (the "**Historical Lowe Property**").

WHEREAS, pursuant to that certain *Quit Claim Deed* which was recorded on July 19, 2007, as Entry 20070037177 in the office and records of the Washington County Recorder, Hurricane City owns of record that certain real property, which is located in Washington County, State of Utah, which is more particularly described as set forth in said *Quit Claim Deed* (the "**Historical Hurricane City Property**").

WHEREAS, pursuant to that certain *General Warranty Deed* which was executed on May 10, 1951 and recorded on April 27, 1956 as Entry 100392 in Book S-7, at pages 321-322 in the office and records of the Washington County Recorder, wherein Ervil and Belva B. Sanders conveyed property described therein to Spilsbury Land and Livestock Company, a predecessor to Lowe. Furthermore, said property was duly marked by monuments and a fence was constructed along the boundary thereof in the North half of said Section 6.

WHEREAS, pursuant to that certain *General Warranty Deed* which was recorded on December 21, 1961 as entry 115152 in Book S-35, at Page 226 in the office and records of the Washington County Recorder, wherein Ervil and Belva B. Sanders conveyed a portion of what

would become part of the Historical Western Mortgage property to W. Kent Wilson, said deed having an erroneous legal description whereby Sanders inadvertently conveyed to Wilson certain property that had already been conveyed to Spilsbury.

WHEREAS, subsequent surveys and transactions among predecessors to Western Mortgage did not discover the erroneous legal description and the error was perpetuated through numerous transfers.

WHEREAS, Lowe has continuously occupied their property up to the fence and monuments set along the earliest description predating the grossly erroneous description and subsequent erroneous transfers.

WHEREAS, the Parties desire to resolve all such discrepancies between and among them regarding ownership of and title to all of the respective above-identified properties, including to modify and conclusively establish a definitive boundary between their respective properties, including so that clear title may be granted by each of the Parties to their respective and modified properties moving forward, to avoid uncertainty, disputes, and litigation, and for the purpose of settling ambiguity, uncertainty, and disputes.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is mutually agreed by, between and among the Parties that:

1. Boundary Adjustments. Pursuant to, and to the full extent contemplated and allowed by, Utah Code Ann. § 57-1-45, and otherwise, the Parties agree that the boundary(ies) between their respective properties is/are adjusted as follows:

a. The boundary discrepancy occurs within the interior of Section 6, Township 42 South, Range 13 West, Salt Lake Base and Meridian. The following described boundary line shall be the boundary between Western Mortgage and Hurricane City on the West and North and Lowe on the East and South:

Beginning at a point N88° 56' 41"W 1327.35' from the Northeast corner of Section 6, Township 42 South, Range 13 West SLBM, said point being on the North line of said section and being marked by a 5/8" rebar on the line of an existing fence; thence S1°05'02"W 1524.04' along said fence to a 5/8" rebar at a corner in said fence; thence N79°15'03"W 972.80' along said fence to a wood stake at a corner in said fence; thence S31°32'09"W 1425.33' along said fence to a 5/8" rebar in said fence line; thence departing said fence line bearing S7°53'55"W 2446.96'; thence S1°04'58"W 412.85' to an old wood stake on the South line of said section 6, said point being the end of boundary line and being located N88°55'25"W 668.61' from the South quarter corner of said section 6 which is marked by a nail and washer labeled wash. co. surveyor in wood stake.

b. The Historical Western Mortgage Property shall hereby be adjusted to include the following exceptions in the office and records of the Washington County Recorder creating the "**New Agreed Western Mortgage Property**":

LESS AND EXCEPTING THEREFROM the following described parcels:

Beginning at the Northwest corner of sectional Lot 1, Section 6, Township 42 South, Range 13 West, SLBM; thence S1°03'02"W 1470.10 feet along the West line of said Lot 1; thence N88°59'21"W 11.38 feet along the South line of Lot 2, Sec. 6 T42S R13W SLBM to an existing fence; thence N1°05'02"E 1470.11 feet to a point on the North line of said Section 6; thence S88°56'41"E 10.53 feet to the point of beginning, said point being the Northwest corner of said Lot 1.

Beginning at the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 6, Township 42 South, Range 13 West of the SLBM; thence N88°59'21"W 11.38 feet along the North line of said sixteenth section to an existing fence line; thence S1°05'02"W 53.93 feet to a corner of said fence; thence N79°15'03"W 972.80 feet along said fence to another corner in said fence; thence S31°32'09"W 1425.33 feet to an unmarked rebar in said fence line; thence departing said fence and bearing S7°53'55"W 1534.05 feet to the North line of the Southeast Quarter of the Southwest Quarter of said Section 6; thence S88°56'44"E 559.51 feet along said North line to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 6; thence S88°57'14"E 1317.37 feet along the North line of said sixteenth section to the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 6; thence N1°01'31"E 1320.40 feet along the East line of said sixteenth section to the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 6; thence N1°03'02"E 1320.99 feet along the East line of the Southwest Quarter of the Northeast Quarter of said Section 6 to the point of beginning.

Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 6, Township 42 South, Range 13 West of the SLBM; thence S1°01'31"W 1320.40 feet to the South line of said Section 6; thence N88°55'25"W 1317.95 feet to the South Quarter corner of said Section 6, thence N88°54'26"W 668.61 feet along the South line of said Section 6; thence N1°04'58"E 412.85 feet; thence N7°53'55"E 912.91 feet to the North line of the Southeast Quarter of the Southwest Quarter of said Section 6; thence S88°56'44"E 559.51 feet along said North line to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 6; thence S88°57'14"E 1317.37 feet along the North line of said sixteenth section to the point of beginning.

c. The legal descriptions of record of the Historical Lowe Property within said Section 6 are hereby adjusted to and shall be as follows in the office and records of the Washington County Recorder creating the "**New Agreed Lowe Property**":

Parcel H-3-2-6-1101

Lot 1, Section 6 Township 42 South Range 13 West SLBM

PLUS, AND INCLUDING THEREWITH the following described parcel:

Beginning at the Northwest corner of said lot 1; thence S1°03'02"W 1470.10 feet along the West line of said Lot 1; thence N88°59'21"W 11.38 feet along the South line of Lot 2, Sec. 6 T42S R13W SLBM to an existing fence; thence N1°05'02"E 1470.11 feet to a point on the North line of said Section 6; thence S88°56'41"E 10.53 feet to the point of beginning, said point being the Northwest corner of said Lot 1.

LESS AND EXCEPTING THEREFROM the Utah Department of Transportation right of way for SR-7.

Parcel H-3-2-6-2401

Beginning at the Northeast corner of the Southwest Quarter of the Northeast Quarter of Section 6, Township 42 South, Range 13 West of the SLBM; thence N88°59'21"W 11.38 feet along the North line of said sixteenth section to an existing fence line; thence S1°05'02"W 53.93 feet to a corner of said fence; thence N79°15'03"W 972.80 feet along said fence to another corner in said fence; thence S31°32'09"W 1425.33 feet to an unmarked rebar in said fence line; thence departing said fence and bearing S7°53'55"W 1534.05 feet to the North line of the Southeast Quarter of the Southwest Quarter of said Section 6; thence S88°56'44"E 559.51 feet along said North line to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 6; thence S88°57'14"E 1317.37 feet along the North line of said sixteenth section to the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 6; thence N1°01'31"E 1320.40 feet along the East line of said sixteenth section to the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 6; thence N1°03'02"E 1320.99 feet along the East line of the Southwest Quarter of the Northeast Quarter of said Section 6 to the point of beginning.

Parcel H-3-2-6-2301

Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of Section 6, Township 42 South, Range 13 West of the SLBM; thence S1°01'31"W 1320.40 feet to the South line of said Section 6; thence N88°55'25"W 1317.95 feet to the South Quarter corner of said Section 6,

thence N88°54’26”W 668.61 feet along the South line of said Section 6; thence N1°04’58”E 412.85 feet; thence N7°53’55”E 912.91 feet to the North line of the Southeast Quarter of the Southwest Quarter of said Section 6; thence S88°56’44”E 559.51 feet along said North line to the Northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 6; thence S88°57’14”E 1317.37 feet along the North line of said sixteenth section to the point of beginning.

d. The legal description of record of the Historical Hurricane City property is hereby adjusted to and shall be as follows in the office and records of the Washington County Recorder (the “**New Agreed Hurricane City Property**”):

Commencing at the South Quarter corner of Section 6, Township 42 South, Range 13 West, Salt Lake Base and Meridian;
Thence N1°03’00”E 2016.24 feet along the Center Section line of said Section 6 and N90°0’W 476.99 feet to the Point of Beginning;
Thence S7°53’55”W 309.08 feet;
Thence S89°56’56”W 19855 feet;
Thence N1°07’58”E 310.99 feet;
Thence S88°52’41”E 234.92 feet, to the Point of Beginning.

2. Quit Claim Interests.

a. **Western Mortgage, as grantor**:

i. Hereby quit claims, relinquishes, conveys, and transfers **to Lowe Land BL LLC, as grantee**, any and all fee title rights, claims, and/or interests which Western Mortgage may have in, on, and/or to any and/or all of the New Agreed Lowe Property; and

ii. Hereby quit claims, relinquishes, conveys, and transfers **to Hurricane City, as grantee**, any and all rights, claims, and/or interests which Western Mortgage may have in, on, and/or to any and/or all of the New Agreed Hurricane City Property.

b. **Lowe, as grantor**:

i. Hereby quit claims, relinquishes, conveys, and transfers **to Western Mortgage as grantee**, any and all interests which Matheson may have in and to any and all of the New Agreed Western Mortgage Property; and

ii. Hereby quit claims, relinquishes, conveys, and transfers **to Hurricane City, as grantee**, any and all rights, claims, and/or interests which Western Mortgage may have in, on, and/or to any and/or all of the New Agreed Hurricane City Property; and

iii. Hereby re-confirms, conveys, and grants to Hurricane City, as a right appurtenant to and running with the New Agreed Hurricane City Property, the existing easement for ingress and egress and a waterline over and across the New Agreed Lowe Property with said easement extended to the New Agreed Hurricane City Property.

c. **Hurricane City, as grantor**:

i. Hereby quit claims, relinquishes, conveys and transfers **to Western Mortgage, as grantee**, any and all interests which Hurricane City may have in and to any and all of the New Agreed Western Mortgage Property excepting any easements or rights of way Hurricane City may hold within the Historical Western Mortgage Property which shall continue as easements or rights of way within the New Agreed Western Mortgage Property; and

ii. Hereby quit claims, relinquishes, conveys and transfers **to Lowe, as grantee**, any and all rights, claims, and/or interests which Hurricane City may have in, on, and/or to any and/or all of the New Agreed Lowe Property excepting the existing easement for ingress and egress and a waterline over and across the New Agreed Lowe Property with said easement extended to the New Agreed Hurricane City Property.

3. Resulting Boundary Lines. The resulting boundary line between the New Agreed Western Mortgage Property and the New Agreed Lowe Property, and the resulting boundary line between the New Agreed Western Mortgage Property and the New Agreed Lowe Property – collectively, the "**New Agreed Boundary Lines**" – is/are plotted, delineated, depicted, and shown by and on a record of survey map, as defined in Utah Code Ann. §§ 10-9a-103 and 17-27a-103, that the Parties have caused to be prepared and filed, in accordance with Utah Code Ann. § 17-23-17, in conjunction with this Agreement, and which was prepared by JT Engineering and Design, Jason L. Tuttle P.L.S. 368642, filed as Record of Survey Number:_____ in the Washington County Surveyor's Office (the "**Survey Map**").

4. Term. This Agreement shall be perpetual and run with the land. It shall be effective and binding on the Parties upon the execution of this Agreement by all Parties, and, following recording, shall be binding upon the Parties' respective transferees, representatives, agents, successors, assigns, and all heirs, and all persons claiming by, through, or under them, and shall not be extinguished by transfer of any right, title or interest in any of the land affected by this Agreement. Without limitation of any kind upon any of the foregoing, the Parties acknowledge that they have, do, and will treat the New Agreed Boundary Lines as the actual boundary(ies) by actual possession, a fence, and/or cultivation or control by each of them, respectively, up to their respective New Agreed Boundary Lines all as contemplated in Utah Code § 57-1-45(4)(c).

5. Owners' Addresses.

- Western Mortgage and Realty Company: 6610 West Court Street, Pasco, Washington 99301.
- Lowe Land BL LLC: 1038 East 760 North, Orem, UT 84097.
- Hurricane City: 147 North 870 West, Hurricane, UT 84737.

6. Counterparts. This document may be signed in any number of counterparts, and, once all counterparts are assembled together and recorded, each counterpart shall have the same force and effect as though the signatures all were contained in a single document.

IN WITNESS WHEREOF we have caused this *Boundary Line Agreement* to be executed.

WESTERN MORTGAGE AND REALTY COMPANY
A Washington Corporation

By: _____
Its:_____
Date: _____

LOWE LAND BL LLC
A Utah Limited Liability Company

By: _____
Its:_____
Date: _____

HURRICANE CITY
A Utah Municipal Corporation

By: _____
Its:_____
Date: _____

STATE OF _____)
: ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____day of _____, 20____ by _____, who signed in their capacity as _____ of and for and on behalf of, **WESTERN MORTGAGE AND REALTY COMPANY, a Washington Corporation**.

Notary Public

STATE OF UTAH)
: ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____day of _____, 20____ by _____, who signed in their capacity as _____ of and for and on behalf of, **LOWE LAND BL LLC, a Utah Limited Liability Company**.

Notary Public

STATE OF UTAH)
: ss.
COUNTY OF WASHINGTON)

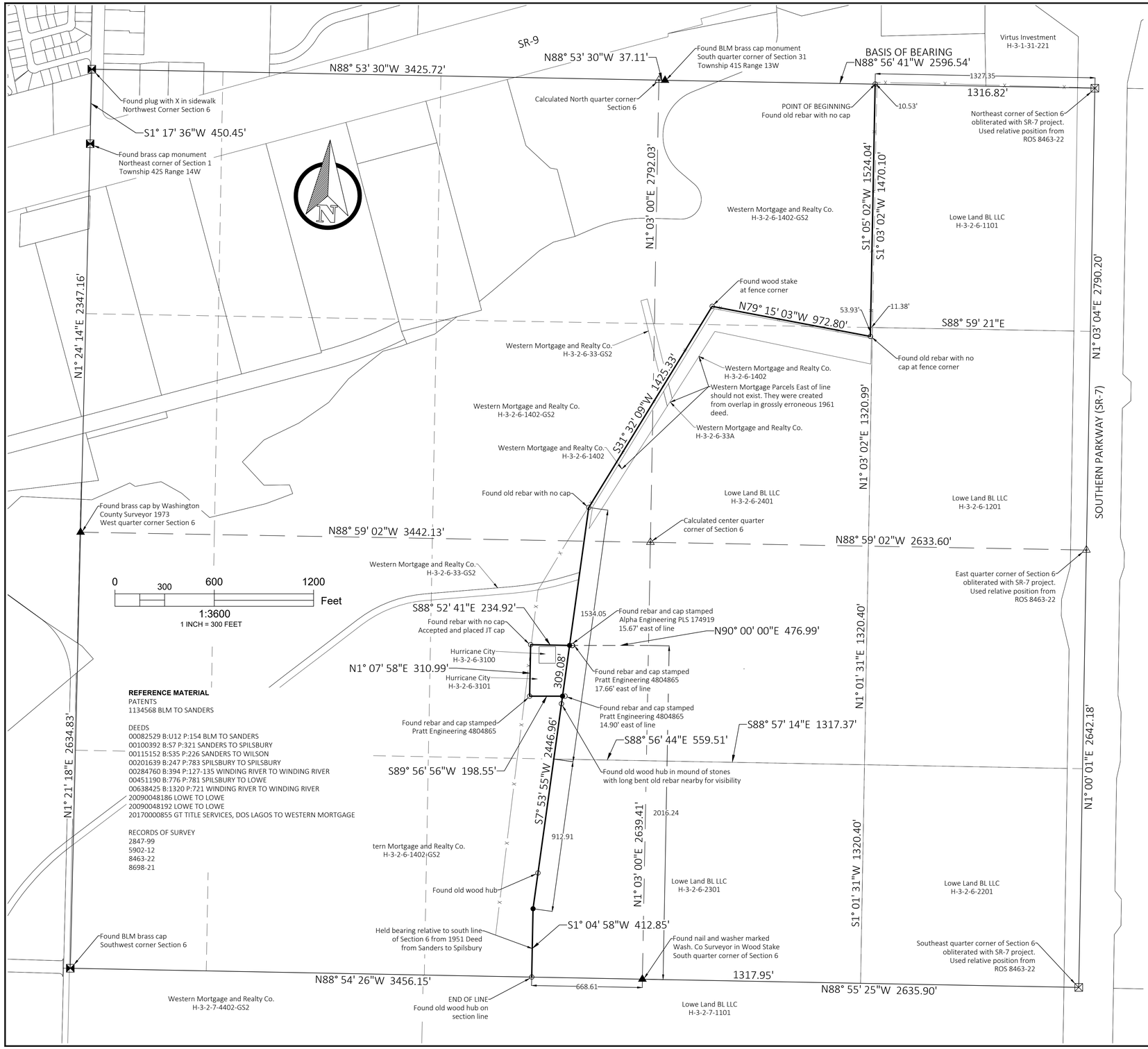
The foregoing instrument was acknowledged before me this _____day of _____, 20____ by _____, who signed in their capacity as _____ of and for and on behalf of, **HURRICANE CITY, a Utah Municipal Corporation**.

Notary Public

RECORD OF SURVEY

BOUNDARY BETWEEN LOWE (ON EAST) AND WESTERN MORTGAGE AND HURRICANE CITY (ON WEST)

WITHIN SECTION 6, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SLBM WASHINGTON COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, JASON L TUTTLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, AND THAT I HOLD LICENSE NUMBER 368642 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE EXISTING PROPERTY BOUNDARIES IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED THE BOUNDARY LOCATIONS AND HAVE FOUND OR PLACED MONUMENTS AS REPRESENTED ON THIS DRAWING.

PROFESSIONAL LAND SURVEYOR
No.368642
JASON L. TUTTLE
STATE OF UTAH

JASON L. TUTTLE, PLS NO. 368642 DATE

BOUNDARY LINE DESCRIPTION

BEGINNING AT A POINT N88° 56' 41"W 1327.35' FROM THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 13 WEST SLBM, SAID POINT BEING ON THE NORTH LINE OF SAID SECTION AND BEING MARKED BY A $\frac{5}{8}$" REBAR ON THE LINE OF AN EXISTING FENCE; THENCE S1° 05' 02"W 1524.04' ALONG SAID FENCE TO A $\frac{5}{8}$" REBAR AT A CORNER IN SAID FENCE; THENCE N79° 15' 03"W 972.80' ALONG SAID FENCE TO A WOOD STAKE AT A CORNER IN SAID FENCE; THENCE S31° 32' 09"W 1425.33' ALONG SAID FENCE TO A $\frac{5}{8}$" REBAR IN SAID FENCE LINE; THENCE DEPARTING SAID FENCE LINE BEARING S7° 53' 55"W 2446.96'; THENCE S1° 04' 58"W 412.85' TO AN OLD WOOD STAKE ON THE SOUTH LINE OF SAID SECTION 6, SAID POINT BEING THE END OF BOUNDARY LINE AND BEING LOCATED N88° 55' 25"W 668.61' FROM THE SOUTH QUARTER CORNER OF SAID SECTION 6 WHICH IS MARKED BY A NAIL AND WASHER LABELED WASH. CO. SURVEYOR IN WOOD STAKE.

BASIS OF BEARING

BECAUSE SEVERAL DIFFERENT LOCAL BASES OF BEARING WERE INVOLVED, THE UTAH STATE PLANE, NAD 83, SOUTH ZONE COORDINATE SYSTEM WAS UTILIZED AS THE BASIS OF BEARING FOR THIS DRAWING. THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 6 BEARS N88° 56' 41"W. DISTANCES SHOWN BETWEEN MONUMENTS ARE MEASURED GROUND DISTANCES UNLESS OTHERWISE NOTED.

