



HURRICANE CITY UTAH

Mayor

Clark Fawcett

City Manager

Kaden DeMille

City Council

*Drew Ellerman
Joseph Prete
Dave Imlay
Lynn Excell
Amy Werrett*

Hurricane City Council Meeting Agenda

May 21, 2026
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 Special City Council Meeting for May 5, 2026

Swearing in of officers Ryan Harris, Justin Rydalch, Landon Tanner, and Drew Sowards

Recognition of HHS track athletes for outstanding athletic achievement

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 a **Development Agreement for ZC25-21**, a proposed zone change on 7.27 acres located at 2300 S and 1100 W from Residential Agricultural RA-0.5 to Light Industrial M-1; Parcel number H-3-2-10-3391 - Scott Stratton

2. Consideration and possible approval of **Resolution 2026-20 Adopting a Privacy Program Policy** - Sel Lovell
3. Consideration and possible approval of **Ordinance 2026-10 Amending Title 10, Chapter 36** regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant - Gary Cupp
4. Consideration and possible approval of a **contract for the Transportation Masterplan** Update - Arthur LeBaron

NEW BUSINESS

1. Consideration and possible approval of **Amending the Hurricane City Standards and Specifications** to remove duplicate blasting standards - Mike Vercimak
2. Consideration and possible approval of **local consent for a limited restaurant liquor license** for Yokoso LLC - Janiel Wirth
3. Consideration and possible approval of **Ordinance 2026-11 amending Title 10, Chapters 7 and 37** regarding conditional uses and height exceptions for flag poles; File No. LUCA26-03; Hurricane City Planning Department, applicant -Gary Cupp
4. Consideration and possible approval of **Ordinance 2026-12 amending Title 10, Chapter 37** regarding exceptions for allowing double frontage lots; File No. LUCA26-04; Hurricane City Planning Department, applicant -Gary Cupp
5. Consideration and possible approval of **Ordinance 2026-13 amending Title 10, Chapter 7** regarding new and unlisted business uses; File No. LUCA26-05; Hurricane City Planning Department, applicant -Gary Cupp
6. Consideration and possible approval of a **30-day extension of the term of the Development Agreement** for Sand Hollow Mesa Project -Dayton Hall
7. Mayor, Council, and staff reports
8. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

The undersigned City Recorder does hereby certify that the agenda was posted to the city website, posted to the state public notice website, and at the following locations: the City office, the post office, and the library on May 20, 2026. Cindy Beteag, City Recorder

REASONABLE ACCOMMODATION: Hurricane City will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs, please contact the City Recorder, 435-635-2811 x 106, at least 24 hours in advance if you have special needs.

Agenda Summary for Hurricane City Council May 21, 2026

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Minutes for Special Meeting May 5, 2026.

Swearing in of officers Ryan Harris, Justin Rydalch, Landon Tanner, and Drew Sowards

Recognition of HHS track athletes for outstanding athletic achievement

Old Business

1. The subject property is Parcel No. H-3-2-10-3391, located between the City Airport and 1100 West near 2300 South, consisting of 7.27 acres. The City Council first considered this item on December 18, 2025. A motion to approve the zone change failed with a 2-3 vote of the Council, with Kevin Thomas and Drew Ellerman voting in favor of the request, and David Hirschi, Clark Fawcett, and Joseph Prete voting against. Council members voting against the zone change explained they wanted to better understand the planned use of the property. The item was continued until the next meeting. The Council considered the item again on January 15, 2026. Scott Stratton indicated that the intended use of the property is a shop building, warehousing, and yard storage. The Council and Scott Stratton discussed road dedication in conjunction with the zone change, the appearance of the property, the placement of an industrial zone near the airport, the location of the property as a gateway to the south end of the City, permitted uses in light industrial zones, the potential 'snowball' effect of allowing the industrial zoning, and the plan for the existing roadway after 1100 West is constructed. By a unanimous motion, the Council approved the zone change, subject to a development agreement to be approved by the Council. The Council indicated it wanted the following terms addressed in the agreement: (1) removing junk from the property; (2) equipment being organized; (3) roadway dedication; (4) property being screened from the public; (5) 1100 West construction obligations; and (6) identification of permitted uses. City staff and Scott Stratton have been in discussions for several months, and a draft development agreement has been created for the Council's consideration.

Planning Staff Recommendation

Planning Staff recommended denial due to the failure to satisfy the criteria for a zone change. First, the General Plan map designates this area as Rural Residential, which would include densities ranging from RA-0.5 to A-40. Light Industrial is not an identified use consistent with the General Plan map; however, it was noted that the General Plan advises that housing developments should not be located near heavy industrial land uses, which may be comparable to the airport. Next, whether the proposed use was harmonious with or would have an adverse effect on the adjacent residentially zoned properties and the adjacent airport was not discussed at length. Finally, the adequacy of public facilities was discussed, and concerns were raised about the utility demands that could result from industrial uses.

Planning Commission Recommendation

On December 11, 2025, the Planning Commission unanimously recommended approval of the proposed zone change. The Commission's discussion focused primarily on the need for industrial properties and the proximity of the property to the City airport.

Proposed Terms of a Development Agreement

A proposed development agreement is included in the Council's packet. A summary of the key terms of the development agreement are as follows:

- The zone will be changed to Light Industrial, but the use will be limited to the following: Limited General Warehousing, meaning (1) the storage of goods for construction or business use or (2) the storage of goods for resale, excluding self-storage facilities, major distribution centers, and motor freight terminals. Limited General Warehousing may include office space and sales floors used in conjunction with a permitted use. Limited General Warehousing is intended to be limited to separate warehouse areas under 30,000 square feet.
- The remainder of 1100 West adjacent to the property will be dedicated to the City in conjunction with the execution of the agreement.
- When the property is developed, 1100 West will be improved by the developer to the extent necessary to support the development, which is the standard procedure. Impact fee reimbursements may be available under the generally applicable City Code.
- 4. When the property is developed, the access to the property will be limited to access from 1100 West. If the owner desires access from the existing roadway on the east side of the property, the Public Works Director has discretion to allow that access, but only if the owner makes roadway and frontage improvements to the existing road.
- 5. Within six (6) months after the Effective Date of this Agreement, Developer shall complete the construction of a fence or wall on the north, east, and southeast boundaries of the Property. The fencing or walls shall be six (6) feet in height and shall create a visual barrier between the Property and the adjoining properties. If fencing is utilized it shall be a form of privacy fencing, which may include chain link fencing with privacy slats providing a minimum of 85% blockage. Fencing on the west boundary of the Property, if required, will be addressed with the future development of the Property.

The proposed agreement was prepared by the City Attorney in an attempt to satisfy the various comments made by the members of the Council. – Dayton Hall

2. This item was continued at the last meeting to allow Council time to review the proposed Privacy Program Policy. Governmental agencies in Utah are required to create a privacy program primarily to comply with the Government Data Privacy Act (GDPA)—enacted via House Bill 491 in 2024—which mandates that all state and local governmental entities initiate a structured data privacy program by December 31, 2025. This initiative, further bolstered by HB 450 in 2026, aims to modernize data governance, protect citizen privacy, and establish transparency. As a city we must adopt a resolution

which states that we will follow all the mandates set forth by the Data Privacy Act which is enforced by the Utah Office of Data Privacy. – Sel Lovell

3. May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background:

This item was continued at the May 7, 2026, City Council meeting to allow further consideration of the proposed sign ordinance update, particularly, with respect to the provisions pertaining to video display signs, termed “electronic message centers” in the code. As currently proposed, the ordinance would allow video display signs with the same size and height standards that apply to all other signs. Upon raising concerns about how the proliferation of possibly inadequately regulated video signs could lead to the deterioration of the city’s small-town atmosphere, the City Council directed staff to propose additional options to appropriately regulate such signs in order to assure preservation of the city’s desired visual character. Staff therefore suggests the following possible options for the Council to consider, some of which could be used in combination with each other:

Limit the maximum allowable size to 100 square feet. The current code allows a maximum sign area of 200 square feet. (As a point of reference, the Coral Cliffs Cinema video display screen is about 170 square feet in area.)

Allow only still imagery. Restrict video signs to only display still images, with the exception of animated message transitions that change at no less than eight-second intervals. (Note: The proposed 8-second minimum message length appears to be the prevailing regulatory standard in various other jurisdictions.)

Allow video clips but limit them to a frequency of no more than one (1) eight-second clip per two-minute interval (or another interval the Council feels appropriate).

Only allow them along the State Highways.

Prohibited in the downtown area for a certain block radius.

Prohibit them outright moving forward.

For the staff discussion on the other aspects of the proposed update to the sign ordinance, please see the document entitled "**Previous Staff Comments from 5-7-26**" in the packet. Staff does not recommend an outright prohibition of video signs, but, of course, that would be the Council's prerogative. Staff recommends approval of the proposed revisions to the sign ordinance along with any changes the Council decides.

4. This item was continued at the last meeting to allow more time for internal review. The City Council approved the selection of Avenue Consultants to perform the proposed Transportation Masterplan Update. The project has an expanded scope that includes the following items:

Transportation Masterplan
Public Engagement
Active Transportation Plan
Pavement Management Plan
Transportation Utility Fee Analysis
Capital Facilities Plan
Impact Fee Facilities Plan

Avenue Consultants has submitted a scope of work and associated cost proposal that we have successfully negotiated in the amount of \$175,629.00. This amount is in accordance with the estimates that I had made for this project. The City has budgeted \$100,000 in the current budget year. We have an additional \$30,000 that I was able to secure from the Dixie MPO planning fund. I also submitted a grant application to UDOT Technical Planning Assistance Fund in the amount of \$100,000, which I am expecting will be successful, but I have not yet received the award. As this project will straddle two budget periods, it is feasible for the City to budget the remaining \$45,629 in the next budget year to cover the cost of the project.

Findings: The scope and fee presented is the result of a successful negotiation with Avenue Consultants to move forward with the project. The work that will be completed by this project will be a great benefit to the City and funding for this project is good to move forward.

Recommendation: It is recommended that the City award the contract for the Transportation Masterplan Update to Avenue Consultants in the amount of \$175,629.00. – Arthur LeBaron

New Business

1. Section 2.9 of the Hurricane City Standards for Design and Construction sets forth the requirements and conditions for blasting in the City of Hurricane. In the past and as stated in the standards, the blast permits and the administration of these permits were duly assigned to the Fire Chief and are controlled by the Uniform Fire Code and the State of Utah. Up until the creation of the Hurricane Valley Fire District, the Fire Chief of Hurricane City administered the issuance and operation of such permits. With the creation of the Hurricane Valley Fire District, the authority over such permits were relegated to the Fire Chief of said district. The Fire District has overseen these permits since that time, but inadvertently, the section governing blasting permits were never taken out of the Hurricane City standards. The problem arises that when a third party investigates the requirements for the two permits under each individual authority there are some slight discrepancies. This in turns leads to questions about how the permits are administered and by what set of rules, causing confusion and uncertainty. Since the Fire District is regulated by the State of Utah it only makes sense to delete the rules from the Hurricane City Standards which will remove any and all discrepancies. The City of Hurricane does not have the authority to govern these permits at this time. – Mike Vercimak

2. Yokoso LLC, an existing restaurant operating within the Walmart Subdivision in Hurricane City, is requesting local consent for a Limited Restaurant Liquor License through the State of Utah Department of Alcoholic Beverage Services. This license would allow the establishment to serve beer, heavy beer, and wine; however, the sale or service of distilled liquor would not be permitted under this license classification. Staff has reviewed the application and confirmed that the restaurant meets all applicable distance separation requirements as required by state law. In addition, a background check has been completed on the individual responsible for overseeing the day-to-day operations of the business. No concerns were identified during the review process. City staff and the Police Chief have reviewed the request and have no objections to the issuance of local consent for the license. Based on the information provided and compliance with applicable requirements, staff recommends approval of the request for local consent for the Limited Restaurant Liquor License for Yokoso LLC. – Cindy Beteag

3. May 21, 2026
To: Hurricane City Council
From: Gary Cupp, Planning Director

Background/Request:

This ordinance update was prepared by staff in conjunction with the sign ordinance update. It is proposed that the height of flagpoles be limited to the maximum height of buildings in the applicable zone; a new conditional use permit process for taller flagpoles in nonresidential zones is also proposed. The suggested standards for conditional use permits include consideration for health and safety and proximity to airports. This code update also requires a minor revision to Chapter 37, Section 10-37-11 that exempts flagpoles from the height ordinance. These amendments relating to flagpole heights were initially included in the sign ordinance update, but upon review by the City Attorney, it was decided that the proposed exceptions to allow higher flagpoles in nonresidential zones would be more appropriately reviewed under the conditional use process.

Planning Commission Review:

A public hearing was held at the May 14, 2026, Planning Commission meeting and no public comments or objections to the code update were received. Discussion among the commissioners was supportive of the proposed code update. Commissioner Smith asked whether the code update included a regulation, like the American Legion's flag code, requiring lighting of a flag if it is to be flown at night. The code currently does not propose such a requirement, although the City Council could consider adding one if they desire. The Planning Commission voted unanimously to recommend approval to the City Council.

Staff recommends approval of the land use code update.

4. May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

This proposed code amendment is the result of a discussion in the Planning Commission meeting on April 23, 2026, regarding a request for an amended final plat to combine three lots in the Scenic Pointe subdivision that would result in the creation of a lot that would front on two city streets. Section 10-37-12(E) of the city code currently does not allow the creation of double frontage lots, and staff's recommendation for the Scenic Pointe application was to have the landowner dedicate land to the city to create a strip of city-owned land between one of the street frontages and the applicant's property in order to comply with the code requirement. The awkwardness of such a process brought about questions from the Planning Commission regarding the need of the requirement in cases such as the Scenic Point application. Internal staff conversations on the matter determined that the code provision is appropriate when considering new subdivision developments, but may not be necessary for isolated situations where lots are being combined. It is therefore suggested that Section 10-37-12(E) be updated with the added text in red font below:

"Double frontage lots. Lots having frontage on two or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the City's road master plan. Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one street shall be measured on one street only. Notwithstanding the foregoing, a double frontage lot is permitted when all of the following conditions are met: (1) the double frontage is the result of the combination of two or more previously recorded lots; (2) the double frontage lot will not access a master planned road; and (3) the front yard setback applicable to the property shall apply to both frontages of the double frontage lot."

Staff recommends approval of the land use code update.

5. May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

The Utah State Legislature passed SB179 in 2025, requiring cities to adopt a process for new and unlisted business uses; that is, for business uses that do not match any of the listed business uses on the use tables in the city code. Hurricane City complied with that law and passed an ordinance adopting the state's process in May 2025. There were issues with the way the original bill was written, specifically with regards to the legislative process and the appeal process, so in 2026, the State Legislature passed

SB284 which included provisions to fix these problems. Staff has prepared an updated ordinance to match these changes in the state code. The key changes are:

- The Council's decision to add a new-and-unlisted-business use to the code requires an amendment to the code, which is a legislative decision and must follow that process.
- An appeal to the Council's decision not to add a new or unlisted business use to the code must now be filed in district court, which is consistent with the process for any other legislative decisions. Currently, such appeals would go to the Appeals Board.

Planning Commission Review:

A public hearing was held at the May 14, 2026, Planning Commission meeting and no public comments or objections to the code update were received. No substantive discussion was had on the item. The Planning Commission voted unanimously to recommend approval to the City Council since the update is required by state law.

Staff recommends approval of the land use code update.

6. Consideration and possible approval of a 30-day extension of the term of the Development Agreement for Sand Hollow Mesa Project.
7. Mayor, Council, and staff reports.
8. Tentative Close Meeting upon request.

Mayor
Clark Fawcett

City Manager
Kaden C. DeMille



City Council

*Drew Ellerman
Joseph Prete
Dave Imlay
Lynn Excell
Amy Werrett*

Human Resources Employment Report

This is a brief report on staff who have been recently hired and current open positions which need to be filled in the city.

New Hires

J. Scott Wilson – GIS Analyst

Current Open Positions

Finance Manager
Parks Custodian
Recreation Sports Aide
Utility Clerk

Date 05/21/2026



Minutes of the Hurricane City Council special meeting held on May 5, 2026, where they met at the Hurricane City Office 147 North 870 West, Hurricane, Utah and traveled together to areas managed by the Bureau of Land Management at 4:30 p.m.

Members Present: Mayor Clark Fawcett and **Council Members:** Drew Ellerman, Joseph Prete, Dave Imlay, Lynn Excell, and Amy Werrett.

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, and City Recorder Cindy Beteag.

AGENDA

4:30 p.m. Meet at the City Office

1. Traveling tour, Council retreat, and outdoor social dinner in areas managed by the Bureau of Land Management, potentially including discussions regarding general City policies.

The City Council members met at the Hurricane City Offices and traveled together to areas managed by the Bureau of Land Management, where they met with Mayor Clark Fawcett. Dinner was provided as the Council discussed general City policy questions previously prepared by Mayor Fawcett, a copy of which is attached to these minutes.

Adjournment: Council left the Retreat at 8:30 p.m.

COUNCIL RETREAT QUESTIONS

1. What is the biggest problem the city currently faces?
2. If you could change one thing in the city, what would it be?
3. If we had \$1M extra money in the budget, what would you spend it on?
4. Is there one thing you would like to see the city do that we currently don't do?
5. Is there a department you feel is underfunded? Over funded?
6. What should be the focus of the city for the 2026-27 fiscal year?
7. What is the best thing the city has done in the 2025-26 year?
8. Is there an ordinance you feel needs to be changed or rescinded?
9. What policy should be set for utility fees:
 - Only raise when we feel they are too low?
 - Set a percentage to increase each year?
 - Review yearly and determine need?
 - Review every other year?
10. Impact fees are high and hurting the ability to have affordable housing. Do you favor charging 100% of the calculated impact fees or should we let the current resident bear part of the cost?
11. What is your attitude about Code Enforcement?
12. Do you favor strict enforcement?
13. Do you favor by complaint enforcement?
14. What things should we be enforcing?
15. What things should we not be enforcing?
16. Are there policies and procedures that need to be changed?
17. Describe the Hurricane you would like to see in 20 years from now. List the key elements.

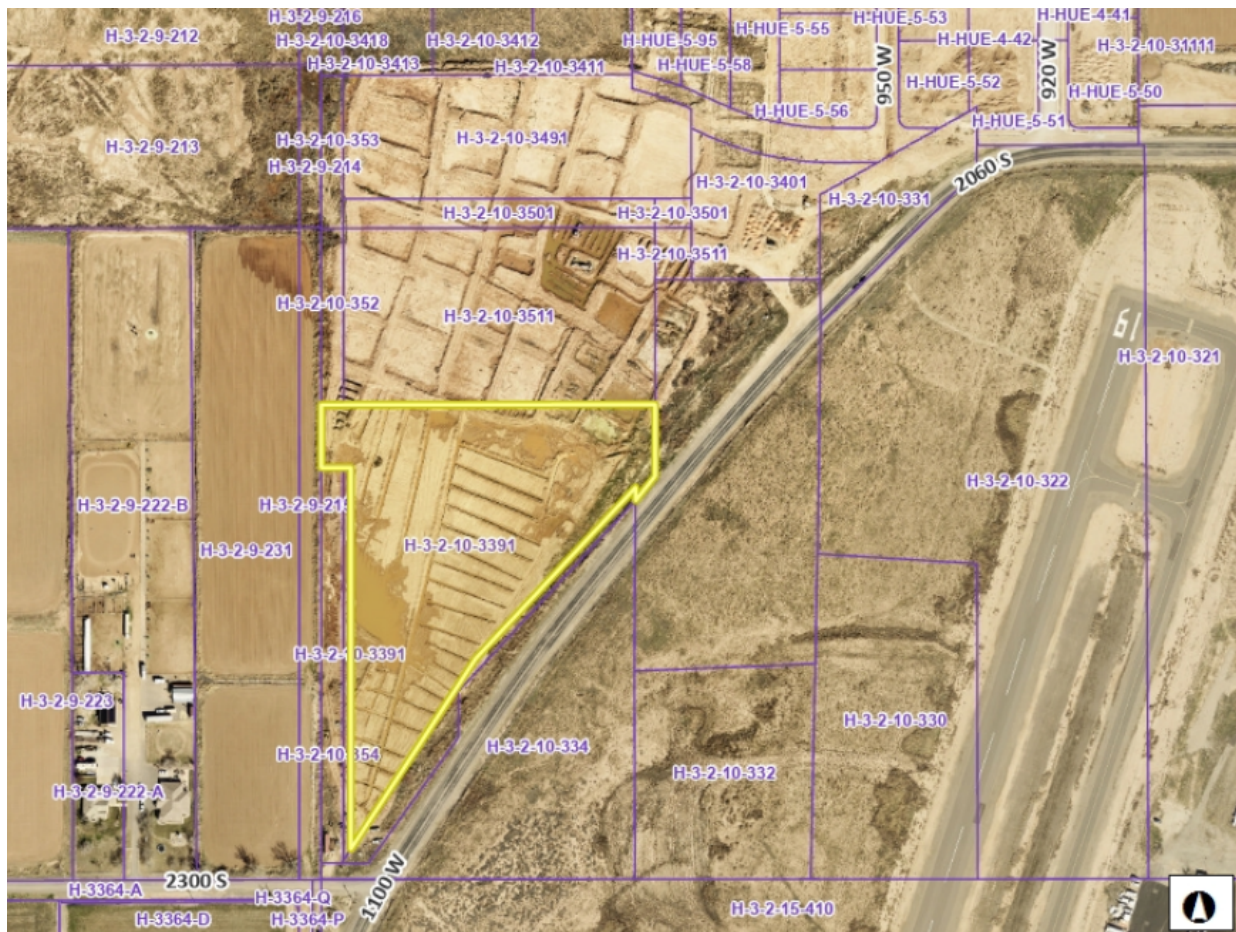


STAFF REPORT FOR CITY COUNCIL AGENDA

TO: Hurricane City Council
FROM: Dayton Hall, City Attorney
DATE: May 13, 2026
RE: Consideration and possible approval of a Development Agreement for ZC25-21, a proposed zone change on 7.27 acres located at 2300 South and 1100 West from Residential Agriculture RA-0.5 to Light Industrial M-1, requested by Scott Stratton.

I. Introduction

The subject property is Parcel No. H-3-2-10-3391, located between the City Airport and 1100 West near 2300 South, consisting of 7.27 acres.



II. Agenda Item History

The City Council first considered this item on December 18, 2025. A motion to approve the zone change failed with a 2-3 vote of the Council, with Kevin Thomas and Drew Ellerman voting in favor of the request, and David Hirschi, Clark Fawcett, and Joseph Prete voting against. Council members voting against the zone change explained they wanted to better understand the planned use of the property. The item was continued until the next meeting.

The Council considered the item again on January 15, 2026. Scott Stratton indicated that the intended use of the property is a shop building, warehousing, and yard storage. The Council and Scott Stratton discussed road dedication in conjunction with the zone change, the appearance of the property, the placement of an industrial zone near the airport, the location of the property as a gateway to the south end of the City, permitted uses in light industrial zones, the potential 'snowball' effect of allowing the industrial zoning, and the plan for the existing roadway after 1100 West is constructed. By a unanimous motion, the Council approved the zone change, subject to a development agreement to be approved by the Council. The Council indicated it wanted the following terms addressed in the agreement: (1) removing junk from the property; (2) equipment being organized; (3) roadway dedication; (4) property being screened from the public; (5) 1100 West construction obligations; and (6) identification of permitted uses.

City staff and Scott Stratton have been in discussions for several months, and a draft development agreement has been created for the Council's consideration.

III. Planning Staff Recommendation

Planning Staff recommended denial due to the failure to satisfy the criteria for a zone change. First, the General Plan map designates this area as Rural Residential, which would include densities ranging from RA-0.5 to A-40. Light Industrial is not an identified use consistent with the General Plan map; however, it was noted that the General Plan advises that housing developments should not be located near heavy industrial land uses, which may be comparable to the airport. Next, whether the proposed use was harmonious with or would have an adverse effect on the adjacent residentially zoned properties and the adjacent airport was not discussed at length. Finally, the adequacy of public facilities was discussed, and concerns were raised about the utility demands that could result from industrial uses.

IV. Planning Commission Recommendation

On December 11, 2025, the Planning Commission unanimously recommended approval of the proposed zone change. The Commission's discussion focused primarily on the need for industrial properties and the proximity of the property to the City airport.

V. Proposed Terms of a Development Agreement

A proposed development agreement is included in the Council's packet. A summary of the key terms of the development agreement are as follows:

1. The zone will be changed to Light Industrial, but the use will be limited to the following:

Limited General Warehousing, meaning (1) the storage of goods for construction or business use or (2) the storage of goods for resale, excluding self-storage facilities, major distribution centers, and motor freight terminals. Limited General Warehousing may include office space and sales floors used in conjunction with a permitted use. Limited General Warehousing is intended to be limited to separate warehouse areas under 30,000 square feet.

