

CHAPTER 26
PLANNING AND ZONING
ARTICLE IV. SUPPLEMENTARY REGULATIONS

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SECTION 26-IV-1. General Regulations

(A) Effect of Supplementary Regulations: The regulations set forth in this section supplement the zone regulations appearing elsewhere in this ordinance.

(B) Yard Space for One Building Only: No required yard or other open space around an existing building, or which is hereafter provided around any building, for the purpose of complying with the provision of this ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot whereon a building is to be erected or established.

(C) Every dwelling to be on a "Lot": Every dwelling shall be located and maintained on a legal lot of record as provided in this ordinance.

(D) Sale or Lease of Required Space: No space needed to meet the width, yard, area, coverage, parking, or other requirements of this ordinance for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

(E) Creation of Lots Below Minimum Space Requirements Prohibited: No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be subdivided from a larger parcel of land.

(F) Yards to be Unobstructed; Exceptions: Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and for projection of sills, eaves, belt courses, cornices, and other ornamental features and unenclosed steps and un-walled stoops, porches, and carports provided that all buildings or parts thereof shall be at least twenty (20) feet from the front property line.

(G) Storage of Commercial Vehicles in Residential Zone Prohibited: The commercial storage of automobiles and the storage of construction equipment such as bulldozers, graders, cement mixers, compressors, dump trucks, etc. shall not be permitted on any lot in any Residential Zone, provided that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one year.

(H) Conservation of Values; Beautification: Any lot in any zone shall be improved and maintained as follows:

(1) All front or side yards adjacent to a street exists, such yard shall be planted and maintained according to the definition of landscaping contained in this chapter.

(2) No trash or rubbish shall be allowed to accumulate on any lot in any zone.

SECTION 26-IV-2 Height of Buildings

(A) Minimum Height of Main Buildings: No dwelling shall be erected which has a ceiling height of less than eight (8) feet above grade.

(B) Maximum Height of Accessory Buildings: The height of buildings which are accessory to a one-family, two-family, three-family, or four-family dwelling shall not exceed sixteen (16) feet.

SECTION 26-IV-3. Clear View Of Intersecting Streets

In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street lines.

SECTION 26-IV-4. Fences

(A) Setback area defined: The term "Front Setback Area" shall refer to the setback area (as required by this ordinance) along any street frontage.

(B) Interior Lot Requirements:

- (1) On all interior lots in Commercial and Residential zones, a fence, not to exceed six (6) feet in height may be erected along all side and rear property lines but not in the front yard setback area.
- (2) In any front setback area in Commercial and Residential zones, no wall fence or hedge shall exceed thirty (30) inches.
- (3) Where a fence, wall or hedge is located along an interior property line separating two (2) lots and there is a difference in grade of the two properties, the fence wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
- (4) In Industrial zones a 6-foot non-site obscuring fence is permitted in the front set back area of interior and corner lots.

(C) Corner Lot Requirements:

- (1) On all corner lots in Commercial and Residential zones, a fence, not to exceed six (6) feet in height may be erected along all side and rear property lines, but not in the front yard setback area. Along the rear lot line, if the adjoining property owner has a drive approach or curb-cut within ten (10) feet of the property line, no obstruction to view shall be placed within a triangular area formed by said property line and street right-of-way and a line connecting them at points ten (10) feet from the intersection of the lines.
- (2) In all Residential and Commercial zones requiring a front yard setback, no obstruction to view in excess of thirty (30) inches in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the property line.
- (3) Notwithstanding any other provisions herein, a fence which does not obstruct view (i.e. chain link fence) may be erected to a height of thirty (30) inches in any yard abutting a street within the setback area of Commercial and Residential lots. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence so as to obstruct vision.
- (4) In Industrial zones a 6-foot non-site obscuring fence is permitted in the front set back area of interior and corner lots.

(D) Fences on the Public Right-of-Way: No fence approved under this Chapter shall be erected beyond the property line, on the public right-of-way, without the issuance of a

permit by the Cedar City Building Inspector. Approval of a fence on the public right-of-way shall be subject to the following conditions:

(1) No fence shall be erected within one (1) foot of an existing or future sidewalk or within three (3) foot radius of a fire hydrant.

(2) The City shall retain the right to remove any fence on the public right-of-way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.

(3) Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.