SURVEYORS NARRATIVE

LORIN LOWE RETAINED ME TO SURVEY THE BOUNDARY OF HIS PROPERTY FOR A FENCE. FINDING RECENT DESCRIPTIONS NOT MATCHING FOUND EVIDENCE INCLUDING AN OLD FENCE LINE AND MARKERS SET WITHIN SAID FENCE LINE A REVIEW OF THE DEED HISTORY WAS PERFORMED. STARTING FROM THE ORIGINAL PATENT, THE HISTORY OF THE BOUNDARY LINE WITHIN SECTION 6 WAS TRACED AND A GROSSLY ERRONEOUS DESCRIPTION WAS FOUND WITHIN THE 1961 DEED (00115152 B:S35 P:226) WHERE SANDERS, A PREDECESSOR TO WESTERN MORTGAGE DEEDED TO WILSON, LAND THAT HE DID NOT OWN . THE ERROR WAS PERPETUATED AMONG TRANSFERS BETWEEN PREDECESSORS TO WESTERN MORTGAGE. MEANWHILE, LOWES CONTINUED TO OCCUPY AND USE THE LAND UP TO THE FENCE LINE CONSTRUCTED BEFORE THE ERRONEOUS DEED. EVERY CORNER EXCEPT ONE WAS FOUND TO BE MARKED BY MONUMENTS LIKELY PREDATING THE ERRONEOUS DEED AND CERTAINLY PREDATING THE RECENT MONUMENTS PLACED BASED ON THE ERRONEOUS DESCRIPTION.

LEGEND

- SECTION CORNER LOCATED
- SECTION CORNER CALCULATED
- SECONDARY SECTION CORNER LOCATED
- SECONDARY SECTION CORNER CALCULATED
- OTHER MONUMENT FOUND
- OTHER MONUMENT CALCULATED
- PROPERTY CORNER AT EXISTING FENCE POST
- PROPERTY CORNER FOUND AS NOTED
- $\frac{5}{8}$" REBAR WITH CAP SET AT CORNER
- SECTION LINE
- $\frac{1}{4}$ SECTION LINE
- $\frac{1}{16}$ SECTION LINE
- $\frac{1}{64}$ SECTION LINE
- MISC. TIE
- BOUNDARY
- LOT LINE
- ADJACENT PARCEL LINE
- FENCE LINE

JT Engineering & Design LLC
PO Box 216 Jensen, UT 84035
(801)358-5297

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2025-04 Approving a Power Impact Fee Facilities Plan, a Power Impact Fee Analysis, and an Impact Fee for Power on Development

Discussion: Hurricane City collaborated with LRB Public Finance Advisors and Intermountain Consumer Professional Engineers to conduct a new Impact Fee Analysis and develop an Impact Fee Facility Plan. The previous analysis was completed in 2018, when the City Council approved impact fees at 75% of the recommended rate. In November 2022, the Council adjusted the recovery rate to 100% of the 2018 calculation. The latest recommendation proposes a 132% increase in impact fees. The Power Board discussed this item at its last meeting, and the Power Board is expected to make a recommendation on April 2 (the day before the Council's meeting). A public hearing was held on March 20, 2025, with no public comments submitted. For a more detailed summary, refer to page 5 of the Impact Fee Analysis (IFA) document.

Findings:

Recommendation:

ORDINANCE 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH APPROVING AN IMPACT FEE FACILITIES PLAN, AN IMPACT FEE ANALYSIS, AND IMPACT FEE FOR POWER AND IMPOSING DEVELOPMENT IMPACT FEES FOR POWER

WHEREAS the City Council of Hurricane, Utah has by ordinance previously imposed impact fees in order to provide funding for public utilities and services needed to serve property and residents within the City of Hurricane; and

WHEREAS the City has undertaken a study for the purpose of preparing An Impact Fee Facilities Plan ("IFFP") and Impact Fee Analysis ("IFA") for power in accordance with the Utah Impact Fee Act contained in Utah law, which identify the demands placed upon existing facilities and services by new development activity and the proposed means by which the City will meet those demands; and

WHEREAS the City Council desires to give formal acceptance and approval of the IFFP and IFA; and

WHEREAS the City Council finds and determines that the IFFP and IFA establishes a need to impose impact fees on development activity in order to achieve an equitable allocation to the costs borne in the past and to be borne in the future; and

WHEREAS the City desires to assess and impose impact fees based upon IFFP and IFA and the analysis contained therein; and

WHEREAS a public hearing, after public notice as required by law, has been held by the Hurricane City Council on the 20th day of March, 2025 to take comments on the IFFP, IFA, and this proposed ordinance, a copy of which was made available at the Hurricane City Office and the Hurricane Branch of the Washington County Library for a period of 10 days prior to the public hearing;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah as follows:

1. The City of Hurricane hereby approves and adopts herewith the Impact Fee Facility Plan ("IFFP") prepared by Intermountain Consumer Professional Engineers, Inc. and the Impact Fee Analysis ("IFA") prepared and certified by LRB Public Finance Advisors.

2. Based upon the analysis set forth in the IFFP and IFA approved above, the City hereby adopts at a 100% recovery level the Proposed Fee set forth in Table 1.2 of the IFA.

3. The service area for this Power Impact Fee is identified in Figure 3.1 of the IFA.

4. The fees adopted herein are based upon growth in kilowatts ("kWs"). The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities. A developer may submit a written request, supported by studies and data for a particular development, and request an adjustment, with the developer being responsible for all reasonable costs incurred by the City to analyze the request, including the cost to retain electrical engineers and financial analysts. Any adjustment could result in a higher or lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The analysis within the IFFP and the IFA, together with the following formula, will generally guide the analysis of a requested adjustment: Estimated Diversified kW Usage * $1,054.68. The City is authorized to adjust the standard impact fee at the time the fee is charged to: (1) Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected and (2) Ensure that the impact fees are imposed fairly. Any adjustments to the standard impact fee shall be made by the City Council at a regularly scheduled meeting.

5. Pursuant to Hurricane City Code, Title 9, Chapter 6, a developer, including a school district or charter school, is allowed a credit against or proportionate reimbursement of an impact fee if the developer: (1) Dedicates land for a system improvement; (2) Builds and dedicates some or all of a system improvement; (3) Dedicates a public facility that the City and the developer agree will reduce the need for a system improvement; (4) Dedicates land for, improvement to, or new construction of, any system improvements by the developer if the facilities are system improvements or are dedicated to the public and offset the need for an identified system improvement.

BE IT FURTHER ORDAINED that this ordinance shall take effect 90 days from the date of adoption, as required by law.

PASSED AND APPROVED THIS _____ DAY OF _____, 2025.

_____
Mayor Nanette Billings

ATTEST:

_____
Cindy Beteag, Recorder

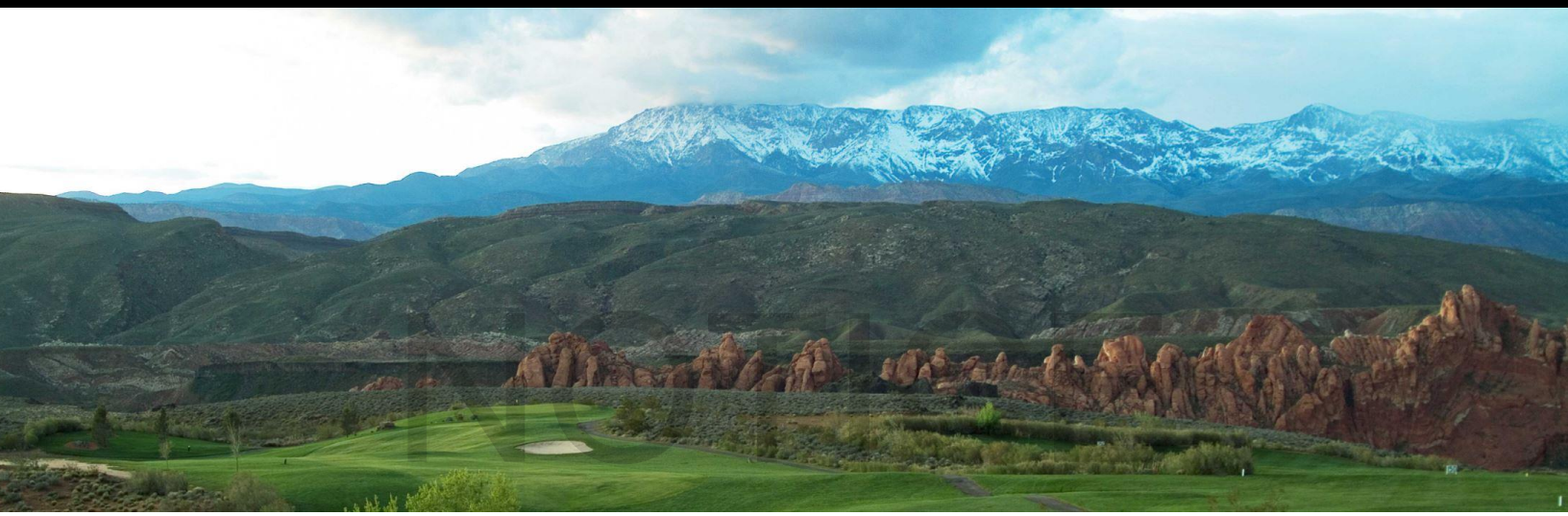
The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of April, 2025. Whereupon a motion to

adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

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

_____

Cindy Beteag, Recorder



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HURRICANE UTAH

IMPACT FEE ANALYSIS (IFA)

ELECTRICAL TRANSMISSION AND SUBSTATIONS

MARCH 2025

PREPARED BY:

LRB PUBLIC FINANCE ADVISORS
FORMERLY LEWIS YOUNG ROBERTSON & BURNINGHAM INC.

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IMPACT FEE CERTIFICATION

IFA CERTIFICATION

LRB Public Finance Advisors certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
    a. allowed under the Impact Fees Act; and
    b. actually incurred; or
    c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
    a. costs of operation and maintenance of public facilities;
    b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
    c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

LRB Public Finance Advisors makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LRB PUBLIC FINANCE ADVISORS

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DEFINITIONS

The following acronyms or abbreviations are used in this document:

IFA: Impact Fee Analysis

IFFP: Impact Fee Facilities Plan

kVA: Kilo-volt-amperes

kW: Kilowatt

LOS: Level of Service

LRB: LRB Public Finance Advisors (Formerly Lewis Young Robertson & Burningham, Inc.)

M: Million

MW: Megawatt

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SECTION 1: EXECUTIVE SUMMARY

The purpose of the electrical transmission and substation Impact Fee Analysis ("IFA") is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act", and assist Hurricane City (the City) in financing and constructing necessary capital improvements for future growth. This document will address the appropriate impact fees the City may charge to new growth to maintain the level of service (LOS) as defined in the Impact Fee Facilities Plan, dated August 2024.

- **Impact Fee Service Areas:** The impact fees identified in this document will be assessed within the proposed Service Area, as discussed in **SECTION 3**.
- **Demand Analysis:** A total of 39,883 additional kilowatts (kWs) of demand will be generated within the current Service Area in the IFFP planning horizon. See **SECTION 3** for details regarding growth in kWs.
- **Level of Service:** The LOS is based on loading to the base rating on substation transformers and system voltage criteria. **Section 3** provides the LOS information used in this analysis. New facilities are designed to maintain the diversified kW LOS.
- **Excess Capacity:** This analysis includes excess capacity related to substations and the transmission system.
- **Capital Facilities Analysis:** The IFFP has identified the growth-related projects needed within the next ten years. The total construction cost related to growth is **$38.6M**, based on an inflation rate of four percent annually.
- **Financing of Future Facilities:** This analysis assumes the City will not utilize bond financing to fund future infrastructure.

NOTICE
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SUMMARY OF PROPOSED IMPACT FEES

The impact fees proposed in this analysis will be assessed within the Service Area. The tables below illustrate the calculated impact fee for electric transmission and substation facilities.

TABLE 1.1: ILLUSTRATION OF COST PER NEW KW

	TOTAL COSTS	% GROWTH RELATED AND IMPACT FEE FUNDED	GROWTH RELATED & CITY FUNDED COSTS	GROWTH RELATED KW	COST PER NEW KW
Buy-In: Existing Substation Transformers	$13,191,976	28%	$3,758,111	39,883	$94.23
Future System Improvements	$49,006,901	79%	$38,621,695	39,883	$968.37
Financing	$0	79%	$0	39,883	$0.00
Professional Expense	$73,925	82%	$60,363	26,740	$2.26
Interest Credit	($406,000)	100%	($406,000)	39,883	($10.18)
TOTALS:	**$61,866,802**		**$42,034,169**		**$1,054.68**

Professional expense is based on the cost to complete the IFFP and IFA.

TABLE 1.2: ILLUSTRATION OF IMPACT FEE BY PANEL SIZE

PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (KVA)	POWER FACTOR	ESTIMATED DIVERSIFIED KW	PROPOSED FEE	EXISTING FEE	% CHANGE
Residential (120/240, 1 phase)									
125	240	30	12.50%	3.75	95%	3.56	$3,757	$1,622	132%
200	240	48	12.50%	6.00	95%	5.70	$6,012	$2,595	132%
400	240	96	12.85%	12.34	95%	11.72	$12,360	$5,190	138%
600	240	144	12.85%	18.50	95%	17.58	$18,540	$7,785	138%
Commercial (120/240, 1 phase)									
200	240	48	25.00%	12.00	90%	10.80	$11,391	$4,902	132%
400	240	96	25.00%	24.00	90%	21.60	$22,781	$9,803	132%
600	240	144	25.00%	36.00	90%	32.40	$34,172	$14,705	132%
800	240	192	25.00%	48.00	90%	43.20	$45,562	$19,607	132%
Commercial (120/208, 3 phase)									
200	208	72	25.00%	18.01	90%	16.21	$17,098	$7,358	132%
400	208	144	25.00%	36.03	90%	32.42	$34,197	$14,715	132%
600	208	216	25.00%	54.04	90%	48.64	$51,295	$22,073	132%
800	208	288	25.00%	72.05	90%	64.85	$68,394	$29,431	132%
1,000	208	360	25.00%	90.07	90%	81.06	$85,492	$36,788	132%
1,200	208	432	25.00%	108.08	90%	97.27	$102,591	$44,146	132%
1,600	208	576	25.00%	144.11	90%	129.70	$136,788	$58,861	132%
1,800	208	648	25.00%	162.12	90%	145.91	$153,886	$66,219	132%
2,000	208	721	25.00%	180.13	90%	162.12	$170,985	$73,577	132%
2,500	208	901	25.00%	225.17	90%	202.65	$213,731	$91,971	132%
3,000	208	1,081	25.00%	270.20	90%	243.18	$256,477	$110,365	132%
Commercial (277/480, 3 phase)									
200	480	166	25.00%	41.57	90%	37.41	$39,458	$16,979	132%
400	480	333	25.00%	83.14	90%	74.82	$78,916	$33,958	132%
600	480	499	25.00%	124.71	90%	112.24	$118,374	$50,938	132%
800	480	665	25.00%	166.28	90%	149.65	$157,832	$67,917	132%
1,000	480	831	25.00%	207.85	90%	187.06	$197,290	$84,896	132%
1,200	480	998	25.00%	249.42	90%	224.47	$236,748	$101,875	132%
1,600	480	1,330	25.00%	332.55	90%	299.30	$315,664	$135,834	132%
1,800	480	1,496	25.00%	374.12	90%	336.71	$355,122	$152,813	132%
2,000	480	1,663	25.00%	415.69	90%	374.12	$394,580	$169,792	132%
2,500	480	2,078	25.00%	519.62	90%	467.65	$493,225	$212,241	132%
3,000	480	2,494	25.00%	623.54	90%	561.18	$591,870	$254,689	132%

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A detailed explanation of the increase in the proposed impact fee is in **Section 6** of this report.

NON-STANDARD IMPACT FEES

The proposed fees are based upon growth in kWs. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.[1] A developer may submit studies and data for a particular development and request an adjustment. This adjustment could result in a higher or lower impact fee if the City

[1] UC 11-36a-402(1)(c)

determines that a particular user may create a different impact than what is standard for its land use. The following formulas will help determine the non-standard impact fee.

Estimated Diversified kW Usage * $1,054.68

The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.
- A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity will use to calculate each impact fee.
- A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
    - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
    - Ensure that the impact fees are imposed fairly.
- A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- A provision that allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
    - Dedicates land for a system improvement.
    - Builds and dedicates some or all of a system improvement.
    - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- A provision that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
    - Are system improvements; or,
    - Dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment may include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity. The impact fee exemption for development activity attributable to a school district or charter school should be applied equally to either scenario.

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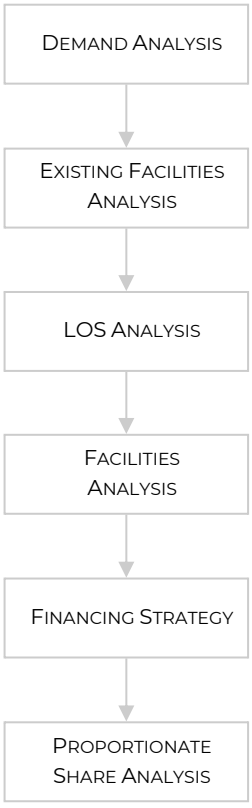
SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP identifies the demands placed upon the City's existing facilities by future development and evaluates how these demands will be met by the City. The IFFP is also intended to outline the improvements, which are intended to be funded by impact fees. The purpose of IFA is to allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. The Impact Fee Act requires that the IFFP and IFA consider the historic level of service provided to existing development and ensure that the proposed impact fees maintain the existing level of service. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP and IFA. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will affect system facilities.

NOTICE

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

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LEVEL OF SERVICE ANALYSIS

"Level of service" or LOS means the defined performance standard or unit of demand for each capital component of a public facility within a service area. Through the inventory of existing facilities, combined with the growth assumptions, this analysis identifies the existing LOS that is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.[2] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[3]

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future (UCA 11-36a-302).

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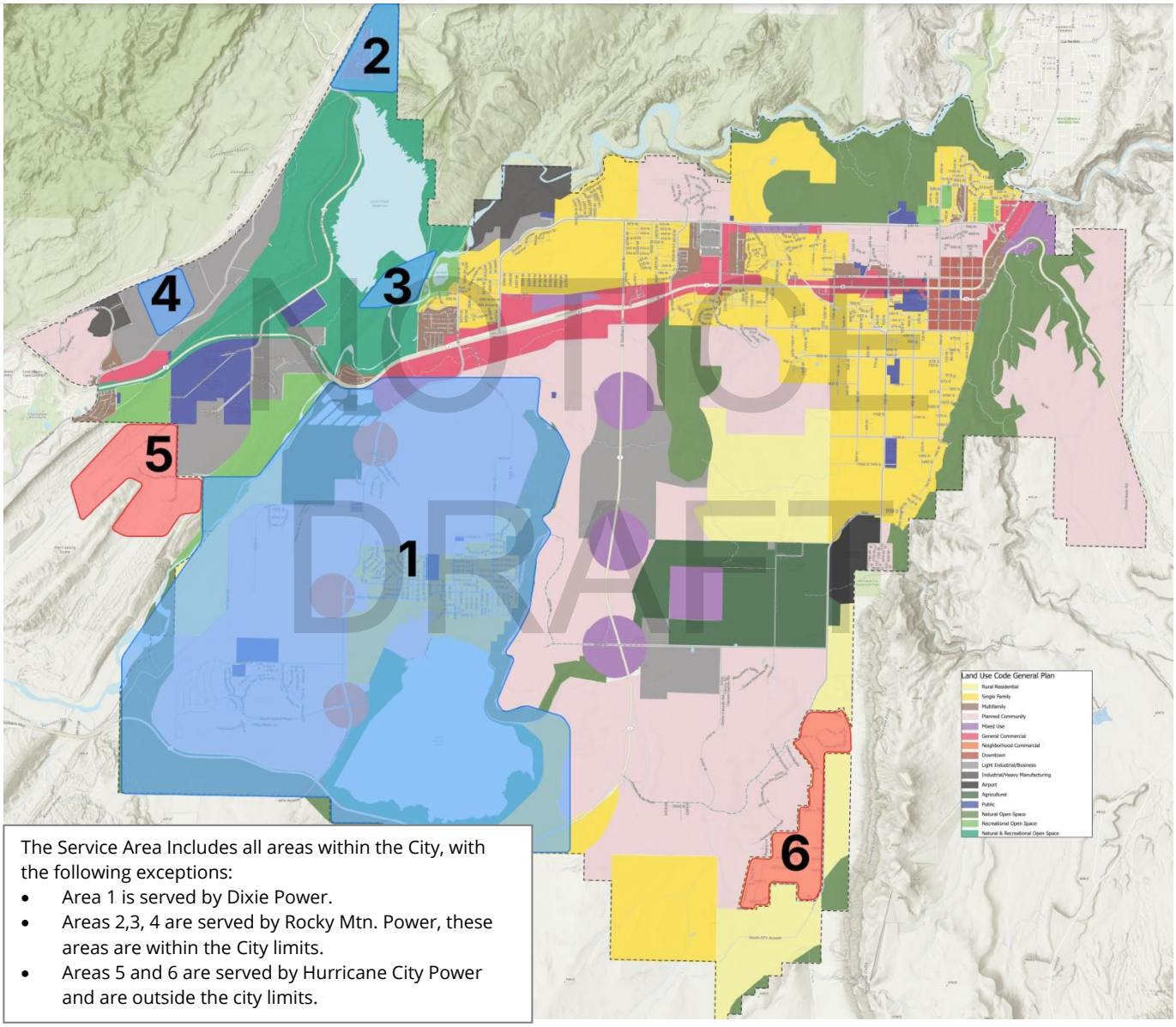
[2] 11-36a-302(2)
[3] 11-36a-302(3)

SECTION 3: SERVICE AREA, DEMAND, AND LOS

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.[4] This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future. According to the 2024 IFFP, the Service Area includes areas within the City boundary as shown in **Figure 3.1**.