2. The remainder of 1100 West adjacent to the property will be dedicated to the City in conjunction with the execution of the agreement.
3. When the property is developed, 1100 West will be improved by the developer to the extent necessary to support the development, which is the standard procedure. Impact fee reimbursements may be available under the generally applicable City Code.
4. When the property is developed, the access to the property will be limited to access from 1100 West. If the owner desires access from the existing roadway on the east side of the property, the Public Works Director has discretion to allow that access, but only if the owner makes roadway and frontage improvements to the existing road.
5. Within six (6) months after the Effective Date of this Agreement, Developer shall complete the construction of a fence or wall on the north, east, and southeast boundaries of the Property. The fencing or walls shall be six (6) feet in height and shall create a visual barrier between the Property and the adjoining properties. If fencing is utilized it shall be a form of privacy fencing, which may include chain link fencing with privacy slats providing a minimum of 85% blockage. Fencing on the west boundary of the Property, if required, will be addressed with the future development of the Property.

The proposed agreement was prepared by the City Attorney in an attempt to satisfy the various comments made by the members of the Council.

Recording Requested By, and
Return Recorded Document to:
Hurricane City
147 N. 870 W.
Hurricane, UT 84737

APN: H-3-2-10-3391

**DEVELOPMENT AGREEMENT
FOR SCOTT STRATTON PROPERTY**

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LIGHT INDUSTRIAL ZONING AT 1100 W AND 2300 SOUTH

This Development Agreement For Scott Stratton Property ("Agreement") is made and entered as of the 21st day of May, 2026 (the "Effective Date"), by and between HURRICANE CITY, a Utah municipal corporation (hereinafter referred to as the "City") and SCOTT STRATTON ("Developer"). The City and Developer are referred to collectively as the "Parties."

RECITALS

- A. Developer is the owner of land located within Hurricane City as is more particularly described on **EXHIBIT A**, attached hereto and incorporated by reference (the "Property").
- B. An application to rezone the Property from Residential Agricultural .5 (RA-.5) to a Light Industrial (M-1) has been submitted to the City.
- C. The Hurricane City Council, pursuant to the terms, conditions, and restrictions of this Agreement, desires to approve the rezone application.
- D. All applicable notices were given and public hearings held to satisfy the requirements to rezone the Property and for the Parties to enter into this Agreement.
- E. The terms of this Agreement were approved and authorized by the City Council at a regularly scheduled City Council meeting held on May 21, 2026.
- F. This Agreement is a development agreement authorized by Utah Code section 10-20-508, as amended.
- G. The purpose of this Agreement is to amend the zoning map, restrict certain uses, and confirm certain Developer obligations. No entitlements are granted or intended, and this Agreement restricts certain development rights due to the lack of public facilities.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

1. *Incorporation.* The above recitals are incorporated by reference herein.

2. Zoning. Pursuant to this Agreement and the restrictions included herein, the zoning for the Property is changed to a limited version of Light Industrial (M-1), as described in Section 9 of this Agreement.
3. Compliance with Federal Code; Utah Code; City Code; and City Standards, Manuals, and Specifications. Except as expressly stated, this Agreement in no way waives or limits the requirements of Developer to comply with all applicable federal laws and regulation, Utah codes and regulations, City Codes, and City Standards, Manuals, and Specifications, including but not limited to infrastructure construction, Fire Code, access, adequacy of public facilities, setback requirements, minimum lot sizes, building height requirements, lot coverage requirements, and all other zoning requirements. Unless expressly waived under the terms of this Agreement, Developer shall comply with all applicable laws, regulations, and codes.
4. Lack of Adequate Public Facilities. Developer acknowledges that the Property currently lacks certain public facilities necessary for further development, including the availability of certain utilities. This Agreement does not require City approval of any further land use applications until such time that such public facilities meet the City's requirements.
5. Dedication Requirements Concurrent with Execution of Agreement. Concurrent with the execution of this Agreement, Developer shall dedicate to the City the remaining portion of the Property needed for the construction of 1100 West, which portion includes right-of-way and a public utility easement as described at **EXHIBIT B**, attached hereto and incorporated by reference.
6. 1100 West Improvements; Reimbursement. As a condition of and in conjunction with any development on the Property, Developer shall undertake the improvement of 1100 West to the extent necessary to support the proposed development and to comply with City ordinances, standards, and specifications. Pursuant to Title 9, Chapter 6 of the Hurricane City Code ("Construction of Public Facilities Code"), a portion of the improvements may be eligible for reimbursement through the issuance of impact fee vouchers or, if necessary, cash payments. Any request for reimbursement will be governed by the Construction of Public Facilities Code. This Agreement imposes no independent obligation on the City to issue reimbursement for the construction of the improvements.
7. Access to Existing Roadway. As of the Effective Date of this Agreement, the Property is bounded on the east by an existing historical roadway. Access to any development on the Property shall be limited to access from 1100 West, which will bound the Property on the west. Upon a request by Developer to access any development on the Property via the existing roadway bounding the Property on the east, the City Public Works Director, in his or her sole discretion, may permit such access, provided that Developer shall be solely responsible to make all frontage and roadway improvements to the historical roadway as

required by the City, even if the improvements will be located on property owned by the City.

8. Fencing. Within six (6) months after the Effective Date of this Agreement, Developer shall complete the construction of a fence or wall on the north, east, and southeast boundaries of the Property. The fencing or walls shall be six (6) feet in height and shall create a visual barrier between the Property and the adjoining properties. If fencing is utilized it shall be a form of privacy fencing, which may include chain link fencing with privacy slats providing a minimum of 85% blockage. Fencing on the west boundary of the Property, if required, will be addressed with the future development of the Property.
9. Permitted Uses. Notwithstanding any contrary provisions in the City's ordinances as of the Effective Date, the following describes the only permitted uses on the Property:
 - a. Limited General Warehousing, meaning (1) the storage of goods for construction or business use or (2) the storage of goods for resale, excluding self-storage facilities, major distribution centers, and motor freight terminals. Limited General Warehousing may include office space and sales floors used in conjunction with a permitted use. Limited General Warehousing is intended to be limited to separate warehouse areas under 30,000 square feet.
 - b. The takeoff and landing of aircraft, in any form, is prohibited.
10. Vested Rights. This Agreement creates no vested rights in favor of Developer. This Agreement amends the zoning of the Property, describes the limited permitted uses on the Property, and places development obligations and restrictions on the Property.
11. Third Party Rights. Except for the Developer, the City, and other parties that may succeed Developer on title to any portion of the Property, this Agreement shall not create any rights in and/or obligations to any other persons or parties.
12. Agreement to Run with the Land. This Agreement shall be recorded in the Office of the Washington County Recorder against the Property and is intended to and shall be deemed to run with the land and shall benefit and be binding on all successors in the ownership of any portion of the Property.
13. Authority. Each Party warrants and represents that they have the authority to execute this Agreement in the capacities indicated.
14. Representation by Counsel; Construction. Developer has had a full and fair opportunity to consult with counsel regarding the terms and conditions of this Agreement. This Agreement has been reviewed and revised by legal counsel for both the City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

On the ____ day of _____, 2026, personally appeared before me **Clark Fawcett**, who being by me duly sworn, did say that he is the Mayor of Hurricane City, a Utah municipal corporation, and that the within and foregoing instrument was signed on behalf of said corporation with proper authority and duly acknowledged to me that he executed the same.

Notary Public

STATE OF UTAH)
 :ss
COUNTY OF UTAH)

On the _____ day of _____, 2026, personally appeared before me Scott Stratton, who being by me duly sworn, did say that he executed the foregoing document.

Notary Public

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL H-3-2-10-3391 LEGAL DESCRIPTION (DOC#20240022473)

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°16'42" EAST 38.25 FEET ALONG THE SECTION LINE; THENCE SOUTH 89°49'04" EAST 45.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°16'42" EAST 794.39 FEET; THENCE NORTH 89°43'19" WEST 45.00 FEET; THENCE NORTH 00°16'42" EAST 128.45 FEET; THENCE SOUTH 89°43'32" EAST 678.51 FEET; THENCE SOUTH 00°15'33" WEST 145.73 FEET; THENCE SOUTH 39°10'55" WEST 63.00 FEET; THENCE NORTH 00°11'19" EAST 26.56 FEET; THENCE SOUTH 43°26'46" WEST 475.78 FEET; THENCE SOUTH 33°38'35" WEST 488.12 TO THE POINT OF BEGINNING.

CONTAINING 316.761 SQUARE FEET, OR 7.2718 ACRES.

EXHIBIT B

LEGAL DESCRIPTION OF REMAINING PORTION OF PROPERTY TO BE DEDICATED TO THE CITY AS A RIGHT OF WAY AND PUBLIC UTILITY EASEMENT

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE WEST SECTION LINE OF SAID SECTION 10, N00°16'42"E 832.72 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE WEST SECTION LINE OF SAID SECTION 10, N00°16'42"E 128.45 FEET; THENCE S89°43'32"E 45.00 FEET; THENCE S00°16'42"W 128.45 FEET; THENCE N89°43'19"W 45.00 FEET TO THE POINT OF BEGINNING.

AREA CONTAINS 5,780 SQUARE FEET OR 0.133 ACRES.

TOGETHER WITH A PUBLIC UTILITY EASEMENT LYING OVER, UNDER, AND ACROSS SHALL RUN PARALLEL TO AND BE MEASURED 10 FEET EASTERLY FROM THE EAST BOUNDARY LINE OF THE DEDICATED PARCEL DESCRIBED HEREIN.

PARCEL H-3-2-10-3391 NARRATIVE

Scott Stratton requests that Parcel H-3-2-10-3391 be rezoned from RA-0.5: Residential Agricultural – 2 units per acres to M-1: Light Industrial.

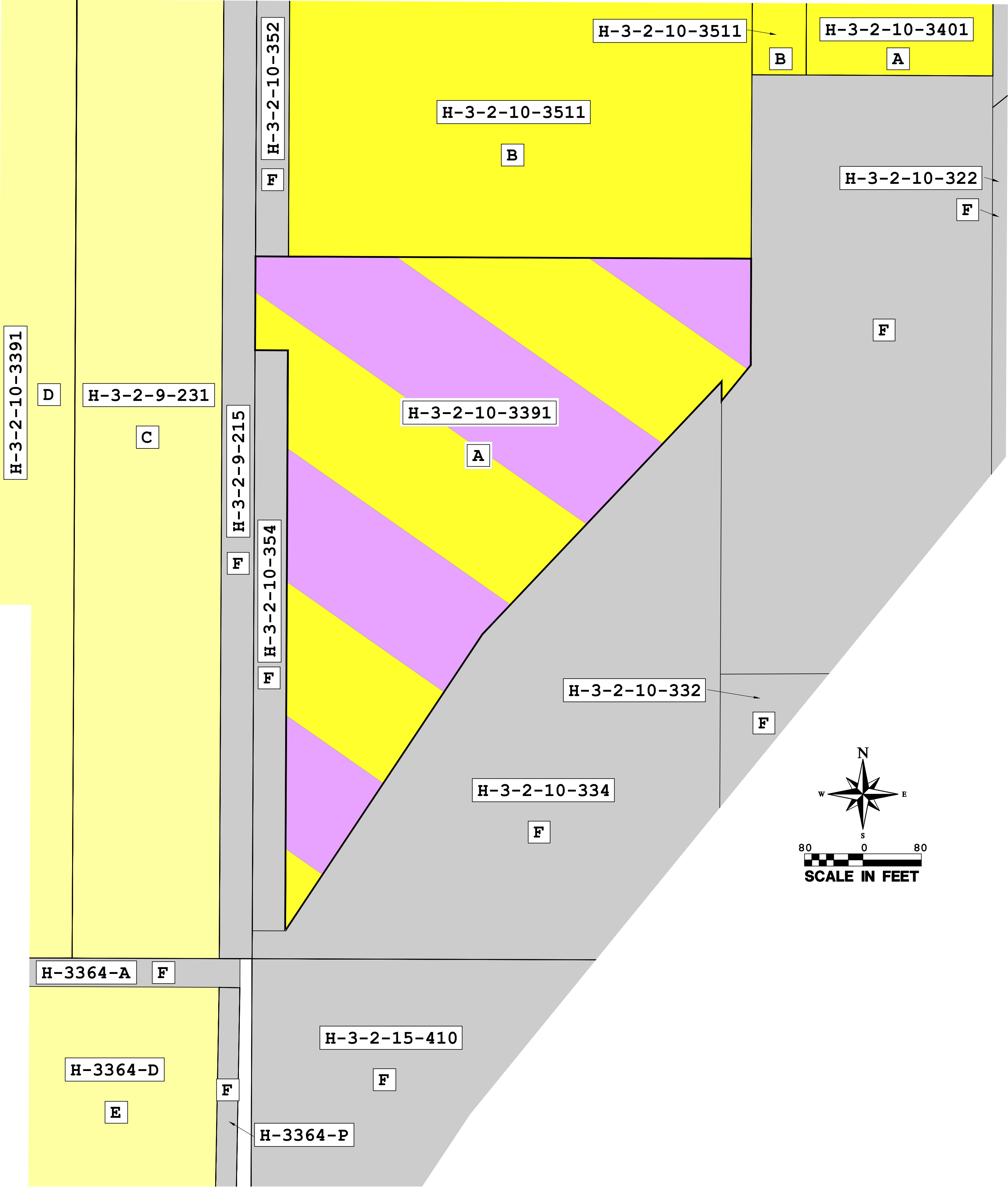


Hurricane City Application

Application Accepted Date: 11/24/2025		Valuation		\$	0.00					
Type of Improvement: Zone Change Application		PERMIT FEES								
Description: Change zoning to M-1		Planning Fee		\$	500.00					
Tenant / Project Name: Zone Change - 7 Acres 2300 S		Planning Fee		\$	500.00					
Bldg. Address: 2300 S 1100 W		Sub Total:		\$	500.00					
City: Hurricane City State: UT Zip: 84745		Permit Total:		\$	500.00					
Subdivision: Phase: 1		Amount Paid:		\$	200.00					
Block: Lot #: Parcel ID #: H-3-2-10-3391		Remaining Due:		\$	300.00					
Zone: RA-0.5										
Property Owner: SCOTT STRATTON										
Permit Contact: Karl Rasmussen P:(435) 680-0816										
Email: karl@pv-eng.com										
CONTACT INFORMATION										
Engineer of Record: Karl Rasmussen										
Email: karl@pv-eng.com P: (435) 668-8307										
General Contractor: Scott Stratton										
License #: P: (435) 467-4966										
Address: 365 W Center										
City: La Verkin State: UT Zip: 84745										
Email: scottstratton4966@gmail.com										
APPLICATION DETAILS										
Setbacks		Front:	Rear:	Left:	Right:					
Min.										
Actual:										
APPLICATION NUMBER: PLANZC25-21										
This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I here-by certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not the granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction and that I make this statement under penalty of perjury. Maintenance Deposit is refundable after final inspection if: 1) site is kept clean 2) building is NOT occupied prior to final inspection and issuance of Certificate of Occupancy.										
Applicant Name: Treasa Anderson										
Signature of Applicant/Authorized Agent or Owner: Date:										
Application Approved By: Date:										
Application Issued By: Date:										
Receipt #: 248544263-11/11/25										

ZONE CHANGE MAP FOR:
SCOTT STRATTON

HURRICANE, WASHINGTON COUNTY, UTAH
PARCEL H-3-2-10-3391 7.27 ACRES



OWNERS LEGEND:

- A SCOTT STRATTON - PARCELS: H-3-2-10-3391 & H-3-2-10-3401
- B KENT CLAYTON - PARCEL: H-3-2-10-3511
- C STANWORTH REVOCABLE TRUST U/A/D JANUARY 23, 2004 - PARCEL: H-3-2-9-231
- D KELBY BRONSEN IVERSON - PARCEL: H-3-2-9-222-B
- E THE LAYNE B. & SHAUNA C. STRATTON LIVING TRUST U/A/D OCTOBER 16, 2006 - PARCEL: H-3364-D
- F HURRICANE CITY - PARCELS: H-3-2-10-322, H-3-2-10-332, H-3-2-10-334, H-3-2-15-410, H-3364-P, H-3364-A, H-3-2-9-215, H-3-2-10-352, & H-3-2-10-354

PARCEL H-3-2-10-3391 LEGAL DESCRIPTION (DOC#20240022473)

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 0°16'42" EAST 38.25 FEET ALONG THE SECTION LINE; THENCE SOUTH 89°49'04" EAST 45.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°16'42" EAST 794.39 FEET; THENCE NORTH 89°43'19" WEST 45.00 FEET; THENCE NORTH 00°16'42" EAST 128.45 FEET; THENCE SOUTH 89°43'32" EAST 678.51 FEET; THENCE SOUTH 00°15'33" WEST 145.73 FEET; THENCE SOUTH 39°10'55" WEST 63.00 FEET; THENCE NORTH 00°11'19" EAST 26.56 FEET; THENCE SOUTH 43°26'46" WEST 475.78 FEET; THENCE SOUTH 33°38'35" WEST 488.12 TO THE POINT OF BEGINNING.

CONTAINING 316.761 SQUARE FEET, OR 7.2718 ACRES.

LEGEND

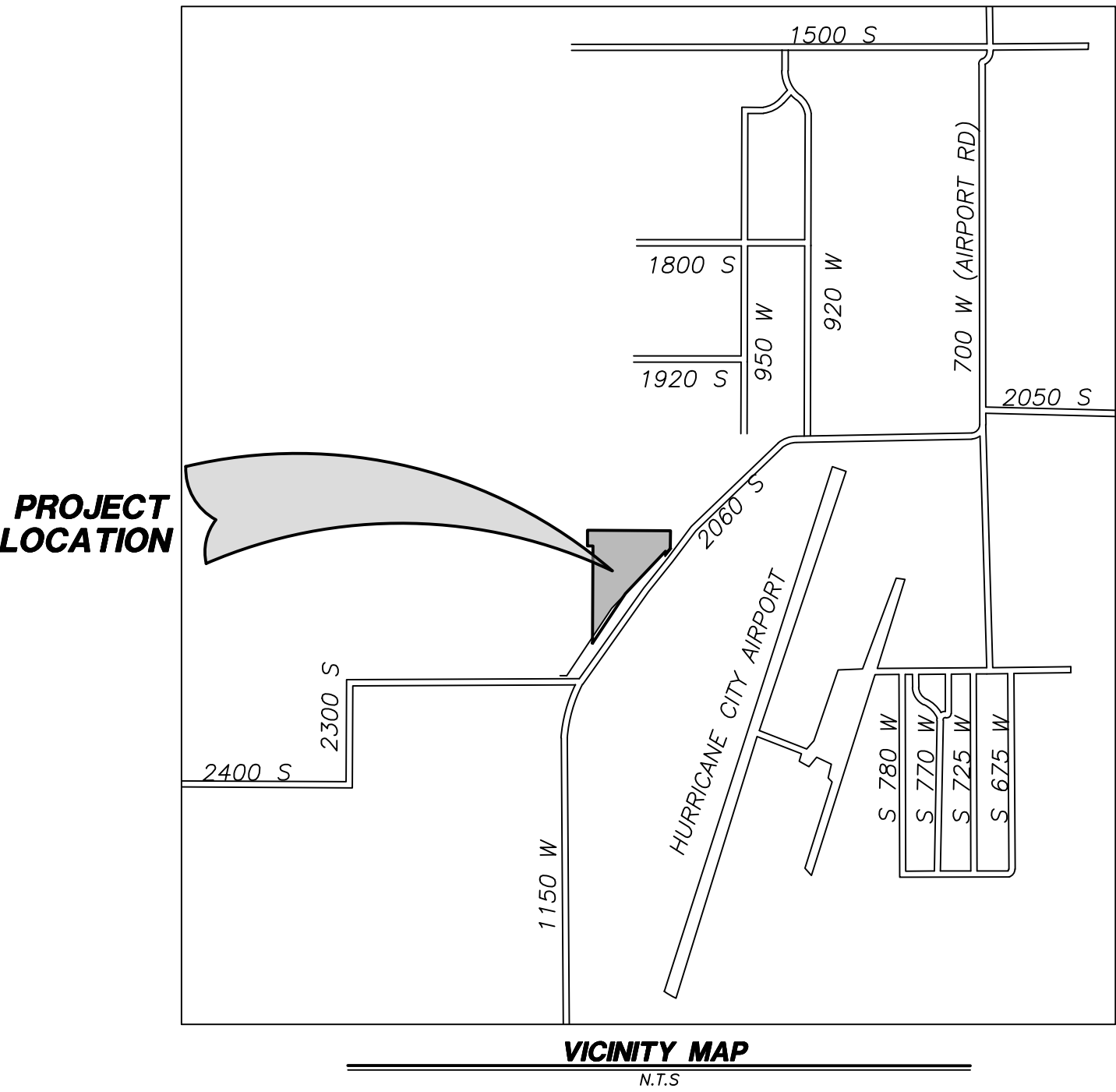
- PROPERTY LINE
- ADJACENT PROPERTY LINE

ZONE LEGEND:

- RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE
- RA-1: RESIDENTIAL AGRICULTURAL - 1 UNITS PER ACRES
- PUBLIC FACILITY
- RA-0.5 TO M-1:
ZONE CHANGE FROM RA-0.5:
RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE
ZONE CHANGE TO M-1: LIGHT INDUSTRIAL

OWNER:

SCOTT STRATTON
(435)467-4966
Scottstratton4966@gmail.com



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NO	REVISIONS DESCRIPTION	DATE	BY

PROVALUE
ENGINEERING, INC.
ENGINEERS - LAND SURVEYORS - LAND PLANNERS
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: 435-668-8307

ZONE CHANGE MAP FOR:
SCOTT STRATTON
HURRICANE CITY, WASHINGTON COUNTY, UTAH
PARCEL H-3-2-10-3391 7.27 ACRES

DATE	11/24/2025
SCALE	1"=80'
JOB NO.	335-041
SHEET NO:	1 OF 1



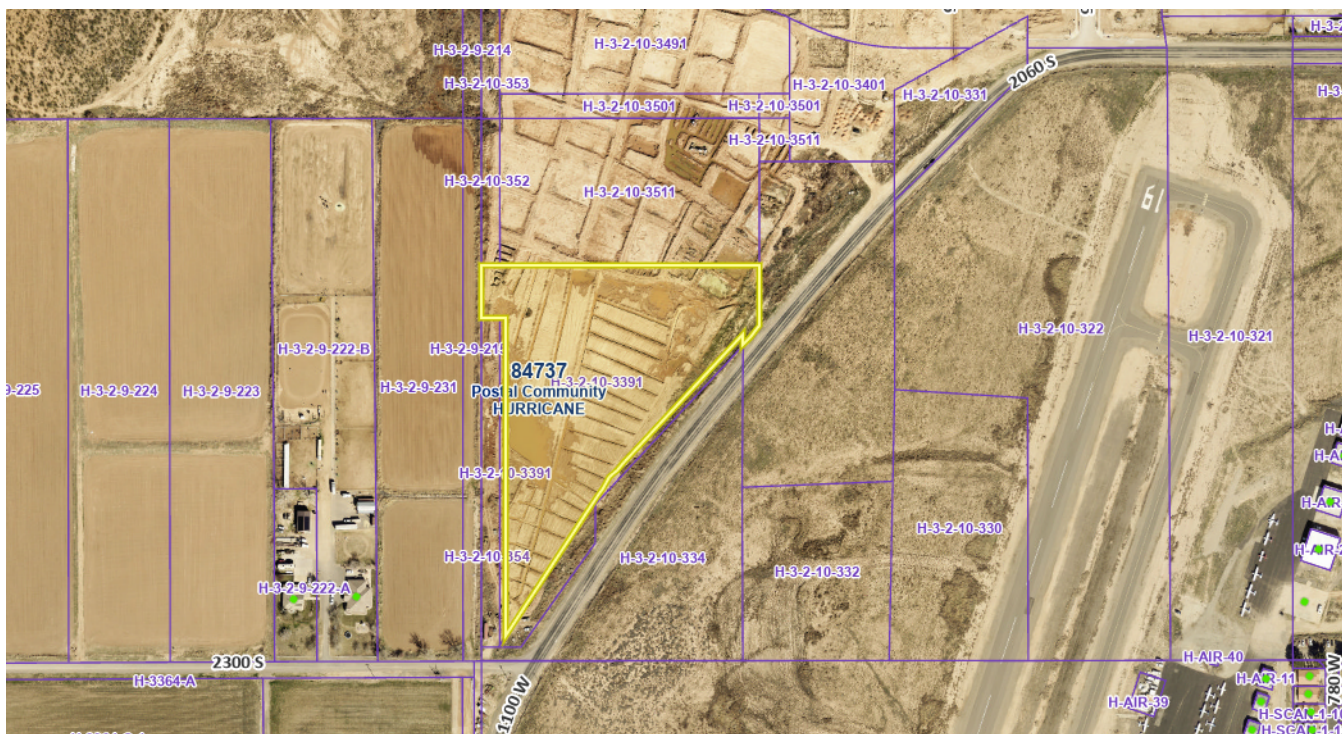
STAFF COMMENTS

Agenda Date:	12/11/2025 - Planning Commission
Application Number:	ZC25-21
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	Scott Stratton
Agent:	Karl Rasmussen
Request:	A zone change from RA-0.5 to M-1.
Location:	2300 S 1100 W
Zoning:	RA-0.5
General Plan Map:	Rural Residential
Recommendation:	Deny
Report Prepared by:	Fred Resch III

Discussion:

The applicant has proposed a zone change for seven acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential-Agriculture RA-0.5 to M-1 (Light Industrial). According to the applicant, the purpose of the request is to facilitate future light industrial development on the site. The applicant believes that proximity to the airport, along with the confluence of major roadways such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use.

