

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10, CHAPTERS 3, 12-17 & 37 WITH REGARDS TO DEFINITIONS OF DWELLING UNITS AND YARD AREAS

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapters 3, 12-17 & 37 with regards to definitions of dwelling units and yard areas; and

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

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

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 3, portions of Section 10-3-4 of the Hurricane City Code are amended to read as follows:

[updating the following definitions]

...

Accessory dwelling unit (ADU) means a dwelling unit that is subordinate to a principal dwelling unit, located on the same lot or parcel as a principal dwelling, occupied on a long-term or short-term basis, and provides kitchen, sleeping, and sanitation facilities. An ADU may be internal to, attached to, or detached from the principal dwelling. Each subordinate residential dwelling unit meeting the definition of an ADU shall constitute a separate ADU, regardless of configuration, location, or means of access. No more than one ADU shall be permitted per residential lot, unless a conditional use permit is obtained and the standards of Chapter 7 of this title are met. All ADUs shall comply with the requirements of Chapter 41 of this title.

...

Dwelling unit means conditioned living space designed for or occupied as separate living quarters that provides sleeping and sanitary facilities and that includes kitchen facilities, all for exclusive use by a single family maintaining a household or a single person or group utilizing the unit for a short-term stay.

...

Yard means the area of a lot or parcel that includes the full width of the lot from the main building to any lot line.

...

Yard, front means a space on the same lot with a building which is located between the front of the building and the front lot line, extending across the full width of the lot.

Yard, rear means a space on the same lot with a building which is located between the rear of the building and the rear lot line, extending across the full width of the lot.

Yard, side means a space on the same lot with a building which is located between the side of the building and the side lot line, extending from the front yard to the rear yard.

...

[deleting following definitions from list]

...

~~*Guesthouse or casita* means a secondary dwelling unit, without kitchen facilities, located on a lot with one main dwelling unit which is:~~

- ~~A. Used for housing of guests without compensation;~~
- ~~B. Not sold separately from the sale of the main dwelling unit on the lot and encumbered by a recorded agreement which provides notice of this condition;~~
- ~~C. May be rented or leased pursuant to a license or permit to allow such use; and~~
- ~~D. Is served by the same utility connections as the main dwelling unit.~~

...

~~*Building line, front* means a line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the entire width of the lot.~~

~~*Building line, rear* means a line parallel to the rear lot line and at a distance therefrom equal to the required depth of the rear yard and extending across the entire width of the lot.~~

~~*Building line, side* means a line parallel to the side lot line and at a distance therefrom equal to the required depth of the side yard and extending between the front and rear building lines.~~

...

~~*Yard depth* means the least horizontal distance between a lot line and a building line.~~

[adding definition to list]

Setback means the minimum required distance to a structure from the property lines.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 37, Section 10-37-12 of the Hurricane City Code is amended to read as follows:

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.

- 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:
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.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 12 is amended to remove the following term from "Residential Uses" in Table 10-12-1 of the Hurricane City Code:

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

Use	Zones				
	A-40	A-20	A-10	A-5	A-1
RESIDENTIAL USES:					
Guesthouse or casita	P	P	P	P	P

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 13 is amended to remove the following term from “Residential Uses” in Table 10-13-1 of the Hurricane City Code:

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

Use	Zones								
	R1-15	R1-10	R1-8	R1-6	R1-4	RM-1	RM-2	RM-3	MH/RV
RESIDENTIAL USES:									
Guesthouse or casita	P	P	P	N	N	N	N	N	N

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 14 is amended to remove the following term from “Residential Uses” in Table 10-14-1 of the Hurricane City Code:

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

Use	Zones	
	RA-1	RA-.5
RESIDENTIAL USES:		
Guesthouse or casita	P	P

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 15 is amended to remove the following term from “Residential Uses” in Table 10-15-1 of the Hurricane City Code:

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

Use	Zones				
	NC	GC	HC	PC	POC
RESIDENTIAL USES:					
Guesthouse or casita	N	N	N	N	N

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 16 is amended to remove the following term from "Residential Uses" in Table 10-16-1 of the Hurricane City Code:

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

Uses	Zones			
	BMP	PO	M-1	M-2
RESIDENTIAL USES:				
—Guesthouse or casita	N	N	N	N

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 17 is amended to remove the following term from "Residential Uses" in Table 10-17-1 of the Hurricane City Code:

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

Use	Zones	
	OS	PF
RESIDENTIAL USES:		
—Guesthouse or casita	N	N

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

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

PASSED AND APPROVED this 5th day, February 2026.



Hurricane City

Clark Fawcett

Clark Fawcett, Mayor

Attest:

Cindy Beteag
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 5th day of February 2026. Whereupon a motion to adopt and approve said Ordinance was made by Joseph Prete and seconded by Drew Ellerman. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	<u>X</u>	—	—	—
Drew Ellerman	<u>X</u>	—	—	—
Lynn Excell	<u>X</u>	—	—	—
David Imlay	<u>X</u>	—	—	—
Amy Werrett	<u>X</u>	—	—	—

Cindy Beteag
Cindy Beteag, Recorder