FIGURE 3.1: POWER SERVICE AREA



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The Service Area Includes all areas within the City, with the following exceptions:

- Area 1 is served by Dixie Power.
- Areas 2,3, 4 are served by Rocky Mtn. Power, these areas are within the City limits.
- Areas 5 and 6 are served by Hurricane City Power and are outside the city limits.

[4] UC 11-36a-402(1)(a)

DEMAND

The City's electrical system requires expansion to maintain the existing LOS as new growth and development activity occurs within the Service Area. To accurately determine the portion of the costs of future capital infrastructure that should be included in the impact fees, this analysis projects the future growth in megawatts (MW) and kilowatts (kW). The demand unit used in the calculation of the electrical impact fees is the estimated MW and kW at a power factor of 95 percent for residential and 90 percent for commercial.[5] **TABLE 3.1** summarizes the projected annual increase in kWs within the Service Area.

TABLE 3.1: PROJECTED DEMAND

DESCRIPTION	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Total System CP Demands (kW)	50,635	54,686	59,061	63,786	68,888	74,399	77,375	80,470	83,689	87,037	90,518
Ten Year Demand	**39,883**										

It is anticipated that new growth will have an impact on the City's existing services. Electrical facilities will need to be expanded to maintain the existing LOS. The IFFP, in conjunction with the impact fee analysis, are designed to accurately assess the true impact of a particular user upon the City's infrastructure.

NOTICE
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LEVEL OF SERVICE STANDARDS

Impact fees cannot be used to finance an increase in the LOS to current or future users of capital improvements. Therefore, it is important to identify the LOS within the Service Area to ensure that the new capacities of projects financed through impact fees do not exceed the established standard. According to the most recent IFFP, the City plans, designs and operates its system based on the following criteria:

- Transformer ratings under varying load levels and loading conditions must remain below their ONAN/ONFA/ONFA 55-degree rating.
- Dual bay substations loading shall not exceed 75% of combined ONAN/ONFA/ONFA 55-degree MVA rating of power transformers.
- The system must be able to adequately serve load under single contingency (N-1) situations, where "N" is a power system element such as a transformer or line.
- The system switching required under an N-1 contingency should remain as simplified as possible to ensure that switching orders do not become unnecessarily complex.
- Distribution circuit loading criteria must remain below 90% of its maximum current rating.
- Transmission circuit voltage must remain between 95% and 105% of its nominal value.
- Distribution circuit voltage must remain between 98% and 105% (at loads) of its nominal value.
- Distribution circuit mains must be able to serve additional load under N-1 contingencies.

The above criteria were used to determine Hurricane City's facility needs based on the amount of load (i.e., demand) placed on the existing system over the study planning horizon.

[5] Power factor (p.f.) is the ratio of working power, measured in kilowatts (kW), to apparent power, measured in kilovolt amperes (kVA). The power factor of the present system is acceptable, above 0.95. The system power factor is primarily influenced by the types and level of loads on the system and the amount of shunt capacitors installed in the system.

SECTION 4: EXISTING FACILITIES & EXCESS CAPACITY

This section is intended to summarize the existing public facilities related to electric transmission and substation infrastructure. The IFFP indicates the City is served by PacifiCorp's Purgatory Flat Transmission Substation with two radial 69kV lines, one line feeds Anticline substation and the other line feeds the other three 69kV substations. The radial 69kV line interconnects Hurricane City's four Distribution substations. Hurricane City's electrical system currently has four power distribution substations: Anticline Substation, Brentwood Substation, Clifton Wilson Substation, and Three Falls Substation. It is noted that during the time of this study Three Falls Substation was under construction but was not yet operating. So, the peak loading for Three Falls Substation was estimated.[6]

VALUE OF EXISTING INFRASTRUCTURE

Based upon data provided by the City using the electric utility depreciation schedule, the existing system is valued at approximately $42M, based on original cost as shown in **TABLE 4.1**. Generation is excluded from the calculation of buy-in. Project improvements and non-eligible values are excluded from the analysis.

NOTICE DRAFT

TABLE 4.1: VALUE OF EXISTING SYSTEM

Total System Value	$42,235,807
Eligible Distribution/Transmission	$4,951,860
Eligible Substations	$8,240,115
Subtotal of Eligible Value	**$13,191,976**
Estimate of Buildout Demand	140,000
IFFP Demand	39,883
% of Total	**28%**

EXCESS CAPACITY

The City maintains a network of transmission and distribution infrastructure. **TABLE 4.2** and **4.3** illustrate the capacity analysis for the existing transformers and feeder loads. Based on this analysis, there is excess capacity related to existing infrastructure. The excess capacity is assumed to serve development through buildout.

MANNER OF FINANCING EXISTING INFRASTRUCTURE

The City has funded its existing capital infrastructure through a combination of different revenue sources, including user fee revenues, service fees, and impact fees. Therefore, the City's existing LOS standards have been funded by the City's existing residents. The City does not foresee receiving revenues from other entities (i.e., grants, federal or state funds, other contributions, etc.) to fund new facilities.

[6] IFFP p.7. This station is now in operation.

SECTION 5: CAPITAL FACILITY ANALYSIS

The capital project and engineering data, planning analysis, and other information related to future capital needs can be found in the 2024 IFFP. The accuracy and correctness of this plan is contingent upon the accuracy of the data and assumptions. Any deviations or changes in the assumptions due to changes in the economy or other relevant information used by the City for this study may cause this plan to be inaccurate and may require modification to this analysis to ensure accuracy.

SUMMARY OF FUTURE CAPITAL FACILITIES

Based upon the projected increase in kWs and demand on the system, the City has identified the future capital projects that must be constructed over the next ten years to serve future development. The costs of these projects are summarized in **TABLE 5.1**. The percentage of the total cost that is attributable to growth is based upon the ratio of the capacity available for meeting future growth in the 10-year IFFP demand period to the total capacity provided by the project. All the projects listed in the table below have a life expectancy of more than 10 years.

TABLE 5.1: SUMMARY OF FUTURE CAPITAL PROJECT COSTS

PROJECT # & TITLE	OPINION OF PROBABLE COST	YEAR	CONSTRUCTION YEAR COST	% TO IFFP DEMAND	COST TO GROWTH
Replace Anticline T1	$1,943,675	2025	$2,021,422	50.0%	$1,010,711
New 138kV line from Purgatory to Future Sub 1	$6,404,366	2026	$6,926,962	75.0%	$5,195,222
New Future Substation 1	$7,690,408	2027	$8,650,663	100.0%	$8,650,663
New 138kV line from Future Sub 1 to Three Falls	$3,100,207	2027	$3,487,311	75.0%	$2,615,483
Three Falls Substation Bay 2	$3,728,421	2029	$4,536,194	80.0%	$3,628,955
New 69kV line to Sky Mountain	$200,805	2029	$244,310	95.0%	$232,094
New Sky Mountain Substation	$5,503,354	2030	$6,963,498	95.0%	$6,615,324
New 138kV line to 600 North	$685,450	2031	$902,005	75.0%	$676,504
New 138kV line from 600 North to Three Falls	$1,339,409	2032	$1,833,074	75.0%	$1,374,805
Three Falls substation Bay 1 Upgrade	$2,119,390	2032	$2,900,532	60.0%	$1,740,319
New 138kV line to Future Substation 2	$210,848	2033	$300,102	75.0%	$225,077
New 138kV-69kV Future Substation 2	$7,195,069	2033	$10,240,827	65.0%	$6,656,537
Total	**$40,121,402**		**$49,006,901**		**$38,621,695**

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The projected resource needs for the next several years are detailed in the following paragraphs. The estimated costs of future capital projects are based on historical experience with the system and projected growth patterns for the system.

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities that are intended to provide services to service areas within the community at large.[7] Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants

[7] 11-36a-102(20)

or users of that development.[8] The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. However, impact fees will be used for the substations, etc. since these are considered system improvements.

FUNDING OF FUTURE FACILITIES

Future facilities are generally funded using the following resources:

UTILITY RATE REVENUES

Utility rate revenues serve as the primary funding mechanism within enterprise funds. Rates are established to ensure appropriate coverage of all operations and maintenance expenses, debt service coverage, and capital project needs not related to growth.

GRANTS AND DONATIONS

The City does not anticipate receiving grants or donations to fund improvements currently contemplated in this IFFP. However, the impact fees will be adjusted if grants become available to reflect the grant monies received. A donor may be entitled to reimbursement for the value of the system improvements funded through impact fees if donations are made by new development. **SECTION 6** further addresses proposed credits available to development.

NOTICE

IMPACT FEE REVENUES

Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service cannot be funded with impact fee revenues. Impact fee revenues are generally considered non-operating revenues and help offset future capital costs. The City is opting to include the unincumbered impact fee fund balance, estimated at $2,932,150, as a credit against future impact fee capital costs.

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DEBT FINANCING

In the event the City has not accumulated sufficient impact fees to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt. Debt financing costs are not included in this analysis.

EQUITY OF IMPACT FEES

Impact fees are intended to cover the costs of system improvements (infrastructure) that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years when actual impact fee revenues cannot cover the annual growth-related expenses. In those years, growth-related projects may be delayed, or other revenues

[8] 11-36a102(13)

such as general utility rate revenues may be borrowed to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through subsequent impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms have been identified to help offset the cost of future capital improvements.

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SECTION 6: ELECTRICAL IMPACT FEE CALCULATION

The calculation of impact fees relies upon the information contained in this analysis. Impact fees are calculated based on many variables centered on proportionality and LOS. The following paragraph briefly discusses the methodology for calculating impact fees. Impact fees can be calculated using a specific set of costs specified for future development. The improvements are identified in the IFFP as growth-related projects. The total project costs are divided by the total demand units the projects are designed to serve. Under this methodology, it is important to identify the existing LOS and determine any excess capacity in existing facilities that could serve new growth.

Impact Fee Calculation

Based on the growth-related projects, as well as the applicable buy-in fee, the cost per new kW is estimated at $1,054.68, as shown in **Table 6.1**.

Table 6.1: Estimate of Impact Fee Cost per kW

	Total Costs	% Growth Related and Impact Fee Funded	Growth Related & City Funded Costs	Growth Related kW	Cost per New kW
Buy-In: Existing Substation Transformers	$13,191,976	28%	$3,758,111	39,883	$94.23
Future System Improvements	$49,006,901	79%	$38,621,695	39,883	$968.37
Financing	$0	79%	$0	39,883	$0.00
Professional Expense	$73,925	82%	$60,363	26,740	$2.26
Interest Credit	($406,000)	100%	($406,000)	39,883	($10.18)
TOTALS:	**$61,866,802**		**$42,034,169**		**$1,054.68**

Professional expense is based on the cost to complete the IFFP and IFA.

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The fee per kW is then applied to the general usage statistics for residential and commercial users, as shown in **Table 6.2**. The higher impact fee base cost per kW in this analysis comes from the type of proposed projects in this analysis, the higher cost of system components and the increased costs construction labor since the last analysis was done.

Table 6.2: Illustration of Impact Fee by Panel Rating

Panel Rating	Line-to-Line Voltage	100% Panel kVA	Avg Panel Loading	Avg Peak Demand @ Panel (kVA)	Power Factor	Estimated Diversified kW	Proposed Fee	Existing Fee	% Change
Residential (120/240, 1 phase)									
125	240	30	12.50%	3.75	95%	3.56	$3,757	$1,622	132%
200	240	48	12.50%	6.00	95%	5.70	$6,012	$2,595	132%
400	240	96	12.85%	12.34	95%	11.72	$12,360	$5,190	138%
600	240	144	12.85%	18.50	95%	17.58	$18,540	$7,785	138%
Commercial (120/240, 1 phase)									
200	240	48	25.00%	12.00	90%	10.80	$11,391	$4,902	132%
400	240	96	25.00%	24.00	90%	21.60	$22,781	$9,803	132%
600	240	144	25.00%	36.00	90%	32.40	$34,172	$14,705	132%
800	240	192	25.00%	48.00	90%	43.20	$45,562	$19,607	132%
Commercial (120/208, 3 phase)									
200	208	72	25.00%	18.01	90%	16.21	$17,098	$7,358	132%
400	208	144	25.00%	36.03	90%	32.42	$34,197	$14,715	132%

PANEL RATING	LINE-TO-LINE VOLTAGE	100% PANEL KVA	AVG PANEL LOADING	AVG PEAK DEMAND @ PANEL (KVA)	POWER FACTOR	ESTIMATED DIVERSIFIED KW	PROPOSED FEE	EXISTING FEE	% CHANGE
600	208	216	25.00%	54.04	90%	48.64	$51,295	$22,073	132%
800	208	288	25.00%	72.05	90%	64.85	$68,394	$29,431	132%
1,000	208	360	25.00%	90.07	90%	81.06	$85,492	$36,788	132%
1,200	208	432	25.00%	108.08	90%	97.27	$102,591	$44,146	132%
1,600	208	576	25.00%	144.11	90%	129.70	$136,788	$58,861	132%
1,800	208	648	25.00%	162.12	90%	145.91	$153,886	$66,219	132%
2,000	208	721	25.00%	180.13	90%	162.12	$170,985	$73,577	132%
2,500	208	901	25.00%	225.17	90%	202.65	$213,731	$91,971	132%
3,000	208	1,081	25.00%	270.20	90%	243.18	$256,477	$110,365	132%
Commercial (277/480, 3 phase)									
200	480	166	25.00%	41.57	90%	37.41	$39,458	$16,979	132%
400	480	333	25.00%	83.14	90%	74.82	$78,916	$33,958	132%
600	480	499	25.00%	124.71	90%	112.24	$118,374	$50,938	132%
800	480	665	25.00%	166.28	90%	149.65	$157,832	$67,917	132%
1,000	480	831	25.00%	207.85	90%	187.06	$197,290	$84,896	132%
1,200	480	998	25.00%	249.42	90%	224.47	$236,748	$101,875	132%
1,600	480	1,330	25.00%	332.55	90%	299.30	$315,664	$135,834	132%
1,800	480	1,496	25.00%	374.12	90%	336.71	$355,122	$152,813	132%
2,000	480	1,663	25.00%	415.69	90%	374.12	$394,580	$169,792	132%
2,500	480	2,078	25.00%	519.62	90%	467.65	$493,225	$212,241	132%
3,000	480	2,494	25.00%	623.54	90%	561.18	$591,870	$254,689	132%

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NON-STANDARD IMPACT FEES

The proposed fees are based upon growth in kWs. The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.[9] A developer may submit studies and data for a particular development and request an adjustment. This adjustment could result in a higher or lower impact fee if the City determines that a particular user may create a different impact than what is standard for its land use.

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Estimated Diversified kW Usage * $1,054.68

[9] UC 11-36a-402(1)(c)

CALCULATION OF IMPACT FEE INTEREST CREDIT

This analysis calculates projected interest earnings and applies a credit in the fee calculation. The table below illustrates that the proposed impact fee revenue collections compared to impact fee expense, with interest credit applied.

TABLE 6.3: IMPACT FEE INTEREST CALCULATION

YEAR	KW	NEW KW	FEE PER KW	PROJECTED REVENUE	PROJECTED EXPENSE	PROJECTED BUY-IN EXPENSE	NET	CUMULATIVE	INTEREST EARNED
2023	50,635								
2024	54,686	4,051	$1,055	$4,272,509	$0	($381,726)	$3,890,783	$3,890,783	$38,908
2025	59,061	4,375	$1,055	$4,614,225	($1,010,711)	($412,256)	$3,191,258	$7,082,041	$70,820
2026	63,786	4,725	$1,055	$4,983,363	($5,195,222)	($445,237)	($657,095)	$6,495,766	$64,958
2027	68,888	5,102	$1,055	$5,380,977	($11,266,147)	($480,761)	($6,365,931)	$194,793	$1,948
2028	74,399	5,511	$1,055	$5,812,341	$0	($519,302)	$5,293,040	$5,489,781	$54,898
2029	77,375	2,976	$1,055	$3,138,728	($3,861,050)	($280,428)	($1,002,751)	$4,541,928	$45,419
2030	80,470	3,095	$1,055	$3,264,235	($6,615,324)	($291,642)	($3,642,731)	$944,616	$9,446
2031	83,689	3,219	$1,055	$3,395,015	($676,504)	($303,326)	$2,415,184	$3,369,247	$33,692
2032	87,037	3,348	$1,055	$3,531,069	($3,115,124)	($315,482)	$100,462	$3,503,402	$35,034
2033	90,518	3,481	$1,055	$3,671,341	($6,881,614)	($328,015)	($3,538,288)	$148	$1
Total				**$42,063,802**	**($38,621,695)**	**($3,758,175)**			

Assumes interest earnings based on one percent interest rate.

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CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See **SECTION 5** for further discussion regarding the consideration of revenue sources.

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EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next five to six years should be spent or encumbered on only those projects outlined in the IFFP as growth-related costs to maintain the LOS or to reimburse existing development for excess capacity used. The existing impact fee fund balance is included in this analysis and will be spent on the projects that are shown here that were identified in the prior Impact Fee Facilities Plan (also included in this analysis).

PROPOSED CREDITS OWED TO DEVELOPMENT

Credits may be applied to developers who have constructed and donated system facilities to the City that are included in the IFFP in-lieu of impact fees. Credits for system improvements may be available to developers up to, but not exceeding, the amount commensurate with the LOS identified within this IFA. Credits will not be given for the amount by which system improvements exceed the LOS identified within this IFA. This situation does not apply to developer exactions or improvements required to offset density or as a condition of development. Any project that a developer funds must be included in the IFFP, if a credit is to be issued.

In the situation that a developer chooses to construct system facilities found in the IFFP in-lieu of impact fees, the decision must be made through negotiation with the developer and the City on a case-by-case basis.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. A four percent annual construction inflation adjustment is applied to projects completed after 2023 (the base year cost estimate).

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Hurricane City

Electrical Transmission and Substation Impact Fee Facility Plan

November 2024
Rev 1

Intermountain Consumer Professional Engineers, Inc.
1145 East South Union Avenue
Midvale, Utah 84047
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SECTION I GENERAL

Introduction

Intermountain Consumer Professional Engineers, Inc. ("ICPE") performed studies and analyses for Hurricane City to update their Electrical Power Capital Facilities Plan and Impact Fee Facilities Plan.