	Zoning	Adjacent Land Use
North	RA-0.5	Hurricane Fields Estates subdivision
East	PF	Hurricane Airport
South	PF	Hurricane Airport
West	RA-1	Farm Land, Undeveloped Property



Vicinity Map

To change the zoning on any parcel of land within the City of Hurricane, the following questions need to be addressed:

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 Rural Residential, which advises:

RURAL RESIDENTIAL These areas should serve as a transition from agricultural to traditional neighborhoods or commercial uses. Appropriate residential densities for this land use include from one unit per 40 acres to RA-.5 and RA-1 (p. 84)

The proposed zoning is not consistent with the General Plan for this area. Although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. Historically, the City has been firm in its position that this part of town should remain agricultural, and the General Plan supports the preservation of agricultural land (p. 26). The General Plan also advises that housing developments should not be located near “heavy industrial land uses” (p. 42). While not a perfect comparison, an airport can generate many of the same impacts and nuisances as a heavy industrial use, raising similar compatibility concerns.

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

Response: The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate

vicinity of this property. Most of the other surrounding property is undeveloped although there is a residential subdivision being constructed nearby.

3. Will the proposed amendment affect the adjacent property?

Response: M-1 zoning allows for a variety of possible uses from storage units to light manufacturing. What effect this zone change has on the adjacent properties can depend heavily on what industrial uses are proposed on the property. It's important to note that if the zone change is approved, any light industrial use permitted under the M-1 zone could go on the property.

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

Response: See JUC comments below. Major roadway work is currently underway in the area, and the adequacy of utilities will depend heavily on the type of light industrial use that ultimately develops. For example, warehouse or storage uses typically require significantly less water and electricity than residential development, while light manufacturing can be among the highest utility users in the community. Although a zone change could, in theory, either increase or lessen future demand, that outcome would depend entirely on the specific use proposed. Notably, some of the City's highest individual power consumers are light manufacturing operations, which would be allowed under the requested zoning.

Overall, any new development in this area will further strain existing utility systems. At present, there is insufficient power capacity to support additional growth, and this issue must be resolved by the applicant before any approval can move forward.

JUC Comments

1. **Power:** This area is looking for higher density in the area that is not approved by Hurricane Power due to capacity issues. Recommended that they have a meeting with the Hurricane Power director to discuss options to move forward.
2. **Sewer:** [No comments received]
3. **Streets:** [No comments received]
4. **Water:** Okay
5. **Engineering:** Engineering cannot allow improved accesses from existing 2060 South. The Federal Aviation Administration's (FAA's) regulation of the city owned properties makes the fate of the existing road uncertain. Access to the site must come from 1100 W (see the included exhibit). City or applicant can't (materially) change the existing road without FAA's approval. Dedicated right of way for 1100 W is needed. 2300 South (planned 90' wide 3-lane minor arterial). 2300 S is master planned to be the beginning/end of Washington Dam Road and Dixie Springs Drive.
6. **Fire:** [No comments received]
7. **Gas:** Okay
8. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the zone change adequately mitigates 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.

Items to Consider:

The following are key items to consider:

- If this zone change is approved any use permitted in the M-1 zone would be permitted on this property. This includes but is not limited to:
 - *Residential Uses*
 - *Rehabilitation/treatment facility*
 - *Residential facility for troubled youth*
 - *Transitional housing facility*
 - *Commercial Uses*
 - *Vocational school*
 - *Agricultural sales and service*
 - *Business equipment rental*
 - *Convenience store and gas station*
 - *Commercial kennel*
 - *Liquor store*
 - *Vehicle repair/rentals/sales*
 - *Storage units*
 - *Industrial Uses*
 - *Manufacturing*
 - *Warehousing*

Findings:

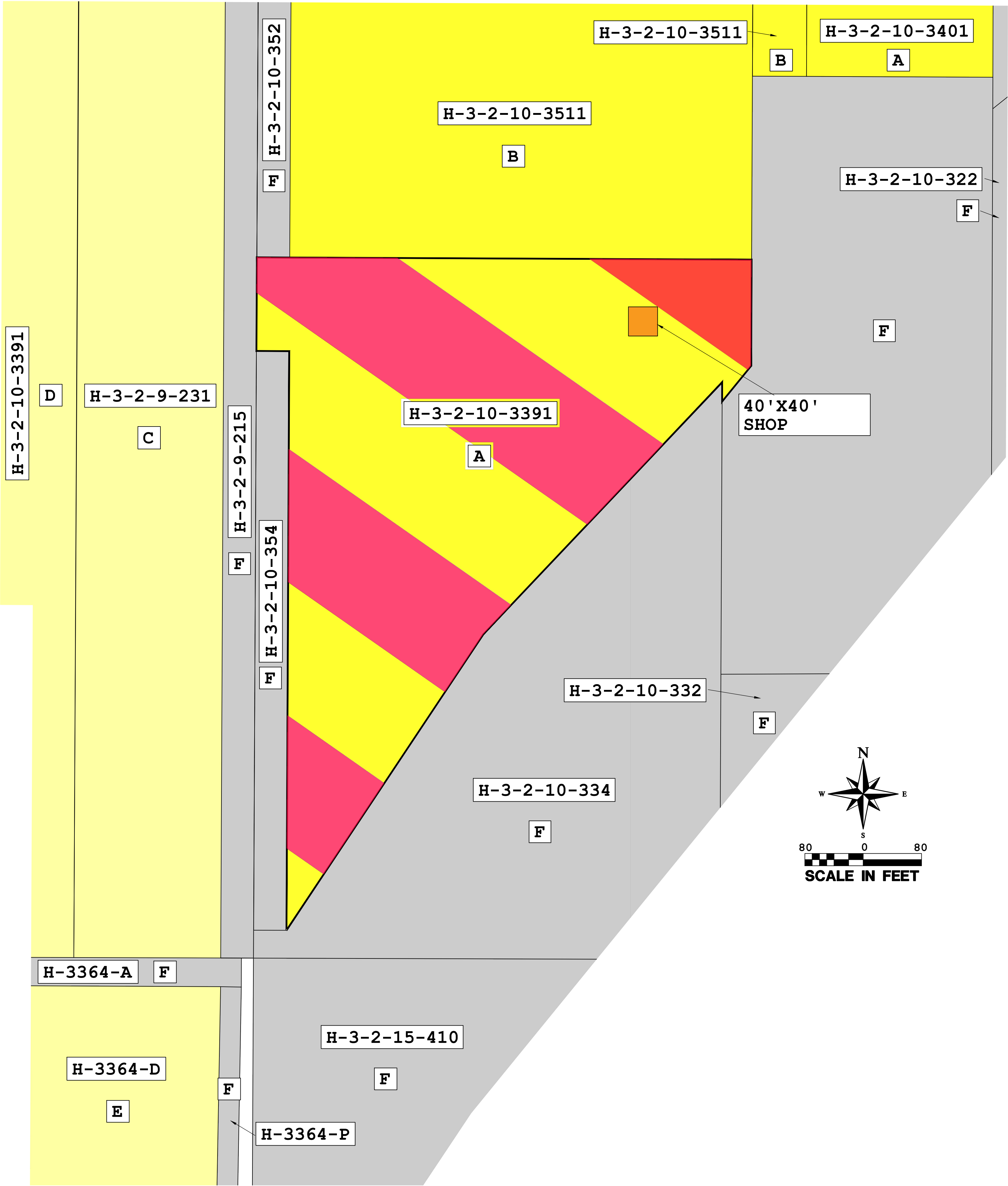
Staff makes the following findings:

1. The proposed zone change is not compatible with the General Plan Map but may meet some of its goals.
2. The proposed zone change is not generally in harmony with the overall residential and rural character of the properties to the north and east, but is more harmonious with the airport to the south.
3. The proposed zone change may have an adverse impact on the area, but that depends on how this area develops.
4. The services are not adequate for the development in this region.

Recommendation: Staff recommends the Planning Commission review this application and the zone change based on standards and considers residents' comments. Due to the lack of public facilities in the area and not meeting all four criteria for a zone change, staff would recommend denial.

CONCEPT MAP FOR:
SCOTT STRATTON

HURRICANE, WASHINGTON COUNTY, UTAH
PARCEL H-3-2-10-3391 7.27 ACRES



OWNERS LEGEND:

- A SCOTT STRATTON - PARCELS: H-3-2-10-3391 & H-3-2-10-3401
- B KENT CLAYTON - PARCEL: H-3-2-10-3511
- C STANWORTH REVOCABLE TRUST U/A/D JANUARY 23, 2004 - PARCEL: H-3-2-9-231
- D KELBY BRONSEN IVERSON - PARCEL: H-3-2-9-222-B
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- F HURRICANE CITY - PARCELS: H-3-2-10-322, H-3-2-10-332, H-3-2-10-334, H-3-2-15-410, H-3364-P, H-3364-A, H-3-2-9-215, H-3-2-10-352, & H-3-2-10-354

PARCEL H-3-2-10-3391 LEGAL DESCRIPTION (DOC#20240022473)

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LEGEND

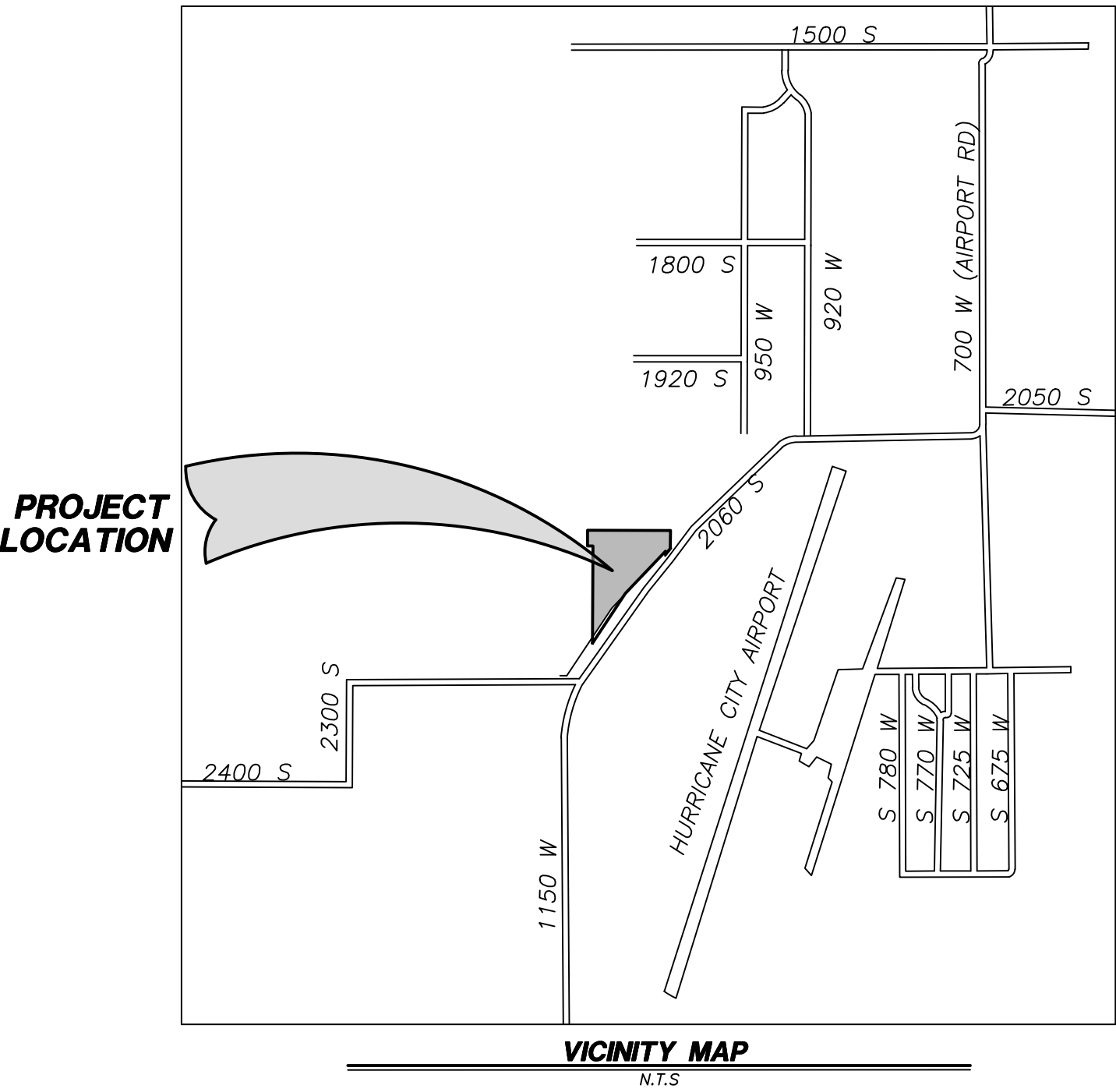
- PROPERTY LINE
- ADJACENT PROPERTY LINE

ZONE LEGEND:

- RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE
- RA-1: RESIDENTIAL AGRICULTURAL - 1 UNITS PER ACRES
- PUBLIC FACILITY
- STAGING AREA OF CONSTRUCTION EQUIPMENT
- ZONE CHANGE TO M-1: LIGHT INDUSTRIAL

OWNER:

SCOTT STRATTON
(435)467-4966
Scottstratton4966@gmail.com



REVISIONS		BY	
NO	DESCRIPTION	DATE	

PROVALUE
ENGINEERING, INC.
ENGINEERS - LAND SURVEYORS - LAND PLANNERS
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: 435-668-8307

CONCEPT MAP FOR:
SCOTT STRATTON
HURRICANE CITY, WASHINGTON COUNTY, UTAH
PARCEL H-3-2-10-3391 7.27 ACRES

DATE	1/7/2026
SCALE	1"=80'
JOB NO.	335-041
SHEET NO:	

1 OF 1

ORDINANCE NO ZC25-21

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE REZONE
FOR PARCEL H-3-2-10-3391 FROM RESIDENTIAL AGRICULTURAL 0.5 (RA-0.5) TO
LIGHT INDUSTRIAL (M-1)

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 Planning Commission gave a positive recommendation on the proposed
zone change.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HURRICANE CITY THAT:

That parcel H-3-2-10-3391 is rezoned Residential Agricultural 0.5 (RA-0.5) to Light Industrial
(M-1).

PASSED AND APPROVED on this 15th day of January 2026.

Hurricane City

Clark Fawcett, 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 15th day of January 2026. 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
Lynn Excell	_____	_____	_____	_____
David Imlay	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____

Cindy Beteag, City Recorder

EXHIBIT A
ZONING MAP

Dave Imlay declared a conflict on the Western Mortgage item due to his cousin working for them.

Presentation of the 2024-2025 annual audit – Hinton Burdick

Chad Atkinson presented the 2024-2025 annual budget showing a clean report card with no findings. He showed the 5-year trend for each of the funds.

Victims Advocate Presentation

Chief Yates introduced Brittany Wright as the Victims Advocate, now serving as an in-house employee. He noted that some of the hardest calls involve family disputes, particularly when a spouse or partner musters the courage to leave an abusive relationship. Having a victim advocate involved is crucial in helping them safely navigate these situations. He praised Mrs. Wright for her work, noting that she is sympathetic, responsive, and excellent in her role. Mrs. Wright explained her responsibilities supporting victims and their families. She thanked Councilman Excell for the opportunity and presented six months of statistics on crisis intervention calls and court paperwork outcomes.

Public Forum – Comments From Public

Consent Agenda

1. Consideration and possible approval of Resolution 2026-02 Appointing Joseph Prete to the Solid Waste District
2. Consideration and possible approval of Resolution 2026-03 Appointing Lynn Excell to the Mosquito Abatement Board
3. Consideration and possible approval of Resolution 2026-04 Appointing Clark Fawcett and Drew Ellerman to the Ash Creek Sewer District Board
4. Consideration and possible approval of Resolution 2026-05 Amending the administrative fee charged for billing, collecting, and remitting solid waste fees on behalf of the Washington County Solid Waste District
5. Consideration and possible approval of the minutes of the Regular City Council Meeting for December 4, 2025

Lynn Excell motioned to approve the consent agenda. Seconded by Drew Ellerman. Motion carried unanimously by a roll call vote.

OLD BUSINESS

1. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-21, a proposed zone change on 7.27 acres located at 2300 S and 1100 W from Residential Agricultural RA-0.5 to Light Industrial M-1; Parcel number H-3-2-10-3391; Scott Stratton, Applicant. Karl Rasmussen, Agent

Scott Stratton explained that the Council requested a conceptual plan for his property. He initially presented a concept with a shop building, but he has now been approached about adding warehouses while still using the site for his storage yard. Councilman Imlay asked why a

portion of the road had not been deeded to the City. Mr. Stratton explained that the dedication was drawn up years ago but never completed. Mayor Fawcett asked if it could be done now, and Mr. Stratton said it could be discussed. Councilman Excell suggested adjusting equipment placement to improve the appearance of the main access to the southern community. Mr. Stratton agreed and said he plans to better organize the site and eventually add a wall. Mayor Fawcett also noted the need to clean it up to avoid it being an eyesore. Airport Manager Dave Zundel noted that one airport tenant is looking for warehouse space, and Mr. Zundel expressed a preference for fewer residential areas near the airport. Fred Resch III reviewed the allowed uses in the industrial zone. Councilman Ellerman asked about development standards, and Mr. Resch III confirmed that outdoor storage must be set back from residential buildings and screened from the street. Mr. Stratton added that he wants potential buyers to understand it is an industrial area, as some have backed out when they see the master-planned roads.

Councilman Ellerman stated that the highest and best use of the property should be considered. He does not believe houses should be located next to the airport and expressed concern about property upkeep, suggesting that light industrial use would be best. Councilman Prete noted that this area is the gateway to the south end of town and questioned whether an industrial entrance is ideal. He expressed concern that approving this could create a “snowball effect” with others requesting similar uses. Councilman Excell asked if Mr. Stratton would consider a development agreement to protect the corridor’s aesthetics. Mr. Stratton replied that future development along 1100 West is uncertain. Councilman Excell noted that protections should be established from the beginning to avoid a snowball effect. Applicant’s engineer Karl Rasmussen noted that once the road is built, this property would be a viable option. Councilman Prete raised questions about the land outside the airport fence and the fate of the old street, asking if it would remain blocked or reopened. Arthur LeBaron explained no decision has been made, but a utility corridor must remain. Mike Vercimak added that staff have petitioned the FAA to remove some property from airport control, but the FAA is reluctant due to the airport safety zone. The Council also discussed the roads in the area and potential impacts on future development.

Dave Imlay motioned to approve the Zone Change Amendment Ordinance No. ZC25-21, a proposed zone change on 7.27 acres located at 2300 S and 1100 W from Residential Agricultural RA-0.5 to Light Industrial M-1 subject to a development agreement that the Council approves at a future date. Seconded by Lynn Excell. Dayton Hall confirmed it will come back to the Council with the agreement for approval before the zone change is finalized. Motion carried unanimously. Council would like the agreement to include removing the junk on the property, the equipment being organized, roadway dedication, and property being screened from the public. Councilman Prete would also like the agreement to specify who is responsible for 1100 West construction and identify specific uses that would be allowed on the property once it zoned as light industrial.

2. Consideration and possible approval of Zone Change Amendment Ordinance No. ZC25-17, a proposed zone change located at 100 N and Black Rock Rd. from Mobile



STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2026-20 Adopting a Privacy Program Policy.

Discussion: Governmental agencies in Utah are required to create a privacy program primarily to comply with the Government Data Privacy Act (GDPA)—enacted via House Bill 491 in 2024—which mandates that all state and local governmental entities initiate a structured data privacy program by December 31, 2025. This initiative, further bolstered by HB 450 in 2026, aims to modernize data governance, protect citizen privacy, and establish transparency. As a city we must adopt a resolution which states that we will follow all the mandates set forth by the Data Privacy Act which is enforced by the Utah Office of Data Privacy. – Sel Lovell

Findings:

Recommendation:

RESOLUTION 2026-20

**A RESOLUTION OF THE CITY COUNCIL OF HURRICANE CITY, UTAH,
APPROVING A PRIVACY PROGRAM POLICY**

WHEREAS, the Utah Office of Data Privacy (Office), created in the Government Data Privacy Act (GDPA), under the direction of the State’s Chief Privacy Officer (CPO) has been established within the Department of Government Operations (Utah Code § 63A-19-101 et seq.); and

WHEREAS, the Office is directed to—among other things—assist governmental entities in meeting their privacy obligations; and

WHEREAS, under the GDPA, a governmental entity, including a municipality, is required to initiate a data privacy program before December 31, 2025 (Utah Code § 63A-19-401(2)(a)(i)); and

WHEREAS, Hurricane City drafted a Privacy Program policy under the direction provided by the Utah Office of Data Privacy (Utah Code § 63A-19-102); and

WHEREAS, Hurricane City intends to implement Privacy Program (Exhibit 1) to its Citywide Policies to be in compliance with the Government Data Privacy Act (GDPA).

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

SECTION 1. Approve. The City Council hereby approves Privacy Program Policy 3 (Exhibit 1) as part of its Citywide Policies.

SECTION 2. Effective Date. This Resolution shall become effective immediately upon passage.

PASSED, APPROVED AND ADOPTED by the Hurricane City Council of Hurricane City, Utah, this 21st day of May, 2026.

HURRICANE CITY MAYOR

Clark Fawcett, Mayor

ATTEST:

Cindy Beteag, City Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 21st day of May 2026. 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
Drew Ellerman	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____
Dave Imlay	_____	_____	_____	_____
Lynn Excell	_____	_____	_____	_____
Amy Werrett	_____	_____	_____	_____

Cindy Beteag, Recorder

Hurricane City Privacy Program Policy

Effective Date: May 07, 2026

Revised Date: tbd

Sunset/Next Review Due: December 31, 2026

Approved By: City Council Resolution 2026-20

1. Purpose

This policy serves to document Hurricane City’s [“City”] privacy program, which includes the City’s policies, practices, and procedures for the processing of personal data in accordance with [Utah Code § 63A-19-401\(2\)\(a\)](#), and which aligns with the records management and data governance requirements provided in both GRAMA and DARS. Where applicable, this policy will refer to a more specific or detailed policy, procedure, or guidance that addresses a particular practice that the City has developed.

2. Guiding Principles

This policy consolidates privacy practices, outlines governance roles and responsibilities, and ensures compliance with generally applicable records management, data protection, and data privacy obligations. It is designed to safeguard individual privacy rights, promote transparency, maintain the integrity and security of personal data, and ensure accountability across all departments within the City. This policy is meant to guide further alignment of the City with the State Data Privacy Policy as detailed in [Utah Code § 63A-19-102](#).

3. Scope

This policy applies to all City employees involved in the management, creation, and maintenance of records or who have access to personal data as part of their job duties.

This policy also applies to all contractors of the City that process or have access to personal data as a part of the contractor's duties under an agreement with the City pursuant to [Utah Code § 63A-19-401\(4\)](#).

Processing activities implemented on or after May 1, 2024, must be compliant with this policy prior to implementation. The City must develop a strategy to inventory and bring pre-existing activities into compliance with this policy by January 1, 2027.¹

4. Definitions:

¹ [Utah Code § 63A-19-401\(2\)\(e\)](#).

"Classification," "classify," and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under [Subsection § 63G-2-201\(3\)\(b\)](#).²

“Cookie” means “Technology that records a user’s information and activity when the user accesses websites. Cookies are used by website owners, third parties, and sometimes threat actors to gather user data.”³

“Data breach” means— the unauthorized access, acquisition, disclosure, loss of access, or destruction of personal data held by a governmental entity, unless the governmental entity concludes, according to standards established by the Cyber Center, that there is a low probability that personal data has been compromised.”⁴

"Designation," "designate," and their derivative forms mean indicating, based on a governmental entity's familiarity with a record series or based on a governmental entity's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.⁵

“Device fingerprinting” means collecting attributes of a user's device configurations to create a trackable profile for the device.

