

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING  
TITLE 10 CHAPTER 3 SUBSECTION 4 AND TITLE 10 CHAPTER 39 SUBSECTION 15  
REGARDING MODEL HOMES.**

*WHEREAS*, the City Council of Hurricane, Utah desires to amend Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes; 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 proposed amendment would increase the regulations on the construction of model homes; and

*WHEREAS*, the Planning Commission gave a positive recommendation.

*BE IT HEREBY ORDAINED* that Title 10 Chapter 3 Subsection 4 and Title 10 Chapter 39 Subsection 15 regarding model homes of the Hurricane City Code shall be, and is hereby, amended as follows:

**Sec. 10-39-15. Enforcement and permits.**

- A. In order to enforce compliance with this chapter, the Building Official shall not issue any permit for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land until the provisions of this chapter have been met. No City officer or employee shall issue any permit or license for the construction or installation of any building or structure or use on any subdivision lot until the following conditions have been met:
1. Such subdivision plat shall have been approved and recorded in the office of the county recorder.
  2. Infrastructure improvements shown on approved construction plans for the subdivision:
    - a. Have been constructed and installed and preliminarily accepted; or
    - b. The City has received and accepted an improvement completion assurance for the subdivision in accordance with this chapter, and the following improvements have been constructed, installed, tested and accepted in accordance with the requirements of the building or fire code:
      - (1) A road base of untreated, compacted and graded gravel;
      - (2) Sewer, storm drains and storm drain facilities;
      - (3) Curb and gutter unless otherwise not required by this Code;
      - (4) Water system, including water lines and hydrants; and

(5) Power lines.

- B. All required improvements must be complete within 12 months of notice to proceed.
- C. The City may call upon the improvement completion assurance filed with the City for all improvements not completed within 12 months of the notice to proceed or when the first building within the subdivision seeks an occupancy permit, whichever is sooner.
- D. It shall be prohibited for anyone to start construction on any building within a subdivision until they have fulfilled the requirements of this chapter.
- E. Any license or permit issued in conflict with this chapter shall be null and void.
- F. Notwithstanding the provisions of subsection A above, a building permit may be issued for:
  - 1. A single model home in a subdivision may be given a building permit under the following conditions;
    - a. The subdivision plat has been recorded and the project meets the bonding requirements of this chapter.
    - b. The subdivision has a total of ten (10) units/lots or more.
    - c. The Hurricane Valley Fire District has confirmed that all fire protection requirements for the subdivision have been satisfied as determined by the District.
    - d. The proposed model home is within 250' of a functional fire hydrant.
    - e. A model home must be identified on the subdivision construction drawings and approved by the Joint Utility Committee.
  - d Approval, Amendment Or Denial Authority; Findings: A model home approved pursuant to this paragraph requires a site plan. The zoning administrator has the authority to approve, require amendments to, or deny the site plan. In approving a model home site plan, the following findings shall be made:
    - 1. The design of the improvements:
      - a. Is consistent with the preliminary plat and its conditions.
      - b. Is consistent with the zoning requirements of the zone.
      - c. Will not adversely affect the public health, safety and welfare.
    - 2. Signage is consistent with the city sign regulations.
    - 3. There is adequate off-street parking.
    - 4. All weather surface access is provided to the model home and parking areas.
    - 5. Fire protection is provided to the site and approval by the Hurricane Valley Fire District .
    - 6. Sanitary facilities are provided at the site for public use.

- 7. A dumpster is provided for the site.
  - 2. A model home complex (multiple model units) within a master-planned community with a planned development overlay upon approval by the City Council of an amendment to the development agreement stating the terms and conditions for issuance of the building permit.
  - 3. An Occupancy Permit may only be issued for a model home if the subdivision meets the standards contained within this Chapter and the home meets all other building code requirements
- (Ord. 2008-32, 12-18-2008; Ord. 2012-2, 4-19-2012; Ord. 2019-09, 7-18-2019; Ord. No. 2021-04 , 6-17-2021)

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

PASSED AND APPROVED this 18 day of May 2023.



Hurricane City

*Nanette Billings*

Nanette Billings, 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 18<sup>th</sup> day of May 2023. Whereupon a motion to adopt and approve said Resolution was made by Joseph Prete and seconded by Kevin Thomas. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	<u>X</u>	—	—	—
David Sanders	—	<u>X</u>	—	—
David Hirschi	<u>X</u>	—	—	—
Kevin Thomas	<u>X</u>	—	—	—
Doug Heideman	<u>X</u>	—	—	—

*Cindy Beteag*  
Cindy Beteag, Recorder