ICPE utilized load predictions in the studies that were developed using recent load data provided by Hurricane City and load trends observed in Hurricane City over the past several years. The future loads used in the studies are predictions and do not reflect actual values which prevents ICPE from guaranteeing or assuring that the recommendations reflect actual events that will occur in the future. However, it is believed that all predictions and observations used in the study are reasonable and appropriate for the purpose of the Capital Facilities Plan and Impact Fee Facilities Plan.

Impact Fees - General

Impact fees are generally used by cities to fund infrastructure projects necessary to provide services to new developments within the city's boundary. The new development should bear the additional or incremental capital cost for the services, existing residents who do not benefit from the new development should not bear the costs for services to the new development. Impact fees are not intended for operating expenses or for corrections to existing deficiencies in the services presently being provided by a city. Impact fees are based on anticipated new load increase to the electrical system due to the new developments. The improvements outlined in the plans are required to maintain the present level of service to both new and existing customers.

Impact Fees - Utah

In Utah, impact fees are governed by state statute, specifically U.C.A. 1953 § 11-36a-102. The Statute requires that each governmental agency that imposes an impact fee shall (1) prepare an Impact Fee Facilities Plan (§ 11-36a-301), (2) perform an Impact Fee Analysis (§ 11-36a-303), (3) calculate the Impact Fee(s) (§ 11-36a-305) and (4) certify the Impact Fee Facilities Plan (§ 11-36a-306).

As stated in the Statute, the "Impact Fee Facilities Plan ("IFFP") shall identify (a) demands placed upon existing public facilities by new development activity; and (b) the proposed means by which the political subdivision will meet those demands." The IFFP shall also consider all revenue sources,

including impact fees, used to finance impacts on system improvements. This report incorporates the most recent Hurricane City Capital Facilities Plan ("CFP"), dated August 2024. In general, the CFP outlines all projects necessary to maintain electrical service to existing customers and the IFFP outlines fees for the improvements necessary to provide service to new developments and customers. Projects identified in the CFP may be due to the correction of an existing deficiency or improvement necessary to maintain reliability and are not included in the IFFP.

The Utah Statute requires the governmental agency that imposes an impact fee to perform an analysis of the impact fee and document the results. The agency is also required to provide a summary document of the analysis that can be understood by a layman. The estimated impacts on the existing electrical system due to the new development are to be included in the Impact Fee Analysis (IFA) along with the costs associated with addressing the impacts. The IFA is also required to include the costs of existing capacity that will be recouped.

Impact Fee calculations may include the following:

(a) The construction cost.
(b) The cost of acquiring land and material.
(c) The cost for planning, surveying, and engineering fees for services provided to design the construction.
(d) Debt service charges, if the impact fees are used to pay the principal and interest on bonds or other obligations to finance the costs of the construction.

Impact Fee calculations are to be based on local industry standard material and labor estimates. The assumptions used to develop the estimates are to be included in the IFA. The IFFP and the IFA area to be certified by the person or entity that prepared the documents.

Hurricane City

Hurricane City is located in southwest Utah in Washington County, approximately 140 miles northeast of Las Vegas, NV. According to the US Census, the land area is 31.5 square miles and the estimated population in 2022 was about 20,609 persons. The median resident age is 43.3 years, the average household size is 2.87 persons, and the median household income is about $64,182.

Hurricane can best be described as a suburban community since many of its resident's commute to work in the City of St. George other nearby business areas. Hurricane, as well as the surrounding area has a rapidly growing population.

Electricity Supply

General

Figure 1 illustrates the three basic components of an electrical system, an electric generator that creates the electricity, a transmission system that carries the electricity to the distribution system; and the distribution system that delivers the electricity to the customer.

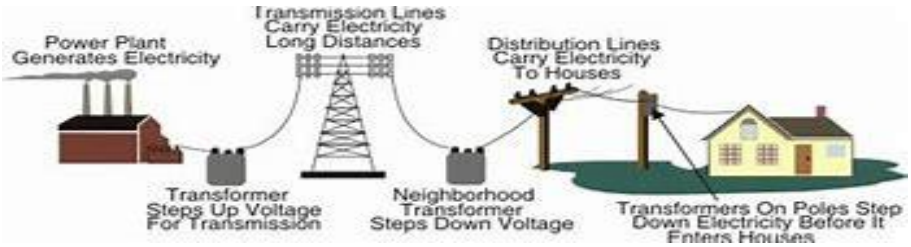


Figure 1

Illustration of a Typical Power Delivery System

Electricity Generation

Electricity is produced by a generator that is powered by a fuel source. The generator can be a steam, hydro, turbine, diesel engine, wind, solar or geothermal. The generated electricity is provided to a utility through purchased power agreements, which can be a firm power agreement (long-term and short-term); unit power (a portion of a specific generating unit) and non-firm (usually short-term). The type and amount of each generating resource that is used by a utility to meet the electrical demand depends on the amount and duration of the demand, the availability of the generating units and the cost of the electricity from the generating units. To meet the hourly demand for electricity, each available generating resource is evaluated according to its availability, capacity and operating cost and then dispatched accordingly to meet the demand for electricity in each hour of the day.

The utility's peak demand is the highest demand for electricity in any one hour. It is during these peak hours that a utility will use multiple generating resources including its own generating resources.

Electricity Transmission

The electricity leaving the generator is stepped up to a higher voltage by a transformer and delivered to the transmission system. The transmission system consists of transmission power poles or towers, conductors, substations and other equipment necessary to deliver electricity from the generators to the utility.

Transmission of electricity to Hurricane City is through the Utah Associated Municipal Power Systems (UAMPS) transmission system. UAMPS receives electricity through Rocky Mountain Power's transmission system.

Electricity Distribution

Electricity distribution is the final stage in the delivery of electricity to customers. An electricity distribution system receives electricity from the transmission system and delivers it to consumers. A typical electric distribution system includes medium-voltage (138kV, 69 kV & 12.47 kV) power lines, substations, transformers, service drops and metering. The distribution system begins where the voltage is stepped down through transformer(s) and ends at the secondary service point at the customer's meter. Distribution circuits begin at the low-voltage side of the transformer located in the City's substation. Conductors for the distribution delivery system are either located overhead on utility poles or buried underground.

Most electric customers are connected to a pole mounted or pad mounted transformer that reduces the distribution voltage to the low voltage used by customers. Each customer has an electrical service connection and a meter.

SECTION II CAPITAL FACILITIES PLAN AND IMPACT FEE FACILITIES PLAN

General

The Impact Fee Facilities Plan identifies the additional electrical load placed on an existing electrical system by new developments, identifies additions or modifications to the existing electrical system necessary to meet the increased load and provides costs for the system additions or modifications. The Plan will enable the utility to determine how they will fund the projects necessary to meet the load increase to the system.

The following summarizes the results of the Capital Facilities Plan Update that was completed in August 2024 where load increases were identified, projects were proposed to meet the load increase and costs were provided for the proposed projects.

Historical Population and Load Growth

According to the U.S. Census Bureau, the Hurricane City's population in 2020 was approximately 20,609. The population grew to 25,209 by 2024 for an approximate 22.3% increase in population over four years. The following table is a summary of the population growth since 1960.

Table 2-1
Hurricane City Historical Population

Historical population		
Census	**Pop.**	**%±**
1960	1,251	
1970	1,408	12.5%
1980	2,660	88.9%
1990	4,014	50.9%
2000	8,560	113.3%
2010	13,748	60.6%
2014	15,032	9.3%
2020	20,609	37.1%
Est 2024	25,209	22.3%

Hurricane City experienced a high growth rate between 1980 and 1990 and between 1990 and 2010. However, the electrical load during these periods did not increase as significantly as the population. The annual historical load growth since 1987 is shown in Table 2-2.

Table 2-2
Hurricane City

Electrical Load History

	PEAK kW	
Year	Summer Peak	% Growth (Summer)
1991	5,544	
1992	6,497	17.19%
1993	6,675	2.74%
1994	8,267	23.85%
1995	9,364	13.27%
1996	11,467	22.46%
1997	11,632	1.44%
1998	13,101	12.63%
1999	13,836	5.61%
2000	16,200	17.09%
2001	15,600	-3.70%
2002	18,200	16.67%
2003	19,700	8.24%
2004	21,200	7.61%
2005	25,700	21.23%
2006	27,800	8.17%
2007	31,300	12.59%
2008	29,300	-6.39%
2009	31,243	6.63%
2010	31,315	0.23%
2011	31,435	0.38%
2012	32,870	4.56%
2013	33,731	2.62%
2014	31,502	-6.61%
2015	34,228	8.65%
2016	37,411	9.30%
2017	37,527	0.31%
2018	38,483	2.55%
2019	39,148	1.73%
2020	44,416	13.46%
2021	49,060	10.46%
2022	49,314	0.52%
2023	50,635	2.68%

Electric Infrastructure and Future Needs

Transmission

Hurricane City Power is served by PacifiCorp's Purgatory Flat Transmission Substation with two radial 69kV lines, one line feeds Anticline substation and the other line feeds the other three 69kV substations. The radial 69kV line interconnects Hurricane City Power's four Distribution substations. Future Substation 1, Future Substation 2, and Three Falls Substation are planned to be fed by a 138 kV line originating at Purgatory Flat. Sky Mountain Substation is planned to be fed by the 69 kV line originating at Purgatory Flat.

In the 5-year planning horizon the new proposed Future Substation 1 will need a new 138 kV transmission line to provide power to the substation. This new 138kV transmission line would feed the new substation from the existing Purgatory Substation. The proposed 138kV line would be served by the 138kV bus of the Purgatory Substation. The line would be approximately 8.1 miles of single circuit 1272 ACSR conductor. Future Substation 1 would also need to be designed to allow for two transmission lines. The 138kV line needs to be extended to the Three Falls Substation from Future Substation 1. This line is necessary to provide power to the proposed second bay of Three Falls. This 138 kV would be approximately 4.6 miles of single circuit 1272 ACSR conductor. Three Falls was designed in a ring bus configuration to accommodate the building of this line.

In the 10-year planning horizon, Sky Mountain Substation will need to get power from the existing 69kV line that runs along 600 North, this line will be approximately 200 ft of 795 ACSR single circuit conductor. Future Substation 2 will need to get power from the existing 138kV line that runs along 600 North, this line will be approximately 400 ft of 1272 ACSR single circuit conductor. A new 138 kV transmission line is proposed that will make a connection between the existing 138kV line and the proposed line that will feed Future Substation 1, this line is necessary to build before Three Falls Substation is upgraded to a 138 kV substation. This 138 kV line would be approximately .9 miles of single circuit 1272 ACSR conductor. The existing 1/0 ACSR 69 kV transmission line that provides power to Three Falls Substation will need to be upgraded to accommodate the upgraded substation equipment and new bay. This new line will connect to the existing 138kV line along 600 North and will be approximately 1.9 miles of 1272 ACSR single circuit conductor.

Substations

Hurricane City Power system currently has four power distribution substations: Anticline Substation, Brentwood Substation, Clifton Wilson Substation, and Three Falls Substation. It is noted that during the time of this study Three Falls Substation was under construction but was not yet operating. So, the peak loading for Three Falls Substation was estimated.

In the 5-year planning horizon Anticline T1 will need to be upgraded to a 20 MVA transformer to meet growth requirements in the area. The Bay 1 voltage regulators will also need to be upgraded. Due to the projected growth in the area that Anticline Substation serves it will be necessary to have both bays of Anticline substation feeding load. The addition of one substation (Future Substation 1) will be necessary to meet growth requirements and to maintain the required current level of service. The location of Future Substation 1 should be in the general vicinity of 2700 South, east of Highway 7.

In the 10-year planning horizon the addition of Sky Mountain will be necessary to meet the estimated growth. The location of Sky Mountain is approximately 600 North and 2200 West. It will be necessary to install the second bay in Three Falls Substation to help take the load off Clifton Wilson and to help back up Future Substation 1. Sky Mountain Substation helps take load off Clifton Wilson and Brentwood Substations and helps provide backup of those substations during N-1 conditions. Three Falls substation should be upgraded from 69kV to 138kV. This is necessary to complete the 138kV loop for redundancy during N-1 conditions. Future Substation 2 will be a 138kV-69kV substation and will provide a second 69kV source for the 69kV substations during the loss of the 69kV line from Purgatory. The location of Future Substation 2 should be approximately 600 North in between Sky Mountain and Clifton Wilson.

Level of Service Standards

Consistent with current practice and level of service, Hurricane City plans, designs and operates its system based on the following criteria:

- Transformer ratings under varying load levels and loading conditions must remain below their ONAN/ONFA/ONFA 55-degree rating.
- Dual bay substations loading shall not exceed 75% of combined ONAN/ONFA/ONFA 55-degree MVA rating of power transformers.
- The system must be able to adequately serve load under single contingency (N-1) situations, where "N" is a power system element such as a transformer or line.
- The system switching required under an N-1 contingency should remain as simplified as possible to ensure that switching orders do not become unnecessarily complex.
- Distribution circuit loading criteria must remain below 90% of its maximum current rating.
- Transmission circuit voltage must remain between 95% and 105% of its nominal value.
- Distribution circuit voltage must remain between 98% and 105% (at loads) of its nominal value.
- Distribution circuit mains must be able to serve additional load under N-1 contingencies.

The above criteria were used to determine Hurricane City's facility needs based on the amount of load (i.e., demand) placed on the existing system over the study planning horizon.

Demands Placed on Existing Facilities

Electrical demand loads on a system are measured in kilowatts (kW) or kilovolt-amperes (kVA) and are indicated as either coincident-peak ("CP") demand or non-coincident peak ("NCP") demand. The system CP demand is the maximum demand for the entire system measured at a point in time where the sum of all demands on the system is the highest for the system as a whole. The NCP demand is the sum of the maximum demands of individual customers or customer classes such as residential, commercial, industrial, measured for a period of time. The CP demand represents the combined loads across all customer classes measured at the system level where the NCP demand represents the total demand the system would be subject to if all customer classes peaked at the same time. The CP demand is usually lower than the NCP demand. For Impact Fees, CP represents the demand placed on the existing system as a whole, while NCP reflects the maximum demand placed on local facilities by individual customer classes. The CP demand is normally the demand that a utility plans for when sizing facilities that will be used to meet future growth on the system. However, each individual piece of equipment must be able to support its own individual peak demand even if that demand does not occur at the same time as the system's CP.

Hurricane City's projected CP demand between 2024 and 2033 are shown in Table 2-3. The System CP Demands for the planning period (2024 – 2033) were developed by ICPE.

Table 2-3
Summary of CP Demands
For the Period 2023 through 2033

Description	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033
Total System CP Demands (kW)	54,686	59,061	63,786	68,888	74,399	77,375	80,470	83,689	87,037	90,518

System Modeling for the CFP/IFFP

The recent CFP completed contains results of load flow analysis of the Hurricane City electrical system. The system load flows provide insight on substation transformer loading and system voltage drop. The study includes analyzing N-1 outage conditions. An N-1 outage condition is the loss of a major system component such as loss of a substation transformer or loss of a main line section. The existing substations that were studied include Anticline, Brentwood, Clifton Wilson, and Three Falls. The CFP study is primarily focused on Transmission (69kV or greater) and Substation requirements.

To perform load flow analysis a system computer model was developed. System model development and analysis were performed on SKM Power Tools. System modeling data was developed from data provided by Hurricane City. System load was modeled based on 2023 peak values since they were available at the time. Circuit models are based on the assumption that provided circuit maps and data (conductor sizes, circuit configurations, line lengths, etc.) are reflective of actual field conditions.

Model Results

The following System Improvement Summary from the CFP details the anticipated projects and estimated expenditures necessary to sustain the projected growth rate for Hurricane City's electrical system for the next 10 years. There is greater confidence in projecting requirements for 2 to 3 years than there is for a 10-year or longer outlook. However, it is necessary to forecast future projects due to the magnitude (and cost) of the modifications necessary. Substation and transmission line projects can take significant time from start to finish due to material lead times and permitting requirements. Substation and transmission line requirements need to be addressed to meet future needs of the city in a timely fashion.

The proposed projects will provide a method for Hurricane City to plan and budget for the facilities necessary to serve the anticipated electrical load growth. Existing electrical facilities as well as new facilities will be used to meet projected load levels. Table 2-4 is a summary of the recommended projects, timing and costs. Detailed cost estimates for the various projects can be found in the appendix of the CFP. Costs shown are based on present 2024 project material and labor pricing.

Table 2-4
Summary of CFP Improvement Projects
For the Period 2024 through 2033*

Project Number	Description	Project Estimated Cost ($) **	Estimated Timeframe	IFFP Percentage	Adjusted Project Cost
1	Replace Anticline T1	1,943,675.00	2025	50%	971,837.50
2	New 138kV line from Purgatory to Future Sub 1	6,404,366.00	2025-2027	75%	4,803,274.50
3	New Future Substation 1	7,690,408.00	2027	100%	7,690,408.00
4	New 138kV line from Future Sub 1 to Three Falls	3,100,207.00	2027-2028	75%	2,325,155.25
5	Three Falls Substation Bay 2	3,728,421.00	2029	80%	2,982,736.80
6	New 69kV line to Sky Mountain	200,805.00	2029	95%	190,764.75
7	New Sky Mountain Substation	5,503,354.00	2030	95%	5,228,186.30
8	New 138kV line to 600 North	685,450.00	2031	75%	514,087.50
9	New 138kV line from 600 North to Three Falls	1,339,409.00	2032	75%	1,004,556.75
10	Three Falls substation Bay 1 Upgrade	2,119,390.00	2032	60%	1,271,634.00
11	New 138kV line to Future Substation 2	210,848.00	2033	75%	158,136.00
12	New 138kV-69kV Future Substation 2	7,195,069.00	2033	65%	4,676,794.85
	TOTAL	40,121,402.00			31,817,572.20

* Note: Project timing will vary based on actual load growth amount and location.

** Values have been rounded.

IFFP Capital Projects and Costs

As previously mentioned, the costs for the above projects are estimated in 2024 dollars. As with most capital facilities plans, the majority of these projects are scheduled to occur in the earlier planning windows. However, growth in demand on the system generally happens in "groups" or "lumps" according to actual commercial and residential development. Actual load growth may be sooner or later than shown based on current economic and development levels. Projects shown in the IFFP may be delayed or accelerated based on actual load growth locations and timing.