"Individual" means a human being.⁶

“Key logger” means “a program designed to record which keys are pressed on a computer keyboard...”⁷

“Personal data” means information that is linked or can be reasonably linked to an identified individual or an identifiable individual.⁸

“Processing activity” means any operation or set of operations performed on personal data, including collection, recording, organization, structuring, storage, adaptation, alteration, access,

² [Utah Code § 63G-2-103\(3\)](#)

³ Cybersecurity & Infrastructure Security Agency, Project Upskill Glossary. Last visited 1/14/2025 at: <https://www.cisa.gov/resources-tools/resources/project-upskill-glossary>

⁴ Utah Code § 63A-19-101(4)

⁵ [Utah Code § 63G-2-103\(7\)](#)

⁶ [Utah Code § 63G-2-103\(13\)](#)

⁷ National Institute of Standards and Technology, Computer Security Resource Center, Glossary. Last visited 1/14/2025, at: https://csrc.nist.gov/glossary/term/key_logger#:~:text=Definitions%3A,NIST%20SP%20800%2D82r3

⁸ [Utah Code § 63A-19-101\(13\)](#)

retrieval, consultation, use, disclosure by transmission, transfer, dissemination, alignment, combination, restriction, erasure, or destruction.⁹

“**Record**” means the same as that term is defined at [Utah Code § 63G-2-103\(25\)](#).¹⁰

"Record series" means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.¹¹

"Records officer" means the individual appointed by the chief administrative officer of each governmental entity, or the political subdivision, to work with state archives in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.¹²

"Schedule," "scheduling," and their derivative forms mean the process of specifying the length of time each record series should be retained by a governmental entity for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.¹³

5. Governance

5.1. Chief Administrative Officer (CAO)

- A. The HR Director shall serve as the chief administrative officer (CAO) of the City in fulfilling the duties outlined in [Utah Code § 63A-12-103](#).
- B. The designation of the CAO shall be reported to the Utah Division of Archives and Records Services (DARS - Archives) within 30 days of the designation.
- C. The designation of, and responsibilities assigned to, a CAO shall be reviewed and confirmed by the City on an annual basis.

5.2. Appointed Records Officers (AROs)

- A. The CAO shall appoint one or more individuals to serve as records officers in fulfilling the duties of working with Archives and the Office of Data Privacy in the care, maintenance, scheduling, disposal, classification, designation, access, privacy, and preservation of records.¹⁴

⁹ [Utah Code § 63A-19-101\(14\)](#)

¹⁰ Only the citation to the definition of “record” is provided here due to the length of the definition.

¹¹ [Utah Code § 63G-2-103\(26\)](#)

¹² [Utah Code § 63G-2-103\(27\)](#)

¹³ [Utah Code § 63G-2-103\(28\)](#)

¹⁴ [Utah Code § 63A-12-103\(2\)](#)

- B. The CAO may assign responsibility for the duties of appointed records officers to one, or among several, officers as the CAO deems appropriate.
- C. The appointment of records officers shall be reported to Archives within 30 days of the appointment.
- D. If responsibility for the duties of appointed records officers are divided between more than one officer, such specification should be reported to Archives along with the appointment.
- E. The appointment of, and responsibilities assigned to, a records officer shall be reviewed and confirmed by the City on an annual basis.

6. Records Series

6.1. Records and Records Series

- A. The City shall create and maintain records and records series in accordance with the requirements provided in Division of Archives and Record Services (DARS) and Government Records Access Management Act (GRAMA) in addition to correlated guidance issued by Archives.
- B. The City shall appropriately designate and classify records and records series in accordance with the requirements provided in DARS and GRAMA.
- C. CAO shall be responsible for submitting a proposed retention schedule for each type of material defined as a record under GRAMA to the state archivist for review and final approval by the Records Management Committee (RMC).
- D. Upon approval by the RMC, City shall maintain and dispose of records in strict accordance with the approved retention schedule. In instances where City has not received an approved retention schedule for a specific type of record, the general retention schedule maintained by the state archivist shall govern the retention and disposition of those records.

6.2. Record Series Privacy Annotation

- A. The City shall perform a privacy annotation for each record series that contains personal data pursuant to [Utah Code § 63A-12-115](#).
- B. Privacy annotations shall include:
 - a. the legal authority under which personal data is processed;
 - b. the purposes and uses for the personal data; and
 - c. the types of personal data that may be processed within the record series.

- C. Privacy annotations shall be conducted and reported in accordance with additional requirements provided by Archives via administrative rule.

7. Awareness & Training

7.1. Departmental Data Privacy Training

- A. The CAO shall ensure that all employees that have access to personal data as part of the employee's work duties complete a data privacy training program within 30 days after beginning employment and at least once in each calendar year.
- B. The CAO is responsible for monitoring completion of data privacy training by the City's employees.

7.2. Agency-Specific Training

- A. In addition to the general privacy awareness training, the City may create and require employees to complete specific privacy training tailored to the unique privacy needs, practices, and requirements of the City.

7.3. Appointed Records Officer Training and Certification

- A. The CAO shall ensure that, on an annual basis, all appointed records officers successfully complete online training on the provisions of GRAMA and obtain certification from Archives in accordance with [Utah Code § 63A-12-110](#).
- B. The CAO shall, on an annual basis, review and confirm the certification status of all appointed records officers.
- C. GRAMA Access AROs: AROs who handle GRAMA transparency responsibilities are required to complete the GRAMA transparency training and obtain certification from Archives in accordance with [Utah Code § 63A-12-110](#).
- D. Records Management and Privacy AROs: AROs specializing in records management or privacy are required to complete both records management and GRAMA transparency training, as well as obtain the corresponding certifications.

8. Identify

8.1. Inventorying

- A. The CAO shall maintain a comprehensive inventory of:

- a. All IT systems that may process state or federal data which the state owns or is responsible for, using the standard process that DTS provides.¹⁵
- b. All records and record series that contain personal data and the types of personal data included in the records and record series.¹⁶
- c. All processing activities, the inventory of which shall include:
 - i. Non-compliant processing activities—pursuant to the GDPR—that were implemented prior to May 1, 2024, and a prepared strategy for bringing the non-compliant processing activity into compliance by no later than January 1, 2027;¹⁷ and
 - ii. All processing activities implemented after May 1, 2024, with documentation confirming compliance status.

8.2. Information Technology Privacy Impact Assessment [*NOT currently required by municipalities, but expected in future year(s).*]

- A. The CAO shall ensure the completion of a Privacy Impact Assessment (PIA) for all IT systems that may process personal data prior to the initiation of data processing in the IT system as required under [DTS Information Security Policy 5000-0002](#).
- B. The responsible CAO shall use the PIA template that is created and maintained by the Chief Privacy Officer and which is approved by the Chief Information Officer pursuant to [DTS Information Security Policy 5000-0002](#).
- C. CAO must maintain a copy of each completed assessment for a period of four years to provide audit documentation and ensure accountability in privacy practices.

9. Transparency

9.1. Website Privacy Policy

- A. The CAO shall create and maintain privacy policies on their websites as outlined in [Utah Code § 63D-2-103](#) and [Utah Admin. Code R895-8](#).
- B. The CAO shall ensure that personal data related to a user of the City’s website is not collected unless the City’s website complies with [Utah Code § 63D-2-103\(2\)](#).

¹⁵ DTS [Information Security Policy 5000-0002](#), section 2.4.2.1

¹⁶ Utah Code §§ [63A-12-104](#) and [63A-12-115](#)

¹⁷ [Utah Code § 63A-19-401](#)

- C. The CAO shall ensure that all website(s) of the City contain a privacy policy statement that discloses:
- a. The identity of the governmental website operator;
 - b. How the governmental website operator may be contacted;
 - c. The personal data collected by the governmental entity;
 - d. The practices related to disclosure of personal data collected by the governmental entity and/or the governmental website operator; and
 - e. The procedures, if any, by which a user of a governmental entity may request:
 - i. Access to the user's personal data; and
 - ii. Access to correct the user's personal data.
 - f. A general description of the security measures in place to protect a user's personal data from unintended disclosure.

9.2. Privacy Notice

- A. Employees shall only collect personal data from individuals if, on the day the personal data is collected, the City has provided a privacy notice to an individual asked to furnish personal data that complies with Utah Code §§ [63G-2-601\(2\)](#), [63A-19-402](#), [63D-2-103\(2\)-\(3\)](#), or other governing law, as applicable.
- B. Such a personal data request privacy notice shall generally include¹⁸:
- a. the record series that the personal data will be included in;
 - b. the reasons the person is asked to furnish the information;
 - c. the intended purposes and uses of the information;
 - d. the consequences for refusing to provide the information; and
 - e. the classes of persons and entities that currently:
 - i. share the information with the City or
 - ii. receive the information from the City on a regular or contractual basis.

10. Individual Requests

- A. The CAO shall ensure that the City has established appropriate processes and procedures that facilitate compliance with applicable governing law for handling the following privacy requests of individuals:
- a. Individual's requests to access their personal data;
 - b. Individual's requests to amend or correct their personal data;

¹⁸ Utah Code §§ [63G-2-601\(2\)](#) and [63A-19-402](#).

- c. Individual's requests for an explanation of the purposes and uses of their personal data; and
 - d. At-risk governmental employee requests to restrict access to their personal data.
- B. The CAO shall ensure that the City has established processes for public access requests to inspect or copy the City's records, which are not requests from an individual to access their personal data.¹⁹
- C. The CAO shall ensure that employees of the City follow established business practices with respect to GRAMA.²⁰

11. Processing

11.1. Minimum Data Necessary

- A. The CAO shall ensure that all programs within the City obtain and process only the minimum amount of personal data reasonably necessary to efficiently achieve a specified purpose.²¹
- B. The CAO shall ensure that all programs within the City regularly review their data collection practices to ensure compliance with the data minimization requirement.

11.2. Record and Data Sharing or Selling Policy

- A. The City will only share or disclose personal data when there is appropriate legal authority. The sale of personal data is prohibited unless required by law.
- B. Data sharing must comply with GRAMA or other governing law and may include sharing with governmental entities, contractors, private providers, or researchers. Compliance with GRAMA or other governing law is contingent upon the purpose of the sharing, the parties involved, and the nature of the records.
- C. The CAO is required to report annually to the Chief Privacy Officer on personal data sharing and selling activities, including types of data shared, the legal basis for sharing, and the entities receiving this data.

¹⁹ This is likely detailed in a specific Department policy.

²⁰ Dept. of Government Operations Internal Policy 01. Code of Conduct. Section 3.2 Managing Records and Information.

²¹ [Utah Code § 63A-19-401\(2\)\(c\)](#).

- D. All contracts involving personal data must incorporate appropriate privacy protection terms. Written agreements for data sharing are recommended to ensure compliance with applicable laws and regulations.

11.3. Retention and Disposition of Records Containing Personal Data

- A. Employees shall maintain, archive, and dispose of records—which includes all personal data—in accordance with an approved retention schedule.²²
- B. Employees shall comply with all other applicable laws or regulations related to retention or disposition of specific personal data held by the City or by a particular operating unit or program of the City

12. Information Security

12.1. Incident Response

- A. The City adopts and follows the **DTS Cybersecurity Incident Response Plan** to manage and address all security incidents, including data breaches, and privacy violations.
- B. Employees shall report all suspected security incidents, including non-IT incidents such as unauthorized access to physical records, to the **Enterprise Information Security Office (EISO)**. Any additional agency-specific response measures for non-IT incidents are the responsibility of the CAO to develop and implement as appropriate.
- C. The CAO shall ensure compliance with all other applicable laws or regulations related to incident response and breach notification of specific personal data held by the City.

12.2. Breach Notification

- A. The City is required to provide notice to an individual or the legal guardian of an individual, if the individual's personal data is affected by a data breach in accordance with [Utah Code § 63A-19-406](#).²³
- B. The City is required to notify the Cyber Center and the state attorney general's office of a data breach affecting 500 or more individuals in accordance with [Utah Code § 63A-19-405](#). Should the City experience a data breach affecting fewer than 500 individuals, the City must create and report an internal incident report in accordance with [Utah Code § 63A-19-405\(5\)](#). These requirements are in addition to any other reporting requirement that the City may be subject to.

²² Utah Code §§ [63G-2-604\(1\)\(b\)](#) and [63A-19-404](#).

²³ [Utah Code § 63A-19-401\(2\)\(b\)](#).

- C. The CAO is subject to other breach notification requirements, such as those required for compliance with federal regulations, laws or other governing requirements (e.g., HIPAA or 42 CFR Part 2) are currently required to create and maintain their own respective, specific breach notification policies and procedures that meet the requirements of the applicable governing laws and regulations.

13. Surveillance

13.1. Covert Surveillance

- A. Employees may not establish, maintain, or use undisclosed or covert surveillance of individuals unless permitted by law.²⁴
- B. Employees are responsible for engaging with appropriate leadership for review—to include legal counsel where pertinent—of any activity that may be considered a type of surveillance.
- C. The CAO shall ensure that surveillance activities are documented and that a PIA for the activity has been completed [*currently not required by municipalities*].

13.2. Cookies, Fingerprinting, Key Loggers, and Tracking Technologies

The City is committed to transparency and privacy protection for individuals that visit the City’s website(s) with regard to the use of any tracking technologies, including but not limited to cookies, device fingerprinting, key loggers, and other similar methods for monitoring or collecting information from website users.

A. Cookies

The use of cookies on the City’s website(s) and digital services must comply with applicable privacy and security policies. Cookies should be limited to essential operational purposes, and any use of tracking or third-party cookies for analytics or similar functions must be disclosed clearly to users, with an option to consent where required by law.

B. Device Fingerprinting

Device fingerprinting is prohibited unless explicitly authorized by the CAO and where the legal basis or appropriate justification for such processing is documented in a privacy impact assessment. The purpose and extent of fingerprinting must be clearly defined, documented, and disclosed to users in a privacy notice or statement that complies with applicable legal requirements.

²⁴ [Utah Code § 63A-19-401\(2\)\(f\)](#).

C. Key Loggers

Key loggers are prohibited without specific authorization from the CAO and documented justification in the activity's PIA [*currently not required by municipalities*]. Key loggers may only be used when there is a clearly defined operational need that complies with security standards and legal requirements, including appropriate user notice where required.

D. Other Tracking Technologies

The use of other tracking technologies, such as web beacons, pixel tags, or similar tools, is prohibited unless explicitly authorized by the CAO, and the legal basis for such tracking is documented in a PIA [*currently not required by municipalities*]. Disclosure of these technologies must be included in user-facing privacy statements, with user consent obtained when required by law.

E. User Notification and Consent

The City must ensure users are informed about the use of tracking technologies. A clear website privacy statement must explain the types of data collected, the purpose of the tracking, and how users can manage their preferences or consent. Any updates to tracking practices must be promptly reflected in the privacy statement.

F. Data Security and Retention

Data collected through authorized tracking technologies must be securely stored, with access limited to authorized personnel. Retention of this data must align with approved retention schedules, and the data should only be retained as long as necessary for the defined operational purpose.

14. Related Documents

Department of Government Operations Internal Policy 01. Code of Conduct. Section 3.2 Managing Records and Information.

DTS Cybersecurity Incident Response Plan

Dept. of Government Operations Internal Policy 01.

State of Utah policies on handling public records requests under GRAMA]

City of South Jordan citywide policies

References/Authority:

Division of Archives and Records Services (DARS) at [Utah Code § 63A-12-100 et seq.](#)

Government Data Privacy Act (GDPA) at [Utah Code § 63A-19-101 et seq.](#)

Government Records Access and Management Act (GRAMA) at [Utah Code § 63G-2-101 et seq.](#)

Management of Records and Access to Records at [Utah Administrative Code R13-2](#)

Division of Technology Services (DTS) [Information Security Policy 5000-0002](#)



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-10 Amending Title 10, Chapter 36 regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant.

Discussion: May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background:

This item was continued at the May 7, 2026, City Council meeting to allow further consideration of the proposed sign ordinance update, particularly, with respect to the provisions pertaining to video display signs, termed “electronic message centers” in the code. As currently proposed, the ordinance would allow video display signs with the same size and height standards that apply to all other signs. Upon raising concerns about how the proliferation of possibly inadequately regulated video signs could lead to the deterioration of the city’s small-town atmosphere, the City Council directed staff to propose additional options to appropriately regulate such signs in order to assure preservation of the city’s desired visual character. Staff therefore suggests the following possible options for the Council to consider, some of which could be used in combination with each other:

- 1) Limit the maximum allowable size to 100 square feet.** The current code allows a maximum sign area of 200 square feet. (As a point of reference, the Coral Cliffs Cinema video display screen is about 170 square feet in area.)
- 2) Allow only still imagery.** Restrict video signs to only display still images, with the exception of animated message transitions that change at no less than eight-second intervals. (Note: The proposed 8-second minimum message length appears to be the prevailing regulatory standard in various other jurisdictions.)
- 3) Allow video clips but limit them to a frequency of no more than one (1) eight-second clip per two-minute interval** (or another interval the Council feels appropriate).
- 4) Only allow them along the State Highways.**
- 5) Prohibited in the downtown area for a certain block radius.**
- 6) Prohibit them outright moving forward.**

For the staff discussion on the other aspects of the proposed update to the sign ordinance, please see the document entitled "**Previous Staff Comments from 5-7-26**" in the packet.

Findings:

Recommendation: Staff does not recommend an outright prohibition of video signs, but, of course, that would be the Council's prerogative. Staff recommends approval of the proposed revisions to the sign ordinance along with any changes the Council decides.



STAFF COMMENTS

Agenda Date:	04/23/2026 - Planning Commission
Application Number:	LUCA26-02
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapter 36 regarding the Sign Ordinance.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Gary Cupp

Discussion: This revision to the sign ordinance has been prepared at the request of the City Council for the purpose of establishing regulations for the use of political signs during election periods. The sign ordinance, as currently written, does not specifically regulate the placement or use of campaign signs, which has caused clamor and complaints during past election cycles primarily due to a lack of a clear definition in the city code as to what constitutes a political sign and where they can be placed within the city. Staff is also proposing various other “clean-ups” and revisions to the sign ordinance in an effort to make the regulations more clear and explicit, to eliminate contradictions, and to provide an avenue to allow limited exceptions to the height and size maximums for signs. The principal changes being proposed are as follows:

- Proposes a clear definition of what constitutes political and campaign signs, and makes various updates to other definitions in the ordinance (see 10-36-2).
- Proposes clear standards for the use and placement of political signs, and also aligns city code with state law relating to political signs (see 10-36-3(J)).
- Proposes standards to regulate signs that use video display screens, termed as “electronic message centers” in the code (see 10-36-3(K) and the table in 10-36-14).
- Proposes standards for flag poles (see 10-36-15).
- Proposes objective standards for the Planning Commission to approve limited exceptions to the existing height and size maximums for signs (see Notes 2 & 3 after the table in 10-36-14).

Recommendation: The Planning Commission should thoughtfully consider the proposed ordinance update and any comments made at the public hearing. Staff recommends that the Planning Commission make a recommendation of approval to the City Council.

CHAPTER 36. SIGNS

Sec. 10-36-1. Purpose.

The purpose of the sign regulations set forth in this chapter is intended to:

- A. Eliminate potential hazards to motorists and pedestrians by requiring that signs are designed, constructed, installed and maintained in a manner that promotes the public health, safety and general welfare of the citizens of the City;
- B. Encourage signs which, by their design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy;
- C. Encourage sign legibility through the elimination of excessive and confusing sign displays;
- D. Preserve the appearance of the City as a place in which to live and to work, and create an attraction to nonresidents to come to visit or trade;
- E. Allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business which will create a distinctive appearance and also enhance the City character;
- F. Safeguard and enhance property values, and protect public and private investment in buildings and open space.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-2. Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

A-frame sign means any sign or structure composed of two sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.

Animated sign means any sign designed or constructed to convey a message through the mechanical movement or rotation of the sign and/or the flashing, strobing, or rotation of lights or figures on the sign. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign. ~~which is designed and constructed to give its message through the flashing of or rotation of lights or figures.~~

Banner means a flexible temporary sign characteristically supported by two or more points. It is generally made of fabric or other nonrigid materials with no enclosing frame.

Billboard means a freestanding ground sign located on real property that is designed and intended to direct attention to a business, product, service, or message that is not sold, offered or existing on the property, nor specific to the property where the property sign is located.

Building face means the visible outer surface of an exterior wall of a building. The area of the face of the building shall be the total area of such surface, including doors and windows.

Canopy. See definition of *marquee*.

Disrepair. A sign shall be considered in disrepair when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message. Conditions shall include, but not be limited to:

- A. Structural pole or support failure.
- B. Signs not being held vertically or as originally constructed.
- C. Borders falling off or ~~already~~ removed.
- D. Panels missing or falling off.
- E. Message or parts thereof falling off or in disrepair such that it cannot be interpreted by the motoring public.
- F. Signs that are overgrown by trees or other vegetation.

Electronic message center means a sign that displays video messaging content that may change at frequent intervals on a video display screen with changeable copy that is controlled electronically via a ~~remote~~ programming device. Sometimes referred to as "digital" or "electronic" billboards.

Entry feature sign means a monument sign that is placed at the entrance of a subdivision or other residential or commercial project as part of a distinct architectural or landscape feature that identifies the project and displays the project name.

Erect means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition, provided the use, look, or content of the sign is not changed or altered.

Flag means a flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. A Flag does not include material commercial in nature and used for advertising purposes.

Flagpole means a pole for the purpose of displaying a Flag as defined herein.

Floating sign means any inflatable or floating sign or advertising device that is affixed to or displayed at a place of business. Examples are blimps, hot air balloons, and inflatable figures.

Freestanding sign means any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports to any portion of the roof of a building or structure, shall be considered to be a roof sign.

Frontage means the length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, watercourse, railroad, street or thoroughfare with no permitted access.

Logo signs means any sign whose single feature is a reproduction of the common recognized logo of the company and/or product.

Marquee means any permanent rooflike structure projection beyond a building or wall, generally designed and constructed to provide protection from the weather.

Monument sign means any on premises sign which is mounted directly to the ground having a foundation or pedestal that is at least 60 percent of the width of the actual sign structure and meeting the standards for height set for monument signs.

Movable, freestanding sign means any sign not affixed to or erected into the ground.

Off-premises sign means any sign which advertises products, development projects, services, or business establishments which are not located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

On-premises sign means any sign which advertises products, services, development projects, or business establishments which are located, conducted, manufactured or sold upon the same premises on which the sign is erected. "On premises" may include separate parcels that are contiguous to the premises where projects, services, development projects or business establishments are located and owned by the same person or legal entity. Only one sign is permitted on a contiguous parcel.

Outdoor advertising sign. See definition of *on-premises sign*.

Political or campaign sign means any sign or document that advocates the election or defeat of a candidate for public office, or the approval or defeat of a ballot proposition.

Projecting sign means any sign attached to a building or structural wall and extending horizontally outward from such wall more than 18 inches.

Public event banner means a banner pertaining to festivals or events which is installed as a temporary sign. ~~Installation of public event banners across within the SR-9 right-of-way is generally not permitted without~~only permitted with special permission of the City Council.

Public information sign means signs presenting travel information and signs concerning historic and scenic sites, public recreation facilities, miscellaneous instructions and warnings.

Reader board means a sign with manually changeable copy such as gas station prices, school events, etc.

Real property means land or real estate, with or without structures; not goods or services.

Residential zone or district means any zone which is designated by the prefix "R" in this title.

Roof sign means any sign which is erected upon or over the roof or over a parapet of any building or structure.

~~Scenic byway means a road that possesses outstanding scenic, recreational, historical, educational, scientific or cultural values or features. The designation can be made by federal or state agencies.~~

Sign means any words, lettering, parts of letters, documents, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, person, political campaign, proposition, business or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence or other manmade structure, which are visible from any public street, public highway or public road right-of-way. For the purpose of this chapter, the word "sign" does not include the flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional, warning or informational sign or structure required or authorized by law.

Sign area means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a double faced sign covering the same subject shall be computed. For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display on one face. An electronic message center will be included in calculation of overall sign area.

Temporary means a period not to exceed ~~six months~~ sixty (60) days.

Time and temperature device means any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

Wall signs means any sign posted, or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee of a building located on the site to which the sign pertains.

Wind sign means any propeller, spinner, whirligig, or similar commercial advertising device which is designed to flutter, spin, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-3. General requirements.

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City:

- A. *Sign approval.* Except as otherwise provided, it shall be illegal to erect or maintain any sign or outdoor advertising structure in the City without first obtaining the approval of the City for said sign or advertising structure, the granting of which shall be based upon the provisions of this chapter.