Certification of the IFFP

I certify that the attached Impact Fee Facilities Plan:

1. includes only the costs of public facilities that are:
    a. allowed under the Impact Fees Act; and
    b. actually incurred; or
    c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
    a. costs of operation and maintenance of public facilities;
    b. costs for qualifying public facilities that will raise the level of service for facilities, through impact fees, above the level of service that is supported by existing residents;
    c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;

CERTIFIED BY:

Signature:

Name: Mac Fillingim

Title: ICPE, Senior Engineer

Date: August 2024

HURRICANE CITY
UTAH

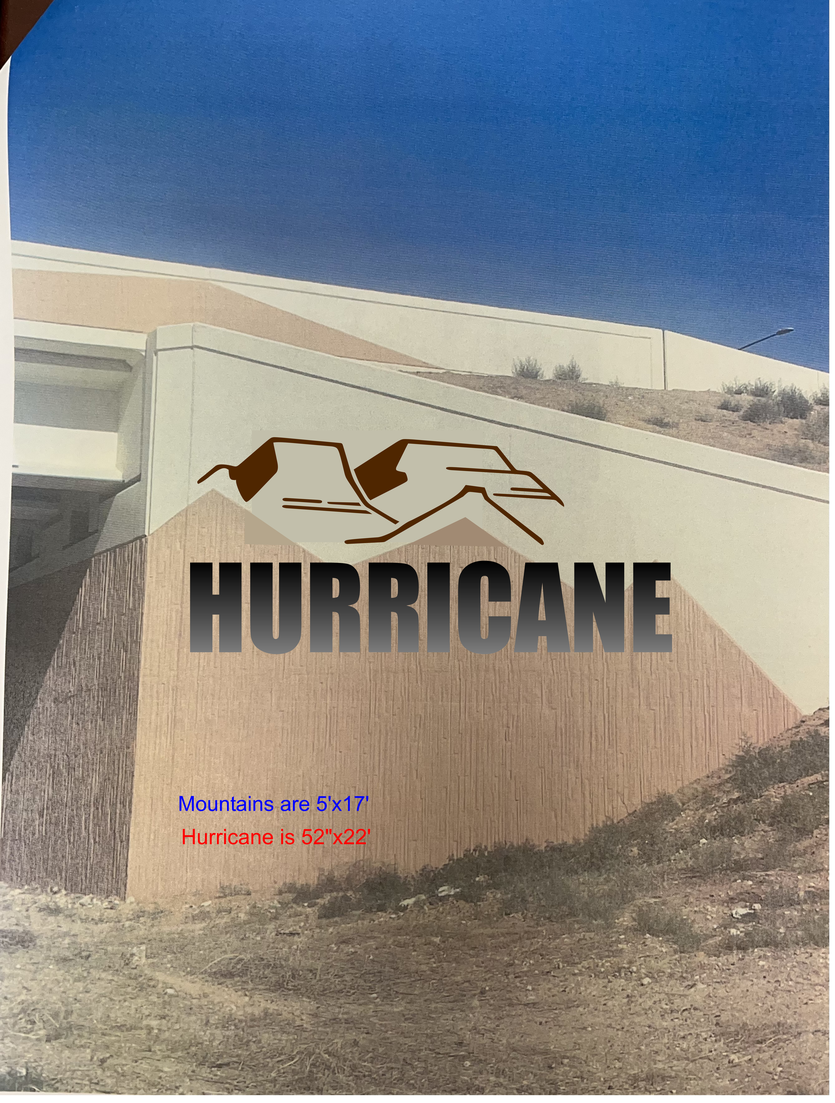
STAFF COMMENTS

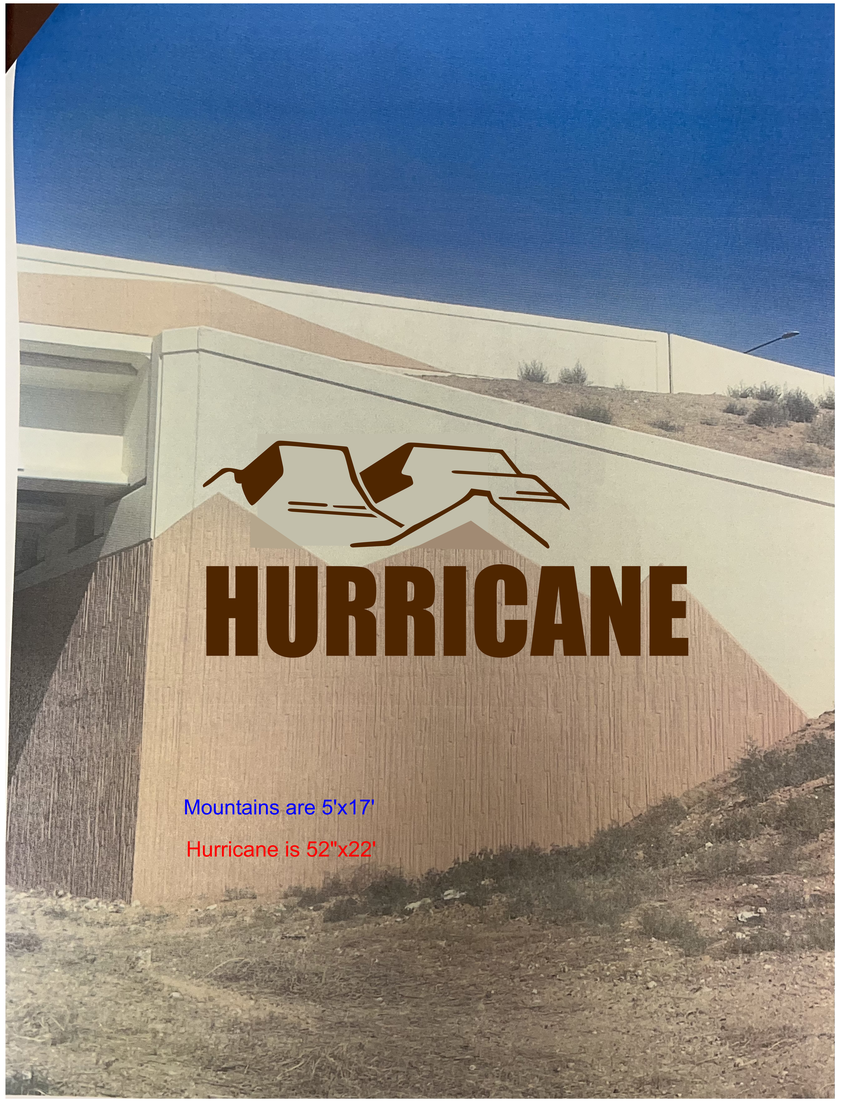
Item: Consideration and possible approval of a new sign on the SR-7 interchange.

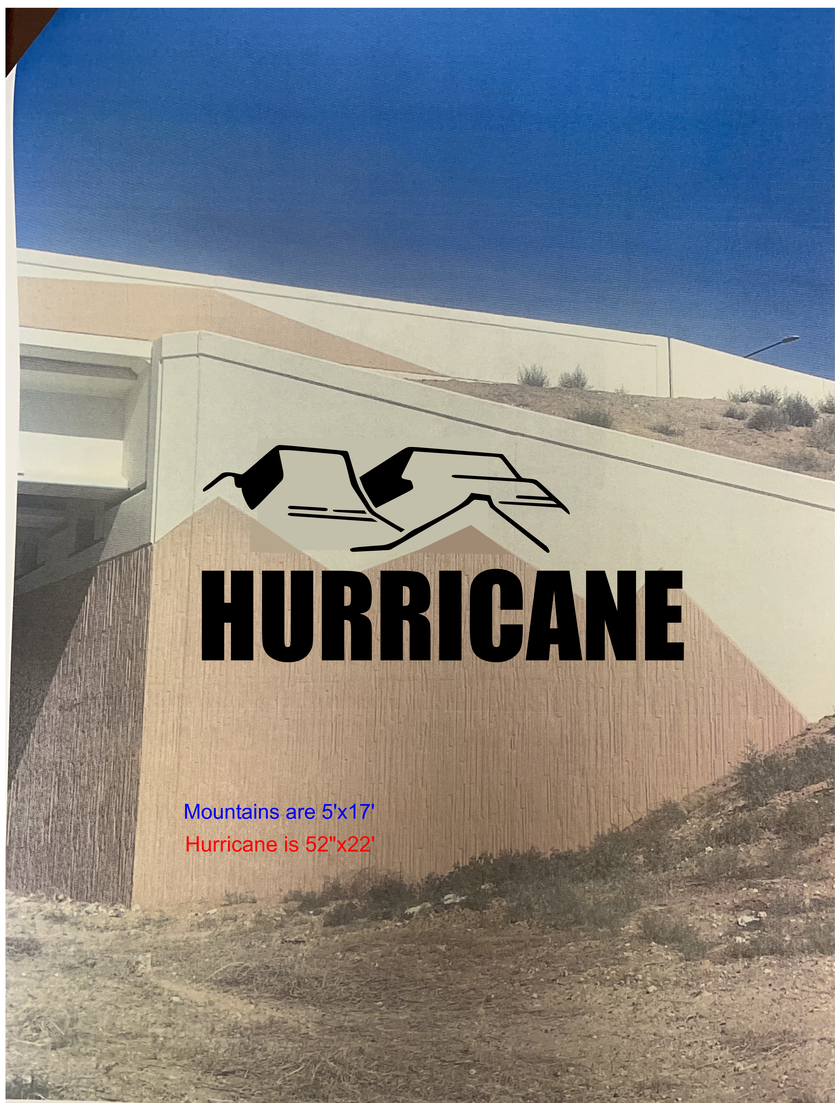
Discussion: The Council discussed this item during the March 20th meeting and directed staff to check if funding was available in this year's budget. Additionally, they requested a rendering of the sign to review before making a decision.

Findings:

Recommendation:


HURRICANE
Mountains are 5'x17'
Hurricane is 52"x22'


HURRICANE
Mountains are 5'x17'
Hurricane is 52"x22'


HURRICANE
Mountains are 5'x17'
Hurricane is 52"x22'

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of Chapters 2 and 3 of the employee manual.

Discussion: Chapter 2 focuses on standards which have been established by Hurricane City and the role administration plays in the process. This includes compliance with federal ADA standards, use of electronic mail, and social media use just to name a few.

Chapter 3 focuses on facilities within the City but more on having a safe environment set up for the public and staff. It also talks about the proper way to display flags on City property. – Sel Lovell

Findings:

Recommendation:

Chapter 2 - Organization and Administration

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Electronic Mail

200.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the City.

200.2 POLICY

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

200.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the City.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire City are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor. Employees are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an employee's email, name, or password. Any employee who believes the employee's password has become known to another person shall change the password immediately.

200.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

Human Resourcesshould ensure that email messages are retained and recoverable as outlined in thePersonnel and Record Keeping Policies.

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Information Technology Use

201.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of city information technology resources, including computers, electronic devices, hardware, software, and systems.

201.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the City that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the City or city funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

201.2 POLICY

It is the policy of the City that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the City in a professional manner and in accordance with this policy.

201.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city computer system.

The City reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the City, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all key strokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

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201.4 RESTRICTED USE

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, login information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

All data stored on, and software developed on City-owned computer equipment is the property of the City and may be viewed/reviewed by the City Manager or designee at any time.

No pornography or sexually explicit material shall be accessed, stored, or viewed/reviewed on City-owned computer equipment.

201.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any city computer. Employees shall not install personal copies of any software on any city computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

201.4.2 HARDWARE

Access to technology resources provided by or through the City shall be strictly limited to city-related activities. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

201.4.3 INTERNET USE

Internet access provided by or through the City shall be strictly limited to city-related activities. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee’s assignment.

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Downloaded information from the internet shall be limited to messages, mail, and data files.

201.4.4 PERSONAL USE

Employees shall only use technology resources provided by the City during work hours unless specifically authorized by a supervisor. This includes the use of telephones, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Personal use of City-owned computer systems is permitted only when all of the following criteria are met

i. The employee pays for the cost of consumables and other attendant expenses (computer storage device, paper, etc.).

ii. The employee uses the computer system after hours, or on the employee's personal time

iii. The employee does not use the computer system for permanent storage of data.

iv. Use does not conflict with the employee's City responsibilities or normal City business.

v. If the use is more than incidental, it must be approved by the Department Head.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

201.5 PROTECTION OF SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

201.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

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No reason is required for a supervisor or the authorized designee to inspect or review City-owned electronic devices; however, reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the City involving one of its employees or an employee's duties, an alleged or suspected violation of any city policy, a request for disclosure of data, or a need to perform or provide a service.

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the city computer system when requested by a supervisor or during the course of regular duties that require such information.

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Social Media Policy

202.1 PURPOSE AND SCOPE

Hurricane City seeks to enhance communication with residents and the public. Hurricane City recognizes that social media can play an important role in an overall communication strategy.The following policy and statements are designed to enhance communication and provide the public with accurate and appropriate information that is consistent with the mission of the City.

202.2 GENERAL POLICIES

1. Hurricane City's social media sites and accounts shall be approved by the City Manager. Each department that has access to a City social media site shall designate a social media manager who shall be responsible for the content and upkeep of each social media site maintained by that department.
2. Hurricane social media sites shall generally be used for: (1) marketing/promotional channels which increase the City's ability to broadcast its messages to the widest possible audience; (2) public information updates; and (3) the dissemination of time-sensitive information as quickly as possible, e.g., emergency information.
3. Employees representing the City via social media outlets must conduct themselves at all times as a representative of the City and in accordance with all appropriate Hurricane City policies and standards. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.
4. City social media sites shall be used only for communication of City related information in accordance with the City's mission and shall not be used for personal purposes.
5. City social media sites shall comply with federal, state, and local laws, including constitutional requirements, statutes, regulations, and administrative rules.
6. The intended purpose of the sites is to serve as a mechanism for communication between the City and members of the public.
7. As permitted by law, the City reserves the right to restrict or remove any content that is deemed to be in violation of this social media policy or any applicable law.
8. Comments or other content posted by a member of the public or an employee of Hurricane City from the employee's personal account on any social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, Hurricane City, nor do such comments necessarily reflect the opinions or policies of Hurricane City.
9. The social media tools that are currently approved for use by Hurricane City are Twitter, Facebook, YouTube, and Instagram. If other social media platforms are desired, such use must be approved by the City Manager.
10. All content created or posted on a City social media site shall belong to the City.

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202.3 AUTHORIZED & UNAUTHORIZED CONTENT

Only content that is appropriate for public release that supports the mission of the City may be posted. The following examples are of appropriate content:

1. Announcements and general information related to City business.
2. Press releases.
3. Advertisements for Hurricane City events or events in which the City is directly involved.
4. Dissemination of time-sensitive information, e.g., emergency information.
5. Sharing posts from:

a. Other City Social Media.

b. Local districts and special service districts related to the City, including Washington County Water Conservancy District, Hurricane Valley Fire Special Service District, Ash Creek Special Service District, Washington School District, etc.

c. City committees such as the Beautification Committee and Peach Days Committee.

d. Other local governments, including Washington County and municipalities within Washington County.

e. State and Federal agencies that share important information that would apply to Hurricane City residents.

6. Surveys and other interactive posts designed to gather information from the public.
7. Videos and photos of public events.

Engaging Content.The City's social media should generally be fun and uplifting for those that engage and follow the City's social media platforms. Post that are formatted to be fun and engaging are encouraged if these posts promote the overall goals of enhancing communication with residents and do not violate any other terms of the policy.

Hurricane social media post containing any of the following forms of content shall not be allowed:

1. Post in support of or opposition to political campaigns or ballot measures.
2. Profane language or content.
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, veteran status, or sexual orientation.
4. Sexual content or links to sexual content.
5. Solicitations of commerce.
6. Conduct or encouragement of illegal activity.
7. Information that may tend to compromise the safety or security of the public or public systems.
8. Content that violates a legal ownership interest of any other party.
9. Comments not topically related to the particular social media article being commented upon, including random or unintelligible comments.

Post Relating to Third Parties. The City shall not post anything that may support or advertises an individual, business, or other organization except as listed in this section. The City may post and recognize a third-party organization if they are an official sponsor or partner of a City event or

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program. Any post recognizing a third-party organization must be reviewed by the Social Media Review Committee.

Official Political Positions. The City may post official positions of the City on political issues if that position has been approved by a resolution of the City Council. All posts that may be of a political or controversial nature must be approved by the Social Media Review Committee prior to posting.

Managers of any City social media sites shall use their discretion to avoid posting anything that may raise controversy or may lead to conflict. Any other post or content that is not addressed within the policy must be approved by the Social Media Review Committee prior to posting.

Social Media Review Committee. Each social media site shall have its own Social Media Review Committee. This committee shall be comprised of the social media manager, their department head, and the City Manager. That committee may invite others to participate in decisions as needed, such as the City Attorney, Public Information Officer, or the Mayor.

202.4 RECORD RETENTION

City social media sites are subject to State of Utah public records laws, as such, Hurricane City is responsible for responding completely and accurately to any public records request for public records on social media sites. If the information requested is available on the social media site, referral of the requester to the site will generally constitute compliance with the request.

Utah state law and relevant Hurricane City records retention schedules apply to social media formats and social media content. Appropriate retention formats for specific social media tools shall be determined by the City Recorder's Office.

The guidelines and User Agreement described within this document should be displayed to users or made available by hyperlink. A copy of any content removed based on these guidelines must be retained, including the time, date, and identity of the poster when available.

202.5 USER AGREEMENT & PUBLIC COMMENTS

This User Agreement ("Agreement") governs the use of all social networking profiles, pages, and sites created and maintained by Hurricane City. Your use of Hurricane City's social networking pages constitutes your agreement to comply with this Agreement. If you do not consent to this Agreement, do not use Hurricane City's networking pages. This Agreement may be modified from time to time without notice. Continued access of Hurricane City's social networking pages constitutes your acceptance of any change or revisions to this Agreement. Your failure to follow the terms of this Agreement may result in suspension or termination of your access to Hurricane City's social networking pages without notice. Hurricane City does not endorse, support, sanction, encourage, verify, or agree with any comments, opinions, or statements posted on social networking pages, except by Hurricane City; comments, opinions, or statements posted in an official capacity will be made by an identified, official, verified source. Any information or material placed online, including advice and opinions, are the views and responsibilities of those making the comments and do not necessarily constitute the views of Hurricane City. By submitting a comment

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for posting, you agree that Hurricane City and its third-party service providers are not responsible and shall have no liability to you, with respect to any information or material posted by others, including defamatory, offensive, or illicit materials, even though it may violate this Agreement. All comments shall be deemed to be public documents and subject to retention and disclosure pursuant to applicable public disclosure laws binding on Hurricane City. Hurricane City social networking sites serve as a limited public forum and all content published is subject to monitoring. As such, Hurricane City reserves the right, but undertakes no duty, to review, edit, move, or delete any material submitted as a comment to the information provided for display or placed on the social networking site.

User-generated posts will be reviewed and may be rejected or removed (if possible) when the content:

- contains obscene or sexually explicit material.
- contains personal identifying information or sensitive personal information.
- contains offensive terms or targets protected classes.
- is found to be posted by a pseudonym, avatar name, or false identity.
- is threatening, retaliatory, harassing or discriminatory.
- incites or promotes violence.
- contains information that reasonably could compromise individual or public safety.
- advertises or promotes a commercial product or service, or any entity or individual.
- promotes or endorses political campaigns or candidates.
- is not directly related to the original post.
- demeans, disparages, or belittles other users.
- includes links to external sources which are in violation of this Agreement.
- advocates or depicts illegal activity.
- include copyrighted material owned by a third party.
- profane language or content.

202.6 PERSONAL SOCIAL MEDIA USE

Posting

- Maintain the confidentiality of Hurricane City's private or confidential information. Do not post internal reports, policies, procedures or other internal business-related, confidential communications.
- Do not create a link from your personal blog, website, or other social networking site to Hurricane City's website without identifying yourself as a Hurricane City employee.
- Never represent yourself as a spokesperson for Hurricane City. If you do publish a blog or post online related to the work you do or your position with Hurricane City, make it clear that you are not speaking on behalf of Hurricane City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Hurricane City."

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Using Social Media at Work

Do not use social media while on work time or on equipment Hurricane City provides, unless it is work related as authorized by your supervisor, or consistent with policy. Do not use Hurricane City email addresses to register on social networks, blogs, or other online tools utilized for personal use.

Retaliation is Prohibited

Hurricane City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

202.7 APPROVED PLATFORMS

The following platforms are approved for use by the City and its employees. Any additional platforms must be requested and will be reviewed before being approved.

City Website

Facebook

Instagram

LinkedIn

Pinterest

X

YouTube

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Subpoenas and Court Appearances

203.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court. It will allow the City to cover any related work absences and keep the City Manager informed about relevant legal matters.

203.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

203.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the City or any of its employees may do so.

203.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the City or the prosecutor shall notify their immediate supervisors without delay regarding:

(a) Any civil case where the City or one of its employees, as a result of the employee's official capacity, is a party.

(b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.

(c) Any civil action stemming from the employee's work activity or because of the employee's association with the City.

(d) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the City.

The supervisor will then notify the City Manager, City Attorney, and the appropriate prosecuting attorney if applicable. The City Manager and City Attorney should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

203.3.2 WORK-RELATED SUBPOENAS

The City will compensate employees who appear in their official capacities on matters arising out of their official duties.

The City should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee based on applicable law.

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203.3.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the City will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

203.4 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

203.5 COURTROOM PROTOCOL

When appearing in court, employees shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress and be prepared to proceed immediately with the case for which they are scheduled to appear.

(c) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

203.5.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents and meet with their Department Head, City Attorney, or other staff as applicable in order to be prepared for court.

203.5.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, that employee should notify the City Recorder promptly after receiving the subpoena that the specified records are needed for court.

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Americans with Disabilities Act Compliance

204.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

204.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The employee designated by the organization to coordinate efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Power-driven mobility device - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

Service animal - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

204.2 POLICY

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

204.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

(a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:

1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
2. Maintaining city department compliance with accessibility standards for city department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).

(b) Recommending amendments to this policy, as needed.

(c) Coordinating a process of periodic self-evaluation. The process should include:

1. Inspection of current city buildings and facilities to identify access issues.
2. Review of current city services, activities, and programs for access issues.
3. Assessment and update of current compliance measures.
4. Identification of recurring areas of complaint for which new methods of modification should be considered.
5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.

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6. Recommendation of a schedule to implement needed improvements.

(d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.

(e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.

(f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).

(g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.

1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.

(h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.

(i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.

(j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).

(k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).

(l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

204.4 REQUESTS

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees

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should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

204.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

(a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):

1. A substantial alteration of the service, program, or activity.
2. An undue financial or administrative burden on the City. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of an historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

(b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.

(c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
2. Utilizing technology, equipment, rolling stock, or other conveyances.
3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
4. Any other means or methods that would make services, programs, or activities readily accessible.

(d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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204.4.2 PERSONAL DEVICES AND ASSISTANCE
Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

204.4.3 SURCHARGES
Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

204.5 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

204.5.1 INQUIRIES REGARDING MOBILITY DEVICES
If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

(a) Presentation of a valid, state-issued disability placard or card

(b) Presentation of any other state-issued proof of disability

(c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

204.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

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The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length, and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

204.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The City will not require that persons with disabilities use city-provided assistive devices, auxiliary aids, or services.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

204.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

204.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

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(a) Available within a reasonable amount of time.

(b) Experienced in providing interpretation services.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

204.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by individuals with communications-related disabilities and received via a telecommunications relay service or equally effective telecommunications systems (28 CFR 35.161).

204.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

204.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person when no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

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(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

204.6.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

204.7 SERVICE ANIMALS

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

204.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

(a) Guiding people who are blind or have low vision.

(b) Alerting people who are blind or have low vision.

(c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.

(d) Pulling wheelchairs.

(e) Providing physical support and assisting with stability and balance.

(f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.

(g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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204.7.2 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

(a) Is the animal required because of a disability?

(b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

204.7.3 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

204.7.4 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

204.8 WEBSITE ACCESS

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

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204.9 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

(a) The type of modification, aid, or service provided.

(b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.

(c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the standards established in the Personnel and Record Keeping Policies.

204.10 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person’s inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

204.11 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

(a) Awareness and understanding of this policy and related procedures, related forms, and available resources.

(b) Procedures for handling requests for modifications.

(c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.

(d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee’s job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

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Emergency Management Plan

205.1 PURPOSE AND SCOPE

This policy addresses the preparation, maintenance, and activation of the city's emergency management plan.

205.2 POLICY

The City will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management plan.

205.3 CITY RESPONSIBILITIES

The City Manager should designate a person responsible for the city's emergency management plan and the coordination with applicable local and state departments and entities for disaster planning, mitigation, response, and recovery efforts.

205.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The emergency management plan should include direction on how to activate the emergency management plan and who can activate it in response to a major emergency in accordance with the accompanying procedure.

205.4.1 RECALL OF PERSONNEL

In the event that the emergency management plan is activated, all employees of the City are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

205.5 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

Copies of the emergency management plan should be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management plan and assist employees in familiarizing themselves with the roles they will play when the plan is implemented.

205.6 EMERGENCY MANAGEMENT PLAN REVIEW

The City Manager or the authorized designee should review the emergency management plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The City Manager or the authorized designee should appropriately address any needed revisions.

205.7 TRAINING

The City should provide training on the emergency management plan for appropriate personnel. Training should incorporate a full or partial exercise or a tabletop or command discussion

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Volunteers

206.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

206.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

206.2 POLICY

It is the policy of the City that volunteers may be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

206.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

(a) The ability to meet any necessary age requirements.

(b) Possession of a valid driver's license, if the position requires vehicle operation.

(c) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.

(d) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.

(e) The ability to meet physical requirements reasonably appropriate to the assignment.

(f) A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

The City Manager may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

206.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

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206.3.2 COURT ORDERED VOLUNTEERS
Court ordered community service volunteer labor is authorized and may be accepted by the City under an established supervised program.

206.4 PERSONNEL WORKING AS VOLUNTEERS
Qualified regular city personnel, when authorized by the City Manager or designee, may also serve as volunteers. However, the city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the volunteer coordinator should consult with the City Manager or the authorized designee prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

206.5 RESPONSIBILITIES
Volunteers assist city personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

206.5.1 COMPLIANCE
Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

206.5.2 VOLUNTEER MEETINGS
All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the volunteer coordinator.

206.6 SUPERVISION
Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

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A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

206.6.1 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

206.7 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by city policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the City. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the City, or maintain that they represent the City in such matters without permission from the proper city personnel.

206.7.1 RADIO USAGE

Any volunteer who operates city radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

206.8 EQUIPMENT

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

206.9 INSURANCE

A volunteer shall be provided the protections as an employee of the City for workers compensation benefits for compensational injuries sustained by the volunteer while acting in the scope of employment except when the volunteer is court ordered for community service.

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206.10 PAYMENT OF VOLUNTEERS

No payment of any kind can be given to volunteers without completing an authorization to hire and obtaining the City Manager's signature. This does not preclude a volunteer from receiving an award for service, a meal provided by the City, or a gift so long as it is de minimis and on an infrequent basis.

206.11 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

Volunteers are considered at-will and may be removed from service at the discretion of the City Manager or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation.

Volunteers may resign from volunteer service with the City at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

206.11.1 EXIT INTERVIEWS

The City may conduct exit interviews. These interviews should ascertain why the volunteer is leaving the position and should solicit the volunteer's suggestions on improving the position. When appropriate, an exit interview should also include a discussion on the possibility of involvement in some other capacity with the City.

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Chapter 3 - Facilities

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Key and Electronic Access Device Controls

300.1 PURPOSE AND SCOPE

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Key - All electronic or mechanical devices used to access or exit city buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

300.2 POLICY

It is the policy of the City that all keys used to access local government buildings and facilities are inventoried and controlled.

300.3 KEY IDENTIFICATION

All keys that open any doors or locks to city buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the City Manager or the authorized designee.

300.4 KEY CONTROL

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the City. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the City Manager or the authorized designee.

The City Manager or the authorized designee should regularly inventory all city keys.

300.5 LOCK POLICY

All city buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to city buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to city buildings and facilities unlocked or propped open.

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300.6 TESTING

The City Manager or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

300.7 EMERGENCY KEY SET

At least one key set containing every key for city buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the City Manager or the authorized designee in the event of an emergency.

300.8 MISSING KEYS

Any employee who discovers that a key or key set is missing shall report it to a supervisor as soon as reasonably practicable. If a reasonable effort to locate the key fails, the supervisor shall notify the City Manager or the authorized designee regarding the loss of the key, when it was discovered, and the circumstances involved.

The City Manager or the authorized designee will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

300.9 DAMAGED KEYS OR LOCKS

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

300.10 KEY CONTROL RECORDS

The City Manager or the authorized designee will maintain documentation for the accounting and security of all keys and key sets. Key control measures should be documented by the designated employee and the records retained in accordance with established records retention schedule.

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Public Safety Video Surveillance System

301.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of city public safety video surveillance, as well as the storage and release of the captured images.

301.2 POLICY

The City operates a public safety video surveillance system to enhance public safety and security in public areas. Cameras may be placed in strategic locations to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist city officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

301.3 OPERATIONAL GUIDELINES

Only city-approved video surveillance equipment shall be utilized. The City Manager or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

301.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the City Manager or the authorized designee should confer with any appropriate city department and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, and presence of vegetation or other obstructions, should also be evaluated when determining placement.

The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter, and identify criminal activity.

(b) To respond to critical incidents.

(c) To augment resources in a cost-effective manner.

(d) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be preserved and the appropriate department should be notified in a timely manner.

The City Manager or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by law enforcement, government agencies, road or traffic crews, or fire or emergency operations personnel.

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Unauthorized recording, viewing, reproduction, dissemination, or retention of anything documented by public safety surveillance equipment is prohibited.

301.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The City may elect to integrate its public safety video surveillance system with other technology to enhance available information. Integration with video-based analytical systems may be considered based upon availability and the nature of the surveillance strategy.

The City should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems requires additional safeguards.

301.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure employees follow city policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

301.4.1 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

301.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. All actions taken with respect to preservation or retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with this policy and the established records retention schedule.

301.5.1 EVIDENTIARY INTEGRITY

Any recording that has been identified as evidence, or that could be relevant to pending or reasonably anticipated investigations or legal action, shall be preserved in a manner that retains its original content.

301.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the City.

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Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records.

Requests for recorded images from other government entities shall be referred to the City Manager.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established city subpoena process.

301.7 VIDEO SURVEILLANCE AUDIT

The City Manager or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit, and effectiveness of the system, including any public safety issues that were effectively addressed and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented and maintained by the City Manager or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

301.8 TRAINING

All city employees authorized to operate or access public safety video surveillance systems should receive appropriate training. Training should include guidance on the use of cameras and a review of relevant policies and procedures. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Flags

302.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper display of flags at city facilities.

302.2 POLICY

It is the policy of the City to display flags in compliance with federal and state laws and local ordinances.

302.3 DISPLAY OF FLAGS

The following flags may be displayed at City facilities in the following order of prominence:

(a) The United States flag

(b) The state flag

(c) The City flag

302.4 DISPLAYING THE FLAG OF THE UNITED STATES

Federal law providing for the use and the display of the United States flag is contained in Title 4 Chapter 1 of the United States Code, commonly referred to as the “Flag Code.” The City will display the flag of the United States in accordance with the provisions of 4 USC § 1 through 4 USC § 10.

302.4.1 DISPLAY OF THE UNITED STATES FLAG IN DAILY OPERATIONS

Employees should consult the Flag Code for guidance whenever the flag of the United States is to be displayed in any manner. This is to ensure that the display is presented in accordance with the Flag Code and as follows:

(a) The United States flag should be conspicuously posted on all City facilities during hours of operation.

(b) It is the universal custom to display the flag only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness (4 USC § 6).

(c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed (4 USC § 6).

(d) The United States flag may only be flown at half-staff by Presidential or Gubernatorial decree.

Whenever the United States flag is displayed in conjunction with other flags or symbols it should occupy the "Place of Honor" (4 USC § 7).

302.5 DISPLAY OF THE STATE FLAG

The City will display the state flag prominently and in the proper position of honor in accordance with the United States Flag Code.

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302.5.1 DISPLAY OF THE STATE FLAG IN DAILY OPERATIONS

Employees should review state law for guidance whenever the flag is to be displayed in any manner to ensure that the display is presented appropriately. Displays of the flag should be consistent with the following protocol:

(a) The flag should be conspicuously posted on City facilities during hours of operation.

(b) Generally, the flag should be displayed only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness.

(c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.

(d) The flag shall be flown at half-staff whenever the flag of the United States is flown at half-staff, and may only be flown at half-staff at other times by order of the Governor.

(e) Whenever the flag is displayed in conjunction with the United States flag, the United States flag shall occupy the position of first honor (4 USC § 7). When the flag is displayed in conjunction with other flags or symbols, it should occupy the position of honor.

302.6 DISPLAY OF COMMEMORATIVE OR UNOFFICIAL FLAGS

City flag displays, including but not limited to flagstaffs, are not intended to serve as a forum for free expression by the public.

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HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of **Ordinance ZC24-07 Zone Change 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

Discussion:

Summary – Fred Resch III

The applicant requests a zone change from Neighborhood Commercial with a Planned Development Overlay to R1-8 (PDO) for the property located at 2230 W 600 N, adjacent to the Sky Mountain Golf Course. As part of the Planned Development Overlay request, the applicant has submitted a preliminary site plan outlining the proposed development. The plan includes 35 townhomes, open space along the golf course, and a commercial pad along 600 N.

Findings

- The application meets the standards of the General Plan and General Plan Map.
- The proposed uses are generally compatible with surrounding existing and planned developments.
- The amendment is not expected to have a significant impact on the area.
- Adequate services are available to support the proposed development.

March 27, 2025 – Planning Commission

The Planning Commission considered this request at its March 27, 2025, meeting, after previously tabling it on August 8, 2024, and February 27, 2025. A public hearing was held on August 8, 2024, where concerns were raised by residents of the Sky Mountain neighborhood regarding high density and the project's proximity to the golf course. The applicant later engaged with neighborhood representatives to address these concerns. At the March 27 meeting, no members of the public were present or voiced objections.

The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the project, discussions focused on whether the City should require screening between the townhomes

and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council approval of the zone change, subject to staff and JUC comments outlined in the staff report.

Property Information

- **Address:** 2230-2254 W 600 N
- **Parcel Numbers:** H-3-1-29-2213, H-3-1-29-2214
- **Lot Size:** 7.86 acres
- **Current Use:** Vacant property
- **Current Zoning:** Neighborhood Commercial, Planned Development Overlay
- **General Plan Designation:** Planned Community

Findings:

Recommendation:

Attachments:

1. Staff Comments for Ordinance ZC24-07 zone change and preliminary site plan
2. ZC24-07 PSP24-21 Back 9 at Sky Mountain CC Staff Report
3. Ordinance ZC24-07 Back Nine at Sky Mountain
4. ZC24-07
5. PSP24-21
6. Zone Change Application Narrative
7. Preliminary Site Plan Narrative
8. Vicinity Map
9. Proposed Zoning
10. 2024.0807_Preliminary Site Plan

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of Ordinance ZC24-07 Zone Change 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.

Discussion: The applicant requests a zone change from Neighborhood Commercial with a Planned Development Overlay to R1-8 (PDO) for the property located at 2230 W 600 N, adjacent to the Sky Mountain Golf Course. As part of the Planned Development Overlay request, the applicant has submitted a preliminary site plan outlining the proposed development. The plan includes 35 townhomes, open space along the golf course, and a commercial pad along 600 N.

Findings

- The application meets the standards of the General Plan and General Plan Map.
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The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the project, discussions focused on whether the City should require screening between the townhomes and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council

approval of the zone change, subject to staff and JUC comments outlined in the staff report. – Fred Resch III

Property Information

- **Address:** 2230-2254 W 600 N
- **Parcel Numbers:** H-3-1-29-2213, H-3-1-29-2214
- **Lot Size:** 7.86 acres
- **Current Use:** Vacant property
- **Current Zoning:** Neighborhood Commercial, Planned Development Overlay
- **General Plan Designation:** Planned Community

Findings:

Recommendation:

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**04/03/2025 – City Council**
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

March 27, 2025 – Planning Commission

The Planning Commission considered this request at its March 27, 2025, meeting, after previously tabling it on August 8, 2024, and February 27, 2025. A public hearing was held on August 8, 2024, where concerns were raised by residents of the Sky Mountain neighborhood regarding high density and the project's proximity to the golf course. The applicant later engaged with neighborhood representatives to address these concerns. At the March 27 meeting, no members of the public were present or voiced objections.

The Planning Commission had previously delayed a decision to allow time for securing agreements with neighboring property owners regarding access and water looping, which has now been completed. While the Commission was generally supportive of the project, discussions focused on whether the City should require screening between the townhomes and the golf course, as well as the suitability of the proposed open space amenities. Ultimately, the Commission determined that responsibility for screening should rest with future homeowners, consistent with other developments in the Sky Mountain community. The Planning Commission unanimously recommended City Council approval of the zone change, subject to staff and JUC comments outlined in the staff report.

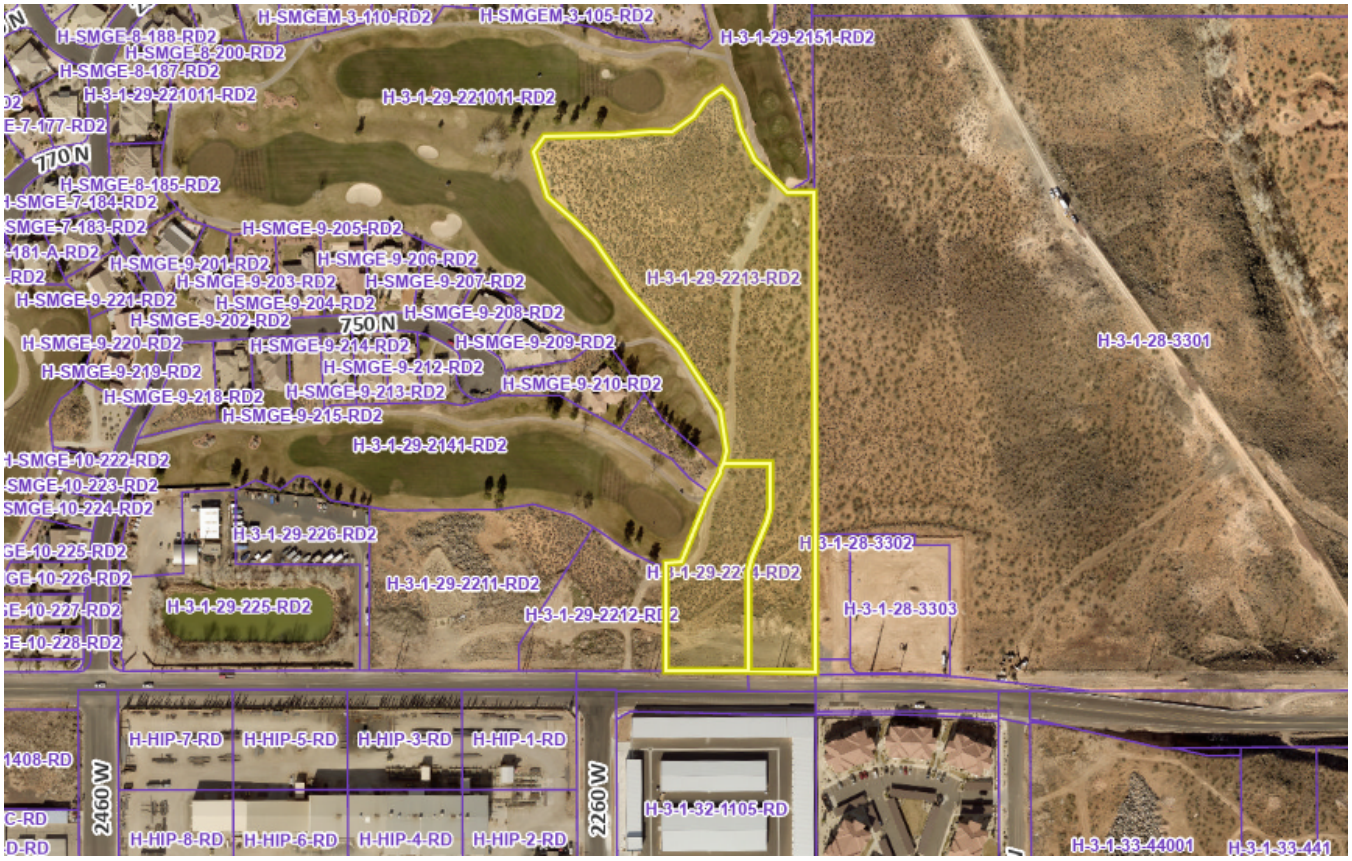
Update for March 27, 2025 - Tabled Item:

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.

	Zoning	Adjacent Land Use
North	R1-8 PDO, PF	Sky Mountain Golf Course
East	R1-10	Undeveloped Property
South	M-1, RM-3	Storage units, apartments
West	R1-8 PDO, PC	Sky Mountain Golf Course, undeveloped property



Zone Change Factors:

Pursuant to Hurricane City Code (HCC) section 10-7-7:

> *Approval Standards: A decision to amend the text of this title or the zoning map is a matter within the legislative discretion of the city council as described in subsection 10-7-5A of this chapter. In making an amendment, the following factors should be considered:*
>
> *1. Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;*
>
> *2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;*
>
> *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 to 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.