~~Approval shall not be required for temporary nonelectrical wall and nonelectrical freestanding signs of less than six square feet in area.~~

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- B. *Permits.* The approval of the City shall be evidenced by a permit issued by the Zoning Administrator in accordance with the provisions of section 10-7-15, sign permit, of this title.
- C. *Animated signs.* Animated signs are prohibited. No strobing, flashing, or rotating signs are permitted.
- D. *Sound or emissions.* No sign shall be designed for the purpose of emitting sound, smoke, ~~or steam,~~ or other visible emissions. ~~unless permitted under subsection (J) of this section~~
- E. *Movable and ~~temporary non-permanent~~ freestanding signs.* Except as otherwise provided in this chapter, all ~~off premises,~~ movable and ~~temporary non-permanent~~ freestanding signs, including, but not limited to, movable, freestanding, and A-frame signs, are prohibited off premises. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing. ~~"Temporary" shall be construed to mean a period not to exceed 30 days.~~
- ~~Movable A-frame signs displaying a menu or special message in front of a place of business to be displayed during open hours of the business may be approved subject to a maximum size of 30 inches by 36 inches. Such signs require a permit and must be stored inside the place of business outside of regular business hours and may not obstruct the flow of pedestrian traffic on the sidewalk or be placed on the street.~~
- F. *Off premises billboard signs and off premises outdoor advertising structures.* Off premises billboard signs and off premises outdoor advertising structures are not permitted in any location within the City. Conversion of existing billboards, of any size or any description, to electronic or digital billboards is not permitted.
- G. *Roof signs.* Roof signs may be permitted upon approval of a design which hides all supporting members. Roof sign area will be included in the total allowed wall sign area for the wall over which the roof sign is erected. Roof signs are not permitted by right.
- H. *Canopy signs.* Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the wall from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. ~~Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six square feet.~~ Signs with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the total allowable area for all building faces as permitted by the City so long as there are no wall signs placed upon building faces other than the face to which the marquee is attached.
- ~~I. *Banner signs.* Banner signs will be permitted under the following conditions:~~
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- ~~1. Sign must be mounted or displayed on the face of a building or affixed to supporting poles or on a permanent fence in such a manner as to prevent displacement by wind or other cause. Location of banner sign must be such that safe sight distances are maintained for pedestrian and vehicular traffic.~~
 - ~~2. Sign may not be larger than 100 square feet.~~
 - ~~3. For grand opening promotions, banner signs may be displayed for 60 consecutive days (only one such display per business location).~~
 - ~~4. For new businesses without permanent signs, a banner sign may be permitted for up to six months. One six-month extension may be granted by the Planning Commission Zoning Administrator.~~
 - ~~5. For bankruptcy or going out of business promotions, banner signs may be displayed for 60 consecutive days (only one such display per business license).~~
 - ~~6. For all other sales and events, banner signs may be displayed for a maximum of 30 days per quarter (a three-month period).~~
 - ~~7. Banner signs which become tattered, worn, or in a state of disrepair must be immediately removed, regardless of time limits. However, a replacement banner sign with the same message may be erected for the remainder of the time limit.~~
- J. ~~*Floating signs.* Such signs may be permitted by the Zoning Administrator as a temporary use for special events, sales, or similar occasions for a time period not exceeding 21 days. One such 21-day period may be approved in each three-month period.~~
- I. *Wind signs.* Wind signs are prohibited.
- J. *Political or campaign signs.* Political or campaign signs are permitted under the following conditions:
1. Such signs must advocate for the election or defeat of a candidate for public office, or for the approval or defeat of a ballot proposition.
 2. Such signs shall not be erected or maintained within any public right-of-way nor shall such signs overhang public property or a public right-of-way.
 3. Such signs shall not be attached to a utility pole, light pole, an electric utility box, traffic signs, street signs, utility poles, mail boxes, a traffic control device, or any railroad sign or signal.
4. Political or campaign signs may be allowed on certain City-owned or controlled properties if identified in a resolution approved by the Hurricane City Council. Such signs on City-owned or controlled property shall only be displayed during Federal, State, or Local elections periods. The election period begins upon the first election deadline for candidates to file a declaration of candidacy for the applicable election. Political signs shall be removed from the city-owned or
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controlled property within three (3) business days after the general election or the defeat of the candidate or ballot proposition, whichever occurs first. Political signs regarding candidates that are defeated in a primary election shall be removed from the property within three (3) business days after the primary election.

5. Such signs shall not constitute a traffic, pedestrian, line-of-sight, or other safety hazard or nuisance.
6. Such signs shall not be erected, constructed, or maintained upon any property without the consent of the owner or person entitled to possession of the property.
7. Such signs shall not be located within 150 feet of a building that is serving as a polling place for an election on an election day. (UCA 20A-3-501)
8. Such signs shall comply with all state laws governing political signs and political advertising. Enforcement, abatement, and disposal of non-compliant political signs shall also be conducted pursuant to all applicable state laws governing such action.
9. Political signs may be allowed in park strips only if (1) the person posting the political sign is the owner or lawful occupant of property that is adjacent to the park strip and (2) the person is required by a local ordinance or an agreement to maintain the park strip; or if the person posting the sign obtains consent to post the political sign from the person previously described.
10. A sign owner that posts or displays a political sign on a park strip shall ensure that the political sign is removed from the park strip no later than fourteen (14) calendar days after the day of the election to which the political sign relates.

K. Electronic message centers (EMC). Electronic messaging signs shall comply with the following standards:

1. Message content shall not flash, strobe, or blink.
 2. Static messaging content and images shall have a minimum dwell time of eight (8) seconds, meaning a sign cannot change messages more frequently than eight seconds.
 3. Video content, sometimes referred to as “dynamic” messaging, is allowed but no portion of the message may have or cause a flashing, strobing, or blinking effect.
 4. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to another sign or multiple signs.
 5. Shall be located at least three hundred (300) feet from any residence as measured from any part of EMC to the nearest property line of the residence.
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This distance may be reduced to one hundred fifty (150) feet if no portion of the EMC display face or viewing surface is visible from the residence.

6. Shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to changes in the day/night ambient light levels. In addition, EMCs must have a default mechanism to turn off the sign within twenty-four (24) hours of a reported malfunction.
7. The illumination at no time shall cast a light level greater than three-tenths (3/10) foot candle more than the ambient light level at the location. Light cutoff devices should minimize light above the sign. Foot candle readings shall be measured at ground level and at the distances shown in the table below:

<u>Sign Size (square feet)</u>	<u>Distance From Source</u>
<u>0 to 100</u>	<u>100 feet</u>
<u>101 to 200</u>	<u>150 feet</u>

8. Shall not be located closer than five hundred (500) linear feet from an interstate highway or interchange, as measured from any part of the sign to the nearest right-of-way line. Shall also comply with any applicable Department of Transportation regulations.

LK. Sign Illumination. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign.

ML. Location. Except as expressly permitted by this Chapter, no sign shall be placed in or on any public right-of-way or park strip, nor shall such signs overhang public property or a public right-of-way. Any sign posted upon public property may be removed immediately by the city, but in no case shall the failure to remove said sign constitute acquiescence or waiver by the city of the illegal placement of the sign. No sign shall be constructed or erected in such a location or manner that it obstructs or unreasonably interferes with an existing sign. ~~Any such sign removed shall not be destroyed within a period less than thirty (30) days from the date of removal.~~

N. Temporary signs. Temporary signs shall comply with the following standards:

1. All temporary signs require approval of a sign permit.
2. Off premises temporary signs are not allowed (see also Note 1 of Table 10-36-1).
3. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.

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4. Temporary signs shall not be placed in or over a public right of way, or otherwise impair the visibility of traffic, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. No temporary sign shall be attached to a utility pole or tree. They must be firmly secured to the building or ground.
 5. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.
 6. Banner signs may not be larger than 100 square feet. Such signs must be mounted or displayed on the face of a building or affixed to supporting poles or on a permanent fence in such a manner as to prevent displacement by wind or other cause. Location of banner signs must be such that safe sight distances are maintained for pedestrian and vehicular traffic. Banner signs which become tattered, worn, or in a state of disrepair must be immediately removed. For grand openings, bankruptcy, or going out of business promotions, only one such display per business license is allowed.
 7. Events intending to use on-premises temporary signs may be permitted for up to sixty (60) days upon approval of a sign permit.
 8. Floating signs may be permitted by the Zoning Administrator as a temporary use for special events, sales, or similar occasions for a time period not exceeding twenty-one (21) days in any three-month period.

(Ord. 2008-4, 3-6-2008; Ord. 2009-03, 3-19-2009; Ord. 2009-18, 11-19-2009; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-4. Violation and remedies.

It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, it shall be deemed a class C misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this Code.

A. In addition to the remedies and enforcement procedures outlined in chapter 9 of this title, the City may invoke the following remedies:

1. Order the defect corrected within a period of time, not exceeding 60 days from the date of notice or the time established by an agreement signed by the Zoning Administrator, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; or
2. If the defect cannot be corrected without resulting in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of

the owner of the sign, within a period of time not exceeding 30 days from the date of notice.

- B. It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, the City may do the following:
1. Order the defect corrected within a fixed period of time, not exceeding 30 days, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; but
 2. If correction of the defect will result in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a fixed period of time not exceeding 30 days.
- C. If the owner of the sign contests the order of the City, the remedy shall be an appeal to the Appeals Board, which appeal shall be taken in the time and manner otherwise provided in section 10-7-19 of this title for appeals to the Appeals Board.
- D. If the owner of the sign fails or refuses to remove the subject sign at the order of the City, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney fees and costs.

(Ord. 2008-4, 3-6-2008; Ord. 2018-12, 10-18-2018)

Sec. 10-36-5. Exceptions.

- A. This [Chapter](#) shall have no application to signs used exclusively for:
- A.—1. The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
- B.—2. Directional, warning, or informational signs of a public or semipublic nature, erected and maintained by an official body or public utility.
- C.—3. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.
- D.—4. Any official flag, pennant or insignia of any nation, state, City, or other political unit.
- E. ~~Time and temperature signs and elements of commercial signs which convey only time, temperature, or weather conditions.~~
- ~~In zones other than residential or residential agriculture, a~~

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-6. Location standards.

All signs and outdoor advertising structures shall comply with the following location requirements:

- A. *Not obstruct, interfere.* No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window. No sign or its support shall create a visual obstruction and shall be erected to comply with the supplemental development standards in subsection 10-37-9E of this title.
- B. *Sight triangle.* No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points 25 feet from the intersections of the projecting property lines; ~~unless same in its entirety is less than three feet, or more than eight feet above the curb grade, no part of its means of support has a single or joined horizontal dimension exceeding 12 inches, or said sign is within an area in which a building or structure is permitted by the provisions of the respective zone.~~
- C. *Utility clearance.* No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof or by electrical utility providers. No signs shall be erected or maintained on any utility pole except by the utility company itself.
- D. *Clearance; public, private ways.* No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten feet.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-7. Sign development standards.

- A. Monument signs are encouraged in all planned commercial zones and commercial zones located along the commercial corridor of SR-9 and SR-7.
- B. Monument signs are required in all other zones including planned developments, project entrances, historical zones, and park, church, and school sites.
- C. Wall signs shall be so placed as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or vehicles within close proximity to the sign.

The area of wall sign shall be no greater than ~~2025~~ percent of the total square footage of the wall where it is located. Marquee, canopy, and roof signs shall be considered part of the ~~2025~~ percent area limit.

No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is located.

No such sign, including any light box or structural part, shall project more than 18 inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

- D. Freestanding signs. There may be one such sign per frontage on properties with up to 200 feet of frontage. ~~for each 200 feet of frontage of the property, plus one~~ One additional sign may be permitted for each additional 200 ~~feet-foot of~~ frontage. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of individual businesses or occupancies.

~~Such signs shall not exceed 35 feet in height.~~

~~No such sign shall project more than 15 feet into any required front yard.~~

- E. New buildings or clusters of buildings having more than one tenant or use shall provide a sign plan for the entire structure or project. The sign plan must be designated so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering styles, scale, symbols, and size of signs and backgrounds. Only one freestanding sign may be allowed, if permitted by this chapter, for clusters of buildings. Individual businesses may be identified on the same sign. The Planning Commission may approve a sign in excess of the maximum size permitted by this chapter when considering the overall sign plan.
- F. Signs which become tattered, worn, or in a state of disrepair must be removed if not repaired within 21 days of written notice by City to sign owner.

(Ord. 2008-4, 3-6-2008; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-8. Special purpose signs.

In addition to any other permitted signs, signs for special purposes set forth in this section shall be permitted as provided herein:

- A. *For sale, rent or lease signs.* In all zoning districts, signs may be erected to advertise the sale, rent or lease of property upon which said signs are placed. Said signs shall be limited to one sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six square feet in residential zones or 25 square feet in nonresidential zoning districts. Said signs shall be exempt from project plan approval.

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- B. *Directory signs.* In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business or industrial pursuit. Said sign shall be situated at least 15 feet inside the property line and shall not exceed 12 feet in height. Said sign shall not exceed an area of 100 square feet and shall not be placed within a clear vision area of a corner lot as set forth in section 10-37-9 of this title.
- C. *Construction project signs.* Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, architects, engineers and construction organizations participating in the project; and such other information as may be approved by the Zoning Administrator. In residential districts, no such sign shall exceed 100 square feet in area. In other districts, no such sign shall exceed an area of 200 square feet, and no freestanding sign shall exceed 12 feet in height. All such signs shall be removed before final inspection.
- D. *Directional signs.* Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property. If a directional sign is not located on the property or properties to which it pertains, it may not be located on another property that contains more than one other directional sign. Consent of the other property owner, lessee, or occupant is required. No such sign shall exceed 16 square feet.
- E. *Open house signs.* Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six square feet. No more than two such signs may be placed on any one parcel of private property at the same time.
- F. *Church, quasi-public organizations and apartment house identification signs.* In all districts, a church or quasi-public organization may erect one wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five or more dwelling units may erect one wall sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said wall sign shall not exceed an area of 32 square feet, and may be mounted upon a freestanding, ornamental structure if approved by the Zoning Administrator.
- G. *Bus bench signs.* In all zones, bus bench signs are prohibited.
- H. *Development promotional and directional signs.* Two development promotional signs facing different directions may be placed on the premises of each subdivision, planned development, or condominium project having five or more lots or approved dwelling units. Said promotional sign may have an area of 64 square feet. Two additional promotional signs facing different directions may be placed on the
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premises of each subdivision, planned development or condominium project having two or more separate, major points of access at each major access point. All of the above signs shall be removed not later than 30 days following the sale of all lots in said development.

- I. *Yard/garage sale signs.* Such signs may be posted only for those sales conducted in compliance with subsection 10-48-3C of this title.
- J. *Entry feature sign.* Such signs may be constructed at entrances of residential or commercial projects subject to all the safety and visibility provisions of this title.

(Ord. 2008-4, 3-6-2008; Ord. 2012-2, 4-19-2012)

Sec. 10-36-9. Classification of signs.

Every sign erected or proposed to be erected within the City shall be classified in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within one of the classifications shall be placed in the classification which the sign, in view of its design, location and purpose, most clearly approximates by the Zoning Administrator.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-10. Signs permitted in agricultural (A) and residential (R) zones and noncommercial uses.

No sign shall be erected in any agricultural or any residential zones or for noncommercial uses except that [\(a\) political signs may be erected in all zones in compliance with this Chapter, and \(b\) certain special purpose signs may be erected in all zones in compliance with the provisions of section 10-36-6-8 of this chapter.](#)

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-11. Signs permitted in other zones.

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify said zones as either: residential (R); agricultural (A); commercial (C); or industrial (I) zones, depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the City, the sign provisions applying to the respective classification shall apply to said zones.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-12. Off premises advertising structures.

- A. *Prohibition of new off premises signs.* Except for off premises public information and logo signs meeting the size, shape, color and other requirements described in subsection B2 of this section, no permits shall be issued for the construction of off premises signs or outdoor advertising structures. All lawfully existing off premises signs and outdoor advertising structures as of the adoption of this chapter are declared nonconforming uses in all zones of the City.
- B. *Public information and logo signs.*
1. Off premises public information signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites and other locations of interest, approved as such by the City. Specifications for off premises information signs are as set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways and all such signs shall comply with those specifications.
 2. Off premises "logo" signs within a Utah Department of Transportation (UDOT) right-of-way are permitted under this section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas or other services. Identified by ~~the state department of transportation-UDOT~~ as the "logo-sign program," "Outdoor Advertising Control" program, these signs shall comply with the following regulations:
 - a. ~~i~~In constructing and maintaining a logo sign, ~~program-of-signs~~, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT policy and procedure.
- C. *City may amortize.* The City may acquire title to off premises nonconforming signs or outdoor advertising structures by gift, purchase, agreement, exchange or eminent domain, and shall have the right to amortize off premises nonconforming signs as permitted by state or federal law.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-13. Nonconforming signs.

- A. *On premises signs.* All on premises or appurtenant signs which have been made nonconforming by the adoption of provisions contained within this chapter shall be subject to the following regulations:
1. *Unsafe signs.* Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days of mailing or otherwise given notice of the unsafe condition.

2. *Alterations.* A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged or other alteration made unless said sign is changed so as to conform to all provisions of this chapter. "Alterations" shall also mean that changing of the text or message on the sign from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. "Alterations" shall not be interpreted to include changing the text or copy on off premises advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.
 3. *Restoration.* Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than 60 percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.
- B. *Off premises signs.* All off premises signs which are made nonconforming uses by the provisions of this chapter shall be subject to the provisions of Utah Code Annotated sections ~~10-9a-511~~20-1003, ~~10-9a-512~~20-607, and ~~10-9a-513~~20-608 or subsequent amendments.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-14. Sign features and requirements by zone.

TABLE 10-36-1

<u>Zone</u>	Agricultural/ Residential	Commercial	Industrial	SR-9 & SR-7
SIGN TYPE				
On premises signs:				
Canopy	N	P	P	P
Entry feature	P	P	P	P
Fascia	N	P	P	P
Freestanding	N	P	P	P
Marquee	N	P	P	P
Monument	N	P	P	P
Wall	N	P	P	P
Window	N	P	P	P
<u>Wind signs</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Off premises signs ¹	N	N	N	N
SIGN EFFECTS AND COPY CONTENT				
On premises signs:				
Animated ⁴	N	<u>NP</u>	<u>NP</u>	<u>NP</u>

Changeable copy	N	P	P	P
Electronic message center	N	P	P	P
Flashing/ <u>strobing</u>	N	N	N	N
Identification	P	P	P	P
Illuminated	N	P	P	P
Rotating	N	N P	N P	N P
Off premises signs ¹	N	N	N	N
SIGN DIMENSIONS				
Maximum sign height ² :				
Freestanding	n/a	35'	35'	35'
Monument sign	n/a	35'	35'	35'
Maximum sign area ³ :				
Freestanding	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
<u>Electronic message center</u>	<u>n/a</u>	<u>200 sq. ft.</u>	<u>200 sq. ft.</u>	<u>200 sq. ft.</u>
Home based business	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name
Monument sign	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
NUMBER OF SIGNS (per building or lot)				
On premises signs:				
Canopy	n/a	1	1	1
Entry feature	Per site plan	Per site plan	Per site plan	Per site plan
Fascia	n/a	1	1	1
Freestanding	n/a	1	1	1
Per 200 feet of single project frontage	n/a	1 monument or 1 freestanding	1 monument or 1 freestanding	1 monument or 1 freestanding
Marquee	n/a	1	1	1
Monument	n/a	1	1	1
Wall	n/a	1 <u>per street face</u>	1	1
Window	n/a	1	1	1
Off premises signs ¹	N	N	N	N
Location of signs:				

Minimum clearance under sign	n/a	10'	10'	10'
Minimum support setback from public right-of-way	n/a	5'	5'	5'
Maximum overhang of public right-of-way	n/a	5'	5'	5'
Maximum thickness of sign over public right-of-way	n/a	3'	3'	3'

Notes:

1. Except in residential zones, limited off premises temporary signs up to twenty-five square feet in area for community events, such as county fairs and city-sponsored events or events of city interest, may be permitted. Such signs shall be non-permanent and require approval of a sign permit and must be authorized by the property owner. The location of the sign must be such that safe sight distances are maintained for pedestrian and vehicular traffic.
2. The Planning Commission, upon review of a detailed sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum height permitted by this chapter, not to exceed fifty-five (55) feet, for any of the following circumstances:
 - a. The property sits significantly below the level of an adjacent roadway and a taller sign is needed to achieve standard visibility for drivers.
 - b. Existing permanent structures such as highway sound walls or topographic features on adjacent properties or rights-of-way create a substantial visual obstruction that renders the sign ineffective from the public roadway unless a taller sign is permitted.
 - c. The property is in a commercial or industrial zone and is located within one-half mile of an interstate right-of-way.
 - d. For uses that provide travel-related services such as gas stations, convenience stores, or hotels: The property (1) is in a commercial or industrial zone, (2) lacks frontage on a state highway, and (3) is located within 1,000 feet of a state highway.

The proposed sign shall not present a danger or hazard to the general public or create a visual obstruction for pedestrian or vehicular traffic, nor shall the sign be a nuisance or visual detriment to the community or conflict with the intent or purpose of this chapter.
3. The Planning Commission, upon review of a detailed overall sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum size permitted by this Chapter.
4. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign. See definition of "animated sign" in Section 10-36-2.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-15. Flagpole and Flags.

- A. A flagpole is permitted in all zones. A limit of one (1) flagpole is permitted on each lot or parcel.

B. *Flagpole height.*

1. Except as provided under subsection (B)(2) of this section, the maximum height of a flagpole may not exceed the maximum height allowed for any structure in the zone where the flag is located.
2. A conditional use permit may be granted pursuant to Section 10-7-9 for a flagpole displaying only the flag of the United States or State of Utah up to a maximum height to one hundred feet (100') in nonresidential zones.

C. *Location and lighting.*

1. A flagpole may not be located in a manner as to cause a safety hazard.
2. A flag may not extend beyond the property line of the lot on which the flagpole is located.
3. Lighting fixtures shall be shielded to prevent direct illumination of adjoining properties and public rights-of-way.

Ordinance No. 2026-10

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTER 36 REGARDING SIGN REGULATIONS

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapter 36 with regards to regulations pertaining to signs; and

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

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

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 36 of the Hurricane City Code be amended, and that it read as follows:

CHAPTER 36. SIGNS

Sec. 10-36-1. Purpose.

The purpose of the sign regulations set forth in this chapter is intended to:

- A. Eliminate potential hazards to motorists and pedestrians by requiring that signs are designed, constructed, installed and maintained in a manner that promotes the public health, safety and general welfare of the citizens of the City;
- B. Encourage signs which, by their design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy;
- C. Encourage sign legibility through the elimination of excessive and confusing sign displays;
- D. Preserve the appearance of the City as a place in which to live and to work, and create an attraction to nonresidents to come to visit or trade;
- E. Allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business which will create a distinctive appearance and also enhance the City character;
- F. Safeguard and enhance property values, and protect public and private investment in buildings and open space.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-2. Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

A-frame sign means any sign or structure composed of two sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.

Animated sign means any sign designed or constructed to convey a message through the mechanical movement or rotation of the sign and/or the flashing, strobing, or rotation of lights or figures on the sign. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign.

Banner means a flexible temporary sign characteristically supported by two or more points. It is generally made of fabric or other nonrigid materials with no enclosing frame.

Billboard means a freestanding ground sign located on real property that is designed and intended to direct attention to a business, product, service, or message that is not sold, offered or existing on the property, nor specific to the property where the property sign is located.

Building face means the visible outer surface of an exterior wall of a building. The area of the face of the building shall be the total area of such surface, including doors and windows.

Canopy. See definition of *marquee*.

Disrepair. A sign shall be considered in disrepair when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message. Conditions shall include, but not be limited to:

- A. Structural pole or support failure.
- B. Signs not being held vertically or as originally constructed.
- C. Borders falling off or removed.
- D. Panels missing or falling off.
- E. Message or parts thereof falling off or in disrepair such that it cannot be interpreted by the motoring public.
- F. Signs that are overgrown by trees or other vegetation.

Electronic message center means a sign that displays video messaging content that may change at frequent intervals on a video display screen that is controlled electronically via a programming device. Sometimes referred to as “digital” or “electronic” billboards.

Entry feature sign means a monument sign that is placed at the entrance of a subdivision or other residential or commercial project as part of a distinct architectural or landscape feature that identifies the project and displays the project name.

Erect means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition, provided the use, look, or content of the sign is not changed or altered.

Flag means a flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. A Flag does not include material commercial in nature and used for advertising purposes.

Flagpole means a pole for the purpose of displaying a Flag as defined herein.

Floating sign means any inflatable or floating sign or advertising device that is affixed to or displayed at a place of business. Examples are blimps, hot air balloons, and inflatable figures.

Freestanding sign means any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports to any portion of the roof of a building or structure, shall be considered to be a roof sign.

Frontage means the length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, watercourse, railroad, street or thoroughfare with no permitted access.

Logo signs means any sign whose single feature is a reproduction of the common recognized logo of the company and/or product.

Marquee means any permanent rooflike structure projection beyond a building or wall, generally designed and constructed to provide protection from the weather.

Monument sign means any on premises sign which is mounted directly to the ground having a foundation or pedestal that is at least 60 percent of the width of the actual sign structure and meeting the standards for height set for monument signs.

Movable, freestanding sign means any sign not affixed to or erected into the ground.

Off-premises sign means any sign which advertises products, development projects, services, or business establishments which are not located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

On-premises sign means any sign which advertises products, services, development projects, or business establishments which are located, conducted, manufactured or sold upon the same premises on which the sign is erected. "On premises" may include separate parcels that are contiguous to the premises where projects, services, development projects or business establishments are located and owned by the same person or legal entity. Only one sign is permitted on a contiguous parcel.

Outdoor advertising sign. See definition of *on-premises sign*.

Political or campaign sign means any sign or document that advocates the election or defeat of a candidate for public office, or the approval or defeat of a ballot proposition.

Projecting sign means any sign attached to a building or structural wall and extending horizontally outward from such wall more than 18 inches.

Public event banner means a banner pertaining to festivals or events which is installed as a temporary sign.

Public information sign means signs presenting travel information and signs concerning historic and scenic sites, public recreation facilities, miscellaneous instructions and warnings.

Reader board means a sign with manually changeable copy such as gas station prices, school events, etc.

Real property means land or real estate, with or without structures; not goods or services.

Residential zone or district means any zone which is designated by the prefix "R" in this title.

Roof sign means any sign which is erected upon or over the roof or over a parapet of any building or structure.

Sign means any words, lettering, parts of letters, documents, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, person, political campaign, proposition, business or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence or other manmade structure, which are visible from any public street, public highway or public road right-of-way. For the purpose of this chapter, the word "sign" does not include the flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional, warning or informational sign or structure required or authorized by law.

Sign area means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a double faced sign covering the same subject shall be computed. For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display on one face. An electronic message center will be included in calculation of overall sign area.

Temporary means a period not to exceed sixty (60) days.

Time and temperature device means any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

Wall signs means any sign posted, or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee of a building located on the site to which the sign pertains.

Wind sign means any propeller, spinner, or similar commercial advertising device or sign that is designed to flutter, spin, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-3. General requirements.

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City:

- A. *Sign approval.* Except as otherwise provided, it shall be illegal to erect or maintain any sign or outdoor advertising structure in the City without first obtaining the approval of the City for said sign or advertising structure, the granting of which shall be based upon the provisions of this chapter.
- B. *Permits.* The approval of the City shall be evidenced by a permit issued by the Zoning Administrator in accordance with the provisions of section 10-7-15, sign permit, of this title.
- C. *Animated signs.* Animated signs are prohibited.
- D. *Sound or emissions.* No sign shall be designed for the purpose of emitting sound, smoke, steam, or other visible emissions.
- E. *Movable and non-permanent freestanding signs.* Except as otherwise provided in this chapter, all movable and non-permanent freestanding signs, including, but not limited to, movable, freestanding, and A-frame signs, are prohibited off premises. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing.
- F. *Off premises billboard signs and off premises outdoor advertising structures.* Off premises billboard signs and off premises outdoor advertising structures are not permitted in any location within the City. Conversion of existing billboards, of any size or any description, to electronic or digital billboards is not permitted.
- G. *Roof signs.* Roof signs may be permitted upon approval of a design which hides all supporting members. Roof sign area will be included in the total allowed wall sign area for the wall over which the roof sign is erected. Roof signs are not permitted by right.
- H. *Canopy signs.* Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the wall from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the total allowable area for all building faces as permitted by the City so long as there are no wall signs placed upon building faces other than the face to which the marquee is attached.
- I. *Wind signs.* Wind signs are prohibited.

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- J. *Political or campaign signs.* Political or campaign signs are permitted under the following conditions:
1. Such signs must advocate for the election or defeat of a candidate for public office, or for the approval or defeat of a ballot proposition.
 2. Such signs shall not be erected or maintained within any public right-of-way nor shall such signs overhang public property or a public right-of-way.
 3. Such signs shall not be attached to a utility pole, light pole, an electric utility box, traffic signs, street signs, utility poles, mail boxes, a traffic control device, or any railroad sign or signal.
 4. Political or campaign signs may be allowed on certain City-owned or controlled properties if identified in a resolution approved by the Hurricane City Council. Such signs on City-owned or controlled property shall only be displayed during Federal, State, or Local elections periods. The election period begins upon the first election deadline for candidates to file a declaration of candidacy for the applicable election. Political signs shall be removed from the city-owned or controlled property within three (3) business days after the general election or the defeat of the candidate or ballot proposition, whichever occurs first. Political signs regarding candidates that are defeated in a primary election shall be removed from the property within three (3) business days after the primary election.
 5. Such signs shall not constitute a traffic, pedestrian, line-of-sight, or other safety hazard or nuisance.
 6. Such signs shall not be erected, constructed, or maintained upon any property without the consent of the owner or person entitled to possession of the property.
 7. Such signs shall not be located within 150 feet of a building that is serving as a polling place for an election on an election day. (UCA 20A-3-501)
 8. Such signs shall comply with all state laws governing political signs and political advertising. Enforcement, abatement, and disposal of non-compliant political signs shall also be conducted pursuant to all applicable state laws governing such action.
 9. Political signs may be allowed in park strips only if (1) the person posting the political sign is the owner or lawful occupant of property that is adjacent to the park strip and (2) the person is required by a local ordinance or an agreement to maintain the park strip; or if the person posting the sign obtains consent to post the political sign from the person previously described.
 10. A sign owner that posts or displays a political sign on a park strip shall ensure that the political sign is removed from the park strip no later than fourteen (14) calendar days after the day of the election to which the political sign relates.
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K. *Electronic message centers (EMC).* Electronic messaging signs shall comply with the following standards:

1. Message content shall not flash, strobe, or blink.
2. Static messaging content and images shall have a minimum dwell time of eight (8) seconds, meaning a sign cannot change messages more frequently than eight seconds.
3. Video content, sometimes referred to as “dynamic” messaging, is allowed but no portion of the message may have or cause a flashing, strobing, or blinking effect.
4. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to another sign or multiple signs.
5. Shall be located at least three hundred (300) feet from any residence as measured from any part of EMC to the nearest property line of the residence. This distance may be reduced to one hundred fifty (150) feet if no portion of the EMC display face or viewing surface is visible from the residence.
6. Shall be equipped with both a dimmer control and a photocell that automatically adjusts the display’s intensity according to changes in the day/night ambient light levels. In addition, EMCs must have a default mechanism to turn off the sign within twenty-four (24) hours of a reported malfunction.
7. The illumination at no time shall cast a light level greater than three-tenths (3/10) foot candle more than the ambient light level at the location. Light cutoff devices should minimize light above the sign. Foot candle readings shall be measured at ground level and at the distances shown in the table below:

Sign Size (square feet)	Distance From Source
0 to 100	100 feet
101 to 200	150 feet

8. Shall not be located closer than five hundred (500) linear feet from an interstate highway or interchange, as measured from any part of the sign to the nearest right-of-way line. Shall also comply with any applicable Department of Transportation regulations.
- L. *Sign Illumination.* Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign.
- M. *Location.* Except as expressly permitted by this Chapter, no sign shall be placed in or on any public right-of-way or park strip, nor shall such signs overhang public property or a public right-of-way. Any sign posted upon public property may be removed immediately by the city, but in no case shall the failure to remove said sign constitute
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acquiescence or waiver by the city of the illegal placement of the sign. No sign shall be constructed or erected in such a location or manner that it obstructs or unreasonably interferes with an existing sign.

N. *Temporary signs.* Temporary signs shall comply with the following standards:

1. All temporary signs require approval of a sign permit.
2. Off premises temporary signs are not allowed (see also Note 1 of Table 10-36-1).
3. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.
4. Temporary signs shall not be placed in or over a public right of way, or otherwise impair the visibility of traffic, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. No temporary sign shall be attached to a utility pole or tree. They must be firmly secured to the building or ground.
5. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.
6. Banner signs may not be larger than 100 square feet. Such signs must be mounted or displayed on the face of a building or affixed to supporting poles or on a permanent fence in such a manner as to prevent displacement by wind or other cause. Location of banner signs must be such that safe sight distances are maintained for pedestrian and vehicular traffic. Banner signs which become tattered, worn, or in a state of disrepair must be immediately removed. For grand openings, bankruptcy, or going out of business promotions, only one such display per business license is allowed.
7. Events intending to use on-premises temporary signs may be permitted for up to sixty (60) days upon approval of a sign permit.
8. Floating signs may be permitted by the Zoning Administrator as a temporary use for special events, sales, or similar occasions for a time period not exceeding twenty-one (21) days in any three-month period.

(Ord. 2008-4, 3-6-2008; Ord. 2009-03, 3-19-2009; Ord. 2009-18, 11-19-2009; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-4. Violation and remedies.

It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, it shall be deemed a class C misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this Code.

- A. In addition to the remedies and enforcement procedures outlined in chapter 9 of this title, the City may invoke the following remedies:
 - 1. Order the defect corrected within a period of time, not exceeding 60 days from the date of notice or the time established by an agreement signed by the Zoning Administrator, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; or
 - 2. If the defect cannot be corrected without resulting in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a period of time not exceeding 30 days from the date of notice.
- B. It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, the City may do the following:
 - 1. Order the defect corrected within a fixed period of time, not exceeding 30 days, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; but
 - 2. If correction of the defect will result in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a fixed period of time not exceeding 30 days.
- C. If the owner of the sign contests the order of the City, the remedy shall be an appeal to the Appeals Board, which appeal shall be taken in the time and manner otherwise provided in section 10-7-19 of this title for appeals to the Appeals Board.
- D. If the owner of the sign fails or refuses to remove the subject sign at the order of the City, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney fees and costs.

(Ord. 2008-4, 3-6-2008; Ord. 2018-12, 10-18-2018)

Sec. 10-36-5. Exceptions.

- A. This Chapter shall have no application to signs used exclusively for:

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1. The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
 2. Directional, warning, or informational signs of a public or semipublic nature, erected and maintained by an official body or public utility.
 3. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.
4. Any official flag, pennant or insignia of any nation, state, City, or other political unit.
(Ord. 2008-4, 3-6-2008)

Sec. 10-36-6. Location standards.

All signs and outdoor advertising structures shall comply with the following location requirements:

- A. *Not obstruct, interfere.* No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window. No sign or its support shall create a visual obstruction and shall be erected to comply with the supplemental development standards in subsection 10-37-9E of this title.
- B. *Sight triangle.* No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points 25 feet from the intersections of the projecting property lines.
- C. *Utility clearance.* No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof or by electrical utility providers. No signs shall be erected or maintained on any utility pole except by the utility company itself.
- D. *Clearance; public, private ways.* No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten feet.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-7. Sign development standards.

- A. Monument signs are encouraged in all planned commercial zones and commercial zones located along the commercial corridors of SR-9 and SR-7.
 - B. Monument signs are required in all other zones including planned developments, project entrances, historical zones, and park, church, and school sites.
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- C. Wall signs shall be so placed as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or vehicles within close proximity to the sign.

The area of wall sign shall be no greater than 25 percent of the total square footage of the wall where it is located. Marquee, canopy, and roof signs shall be considered part of the 25 percent area limit.

No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is located.

No such sign, including any light box or structural part, shall project more than 18 inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

- D. Freestanding signs. There may be one such sign per frontage on properties with up to 200 feet of frontage. One additional sign may be permitted for each additional 200 feet of frontage. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of individual businesses or occupancies.
- E. New buildings or clusters of buildings having more than one tenant or use shall provide a sign plan for the entire structure or project. The sign plan must be designated so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering styles, scale, symbols, and size of signs and backgrounds. Only one freestanding sign may be allowed, if permitted by this chapter, for clusters of buildings. Individual businesses may be identified on the same sign. The Planning Commission may approve a sign in excess of the maximum size permitted by this chapter when considering the overall sign plan.
- F. Signs which become tattered, worn, or in a state of disrepair must be removed if not repaired within 21 days of written notice by City to sign owner.

(Ord. 2008-4, 3-6-2008; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-8. Special purpose signs.

In addition to any other permitted signs, signs for special purposes set forth in this section shall be permitted as provided herein:

- A. *For sale, rent or lease signs.* In all zoning districts, signs may be erected to advertise the sale, rent or lease of property upon which said signs are placed. Said signs shall be limited to one sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six square feet in residential zones or 25 square feet in nonresidential zoning districts. Said signs shall be exempt from project plan approval.

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- B. *Directory signs.* In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business or industrial pursuit. Said sign shall be situated at least 15 feet inside the property line and shall not exceed 12 feet in height. Said sign shall not exceed an area of 100 square feet and shall not be placed within a clear vision area of a corner lot as set forth in section 10-37-9 of this title.
- C. *Construction project signs.* Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, architects, engineers and construction organizations participating in the project; and such other information as may be approved by the Zoning Administrator. In residential districts, no such sign shall exceed 100 square feet in area. In other districts, no such sign shall exceed an area of 200 square feet, and no freestanding sign shall exceed 12 feet in height. All such signs shall be removed before final inspection.
- D. *Directional signs.* Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property. If a directional sign is not located on the property or properties to which it pertains, it may not be located on another property that contains more than one other directional sign. Consent of the other property owner, lessee, or occupant is required. No such sign shall exceed 16 square feet.
- E. *Open house signs.* Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six square feet. No more than two such signs may be placed on any one parcel of private property at the same time.
- F. *Church, quasi-public organizations and apartment house identification signs.* In all districts, a church or quasi-public organization may erect one wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five or more dwelling units may erect one wall sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said wall sign shall not exceed an area of 32 square feet, and may be mounted upon a freestanding, ornamental structure if approved by the Zoning Administrator.
- G. *Bus bench signs.* In all zones, bus bench signs are prohibited.
- H. *Development promotional and directional signs.* Two development promotional signs facing different directions may be placed on the premises of each subdivision, planned development, or condominium project having five or more lots or approved dwelling units. Said promotional sign may have an area of 64 square feet. Two additional promotional signs facing different directions may be placed on the
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premises of each subdivision, planned development or condominium project having two or more separate, major points of access at each major access point. All of the above signs shall be removed not later than 30 days following the sale of all lots in said development.

- I. *Yard/garage sale signs.* Such signs may be posted only for those sales conducted in compliance with subsection 10-48-3C of this title.
- J. *Entry feature sign.* Such signs may be constructed at entrances of residential or commercial projects subject to all the safety and visibility provisions of this title.

(Ord. 2008-4, 3-6-2008; Ord. 2012-2, 4-19-2012)

Sec. 10-36-9. Classification of signs.

Every sign erected or proposed to be erected within the City shall be classified in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within one of the classifications shall be placed in the classification which the sign, in view of its design, location and purpose, most clearly approximates by the Zoning Administrator.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-10. Signs permitted in agricultural (A) and residential (R) zones and noncommercial uses.

No sign shall be erected in any agricultural or any residential zones or for noncommercial uses except that (a) political signs may be erected in all zones in compliance with this Chapter, and (b) certain special purpose signs may be erected in all zones in compliance with the provisions of section 10-36-8 of this chapter.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-11. Signs permitted in other zones.

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify said zones as either: residential (R); agricultural (A); commercial (C); or industrial (I) zones, depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the City, the sign provisions applying to the respective classification shall apply to said zones.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-12. Off premises advertising structures.

- A. *Prohibition of new off premises signs.* Except for off premises public information and logo signs meeting the size, shape, color and other requirements described in subsection B2 of this section, no permits shall be issued for the construction of off premises signs or outdoor advertising structures. All lawfully existing off premises signs and outdoor advertising structures as of the adoption of this chapter are declared nonconforming uses in all zones of the City.
- B. *Public information and logo signs.*
1. Off premises public information signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites and other locations of interest, approved as such by the City. Specifications for off premises information signs are as set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways and all such signs shall comply with those specifications.
 2. Off premises logo signs within a Utah Department of Transportation (UDOT) right-of-way are permitted under this section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas or other services. Identified by UDOT as the "Outdoor Advertising Control" program, these signs shall comply with the following regulations:
 - a. In constructing and maintaining a logo sign, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT policy and procedure.
- C. *City may amortize.* The City may acquire title to off premises nonconforming signs or outdoor advertising structures by gift, purchase, agreement, exchange or eminent domain, and shall have the right to amortize off premises nonconforming signs as permitted by state or federal law.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-13. Nonconforming signs.

- A. *On premises signs.* All on premises or appurtenant signs which have been made nonconforming by the adoption of provisions contained within this chapter shall be subject to the following regulations:
1. *Unsafe signs.* Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days of mailing or otherwise given notice of the unsafe condition.
 2. *Alterations.* A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged or other alteration made unless said sign is changed so as to

conform to all provisions of this chapter. "Alterations" shall also mean that changing of the text or message on the sign from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. "Alterations" shall not be interpreted to include changing the text or copy on off premises advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.

3. *Restoration.* Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than 60 percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.

- B. *Off premises signs.* All off premises signs which are made nonconforming uses by the provisions of this chapter shall be subject to the provisions of Utah Code Annotated sections 10-20-1003, 10-20-607, and 10-20-608 or subsequent amendments.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-14. Sign features and requirements by zone.

TABLE 10-36-1

Zone	Agricultural/ Residential	Commercial	Industrial	SR-9 & SR-7
SIGN TYPE				
On premises signs:				
Canopy	N	P	P	P
Entry feature	P	P	P	P
Fascia	N	P	P	P
Freestanding	N	P	P	P
Marquee	N	P	P	P
Monument	N	P	P	P
Wall	N	P	P	P
Window	N	P	P	P
Wind signs	N	N	N	N
Off premises signs ¹	N	N	N	N
SIGN EFFECTS AND COPY CONTENT				
On premises signs:				
Animated ⁴	N	N	N	N
Changeable copy	N	P	P	P
Electronic message center	N	P	P	P

Flashing/strobing	N	N	N	N
Identification	P	P	P	P
Illuminated	N	P	P	P
Rotating	N	N	N	N
Off premises signs ¹	N	N	N	N
SIGN DIMENSIONS				
Maximum sign height ² :				
Freestanding	n/a	35'	35'	35'
Monument sign	n/a	35'	35'	35'
Maximum sign area ³ :				
Freestanding	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
Electronic message center	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
Home based business	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name
Monument sign	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
NUMBER OF SIGNS (per building or lot)				
On premises signs:				
Canopy	n/a	1	1	1
Entry feature	Per site plan	Per site plan	Per site plan	Per site plan
Fascia	n/a	1	1	1
Freestanding	n/a	1	1	1
Per 200 feet of single project frontage	n/a	1 monument or 1 freestanding	1 monument or 1 freestanding	1 monument or 1 freestanding
Marquee	n/a	1	1	1
Monument	n/a	1	1	1
Wall	n/a	1 per street face	1	1
Window	n/a	1	1	1
Off premises signs ¹	N	N	N	N
Location of signs:				
Minimum clearance under sign	n/a	10'	10'	10'
Minimum support setback from public right-of-way	n/a	5'	5'	5'

Maximum overhang of public right-of-way	n/a	5'	5'	5'
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Notes:

1. Except in residential zones, limited off premises temporary signs up to twenty-five square feet in area for community events, such as county fairs and city-sponsored events or events of city interest, may be permitted. Such signs shall be non-permanent and require approval of a sign permit and must be authorized by the property owner. The location of the sign must be such that safe sight distances are maintained for pedestrian and vehicular traffic.
2. The Planning Commission, upon review of a detailed sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum height permitted by this chapter, not to exceed fifty-five (55) feet, for any of the following circumstances:
 - a. The property sits significantly below the level of an adjacent roadway and a taller sign is needed to achieve standard visibility for drivers.
 - b. Existing permanent structures such as highway sound walls or topographic features on adjacent properties or rights-of-way create a substantial visual obstruction that renders the sign ineffective from the public roadway unless a taller sign is permitted.
 - c. The property is in a commercial or industrial zone and is located within one-half mile of an interstate right-of-way.
 - d. For uses that provide travel-related services such as gas stations, convenience stores, or hotels: The property (1) is in a commercial or industrial zone, (2) lacks frontage on a state highway, and (3) is located within 1,000 feet of a state highway.

The proposed sign shall not present a danger or hazard to the general public or create a visual obstruction for pedestrian or vehicular traffic, nor shall the sign be a nuisance or visual detriment to the community or conflict with the intent or purpose of this chapter.

3. The Planning Commission, upon review of a detailed overall sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum size permitted by this Chapter.
4. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign. See definition of "animated sign" in Section 10-36-2.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-15. Flagpole and Flags.

- A. *A flagpole is permitted in all zones.* A limit of one (1) flagpole is permitted on each lot or parcel.
- B. *Flagpole height.*
 1. Except as provided under subsection (B)(2) of this section, the maximum height of a flagpole may not exceed the maximum height allowed for any structure in the zone where the flag is located.
 2. A conditional use permit may be granted pursuant to Section 10-7-9 for a flagpole displaying only the flag of the United States or State of Utah up to a maximum height to one hundred feet (100') in nonresidential zones.

C. *Location and lighting.*

1. A flagpole may not be located in a manner as to cause a safety hazard.
2. A flag may not extend beyond the property line of the lot on which the flagpole is located.
3. Lighting fixtures shall be shielded to prevent direct illumination of adjoining properties and public rights-of-way.

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.

EXECUTED on this 7th day, May 2026.

Hurricane City

Clark Fawcett, 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 7th day, May, 2026. 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
Joseph Prete	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Lynn Excell	_____	_____	_____	_____
David Imlay	_____	_____	_____	_____
Amy Werrett	_____	_____	_____	_____

Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-10 Amending Title 10, Chapter 36 regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant.

Discussion:

May 7, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

An update to the sign ordinance has been prepared at the request of the City Council for the purpose of establishing regulations for the use of political signs during election periods. The sign ordinance, as currently written, does not specifically regulate the placement or use of campaign signs, which has caused clamor and complaints during past election cycles primarily due to a lack of a clear definition in the city code as to what constitutes a political sign and where they can be placed within the city. Staff is also proposing various other “clean-ups” and revisions to the sign ordinance in an effort to make the regulations clearer, to eliminate contradictions, and to provide an avenue to allow limited exceptions to the height and size maximums for signs. The principal changes being proposed are as follows:

- Proposes a clear definition of what constitutes political and campaign signs, and makes various updates to other definitions in the ordinance (see 10-36-2).
- Proposes clear standards for the use and placement of political signs, and also aligns city code with state law relating to political signs (see 10-36-3(J)).
- Proposes standards to regulate signs that use video display screens, termed as “electronic message centers” in the code (see 10-36-3(K) and the table in 10-36-14).
- Proposes standards for flag poles (see 10-36-15).
- Proposes objective standards for the Planning Commission to approve limited exceptions to the existing height and size maximums for signs (see Notes 2 & 3 after the table in 10-36-14).
- Proposes limited exceptions for temporary off-premises signs for community events, such as county fairs, city-sponsored events, or events of city interest (see Note 1 after the table in 10-36-14).

Planning Commission Review:

A public hearing was held at the April 23, 2026, Planning Commission meeting and no public comments or objections to code update were received. Discussion among the commissioners was by far focused on signs with video display screens and whether or not to allow video content. Commissioner Goodfellow voiced concerns about moving video images being too distracting for passing cars, thus causing a potential hazard for traffic. She suggested that only still, or “static”, images should be allowed on the screens. The following motions were made:

- After this discussion, Commissioner Goodfellow made a motion to recommend approval of the code update with the condition that a provision prohibiting video messaging be added to the ordinance. Commissioners Iverson, Winder, and Hughes voted against the motion. Commissioners Sampson, Ballard, and Goodfellow voted in favor of the motion. The motion failed with a vote tied 3 to 3.
- Commissioners Iverson, Winder, and Hughes expressed concern that if video imagery were prohibited, the existing grandfathered video signs would be an unfair business advantage over the businesses who could not show video messages on their signs. It was also discussed that there is already a very large number of these types of signs that already exist in the city, and if their brightness is adequately regulated the signs won't present any problems. The commissioners came to agreement on this point, and Commissioner Hugues made a motion to recommend approval of the ordinance update as originally presented. The motion passed unanimously.

It is relevant to note that the Planning Commission also discussed conducting possible research to find out if any data existed that linked an increase in car crashes to video signage. When Planning staff reached out to the Chief of Police for an opinion on the matter, he recommended that, since the existing video signs have not caused any traffic problems in the city, a prohibition would be unnecessary.

Findings: N/A

Recommendation: The Planning Commission recommended approval of the code update to the sign ordinance as proposed by staff and as shown in the attached redlined draft. Staff also recommends approval of the proposed revisions to the sign ordinance.



STAFF COMMENTS

Item: Consideration and possible approval of a contract for the Transportation Masterplan Update.

Discussion: The City Council approved the selection of Avenue Consultants to perform the proposed Transportation Masterplan Update. The project has an expanded scope that includes the following items:

- Transportation Masterplan
- Public Engagement
- Active Transportation Plan
- Pavement Management Plan
- Transportation Utility Fee Analysis
- Capital Facilities Plan
- Impact Fee Facilities Plan

Avenue Consultants has submitted a scope of work and associated cost proposal that we have successfully negotiated in the amount of \$175,629.00. This amount is in accordance with the estimates that I had made for this project. The City has budgeted \$100,000 in the current budget year. We have an additional \$30,000 that I was able to secure from the Dixie MPO planning fund. I also submitted a grant application to UDOT Technical Planning Assistance Fund in the amount of \$100,000, which I am expecting will be successful, but I have not yet received the award. As this project will straddle two budget periods, it is feasible for the City to budget the remaining \$45,629 in the next budget year to cover the cost of the project.

Findings: The scope and fee presented is the result of a successful negotiation with Avenue Consultants to move forward with the project. The work that will be completed by this project will be a great benefit to the City and funding for this project is good to move forward.

Recommendation: It is recommended that the City award the contract for the Transportation Masterplan Update to Avenue Consultants in the amount of \$175,629.00. – Arthur LeBaron

Staff Comments
Removal of Section 2.9, "Use of Explosives"
Hurricane City Standards for Design and Construction

Section 2.9 of the Hurricane City Standards for Design and Construction sets forth the requirements and conditions for blasting in the City of Hurricane.

In the past and as stated in the standards, the blast permits and the administration of these permits were duly assigned to the Fire Chief and are controlled by the Uniform Fire Code and the State of Utah. Up until the creation of the Hurricane Valley Fire District, the Fire Chief of Hurricane City administered the issuance and operation of such permits.

With the creation of the Hurricane Valley Fire District, the authority over such permits were relegated to the Fire Chief of said district. The Fire District has overseen these permits since that time, but inadvertently, the section governing blasting permits were never taken out of the Hurricane City standards.