ORDINANCE NO ZC24-07

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE FOR PARCEL H-3-1-29-2213 AND H-3-1-29-2214 FROM NEIGHBORHOOD COMMERCIAL, WITH A PLANNED DEVELOPMENT OVERLAY TO SINGLE FAMILY RESIDENTIAL 8 (R1-8), WITH A PLANNED DEVELOPMENT OVERLAY

WHEREAS, Utah Code 10-9a allows Cities to regulate land use within their boundaries; and

WHEREAS, the proposed amendment is generally compatible with the current General Plan; and

WHEREAS, the proposed amendment is generally in harmony with the overall character of the proposed surrounding development; and

WHEREAS, the proposal will not have an adverse impact on the surrounding area; and

WHEREAS, there are adequate facilities to support the proposed zone change; and

WHEREAS, the proposed preliminary site plan is generally acceptable to the City; and

WHEREAS, the Planning Commission gave a positive recommendation on the proposed zone change and preliminary site plan.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HURRICANE CITY THAT:

That parcels H-3-1-29-2213 and H-3-1-29-2214 is rezoned from Neighborhood Commercial, with a Planned Development Overlay to Single Family Residential 8 (R1-8), with a Planned Development Overlay.

PASSED AND APPROVED on this 3rd day of April 2025.

Hurricane City

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of April 2025. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

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

_____
Cindy Beteag, City Recorder

EXHIBIT A

ZONING MAP

EXHIBIT B

PRELIMINARY SITE PLAN

Hurricane City Application

Application Accepted Date: 07/18/2024

Type of Improvement: Zone Change Application

Description: Back 9 At Sky Mountain Zone Change to R1-8

Tenant / Project Name: Back 9 At Sky Mountain

Bldg. Address: 2230â€“2254 W 600 N St Hurricane, UT 84737

City: Hurricane City United States State: UT Zip: 84737

Subdivision: Phase:

Block: Lot #: Parcel ID #: H-3-1-29-2213-RD2, H-3-1-29-2214-RD2

Zone: Neighborhood Commercial

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

Valuation	$	0.00

PERMIT FEES

Planning Fee	$	500.00
Planning Fee	$	500.00
Sub Total:	**$**	**500.00**
Permit Total:	**$**	**500.00**
Amount Paid:	**$**	**500.00**
Remaining Due:	**$**	**0.00**

APPROVALS	DATE	INFO

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 #:

DRAFT

Hurricane City Application

Application Accepted Date:	07/18/2024
Type of Improvement:	Site Plan (Preliminary)
Description:	
Tenant / Project Name:	Back 9 At Sky Mountain
Bldg. Address:	2230â€“2254 W 600 N St Hurricane, UT 84737
City:	Hurricane City United States State: UT Zip: 84737
Subdivision:	Phase:
Block:	Lot #: Parcel ID #: H-3-1-29-2213-RD2, H-
Property Owner:	317 Sycamore LLC; B&P Properties LLC 3-1-29-2214-RD2
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

Valuation	$	0.00

PERMIT FEES

Planning Fee	$	200.00
Planning Fee	$	200.00
Sub Total:	**$**	**200.00**
Permit Total:	**$**	**200.00**
Amount Paid:	**$**	**200.00**
Remaining Due:	**$**	**0.00**

APPROVALS	DATE	INFO

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 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 #:

DRAFT

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.

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

DATE: May 30th, 2024

TO: Hurricane City – Planning & Zoning

SUBJECT: Zone Change and Preliminary Site Plan Application

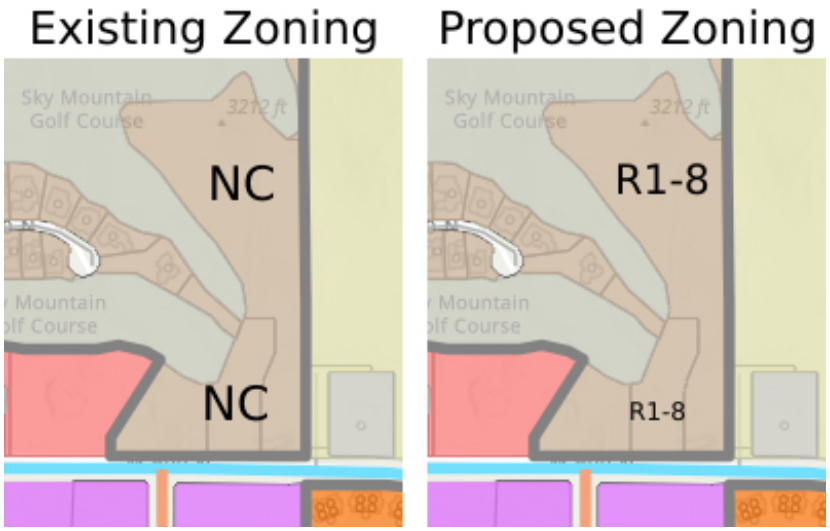
Dear Zoning Department,

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

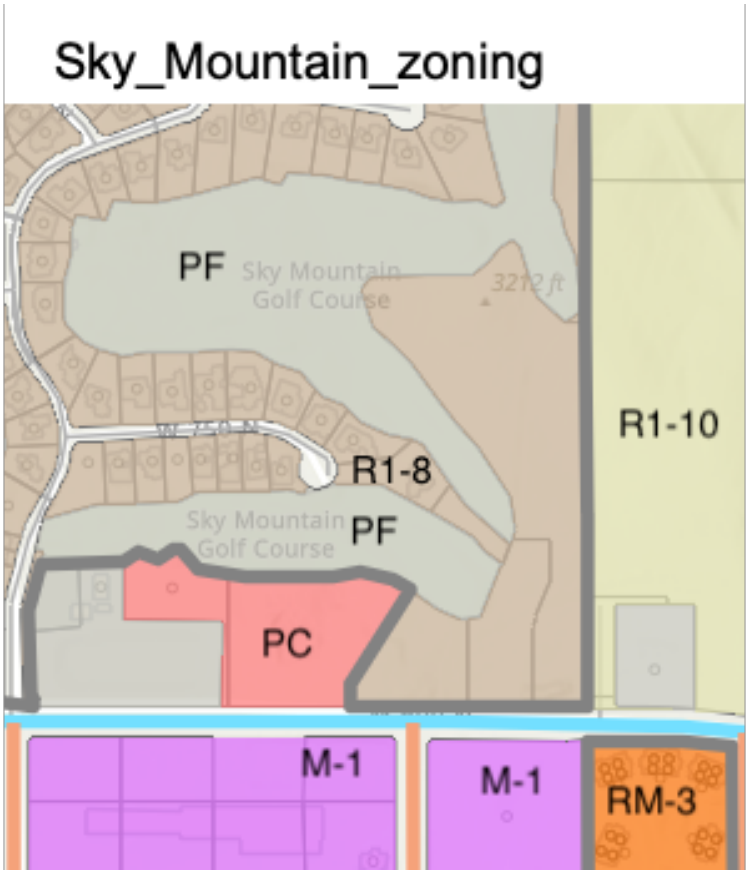
Zone Change Application

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.

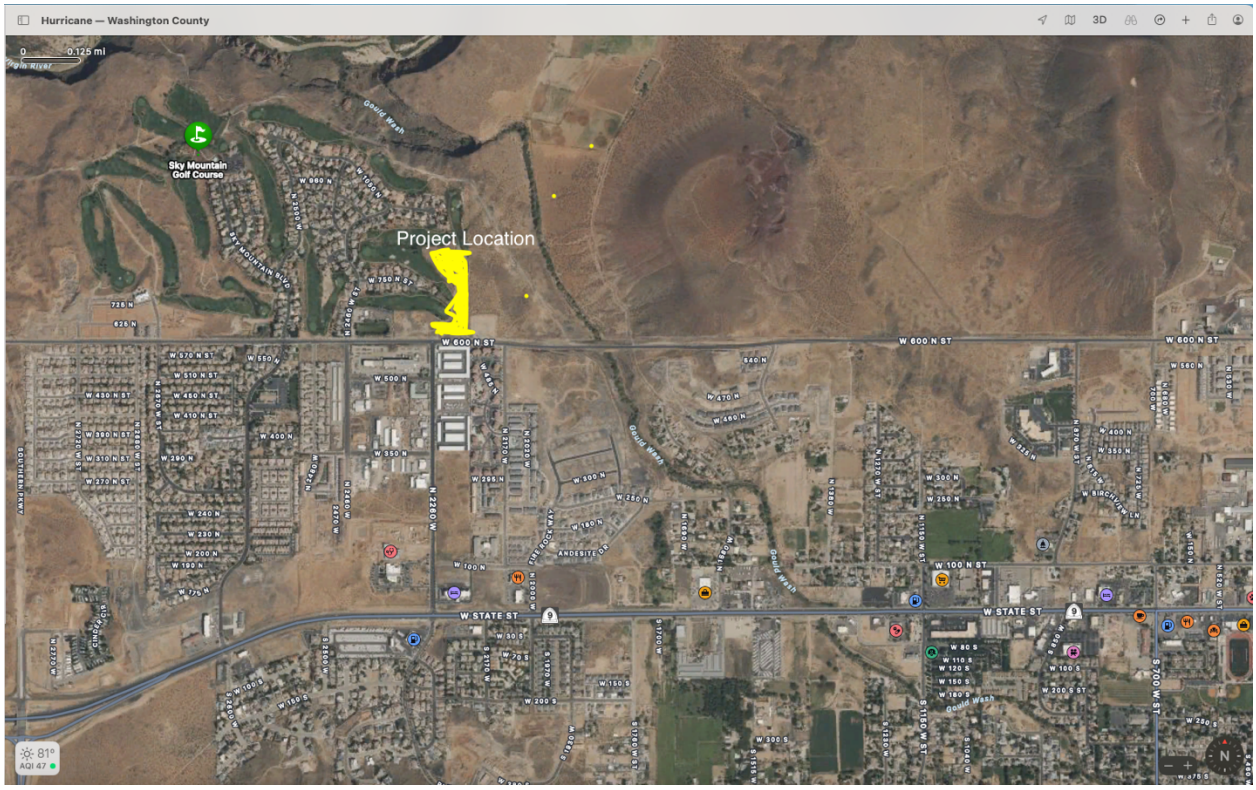
e) Stamped envelopes with the names and addresses of all property owners within 350 feet of the boundaries of the property proposed for rezoning
   - Envelopes being mailed

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.

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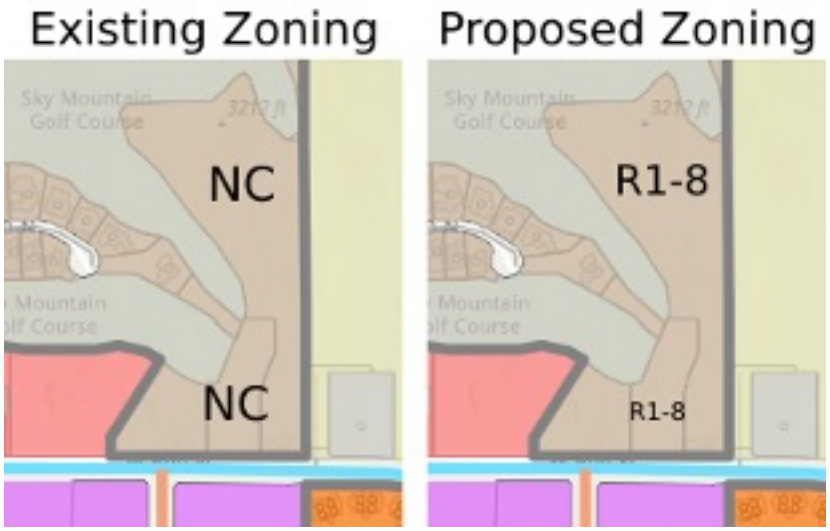
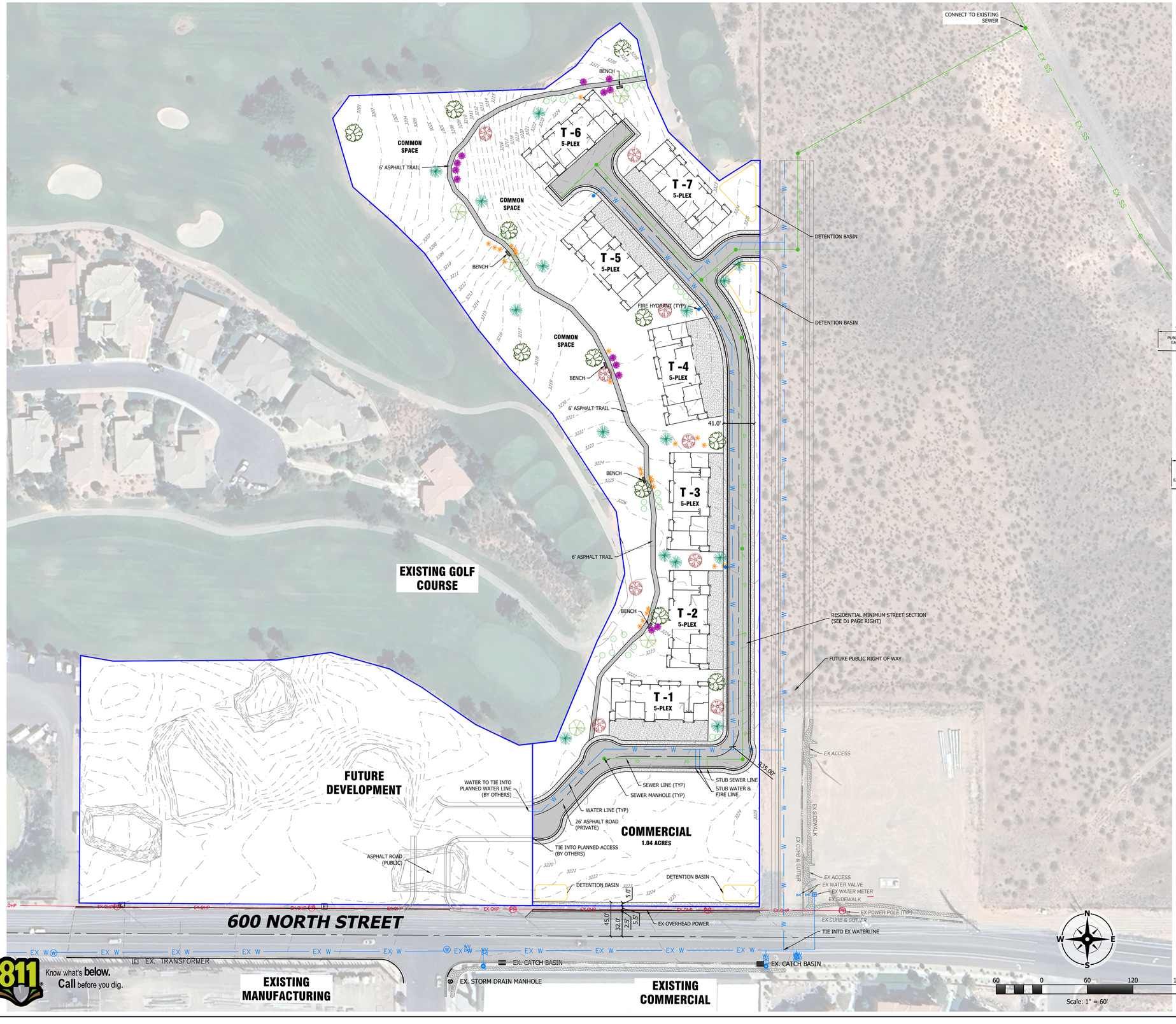
4. Supports sustainable growth: The proposed zone change aligns with Hurricane's long-term planning goals of promoting balanced and sustainable growth. By converting part of the property to residential use while retaining commercial possibilities along 600 N, the development supports a mixed-use community,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

Conclusion

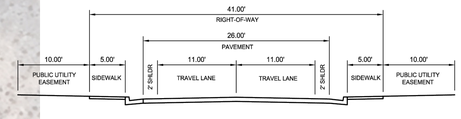
The proposed zone change from Neighborhood Commercial (NC) to Single-Family Residential 8 (R1-8) for our property is a strategic move that benefits the community by providing additional housing, preserving commercial opportunities, and ensuring compatibility with the surrounding land uses. We respectfully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

Hurricane — Washington County
3D
0
0.125 mi
Virgin River
Gould Wash
Sky Mountain Golf Course
Project Location
W 600 N ST
W STATE ST
W 100 N ST
S 100 W ST
81°
AQI 47
N

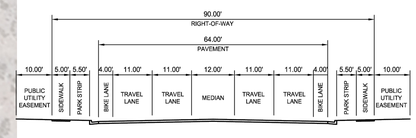

Existing Zoning
Proposed Zoning
NC
NC
R1-8
R1-8



RESIDENTIAL MINIMUM



MINOR ARTERIAL
(5-LANE)



D1 / C1.00 Road Sections
Scale: NTS

General Notes

1. 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:	NC PDO
PROPOSED ZONING:	R1-8 PDO
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

811 Know what's below. Call before you dig.

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

REVISIONS

REV.	DATE	DESCRIPTION	BY

SEAL

VERIFY SCALES

BAR IS ONE INCH ON ORIGINAL DRAWING
0 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

RYAN H C:\Users\Ryan H\Hunt Day Dropbox\Projects\101-05 The Back 9\00-CAD\101-05_The Back 9_7.18.24 8/7/2024 3:30 PM

HURRICANE CITY
UTAH

STAFF COMMENTS

Consideration and possible approval of **LUCA24-08, 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

Discussion:

Discussion – Fred Resch III

To support the development of the Civic Center, located on 20 acres of city-owned property west of the current City Offices, staff is proposing the use of a Planned Development Overlay (PDO) in conjunction with the Public Facility (PF) zone. This change would enable the mixture of uses envisioned in the Civic Center Master Plan.As part of this initiative, planning and legal staff have prepared ordinances to refine and clarify regulations for the Public Facility and Planned Development Overlay zones.

Key Ordinance Revisions:

Public Facility Zone:

- Explicitly allows government services within the Public Facility (PF) zone, correcting what is believed to be an oversight in the original zoning ordinance.

Planned Development Overlay (PDO) Ordinance:

- Permits the use of a PDO in conjunction with the PF zone for city-sponsored projects.
    - Clarifies the roles of staff, the Planning Commission, the City Council, and applicants in the proposal, approval, and development process for Planned Developments.
    - Adjusts regulations on setbacks and density bonuses in PDOs.

Planning Commission Review – March 27, 2025

The Planning Commission initially reviewed this item on November 14, 2024, but tabled it to allow the City Attorney and planning staff to refine the proposed changes related to the PDO zoning overlay. At the March 27, 2025, meeting, the Commission had an extensive discussion on the proposed ordinance changes, focusing on:

- The Civic Center Master Plan
- The role of government in private development
- Other general amendments to the ordinance

Public comments at both meetings primarily addressed the Civic Center Master Plan itself, rather than the zoning changes under consideration. Following discussion, the Planning Commission voted 7-1 to approve most of the proposed changes but recommended removing the Public Facility (PDO) option. Instead, they suggested requiring the City to develop the property under standard zoning regulations.While staff acknowledges that the property can be developed under existing ordinances, this approach is not ideal given the unique nature of the Civic Center. As a result, the City Council is presented with two options (the difference in the options only has implications for revisions to Chapter 23; Chapters 11 and 17 are the same in both versions):

Option A: Allow the Public Facility (PDO) Zone for the Civic Center Master Plan

- This is the Staff Recommendation
- Aligns with the primarily Public Facility nature of the Civic Center.
- Common practice for cities to create specific zoning ordinances for civic developments.
- Provides flexibility to implement the Civic Center Master Plan as intended.

Option B: Require the Civic Center to Follow Current Zoning Ordinances

- This is the Planning Commission Recommendation
- Would require rezoning the entire property, including the Future City Hall and Police Station, as RM-3 (PDO)—an unusual and potentially confusing designation.
- Lowering project density could modify the required zoning, but it would likely still require residential zoning for City Hall and the Police Station, which is impractical.

Staff Recommendation: Staff recommends that the City Council approve Option A, allowing the Public Facility (PDO) zone for the Civic Center Master Plan.
Important Note: The specifics of the Civic Center Master Plan are not under consideration in this decision—only the zoning ordinances that will govern the property. The specifics will be decided when the property is rezoned.

Findings:

Recommendation:

Attachments:
1. Staff Comments for LUCA24-08 Land Use Code Amendment to Planned Development Overlays
2. LUCA24-08 Civic Center Zoning CC Staff Report
3. Ordinance 2025-04 Public Facility and PDO (Option A)
4. Ordinance 2025-04 Public Facility and PDO (Option B)
5. Title 10 Chapter 11 redlines
6. Title 10 Chapter 17 redlines
7. Title 10 Chapter 23 (redlines)(OPTION A)
8. Title 10 Chapter 23 (redlines) (OPTION B)

9. Title 10 Chapter 11 (clean)
10. Title 10 Chapter 17 (clean)
11. Title 10 Chapter 23 (clean) (OPTION A)
12. Title 10 Chapter 23 (clean) (OPTION B)

HURRICANE CITY
UTAH

STAFF COMMENTS

Item: Consideration and possible approval of LUCA24-08, 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.

Discussion: To support the development of the Civic Center, located on 20 acres of city-owned property west of the current City Offices, staff is proposing the use of a Planned Development Overlay (PDO) in conjunction with the Public Facility (PF) zone. This change would enable the mixture of uses envisioned in the Civic Center Master Plan.As part of this initiative, planning and legal staff have prepared ordinances to refine and clarify regulations for the Public Facility and Planned Development Overlay zones.

Key Ordinance Revisions:

Public Facility Zone:

- Explicitly allows government services within the Public Facility (PF) zone, correcting what is believed to be an oversight in the original zoning ordinance.

Planned Development Overlay (PDO) Ordinance:

- Permits the use of a PDO in conjunction with the PF zone for city-sponsored projects.
    - Clarifies the roles of staff, the Planning Commission, the City Council, and applicants in the proposal, approval, and development process for Planned Developments.
    - Adjusts regulations on setbacks and density bonuses in PDOs.

Planning Commission Review – March 27, 2025

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- The Civic Center Master Plan
- The role of government in private development
- Other general amendments to the ordinance

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Civic Center. As a result, the City Council is presented with two options (the difference in the options only has implications for revisions to Chapter 23; Chapters 11 and 17 are the same in both versions):

Option A: Allow the Public Facility (PDO) Zone for the Civic Center Master Plan

- This is the Staff Recommendation
- Aligns with the primarily Public Facility nature of the Civic Center.
- Common practice for cities to create specific zoning ordinances for civic developments.
- Provides flexibility to implement the Civic Center Master Plan as intended.

Option B: Require the Civic Center to Follow Current Zoning Ordinances

- This is the Planning Commission Recommendation
- Would require rezoning the entire property, including the Future City Hall and Police Station, as RM-3 (PDO)—an unusual and potentially confusing designation.
- Lowering project density could modify the required zoning, but it would likely still require residential zoning for City Hall and the Police Station, which is impractical.

Staff Recommendation: Staff recommends that the City Council approve Option A, allowing the Public Facility (PDO) zone for the Civic Center Master Plan.
Important Note: The specifics of the Civic Center Master Plan are not under consideration in this decision—only the zoning ordinances that will govern the property. The specifics will be decided when the property is rezoned.- Fred Resch III

Findings:

Recommendation:

PLANNING & ZONING
HURRICANE CITY
UTAH

STAFF COMMENTS

Agenda Date:	**04/03/2025 – City Council**
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

Discussion – Fred Resch III

To support the development of the Civic Center, located on 20 acres of city-owned property west of the current City Offices, staff is proposing the use of a Planned Development Overlay (PDO) in conjunction with the Public Facility (PF) zone. This change would enable the mixture of uses envisioned in the Civic Center Master Plan.As part of this initiative, planning and legal staff have prepared ordinances to refine and clarify regulations for the Public Facility and Planned Development Overlay zones.

Key Ordinance Revisions

Public Facility Zone:

- Explicitly allows government services within the Public Facility (PF) zone, correcting what is believed to be an oversight in the original zoning ordinance.

Planned Development Overlay (PDO) Ordinance:

- Permits the use of a PDO in conjunction with the PF zone for city-sponsored projects.
- Clarifies the roles of staff, the Planning Commission, the City Council, and applicants in the proposal, approval, and development process for Planned Developments.
- Adjusts regulations on setbacks and density bonuses in PDOs.

Planning Commission Review – March 27, 2025

The Planning Commission initially reviewed this item on November 14, 2024, but tabled it to allow the City Attorney and planning staff to refine the proposed changes related to the PDO zoning overlay. At the March 27, 2025, meeting, the Commission had an extensive discussion on the proposed ordinance changes, focusing on:

- The Civic Center Master Plan
- The role of government in private development
- Other general amendments to the ordinance

Public comments at both meetings primarily addressed the Civic Center Master Plan itself, rather than the zoning changes under consideration. Following discussion, the Planning Commission voted 7-1 to approve most of the proposed changes but recommended removing the Public Facility (PDO) option. Instead, they suggested requiring the City to develop the property under standard zoning regulations.While staff acknowledges that the property can be developed under existing ordinances, this approach is not ideal given the unique nature of the Civic Center. As a result, the City Council is presented with two options:

Option A: Allow the Public Facility (PDO) Zone for the Civic Center Master Plan

- This is the Staff Recommendation
- Aligns with the primarily Public Facility nature of the Civic Center.
- Common practice for cities to create specific zoning ordinances for civic developments.
- Provides flexibility to implement the Civic Center Master Plan as intended.

Option B: Require the Civic Center to Follow Current Zoning Ordinances

- This is the Planning Commission Recommendation
- Would require rezoning the entire property, including the Future City Hall and Police Station, as RM-3 (PDO)—an unusual and potentially confusing designation.
- Lowering project density could modify the required zoning, but it would likely still require residential zoning for City Hall and the Police Station, which is impractical.

Staff Recommendation: Staff recommends that the City Council approve Option A, allowing the Public Facility (PDO) zone for the Civic Center Master Plan.
Important Note: The specifics of the Civic Center Master Plan are not under consideration in this decision—only the zoning ordinances that will govern the property. The specifics will be decided when the property is rezoned.

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.

Ordinance 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTER 23 REGARDING PLANNED DEVELOPMENT OVERLAYS AND TITLE 10 CHAPTER 11 AND CHAPTER 17 REGARDING THE PUBLIC FACILITY ZONE.

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10 Chapters 11, 17, and 23 of the Hurricane City Code; and

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

BE IT HEREBY ORDIANED by the Hurricane City Council that Title 10 Chapter 11 of the Hurricane City Code is amended to read as follows:

Sec. 10-11-2. Zone purposes.

In addition to the general purposes of this title as set forth in section 10-1-3 of this title, the various zones each serve more specific purposes as set forth below:

A. *Agricultural zones.* Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.

B. *Residential agriculture zones.* Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.

   1. The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the City's semirural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms, and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

C. *Residential zones.* Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.

   1. The purpose of the R1-15, R1-10, R1-8 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 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.

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)

BE IT HEREBY ORDIANED by the Hurricane City Council that Title 10 Chapter 17 of the Hurricane City Code is amended to read as follows:

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, major2	P	P
Utility, minor2	P	P
Utility substation2	P	P
Commercial uses:		
Animal hospital	N	N
Child care center1	N	P
Club, private	N	N
Licensed family child care1	N	N
Parking lot, public	N	P
Recreation and entertainment, outdoor	N	P
Research service	N	N
Residential certificate child care1	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

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)

BE IT HEREBY ORDIANED by the Hurricane City Council that Title 10 Chapter 23 of the Hurricane City Code is amended to read as follows:

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 integration of mutually compatible uses, consolidation 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.

(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, of this title, subject to the requirements of this chapter. A Public Facility PDO is reserved for only City-sponsored developments 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 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. RESERVED

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 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:

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. The approved preliminary site plan shall show locations of uses, densities of units, and types of units within the proposed development.

2. 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). For each phase of development, the site plan shall provide a table 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.

E. *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.

F. *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.

(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.

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 (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 sculptures, buildings, or other elements which establish a strong design theme for the development and are utilized in highly visible locations.

b. Provision of usable open space above and beyond any required open space (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.

c. Provision of recreational facilities (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.

d. Increased landscaping (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.

e. Provision of affordable housing (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.

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

Sec. 10-23-9. 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

Lot standards:	

Average lot area	Does not apply
Maximum density per acre	See underlying zone

Building standards:	
Maximum height, main building[1]	See underlying zone
Maximum height, accessory building[1]	See underlying zone
Building coverage	50 percent per site plan
Distance between buildings	10 feet
Setback standards - front:	
Any building - pedestrian entrance	20 feet
Garage or parking building	25 feet
Setbacks - rear:	
Main building	10 feet
Accessory building, including private garage[3]	10 feet. See note 3
Setback standards - interior side yard:	
Main building	10 feet

Accessory building, including private garage[2]	10 feet. See note 2.
Setback standards - street side yard:	
Main building	20 feet
Accessory building, including private garage	20 feet
Parking[5]	See note 4

Notes:

1. A 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 2 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. Garages are not required in Planned Developments. Off-street parking standards in Title 10, Chapter 34 must be met.

B. Non-residential uses. All non-residential uses shall comply with the development standards of the applicable uses.

C. *Walls and fences.* Walls and fences may be required around the perimeter of a planned development where the development is adjacent to a different zone.

D. *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 from 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:

    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.

    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.

E. *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.

F. *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.

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.

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.

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.

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)

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

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

Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

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

PASSED AND APPROVED this 3rd day of April 2025

Hurricane City

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of April, 2025. Whereupon a motion to

adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

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

_____

Cindy Beteag, Recorder

Ordinance 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTER 23 REGARDING PLANNED DEVELOPMENT OVERLAYS AND TITLE 10 CHAPTER 11 AND CHAPTER 17 REGARDING THE PUBLIC FACILITY ZONE.

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10 Chapters 11, 17, and 23 of the Hurricane City Code; and

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

WHEREAS, the Planning Commission made a positive recommendation of these changes;

BE IT HEREBY ORDIANED by the Hurricane City Council that Title 10 Chapter 11 of the Hurricane City Code is amended to read as follows:

Sec. 10-11-2. Zone purposes.

In addition to the general purposes of this title as set forth in section 10-1-3 of this title, the various zones each serve more specific purposes as set forth below:

A. *Agricultural zones.* Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.

B. *Residential agriculture zones.* Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.

1. The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the City's semirural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms, and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

C. *Residential zones.* Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.

1. The purpose of the R1-15, R1-10, R1-8 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 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.

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)

BE IT HEREBY ORDIANED by the Hurricane City Council that Title 10 Chapter 17 of the Hurricane City Code is amended to read as follows:

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, major2	P	P
Utility, minor2	P	P
Utility substation2	P	P
Commercial uses:		
Animal hospital	N	N
Child care center1	N	P
Club, private	N	N
Licensed family child care1	N	N
Parking lot, public	N	P
Recreation and entertainment, outdoor	N	P
Research service	N	N
Residential certificate child care1	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

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)

BE IT HEREBY ORDIANED by the Hurricane City Council that Title 10 Chapter 23 of the Hurricane City Code is amended to read as follows:

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 integration of mutually compatible uses, consolidation 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.

(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, and 14 of this Title subject to the requirements of this Chapter

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 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. RESERVED

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 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:

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. The approved preliminary site plan shall show locations of uses, densities of units, and types of units within the proposed development.

2. 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). For each phase of development, the site plan shall provide a table 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.

E. *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.

F. *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.

(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.

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 (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 sculptures, buildings, or other elements which establish a strong design theme for the development and are utilized in highly visible locations.

b. Provision of usable open space above and beyond any required open space (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.

c. Provision of recreational facilities (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.

d. Increased landscaping (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.

e. Provision of affordable housing (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.

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

Sec. 10-23-9. 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, and 14 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

Lot standards:	

Average lot area	Does not apply
Maximum density per acre	See underlying zone

Building standards:	
Maximum height, main building[1]	See underlying zone
Maximum height, accessory building[1]	See underlying zone
Building coverage	50 percent per site plan
Distance between buildings	10 feet
Setback standards - front:	
Any building - pedestrian entrance	20 feet
Garage or parking building	25 feet
Setbacks - rear:	
Main building	10 feet
Accessory building, including private garage[3]	10 feet. See note 3
Setback standards - interior side yard:	
Main building	10 feet

Accessory building, including private garage[2]	10 feet. See note 2.
Setback standards - street side yard:	
Main building	20 feet
Accessory building, including private garage	20 feet
Parking[5]	See note 4

Notes:

1. A 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 2 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. Garages are not required in Planned Developments. Off-street parking standards in Title 10, Chapter 34 must be met.

B. Non-residential uses. All non-residential uses shall comply with the development standards of the applicable uses.

C. *Walls and fences.* Walls and fences may be required around the perimeter of a planned development where the development is adjacent to a different zone.

D. *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 from 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:

    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.

    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.

E. *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.

F. *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.

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.

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.

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.

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)

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

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

Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

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

PASSED AND APPROVED this 3rd day of April 2025

Hurricane City

_____
Nanette Billings, Mayor

Attest:

_____
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 3rd day of April, 2025. Whereupon a motion to

adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

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

_____

Cindy Beteag, Recorder

Sec. 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~~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 ~~c~~City-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~~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:

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.~~

~~1~~2. 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; p. 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.

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):~~

~~(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.~~

~~e~~b. 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.

~~f~~c. 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.

~~g~~d. 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.

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

~~f~~e. 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 D~~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

Lot standards:	

Average lot area	~~n/a~~Does not apply
Maximum density per acre	See underlying zone

Building standards:	
Maximum height, main building[1]	See underlying zone
Maximum height, accessory building[1]	See underlying zone
Building coverage	50 percent per site plan
Distance between buildings	10 feet
Setback standards - front:	
Any building - pedestrian entrance	20 feet
Garage or parking building[3]	~~15~~25 feet
Setbacks - rear:	
Main building	10 feet
Accessory building, including private garage[3]~~2~~	10 feet. See note 3~~10 feet~~
Setback standards - interior side yard:	
Main building	10 feet

Accessory building, including private garage[2]	~~See note 2~~3 ~~feet~~10 feet. See note 2.
Setback standards - street side yard:	
Main building	20 feet
Accessory building, including private garage[4]	~~See note 4~~~~Not permitted~~20 feet
Parking[5]	See note ~~5~~44

Notes:

1. ~~Except a~~A 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 ~~3~~2 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.~~
5. ~~4~~5. Garages are not required in Planned Developments. Off-street parking standards in ~~10-34 of this title~~Title 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.*~~

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 zoneis 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 resortindustrial.* Development standards for commercial and recreation resortindustrial 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 ontopublic 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:

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.~~

~~K~~E. *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.

~~L~~F. *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.

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)

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~~all planned development overlay zones 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. 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, and 14 of this Title, subject to the requirements of this Chapter. ~~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 city-sponsored civic developments only.

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~~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:

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.~~

~~1~~2. 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; p. 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.

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):~~

~~(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.~~

~~e~~b. 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.

~~f~~c. 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.

~~g~~d. 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.

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

~~f~~e. 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 D~~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, and 14 of this Title. ~~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

Lot standards:	

Average lot area	~~n/a~~Does not apply
Maximum density per acre	See underlying zone
Building standards:	
Maximum height, main building[1]	See underlying zone

Maximum height, accessory building1	See underlying zone
Building coverage	50 percent per site plan
Distance between buildings	10 feet
Setback standards - front:	
Any building - pedestrian entrance	20 feet
Garage or parking building~~3~~	25 feet
Setbacks - rear:	
Main building	10 feet
Accessory building, including private garage3~~2~~	10 feet. See note 3~~10 feet~~
Setback standards - interior side yard:	
Main building	10 feet
Accessory building, including private garage2	~~See note 23 feet~~10 feet. See note 2.

Setback standards - street side yard:	
Main building	20 feet
Accessory building, including private garage4	~~See note 4~~~~Not permitted~~20 feet
Parking[5]	See note ~~5~~4~~4~~

Notes:

1. ~~Except a~~A 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 ~~3~~2 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.~~

4~~5~~. Garages are not required in Planned Developments. Off-street parking standards in ~~10-34 of this title~~Title 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.*~~

~~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 zoneis 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 resortindustrial.* Development standards for commercial and recreation resortindustrial 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 ontopublic 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:

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.~~

~~K~~E. *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.

~~L~~F. *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.

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)

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~~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.

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

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 integration of mutually compatible uses, consolidation 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.

(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, of this title, subject to the requirements of this chapter. A Public Facility PDO is reserved for only City-sponsored developments 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 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. RESERVED

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 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:

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. The approved preliminary site plan shall show locations of uses, densities of units, and types of units within the proposed development.

2. 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). For each phase of development, the site plan shall provide a table 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.

E. *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.

F. *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.

(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.

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 (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 sculptures, buildings, or other elements which establish a strong design theme for the development and are utilized in highly visible locations.

b. Provision of usable open space above and beyond any required open space (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.

c. Provision of recreational facilities (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.

d. Increased landscaping (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.

e. Provision of affordable housing (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.

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

Sec. 10-23-9. 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

Lot standards:	

Average lot area	Does not apply

Maximum density per acre	See underlying zone
Building standards:	
Maximum height, main building[1]	See underlying zone
Maximum height, accessory building[1]	See underlying zone
Building coverage	50 percent per site plan
Distance between buildings	10 feet
Setback standards - front:	
Any building - pedestrian entrance	20 feet
Garage or parking building	25 feet
Setbacks - rear:	
Main building	10 feet
Accessory building, including private garage[3]	10 feet. See note 3
Setback standards - interior side yard:	

Main building	10 feet
Accessory building, including private garage[2]	10 feet. See note 2.
Setback standards - street side yard:	
Main building	20 feet
Accessory building, including private garage	20 feet
Parking[5]	See note 4

Notes:

1. A 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 2 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. Garages are not required in Planned Developments. Off-street parking standards in Title 10, Chapter 34 must be met.

B. Non-residential uses. All non-residential uses shall comply with the development standards of the applicable uses.

C. *Walls and fences.* Walls and fences may be required around the perimeter of a planned development where the development is adjacent to a different zone.

D. *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 from 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:

    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.

    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.

E. *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.

F. *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.

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.

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.

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.

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)

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 integration of mutually compatible uses, consolidation 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.

(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, and 14 of this Title subject to the requirements of this Chapter

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 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. RESERVED

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 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:

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. The approved preliminary site plan shall show locations of uses, densities of units, and types of units within the proposed development.

2. 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). For each phase of development, the site plan shall provide a table 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.

E. *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.

F. *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.

(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.

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 (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 sculptures, buildings, or other elements which establish a strong design theme for the development and are utilized in highly visible locations.

b. Provision of usable open space above and beyond any required open space (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.

c. Provision of recreational facilities (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.

d. Increased landscaping (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.

e. Provision of affordable housing (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.

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

Sec. 10-23-9. 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, and 14 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

Lot standards:	

Average lot area	Does not apply
Maximum density per acre	See underlying zone

Building standards:	
Maximum height, main building[1]	See underlying zone
Maximum height, accessory building[1]	See underlying zone
Building coverage	50 percent per site plan
Distance between buildings	10 feet
Setback standards - front:	
Any building - pedestrian entrance	20 feet
Garage or parking building	25 feet
Setbacks - rear:	
Main building	10 feet
Accessory building, including private garage[3]	10 feet. See note 3
Setback standards - interior side yard:	
Main building	10 feet

Accessory building, including private garage[2]	10 feet. See note 2.
Setback standards - street side yard:	
Main building	20 feet
Accessory building, including private garage	20 feet
Parking[5]	See note 4

Notes:

1. A 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 2 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. Garages are not required in Planned Developments. Off-street parking standards in Title 10, Chapter 34 must be met.

B. Non-residential uses. All non-residential uses shall comply with the development standards of the applicable uses.

C. *Walls and fences.* Walls and fences may be required around the perimeter of a planned development where the development is adjacent to a different zone.

D. *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 from public streets, and access from public streets must be provided at appropriate intervals.
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        (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.

    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.

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6. Irrigation water, street signs, street lighting, fencing, and any other required improvements shall be provided in accordance with City standards.

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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."

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    a. Membership in the association shall be mandatory for each owner and its grantees, successors and assigns.

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    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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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.

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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)