The problem arises that when a third party investigates the requirements for the two permits under each individual authority there are some slight discrepancies. This in turns leads to questions about how the permits are administered and by what set of rules, causing confusion and uncertainty.

Since the Fire District is regulated by the State of Utah it only makes sense to delete the rules from the Hurricane City Standards which will remove any and all discrepancies. The City of Hurricane does not have the authority to govern these permits at this time.

2.9 USE OF EXPLOSIVES.

The use of explosives or blasting is generally not allowed within the City, however, if explosives or blasting are permitted, their use is controlled by the Uniform Fire Code. The Contractor shall obtain a special permit from the City's Fire Chief for the use of explosives. A copy of this permit shall be delivered to the City's Representative prior to the use of explosives. The approval by the City's Representative for the use of explosives shall not relieve the Contractor from his responsibilities for proper use and handling of the explosives or for any and all damages resulting from their use.

Explosives shall be transported, stored, handled and used in accordance with the provisions and requirements of all applicable laws, ordinances and regulations.

2.9.1 PERMITS AND BLAST PLAN.

When any blasting is to occur within the City a permit for such activity shall be applied for at least three working days prior to the desired blasting day. A detailed blast plan shall be submitted to the Fire Department for review at the time of application for a permit. The blast plan shall contain the following information:

- A.** Number of holes per blast.
- B.** Blast pattern. **C.** Depth of holes.
- D.** Maximum holes per delay.
- E.** Numbers of the delays used.
- F.** Type of explosives used.
- G.** Total pounds of explosives.
- H.** Maximum pounds per delay.
- I.** Method of detonation.
- J.** Proximity to nearest structure.
- K.** Expected duration of blasting activity.
- L.** Name of independent monitoring company.
- M.** Whether or not a pre-blast survey is required and the name of the company doing such a survey.
- N.** Plan outline for notification of Fire Marshall, Fire Chief or governing agency one hour prior to detonation of each blast and approximate time of each blast.

2.9.2 GENERAL BLASTING CRITERIA

A. Blasting activity that is to occur within one thousand (1,000) feet of any school (public or private), university, day care center, church, library, medical facility, or any public building shall be conducted during off hours where possible and shall require seismic monitoring of each blast to insure the integrity of the building as well as the safety of the occupants of said buildings. Since there is a wide variety in the type density, specific gravity, velocity and general characteristics within the graphical area of Southern Utah, there are varied methods that can be employed to attain the desired results. These methods, if used and however varied, shall adhere to the appropriate limit criteria.

B. Any blasting that is intended within five hundred (500) feet of any structure (building, tunnel, underground utilities, gas lines, overhead transmission lines, pump station, piping, radio tower, or any other structure of any kind) requires that the blast be monitored with a seismograph capable of measuring peak particle velocities in three spatial components of horizontal, vertical and transverse and be capable of printing this data into a permanent record as digital as well as wave form and air blast overpressure in terms of millibar, PSI or decibel (dB) recording of each event. Any structure such as residential homes, commercial buildings, public buildings, storage facilities, or any other permanent structure that lies within five hundred (500) feet of blasting activity shall be required to have a pre-blast survey performed at the expense of the Contractor and/or the blaster by an independent company whose primary nature of business is to conduct and perform these types of services. The said company shall furnish to the Fire Chief a copy of the pre-blast survey report prior to issuance of the blasting permit. A certificate of insurance issued by an underwriter legally doing business within the State of Utah showing the Contractor and/or blaster to be properly insured for the express purpose of blasting and showing the issuing agency as additional insured, shall be submitted with the application of the blasting permit. The amount of insurance shown on the certificate of insurance shall be in the amount required by the City's Fire Department or the Owner's Representative. A blasting permit shall be site specific and expire thirty days from issuance.

C. Furnish and erect special signs to warn the public of blasting operations. Said signs shall be located and maintained so as to be clearly evident to the public during all critical periods of blasting operations.

D. Notify each public utility company, having structures or facilities adjacent to the work, of his intention to use explosives. Such notice shall be given sufficiently in advance to enable the companies to advise the Contractor of any precautions that should be taken to protect their structures from damage.

E. Make a survey of adjacent properties, before commencing blasting operations, locating on drawings and by photographs all existing cracks and damages to structures. A copy shall be filed with the Representative, including a report of any property owners who refused to cooperate and permit entry and inspection.

F. Blasting shall be accomplished in such a manner that nearby buildings, structures, railways, highways, etc. will be safe from rocks and other projectiles. Adequate blasting mats or other means of protection shall be employed when blasting in congested area or close proximity to any of the above improvements. Steel mats shall not be allowed within two thousand (2,000) feet of power lines.

G. Immediately prior to the time of firing, the Contractor shall station certified flaggers along the road(s) at sufficient distance from the blasting operation to control traffic as required.

H. The City reserves the right to order the discontinuance of blasting operations at any time.

2.9.3 LOGS. The blaster shall, at the request of The City, surrender logs and records, or a copy thereof, for review within twenty-four hours of receiving such request. Failure to keep current and/or surrender the logs to the City will result in the immediate cancellation of any and all permits issued. No further permits will then be issued within thirty days of submission of said records.



STAFF COMMENTS

Item: Consideration and possible approval of local consent for a limited restaurant liquor license for Yokoso LLC.

Discussion: Yokoso LLC, an existing restaurant operating within the Walmart Subdivision in Hurricane City, is requesting local consent for a Limited Restaurant Liquor License through the State of Utah Department of Alcoholic Beverage Services. This license would allow the establishment to serve beer, heavy beer, and wine; however, the sale or service of distilled liquor would not be permitted under this license classification.

Staff has reviewed the application and confirmed that the restaurant meets all applicable distance separation requirements as required by state law. In addition, a background check has been completed on the individual responsible for overseeing the day-to-day operations of the business. No concerns were identified during the review process.

City staff and the Police Chief have reviewed the request and have no objections to the issuance of local consent for the license. Based on the information provided and compliance with applicable requirements, staff recommends approval of the request for local consent for the Limited Restaurant Liquor License for Yokoso LLC. – Cindy Beteag

Findings:

Recommendation:



LIQUOR LICENSE APPLICATION AND QUESTIONNAIRE

HURRICANE CITY
147 N 870 W
HURRICANE, UTAH 84737
(435) 635-2811

NOTE: **Please print or type.** All questions must be answered completely or application will not be considered.

NEW LICENSES OR CHANGE OF OWNERSHIP must be accompanied by:

- ☒ \$50.00 non-refundable application fee
- ☒ Annual license fee (refunded if application is denied)
- ☒ Statement from 5 individuals or entities recommending the applicant
- ☒ Copy of business license or business license application
- ☒ Proof of completion of all necessary certifications by employees required by the city and state or understanding of necessary training requirements for new applicants
- ☒ Names and addresses of shareholders, members, or partners (applicable to Corporations, limited liability companies and partnerships)

1. Applicant If the license is for an individual or sole proprietorship, applicant must be the owner. If license is for a corporation, the applicant shall be a corporate officer/agent authorized to make the application and a separate sheet must be attached giving the names and addresses of all shareholders owning more than 10% of the corporation. If license is for a limited liability company, applicant must be a manager or managing member authorized to make the application. If license is for a partnership, the applicant shall be a general partner and a separate sheet must be attached giving the names and addresses of all partners.

Name Janiel Dawn Wirth
(Middle) (Last)
Home address [REDACTED] Hurricane Ut 84737
(City) (State/Zip)
Phone Number [REDACTED]
Social Security # [REDACTED] Date of Birth [REDACTED]
U. S. Citizen? ☒ Yes ☐ No, if no, registered alien? ☐ Yes ☐ No
Relationship of applicant to entity for which license is sought:
☒ Owner ☐ Corporate Agent ☐ Corporate Officer ☐ Officer
☐ Partner ☐ Member of Limited Liability Company ☐ Other

2. Entity for which License is being sought

Sole Proprietorship _____ Corporation _____ Non Profit Corporation _____
Partnership X LLC _____ Other _____

Name of Entity YOKOSO INC.

Address of Principal Office 881 N. 2825 W Hurricane, UT 84737
(Street) (City) (State/Zip)

Phone 435-770-2435 (Street) _____ (City) _____ (State/Zip) _____
Email Wirtnit3@gmail.com

Names, addresses, Phone, DOB, Social Security Number of all Corporate Officers, Partners, Members, Board of Directors and Shareholders
(if necessary attach a separate sheet)

[illegible]

3. Business Name / Location / Management

Name under which business will be operated (if different from name of the applicant, corporation or partnership) _____

Business Address 88 N. 2825 W. Hurricane UT 84737
(Street) (City) (State/Zip)

Phone Number _____

Owner of Property Abcose Properties, LLC

Name of Business Manager Januel Dawn Wirth
(First) (Middle) (Last)

Social Security # _____ Date of Birth _____

Phone Number _____

- *Distance in feet from nearest public or public or private school Share building w/
*Distance in feet from nearest church 1556.34 feet mt. mikes who has
*Distance in feet from nearest public playground a liquor license
*Distance in feet from nearest public park 765.75
*Distance in feet from nearest public library _____

4. Classification of license applied for:

- | | |
|--|--|
| ☐ Airport Lounge | ☐ Banquet |
| ☐ Bar | ☐ Beer Recreational |
| ☐ Hotel | ☐ Off-Premise Beer |
| ☐ Package Agency | ☐ Reception Center |
| ☐ Restaurant-beer only | ☐ Restaurant-Full |
| ☒ Restaurant-Limited | ☐ Tavern |
| ☐ Beer wholesaler | ☐ Liquor warehouse |
| ☐ Manufacturing | |

5. Miscellaneous Information (For purposes of the following questions, the term "you" shall refer to any applicant, corporate officer, corporate director, corporate agent, LLC member, partner or manager)

Have you ever been engaged in any other business where beer or alcoholic beverages were sold to the public? ☒ Yes _____ No. If yes, state name of business, location of business, nature of business, date(s) of operation. _____

Have you at any time been convicted of a felony in any court in the United States? _____ Yes ☒ No. If so, give particulars – City, Dates, pertinent information, etc. _____

Have you been convicted or have you entered a plea of guilty at any time to a law violation involving beer or alcoholic beverages? _____ Yes ☒ No. If so, give particulars – City, Dates, pertinent information, etc. _____

Give particulars of your employment or business engaged in during the past five years, stating dates, business name and address, nature of business, position or title, employer's name and address of business. Director of Operations - probation
14 yrs. Kabuto 9/24 - Feb 25 - regional manager

Are business premises to be leased? ☒ Yes _____ No. If yes, state name and address of lessor and nature of lessor's interest in business premises. Abcose Properties LLC. leasing us the space

Will food be served at business location? ☒ Yes _____ No (If yes, please attach a sample of the menu you plan to use)

Has a license covering any place in which you had a financial interest ever been revoked or suspended? _____ Yes ☒ No If yes, state type of license, location of license, date license was revoked or suspended, reason for revocation or suspension _____

6. Additional Information: Give any additional information which you believe will help the City Council to make a decision upon your application: _____

STATE OF UTAH

)

: ss.

COUNTY OF WASHINGTON

)

I, Janiel Nirth, being first duly sworn, depose and say as follows:

1. The foregoing Application and Questionnaire is in all respects true and correct, to the best of my knowledge and belief;
2. I am the applicant above-named and have not leased, assigned, or entered into a profit-sharing arrangement of any type with any other person for operation of the above-named business except as disclosed herein;
3. I have received and read the beer/alcoholic beverage license ordinance of the City of Hurricane, and I believe that this application in all respects conforms to the requirements thereof;
4. I consent to the entry in or upon the business premises by City employees or representatives at reasonable times for the purpose of inspecting the business premises to ensure compliance with applicable laws, ordinances, rules and regulation; and
5. I understand and agree that any false information contained in this application shall be grounds for denial of this application and shall constitute perjury.

[Signature]
Applicant

SUBSCRIBED AND SWORN TO before me this 30 day of April, 2020

[Signature]
(NOTARY PUBLIC OR CITY LICENSE OFFICER)



(FOR OFFICE USE ONLY)

New license: _____
Date Application Reviewed: _____
Non-refundable application fee received _____
Refundable license fee received _____
Character statement from 5 residents received: _____
Application referred to: Planning & Zoning _____
 Building Inspection Department _____
 Fire Department _____
 Police Department _____
 Health Department _____
Business License obtained/applied for: _____
Date Application was considered by City Council: _____
Application: _____ granted _____ denied _____
Comments: _____

City License Officer

FEES

A non-refundable application fee of Fifty Dollars (\$50.00) shall be submitted with any application for an original license.

At the time of application for an original license or renewal license, the applicant shall pay an annual license fee as follows:

All Classifications \$300.00

If a license is issued on or after July 1 in any year, one-half of the annual license fee shall be charged.

To the Utah Department of Alcoholic Beverage Services (DABS),

I am writing to formally provide my recommendation in support of Doug Prescott and Janiel Wirth, acting on behalf of Yokose LLC, in their application for a liquor license.

I have had the opportunity to work closely with Mr. Prescott and Ms. Wirth in a professional capacity at Yokose LLC since the business opened last October, and over this time I have worked with them for more than two years in a professional context, and I can confidently attest to their strong sense of responsibility, professionalism, and commitment to operating in full compliance with all applicable laws and regulations.

Throughout this time, Doug Prescott and Janiel Wirth have consistently demonstrated sound judgment in business operations and a clear understanding of the importance of regulatory compliance within the hospitality industry. They have shown diligence in implementing policies and procedures designed to ensure responsible service practices, proper staff training, accountability, and a safe environment for patrons and employees alike.

In addition, they maintain a strong commitment to ethical business practices and community standards. I am confident that they fully understand the responsibilities associated with holding a liquor license in the State of Utah and will take all necessary measures to ensure that alcohol service is conducted in a lawful, controlled, and responsible manner.

Based on my experience working with Doug Prescott and Janiel Wirth at Yokose LLC, I respectfully support their application and believe they will be reliable and responsible license holders under the regulations administered by DABS.

Sincerely,

Erkhes Bayarkhuu
Sushi Chef
Yokose LLC
Phone: 206-468-9092
Email: erhese@yahoo.com

Alice Spencer
313 Crestwood Rd.
Kaysville, Ut. 84037
April 29, 2026

Utah Department of Alcoholic Beverage Services
Attn: Licensing Division
1625 S. 900 W.
Salt Lake City, Ut. 84104

RE: Letter of Recommendation for Liquor License for Janiel Wirth, Yokoso in Hurricane Ut.

To Whom It May Concern,

I have had the opportunity to know Janiel for 10 years, and can confidently speak to their integrity, and a strong commitment to operating a responsible and community focused business. their establishment is designed to provide a positive and welcoming environment where alcohol service is secondary to a high-quality food and hospitality.

Janiel and Yokoso has demonstrated a clear understanding of Utah's alcohol laws and regulations and has taken the proper steps to ensure full compliance. Including staff training on responsible alcohol service, strict adherence to age verification. Yokoso is a neighborhood establishment and as such is committed to respecting standards and expectations.

Based on my knowledge of the applicant and their business practices, I strongly support the approval of their liquor application.

Alice Spencer
801-529-0036

April 19, 2026

Re: Janiel Wirth/Yokoso Japanese Cuisine

To whom it may concern,

I am writing this letter in support of a liquor license for Janiel Wirth/Yokoso Japanese Cuisine in Hurricane, UT.

I have known Janiel since 2010, our families are great friends, often traveling together and spending recreational time together. I can confidently speak to her character and professionalism.

Yokoso has been a wonderful and inviting contribution to Hurricane City and I have confidence that Yokoso will operate in full compliance with the laws and regulations regarding the sale of alcohol.

Respectfully,

Brody Cummings

801-389-4882

April 29, 2026

To Whom it may concern,

I am writing in support Yokoso Japanese Cuisine to obtain their alcohol license. I have known Janiel Wirth for 20 years and can speak to her integrity. I am confident that Yokoso will handle alcohol sales responsibly and professionally. In addition, I believe holding an alcohol license will be a positive addition to the local community.

Respectfully,

Jennifer Spencer
385-242-9248

To Whom It May Concern,

I am writing to offer my strong support for Yokoso in their application for a liquor license. I have had the opportunity to become familiar with their operations and I believe they will be a responsible and positive addition to the community.

Yokoso has demonstrated a clear commitment to maintaining a safe, and well-managed, law-abiding establishment. They understand the responsibilities that come with serving alcohol, staff training, and compliance with all applicable rules and regulations.

In addition to their professionalism, Yokoso has contributed positively to the local area by fostering a welcoming environment and supporting community standards. I am confident that their business will operate with integrity and respect for both patrons and neighbors.

For these reasons, I fully support their application and respectfully recommend approval of their liquor license. Please feel free to contact me if additional information is needed.

Sincerely,
Randirae Goodall
Randiraegoodall1996@gmail.com

301-712-1344

To Whom It May Concern,

We have known Janiel Wirth and Douglas Prescott most of their lives. In the time we have known them we have consistently found both Janiel and Douglas to be individuals of exceptional character.

Over the years, we have come to know Janiel and Douglas as people of great integrity, dedication, honesty and a strong sense of community.

We have witnessed Janiel and Douglas throughout their professional careers, they have always shown the utmost character in all aspects of their personal and professional lives.

Living in Hurricane, Yokoso has been a great addition to our community. We would like to support them in obtaining their liquor license. We believe they would manage the responsibilities of licensing.

Sincerely,

William Larson,
Margy Larson
435-752-5374



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-11 amending Title 10, Chapters 7 and 37 regarding conditional uses and height exceptions for flag poles; File No. LUCA26-03; Hurricane City Planning Department, applicant.

Discussion: May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

This ordinance update was prepared by staff in conjunction with the sign ordinance update. It is proposed that the height of flagpoles be limited to the maximum height of buildings in the applicable zone; a new conditional use permit process for taller flagpoles in nonresidential zones is also proposed. The suggested standards for conditional use permits include consideration for health and safety and proximity to airports. This code update also requires a minor revision to Chapter 37, Section 10-37-11 that exempts flagpoles from the height ordinance. These amendments relating to flagpole heights were initially included in the sign ordinance update, but upon review by the City Attorney, it was decided that the proposed exceptions to allow higher flagpoles in nonresidential zones would be more appropriately reviewed under the conditional use process.

Planning Commission Review:

A public hearing was held at the May 14, 2026, Planning Commission meeting and no public comments or objections to the code update were received. Discussion among the commissioners was supportive of the proposed code update. Commissioner Smith asked whether the code update included a regulation, like the American Legion's flag code, requiring lighting of a flag if it is to be flown at night. The code currently does not propose such a requirement, although the City Council could consider adding one if they desire. The Planning Commission voted unanimously to recommend approval to the City Council.

Findings:

Recommendation: Staff recommends approval of the land use code update.



STAFF COMMENTS

Agenda Date:	05/14/2026 - Planning Commission
Application Number:	LUCA26-03
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapter 7 and 37 regarding flagpoles.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Fred Resch III

Discussion: This ordinance update was prepared by staff in conjunction with the sign ordinance update presented at the previous meeting. It is proposed that the height of flagpoles be limited to the maximum height of buildings in a zone, with a new conditional use permit process for taller flagpoles in nonresidential zones. Conditions for conditional use permits include consideration for health and safety and proximity to airports. This code update also tightens up a section in Title 10 Chapter 37 that exempts flagpoles from the height ordinance.

Recommendation: The Planning Commission should thoughtfully consider the proposed ordinance update and any comments made at the public hearing. Staff recommends that the Planning Commission make a recommendation of approval to the City Council.

Sec. 10-37-11. Height exceptions and limitations.

- A. *Exceptions to height limitations.* Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, ~~flagpoles~~, chimneys, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space for human occupancy.
- B. *Maximum height of accessory buildings.* No building which is accessory to a single-family or a multiple-family dwelling with four or fewer dwelling units shall be erected to a height greater than 20 feet unless a greater height is authorized by a conditional use permit.
- C. *Minimum height of main buildings.* No dwelling shall be erected to a height less than one story above grade except earth sheltered dwellings authorized by the provisions of this title.

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

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

- A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.
- B. *Authority.*
1. The Planning Commission is authorized to issue conditional use permits for the following uses:
 - Agricultural industry.
 - Agritourism activities.
 - Animal specialties.
 - Assisted living facility.
 - Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.
 - Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.
 - Greater size than permitted by this Code in all zones except residential and residential agricultural zones.
 - Metal building in commercial and residential zones.
 - Multi family in commercial zones.
 - Public stable.
 - Reception center.
 - Recreation and entertainment, outdoor.
 - Fences or walls of greater height.
 2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:
 - Animals and fowl for recreation and family food production.
 - Greater size accessory buildings than permitted by this Code in residential zones.
 - Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.
 - Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.
 - Metal buildings in commercial and residential zones.
 - Flag poles of greater height than permitted by this Code in nonresidential zones.
- C. *Initiation.* A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.
- D. *Procedure.* An application for a conditional use permit shall be considered and processed as provided in this subsection.
1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:

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- a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
 3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
 4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.
 5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:
1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
 2. Standards for each use must be reviewed. Specific standards ~~for each use are set forth~~are set forth as follows for each use in subsections E2a through E2g of this section:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.

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- (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception center use must be secondary to any agricultural use on the property.
 - (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.
- b. *Standards for an agricultural industry.*
- (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.
- c. *Standards for a public stable.*
- (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
 - (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.
- d. *Standards for an assisted living facility.*
- (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
 - (2) The facility shall be licensed by the state.
 - (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
- e. *Standards for greater heights than permitted by this Code.*

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- (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
 - (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
 - (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
 - (4) In no event shall a building exceed 55 feet in height.
- f. *Standards for greater size than permitted by this Code.*
- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
 - (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
 - (3) The building must be for a use permitted in the zone in which it is located.
- g. *Standards for animals and fowl for recreation and family food production.*
- (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
 - (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
- h. *Standards for metal buildings.*
- (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
 - (2) The building must meet the following design standards:
 - (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
- i. *Standards for animal specialties.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.
- j. *Standards for agritourism activities.*
- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) On-site parking must be provided.
 - (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
 - (4) In agricultural zones, this use must be accessory to an established agricultural use.
- k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:
- (1) No habitable building has been on the parcel for the previous three years.
 - (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
 - (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
 - (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.
 - (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.
- l. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*
- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

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

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.
- m. *Standards for a fence or wall of greater height.*
 - (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
 - (2) The fence or wall may not exceed ten feet in height;
 - (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
 - (4) The fence or wall shall comply with all other provisions of this title.
- n. *Standards for commercial kennels.*
 - (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
 - (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
 - (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
 - (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.
 - (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
 - (6) All lighting must comply with section 10-33-7 of this Code.
 - (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
 - (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the

hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

o. *Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.*

- (1) The farm stand is located on a parcel zoned agricultural or residential agriculture not less than one acre in size.
- (2) Merchandise sold in the farm stand shall comply with the following conditions:
 - (A) All merchandise sold at the farm stand shall conform to the farm stand definition in section 10-3-4.
 - (B) The structure shall be primarily devoted to the sale of agriculturally produced or farmed products.
 - (C) Fifty percent of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located.
 - (D) The sale of accessory items (i.e. unprocessed or home-processed foodstuffs such as canned goods, baked goods, and homemade handicrafts), commercially processed or packaged food stuffs, or commercial handicrafts shall be subordinate to the sale of agriculturally produced or farmed products, and the area of the structure utilized for the sale of such accessory items shall be less than 50 percent).
- (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable state and local health regulations.
- (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel. Structures are not permitted on lots or parcels that were subdivided in violation of this Code.
- (5) The height may not be greater than permitted in the associated zoning district.
- (6) Structure must comply with all setbacks of the associated zoning district.
- (7) Use must be subordinate to an established agricultural use.
- (8) The conditional use shall be discontinued if the size of the lot or parcel is reduced in area to less than one acre by subdivision or any other land-dividing activity.
- (9) Operation of the farm stand requires a business license pursuant to title 3 of this Code.
- (10) The use is not located in a recorded subdivision.

p. Standards for flag poles of greater height than permitted than permitted by the Code in nonresidential zones.

- (1) The flag pole is not located in a single family zone, multi-family zone, a residential agricultural zone, or a planned development zone with a base zoning of multi-family, single family, or residential agricultural.
- (2) The flag pole does not exceed one hundred feet (100').
- (3) The application for the conditional use is accompanied by a plan showing the location, height, material, and specifications, together with materials stamped by an engineer licensed in

the state of Utah certifying that the proposed flag is designed and engineered to meet all applicable standards and specifications.

(4) The flag pole is not a danger to the public's health and safety.

(5) The flag pole is in compliance with all height restrictions pertaining to the pole's proximately to public and private airports.

(6) The flag pole is in compliance with all federal and state height limitations, including height restrictions imposed by the Federal Aviation Administration.

- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

(Ord. 2016-11, 11-17-2016; Ord. 2017-14, 8-17-2017; Ord. 2017-16, 11-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2018-14, 12-20-2018; Ord. 2019-10, 9-19-2019; Ord. 2020-03, 2-6-2020; Ord. No. 2021-05, 6-3-2021; Ord. No. 2022-10, 5-19-2022; Ord. No. 2022-21, 7-7-2022; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-17, 9-21-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2025-08, 5-15-2025)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTERS 7 AND 37 REGARDING CONDITIONAL USES AND HEIGHT EXCEPTIONS FOR FLAG POLES

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapters 7 and 37 with regards to conditional uses and height exceptions pertaining to flag poles; and

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

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

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 10-7-9(B) of the Hurricane City Code be amended, and that it read as follows:

B. Authority.

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

Agricultural industry.

Agritourism activities.

Animal specialties.

Assisted living facility.

Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.

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

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

Metal building in commercial and residential zones.

Multi family in commercial zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

Fences or walls of greater height.

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

Animals and fowl for recreation and family food production.

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

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

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

Metal buildings in commercial and residential zones.

Flag poles of greater height than permitted by this Code in nonresidential zones.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 10-7-9(E) of the Hurricane City Code is amended to read as follows:

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

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
2. Standards for each use must be reviewed. Specific standards for each use are set forth as follows:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.
 - (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception center use must be secondary to any agricultural use on the property.
 - (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.

b. *Standards for an agricultural industry.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

c. *Standards for a public stable.*

- (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
- (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.

d. *Standards for an assisted living facility.*

- (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
- (2) The facility shall be licensed by the state.
- (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.

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

- (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
- (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
- (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
- (4) In no event shall a building exceed 55 feet in height.

f. *Standards for greater size than permitted by this Code.*

- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
- (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
- (3) The building must be for a use permitted in the zone in which it is located.

g. *Standards for animals and fowl for recreation and family food production.*

- (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
- (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.

h. *Standards for metal buildings.*

- (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
- (2) The building must meet the following design standards:

- (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
- (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
- (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
- (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.

i. *Standards for animal specialties.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.

j. *Standards for agritourism activities.*

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

k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in

the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:

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

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

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

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

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.

- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.

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

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

n. *Standards for commercial kennels.*

- (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
- (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
- (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
- (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.

- (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
- (6) All lighting must comply with section 10-33-7 of this Code.
- (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
- (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

o. *Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.*

- (1) The farm stand is located on a parcel zoned agricultural or residential agriculture not less than one acre in size.
- (2) Merchandise sold in the farm stand shall comply with the following conditions:
 - (A) All merchandise sold at the farm stand shall conform to the farm stand definition in section 10-3-4.
 - (B) The structure shall be primarily devoted to the sale of agriculturally produced or farmed products.
 - (C) Fifty percent of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located.
 - (D) The sale of accessory items (i.e. unprocessed or home-processed foodstuffs such as canned goods, baked goods, and homemade handicrafts), commercially processed or packaged food stuffs, or commercial handicrafts shall be subordinate to the sale of agriculturally produced or farmed products, and the area of the structure utilized for the sale of such accessory items shall be less than 50 percent).
- (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable state and local health regulations.
- (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel. Structures are not permitted on lots or parcels that were subdivided in violation of this Code.
- (5) The height may not be greater than permitted in the associated zoning district.
- (6) Structure must comply with all setbacks of the associated zoning district.
- (7) Use must be subordinate to an established agricultural use.

- (8) The conditional use shall be discontinued if the size of the lot or parcel is reduced in area to less than one acre by subdivision or any other land-dividing activity.
- (9) Operation of the farm stand requires a business license pursuant to title 3 of this Code.
- (10) The use is not located in a recorded subdivision.

p. *Standards for flag poles of greater height than permitted than permitted by the Code in nonresidential zones.*

- (1) The flag pole is not located in a single family zone, multi-family zone, a residential agricultural zone, or a planned development zone with a base zoning of multi-family, single family, or residential agricultural.
- (2) The flag pole does not exceed one hundred feet (100').
- (3) The application for the conditional use is accompanied by a plan showing the location, height, material, and specifications, together with materials stamped by an engineer licensed in the state of Utah certifying that the proposed flag is designed and engineered to meet all applicable standards and specifications.
- (4) The flag pole is not a danger to the public's health and safety.
- (5) The flag pole is in compliance with all height restrictions pertaining to the pole's proximity to public and private airports.
- (6) The flag pole is in compliance with all federal and state height limitations, including height restrictions imposed by the Federal Aviation Administration.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 37, Section 10-37-11 of the Hurricane City Code is amended to read as follows:

Sec. 10-37-11. Height exceptions and limitations.

- A. *Exceptions to height limitations.* Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, chimneys, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space for human occupancy.

- B. *Maximum height of accessory buildings.* No building which is accessory to a single-family or a multiple-family dwelling with four or fewer dwelling units shall be erected to a height greater than 20 feet unless a greater height is authorized by a conditional use permit.
- C. *Minimum height of main buildings.* No dwelling shall be erected to a height less than one story above grade except earth sheltered dwellings authorized by the provisions of this title.

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.

EXECUTED on this 21st day, May 2026.

Hurricane City

Clark Fawcett, 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 21st day, May, 2026. 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
Joseph Prete	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Lynn Excell	_____	_____	_____	_____
David Imlay	_____	_____	_____	_____
Amy Werrett	_____	_____	_____	_____

Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-12 amending Title 10, Chapter 37 regarding exceptions for allowing double frontage lots; File No. LUCA26-04; Hurricane City Planning Department, applicant.

Discussion: May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

This proposed code amendment is the result of a discussion in the Planning Commission meeting on April 23, 2026, regarding a request for an amended final plat to combine three lots in the Scenic Pointe subdivision that would result in the creation of a lot that would front on two city streets. Section 10-37-12(E) of the city code currently does not allow the creation of double frontage lots, and staff's recommendation for the Scenic Pointe application was to have the landowner dedicate land to the city to create a strip of city-owned land between one of the street frontages and the applicant's property in order to comply with the code requirement. The awkwardness of such a process brought about questions from the Planning Commission regarding the need of the requirement in cases such as the Scenic Point application. Internal staff conversations on the matter determined that the code provision is appropriate when considering new subdivision developments, but may not be necessary for isolated situations where lots are being combined. It is therefore suggested that Section 10-37-12(E) be updated with the added text in red font below:

"Double frontage lots. Lots having frontage on two or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the City's road master plan. Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one street shall be measured on one street only. *Notwithstanding the foregoing, a double frontage lot is permitted when all of the following conditions are met: (1) the double frontage is the result of the combination of two or more previously recorded lots; (2) the double frontage lot will not access a master planned road; and (3) the front yard setback applicable to the property shall apply to both frontages of the double frontage lot.*"

Planning Commission Review:

A public hearing was held at the May 14, 2026, Planning Commission meeting and no public comments or objections to the code update were received. Discussion among the commissioners was overall supportive of the proposed code update. Commissioner Sampson asked a key question as to why the code doesn't allow double frontage lots in the first place, and why the proposed exception is a good idea. Staff responded explaining that the intent of the requirement is to assure control of access and preserve utility corridors on master planned roadways, and to avoid situations having whole blocks or avenues with the backs of homes facing a city street, but that the requirement is not necessary for isolated situations where existing recorded lots are being combined. The Planning Commission voted unanimously to recommend approval to the City Council.

Findings:

Recommendation: Staff recommends approval of the land use code update.



STAFF COMMENTS

Agenda Date:	05/14/2026 - Planning Commission
Application Number:	LUCA26-04
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	
Request:	Amend Title 10, Chapter 37, Section 10-37-12(E) regarding lots with double frontages.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Gary Cupp

Discussion: This proposed code amendment is the result of a discussion in the Planning Commission meeting on April 23, 2026, regarding a request for an amended final plat to combine three lots in the Scenic Pointe subdivision that would result in the creation of a lot that would front on two city streets. Section 10-37-12(E) of the city code currently does not allow the creation of double frontage lots, and staff's recommendation for the Scenic Pointe application was to have the landowner dedicate land to the city to create a strip of city-owned land between one of the street frontages and the applicant's property in order to comply with the code requirement. The awkwardness of such a process brought about questions from the Planning Commission regarding the need to the requirement in cases such as the Scenic Point application. Internal staff conversations on the matter determined that the code provision is appropriate when considering new subdivision developments, but may not necessary for isolated situations where lots are being combined. It is therefore suggested that Section 10-37-12(E) be updated with the added text in red font below:

Double frontage lots. Lots having frontage on two or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the City's road master plan. Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one street shall be measured on one street only. **Notwithstanding the foregoing, a double frontage lot is permitted when all of the following conditions are met: (1) the double frontage is the result of the combination of two or more previously recorded lots; (2) the double frontage lot will not access a master planned road; and (3) the front yard setback applicable to the property shall apply to both frontages of the double frontage lot.**

Recommendation: The Planning Commission should consider the proposed ordinance amendment and any public comments received at the public hearing. Staff recommends the Planning Commission make a recommendation of approval to the City Council.

Sec. 10-37-12. Lots and yards.

- A. *Every building on legally created lot.* Every building shall be located and maintained on a legally created lot as defined in this title, unless such lot is a legally nonconforming lot. Not more than one single-family dwelling or commercial structure shall occupy any one lot except as authorized by the provisions of this title.
- B. *Sale or lease of required land.* No land needed to meet the size, width, yard, area, coverage, parking or other requirements of this title shall be sold, leased, or otherwise transferred away, whether by subdivision or metes and bounds, so as to create or increase the nonconformity of a lot, building, or site development. No lot having less than the minimum width and area required by the zone where it is located may be divided from a larger parcel of land, except as permitted by this section or by the Appeals Board pursuant to the requirements of this title.
1. A reduction in the minimum required area of a lot owned by the City, county, state, or other public entity or utility provider may be granted a special exception approved by the Appeals Board provided:
 - a. Such lot is used exclusively for public purposes; and
 - b. No living quarters are located on such lot.
 2. If a portion of a lot which meets minimum lot area requirements is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces the minimum area required, the remainder of such lot shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:
 - a. The lot contains a rectangular space of at least 30 feet by 40 feet exclusive of applicable front and side yard requirements, and exclusive of one-half of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.
 - b. The remainder of the lot has an area of at least one-half of the required lot area of the zone in which it is located.
 - c. The remainder of the lot has access to a public street.
- C. *Reduction of minimum lot width and area requirements.* Minimum lot area or lot width requirements of this title shall not be construed to prevent the use of a lot for a single-family dwelling so long as such lot was:
1. Held in separate ownership on the effective date of this title; and
 2. Was legally created when it became nonconforming as to area or width.
- D. *Adjacent lots when used as one building lot.* When a common side lot line separating two or more contiguous lots is covered or proposed to be covered by a building, such lots shall constitute a single building site and the setback requirements of this title shall not apply to a common lot line if a document is recorded indicating the owner's intent to use the combined lots as a single development site. The setback requirements of this title shall apply only to the exterior side lot lines of the contiguous lots so joined.
- E. *Double frontage lots.* Lots having frontage on two or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the City's road master plan. Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one street shall be measured on one street only. Notwithstanding the foregoing, a double frontage lot is permitted when all of the following conditions are met: (1) the double frontage is the result of the combination of two or more previously recorded lots; (2) the double frontage lot will not access a master planned road; and (3) the front yard setback applicable to the property shall apply to both frontages of the double frontage lot.
- F. *Setback measurement.* The depth of a required setback area abutting a street shall be measured from the lot line except as set forth below:
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1. In blocks where more than 50 percent of the buildable lots have main buildings which do not meet the current front yard setback of the zone where the block is located, the minimum front setback requirement for new construction shall be equal to the average existing front yard size on the block. In no case shall a front yard setback of more than 30 feet be required.
 2. On lots with frontage on the curve of a cul-de-sac or "knuckle" street, the front setback may be measured from a straight line drawn joining the front corners of the lot. In no case may the living area be any closer than 15 feet from the back of sidewalk or the garage be any closer than 20 feet from the back of sidewalk.
- G. *Yards and setback areas to be unobstructed; exceptions.* Yard and setback areas shall be open to the sky and unobstructed except for:
1. Accessory buildings in a rear yard or interior side yard but outside the setback areas;
 2. The ordinary projections of window bays, roof overhangs, skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features, which shall not project into a setback area more than four feet;
 3. Open or lattice enclosed fire escapes and fireproof outside stairways and balconies, which shall not project into a setback area more than five feet; and
 4. Any part of an uncovered deck or patio, excluding nonopaque railings.
- H. *Yard space for one building only.* No yard or other required open space on an adjoining lot shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.
- I. *Lot coverage.* In no zone shall a building or group of buildings with their accessory buildings cover more than 50 percent of the area of the lot.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2005-12, 6-2-2005; Ord. 2017-14, 8-17-2017; Ord. 2018-12, 10-18-2018; Ord. No. 2025-17, 2-5-2026)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTER 37 REGARDING EXCEPTIONS FOR ALLOWING DOUBLE FRONTAGE LOTS

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapter 37 with regards to exceptions for allowing double frontage lots; and

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

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

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 37, Section 10-37-12(E) of the Hurricane City Code be amended, and that it read as follows:

- E. *Double frontage lots.* Lots having frontage on two or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the City's road master plan. Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one street shall be measured on one street only. Notwithstanding the foregoing, a double frontage lot is permitted when all of the following conditions are met: (1) the double frontage is the result of the combination of two or more previously recorded lots; (2) the double frontage lot will not access a master planned road; and (3) the front yard setback applicable to the property shall apply to both frontages of the double frontage lot.

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.

EXECUTED on this 21st day, May 2026.

Hurricane City

Clark Fawcett, 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 21st day, May, 2026. 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
Joseph Prete	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Lynn Excell	_____	_____	_____	_____
David Imlay	_____	_____	_____	_____
Amy Werrett	_____	_____	_____	_____

Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-13 amending Title 10, Chapter 7 regarding new and unlisted business uses; File No. LUCA26-05; Hurricane City Planning Department, applicant.

Discussion: May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

The Utah State Legislature passed SB179 in 2025, requiring cities to adopt a process for new and unlisted business uses; that is, for business uses that do not match any of the listed business uses on the use tables in the city code. Hurricane City complied with that law and passed an ordinance adopting the state's process in May 2025. There were issues with the way the original bill was written, specifically with regards to the legislative process and the appeal process, so in 2026, the State Legislature passed SB284 which included provisions to fix these problems. Staff has prepared an updated ordinance to match these changes in the state code. The key changes are:

- The Council's decision to add a new-and-unlisted-business use to the code requires an amendment to the code, which is a legislative decision and must follow that process.
- An appeal to the Council's decision not to add a new or unlisted business use to the code must now be filed in district court, which is consistent with the process for any other legislative decisions. Currently, such appeals would go to the Appeals Board.

Planning Commission Review:

A public hearing was held at the May 14, 2026, Planning Commission meeting and no public comments or objections to the code update were received. No substantive discussion was had on the item. The Planning Commission voted unanimously to recommend approval to the City Council since the update is required by state law.

Findings:

Recommendation: Staff recommends approval of the land use code update.



STAFF COMMENTS

Agenda Date:	05/14/2026 - Planning Commission
Application Number:	LUCA26-05
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	
Request:	Amend Title 10, Chapter 7 regarding new and unlisted business uses.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Fred Resch III

Discussion:

The Utah State Legislature passed SB179 in 2025, requiring cities to adopt a process for new and unlisted business uses; these would be potential business uses that do not match any of the listed business uses on the current use tables in the city code. Hurricane City complied with that law and passed an ordinance adopting the state's process in May 2025. There were issues with the way the original bill was written, specifically with regards to the legislative process and the appeal process, so in 2026, the State Legislature passed SB284 which included provisions to fix these problems. Staff has prepared an updated ordinance to match these changes in the state code. The key changes are:

- The Council's decision to add a new-and-unlisted-business use to the code requires an amendment to the code, which is a legislative decision and must follow that process.
- An appeal to the Council's decision not to add a new or unlisted business use to the code must now be filed in district court, which is consistent with the process for any other legislative decisions. Currently, such appeals would go to the Appeals Board.

Recommendation:

The Planning Commission should consider the proposed ordinance amendment and any public comments received at the public hearing. Staff recommends the Planning Commission make a recommendation of approval to the City Council.

Sec. 10-7-18. Administrative interpretation and classification of new and unlisted business uses.

A. *Purpose.* The provisions of this title, though detailed and extensive, cannot as a practical matter address every specific situation to which these provisions may be applied. This section allows the Zoning Administrator to interpret a provision of this title in light of the general and specific purposes for which it was enacted and as applied to specific circumstances.

B. *Definitions.*

Classification request means a request to determine whether a new or unlisted business use aligns with an existing land use specified within this title.

New or unlisted business use means a business activity that does not align with a specified use listed within this title.

C. *Authority.* The Zoning Administrator is authorized to render interpretations of the provisions of this title, and any rule or regulation adopted pursuant thereto, and respond to classification requests as provided in this section.

D. *Initiation.* Any person may request an administrative interpretation or classification request as provided in this section.

E. *Application requirements.* An application for an administrative interpretation or classification request shall be considered and processed as provided in this subsection.

1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The specific provision or provisions of this title for which an interpretation is requested;

c. Specific facts of the situation which illustrate the need for an administrative interpretation;

d. The interpretation claimed by the applicant to be correct; and

e. When a classification request is requested the application shall include:

(1) A statement explaining why the proposed use should be deemed as included within a use category allowed by the zone applicable to the property; and

(2) Documents, statements, and other evidence demonstrating that the proposed use will conform to all use limitations established by the zone applicable to the property.

2. After the application is determined to be complete, the Zoning Administrator shall review the request and make an interpretation in accordance with the standards set forth in subsection F of this section.

F. *Standards for making administrative interpretations.* The following standards shall apply to administrative interpretations:

1. Administrative interpretations shall not add to or change the provisions of this title.

2. Questions about the location of zone boundaries shall be resolved by applying the standards set forth in section 10-11-4 of this title.

3. An administrative interpretation shall be consistent with:

a. The provisions of this title; and

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- b. Any previously rendered interpretations based on similar facts.
 - 4. A classification request shall be subject to the following standards:
 - a. A "use" defined in section 10-3-4 of this title shall be interpreted as provided therein;
 - b. Any use specifically listed as "not permitted" in a table of permitted and conditional uses for a particular zone shall not be allowed in that zone;
 - c. No classification request shall allow a use in a zone unless evidence is presented demonstrating the use will conform to development standards established for the zone;
 - d. No classification request shall allow a use in a particular zone unless the use is substantially similar to a use allowed in the zone;
 - e. If a proposed use is most similar to a conditional use authorized in the zone in which it is proposed to be located, any interpretation allowing such use shall require that the use be approved only as a conditional use pursuant to section 10-7-9 of this chapter; and
 - f. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the zone in which it would be located.
 - g. If the Zoning Administrator determines that the proposed use does not align with an existing use the proposed use is deemed to be a new or unlisted business use.
 - G. *Legislative action for new or unlisted business uses.*
 - 1. ~~If a proposed use is determined to be a new or unlisted business use, the applicant must shall~~ submit a request to the City Council to amend the code to approve the proposed business use within 14 calendar days of the Zoning Administrators determination of a new or unlisted business use. ~~This shall follow the process of section 10-7-7 of this title.~~
 - 2. At a regular meeting, after providing public notice and holding a public meeting as laid out in set forth in section 10-7-4, ~~of the City Council it~~ shall:
 - a. Approve or deny the proposed business use; and
 - b. If approved, designate appropriate zones for the use in which the use shall be permitted or conditional.
 - 3. The City Council shall act within 60 days of the request for legislative review, provided that the applicant responds to information requests and attends all required hearings.
 - 4. If denied, the City shall provide written reasons for the denial and notify the applicant of the process to appeal the Council's decision.
 - H. *Appeal of decision.* ~~Any person adversely affected by an administrative interpretation, classification request, or legislative action for new or unlisted business uses rendered by the Zoning Administrator or City Council may appeal to the Appeals Board in accordance with the provisions of section 10-7-19 of this chapter.~~
 - 1. An applicant may appeal an administrative interpretation or classification request made by the Zoning Administrator to the Appeals Board in accordance with section 10-7-19 of this chapter.
 - 2. An applicant may appeal the City Council's legislative decision under section G in accordance with Utah Code Section 10-20-1109.
 - I. *Effect of approval.* An administrative interpretation shall apply only to the property for which an interpretation is given.

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1. A use interpretation finding a use to be a permitted or conditional use in a particular zone shall be deemed to authorize only that use on the subject property. A use interpretation shall not authorize another allegedly similar use for which a separate use interpretation has not been issued.
 2. A use interpretation finding a particular use to be a permitted or conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this title or other applicable provisions of this Code.
 3. After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 4. A record of all administrative interpretations shall be maintained in the office of the Zoning Administrator.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2018-12, 10-18-2018; Ord. No. 2025-11, 6-5-2025)

Sec. 10-7-19. Appeal of administrative decision.

- A. *Purpose.* This section sets forth procedures for appealing an administrative decision applying provisions of this title.
- B. *Authority.* The Appeals Board shall hear and decide appeals from administrative decisions applying the provisions of this title as provided in this section.
- C. *Initiation.* Any person, or any officer, department, board or bureau of the City, adversely affected by a decision administering or interpreting a provision of this title may appeal to the Appeals Board as provided in subsection D1 of this section. A complete application for an appeal shall be filed within 14 days of the decision which is appealed.
 - 1. Only decisions applying this title may be appealed to the Appeals Board.
 - 2. A person may not appeal, and the Appeals Board may not consider, any amendment to this title. Appeals may not be used to waive or modify the terms or requirements of this title.
- D. *Procedure.* An appeal of an administrative decision to the Appeals Board shall be considered and processed as provided in this subsection.
 - 1. A complete application shall be submitted to the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The decision being appealed;
 - c. Grounds for the appeal; and
 - d. A description of the action claimed by the applicant to be incorrect.
 - 2. After an application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Appeals Board as provided in section 10-7-4 of this chapter. Prior to the hearing the Zoning Administrator shall transmit to the Appeals Board all papers constituting the record of the action which is appealed.
 - 3. Upon receipt of a complete application for an appeal all further proceedings concerning the matter appealed shall be stayed as provided in subsection 10-6-5H of this title.
 - 4. The Appeals Board shall hold a public meeting and thereafter shall approve, approve with conditions, or deny the application. Any conditions of approval shall be limited to conditions needed to conform the matter appealed to applicable approval standards.
 - 5. After the Appeals Board makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 - 6. A record of all appeals shall be maintained in the office of the Zoning Administrator.
- E. *Standards for decision.*
 - 1. The Appeals Board may reverse or affirm, wholly or in part, or may modify an administrative decision. To that end the Appeals Board shall have all the powers of the officer from whom the appeal was taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.
 - 2. The board shall review an administrative decision for correctness and shall give no deference to the reasonableness of the decision being appealed.
 - 3. The person making an appeal shall have the burden of proving that an error has been made.

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4. Because this title is in derogation of a property owner's common law right to unrestricted use of property, provisions herein restricting property use should be strictly construed, and provisions permitting property use should be liberally construed in favor of the property owner.

~~F. —Standards for decision on legislative action for new or unlisted business uses.~~

- ~~1. —The Appeals Board may reverse or modify the City Council's denial or determination of a new or unlisted business use only under the following conditions:~~
- ~~a. —The interpretation or classification was inconsistent with city code or state law;~~
 - ~~b. —The process violated procedural requirements;~~
 - ~~c. —There was insufficient evidence to support the decision.~~

FG. *Appeal of decision.* Any person adversely affected by a decision of the Appeals Board regarding an appeal of an administration decision may, within 30 days after such decision, appeal to the district court as provided in Utah Code Annotated section 10-~~20-11099a-801~~, as amended.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003; Ord. 2018-12, 10-18-2018; Ord. No. 2025-11, 6-5-2025)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTER 7 REGARDING UPDATES TO THE NEW AND UNLISTED BUSINESSES ORDINANCE

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapter 7 with regards to updates to the new and unlisted businesses ordinance; and

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

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

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 37, Section 10-7-18(G) of the Hurricane City Code be amended, and that it read as follows:

G. *Legislative action for new or unlisted business uses.*

1. If a proposed use is determined to be a new or unlisted business use, the applicant shall submit a request to the City Council to amend the code to approve the proposed business use within 14 calendar days of the Zoning Administrators determination of a new or unlisted business use.
2. At a regular meeting, after providing public notice and holding a public meeting as set forth in section 10-7-4, the City Council shall:
 - a. Approve or deny the proposed business use; and
 - b. If approved, designate appropriate zones in which the use shall be permitted or conditional.
3. The City Council shall act within 60 days of the request for legislative review, provided that the applicant responds to information requests and attends all required hearings.
4. If denied, the City shall provide written reasons for the denial and notify the applicant of the process to appeal the Council's decision.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 10-7-18(H) of the Hurricane City Code is amended to read as follows:

H. *Appeal of decision.*

1. An applicant may appeal an administrative interpretation or classification request made by the Zoning Administrator to the Appeals Board in accordance with section 10-7-19 of this chapter.

2. An applicant may appeal the City Council's legislative decision under section G in accordance with Utah Code Section 10-20-1109.

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.

EXECUTED on this 21st day, May 2026.

Hurricane City

Clark Fawcett, 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 21st day, May, 2026. 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
Joseph Prete	_____	_____	_____	_____
Drew Ellerman	_____	_____	_____	_____
Lynn Excell	_____	_____	_____	_____
David Imlay	_____	_____	_____	_____
Amy Werrett	_____	_____	_____	_____

Cindy Beteag, Recorder