(E) Fences for Recreation Use: A chain link fence may be erected to a height of twelve (12) feet for the purpose of enclosing a tennis court, swimming pool, or other court game area. Said fence may not be located within the setback area of yards abutting a front, side, or street side yard.

(F) Fences to be Required in Certain Areas: Site-obscuring fences shall be required along the boundary line in the following cases:

(1) Commercial and Industrial Developments:

a. On all Commercial and Industrial developments, in areas zoned accordingly, having a common lot line with property used for residential purposes shall require the construction of a 6-foot high sight-obscuring masonry fence; or

b. On residential developments having a common lot line with property used for Commercial or Industrial purposes shall require the construction of a 6-foot high sight-obscuring fence.

(2) Apartments: Any lot with four (4) or more dwelling units and having a common lot line with:

a. property used for less-dense residential purposes; or

b. vacant property that is presently zoned for less-dense use, shall require the construction of a 6-foot high site obscuring fence.

c. Said fence shall be reduced to thirty (30) inches in height inside the front yard setback area of the residential property.

(3) Conditional Uses: In the case of a commercial development permitted by conditional use in a residential neighborhood, fencing may be addressed by written agreement between adjoining property owners. Said agreement shall be submitted to the Planning Commission and City Council for approval and be part of the Conditional Use Permit.

(G) Fences Not Otherwise Identified: The Planning Commission shall review all requests for any type of fence not specifically identified in this Chapter and may approve said fence if, in the opinion of the Commission, the fence does not impair the intent and purpose of this Ordinance.

SECTION 26-IV-5. Frontage Improvements

(A) Improvements Required.

No certificate of occupancy on any new house or other building, and no building permit to make alterations on any existing house or other building within the City limits of Cedar City, Utah shall be issued unless the frontage improvements of concrete, curb, gutter, sidewalk, street lights, and asphalt pavement have been installed along the dedicated street frontage of the property. The asphalt pavement shall extend from the lip of the gutter to the existing asphalt or a minimum of 12 feet beyond the street centerline when the developer owns/controls one side of the street frontage. In the event that an owner/developer is developing on one side only of a public street frontage, but owns/controls both sides of the street frontage, full width asphalt paving and curb & gutter on both sides of the street shall be required, while sidewalk shall be required on the development side only. All curb, gutter, sidewalk, street lights and asphalt pavement shall be installed according to City Engineering Standards.

(B) Sidewalks Not Required in Industrial Zones

In areas designated for industrial uses in the City General Plan - Land Use Plan, sidewalks are required on both sides of the following listed streets. Streets not listed below and designated to be zoned industrial (I&M-1 or I&M-II) are not required to have installed sidewalks on either side of the street frontage. Otherwise, curb, gutter and asphalt improvements shall be required in all zones, on all public streets.

North-South Streets

5300 West
5700 West
Lund Highway
Aviation Way

East-West Streets

Industrial Road
Kitty Hawk Drive
Cemetery Road
3000 North

Airport Road
2300 West
West View Drive
Bulldog Road
800 West
400 West
300 West
200 West
100 West
Main Street

2400 North
2400 North Parkway
1600 North
400 North
SR 56

Any others designated by the City Council.

(C) Bonding Deferment

If proper weather conditions do not exist or permanent grades for the improvements cannot be established, the permittee can deposit a cash bond for 150% of the City Engineer's estimated cost of the improvements with the City and occupy until proper weather conditions exist or grades can be established. At that time the permittee will install the improvements and be refunded the cash bond. If the improvements are not installed within a reasonable time, the City will execute the cash bond and contract for the installation of the improvements.

SECTION 26-IV-6. Dwelling Sites to Have Frontage on a Deeded Street

Unless a dwelling is located in a Planned Unit Development with private streets, at least one side of each lot used as a dwelling site shall abut upon a street which has been deeded or dedicated to the public for street purposes. The length of such abutting side measured at the setback line shall be at least as great as

the width required for dwelling sites in the zone in which such building site is located except as may be approved by the Board of Adjustments. Whenever a front or side yard is required for a building abutting on a proposed street which has not been constructed by which has been designated by the Planning Commission as a future street, the depth of such front or side yard shall be measured from the planned street line.

SECTION 26-IV-7. Exceptions to Front and Side Setback Requirements

The setback from the street for any dwelling located between two existing dwellings in any Residential Zone may be the same as the average for said two existing dwellings provided the existing dwellings are on one side of the street, and are located within one hundred twenty (120) feet of each other.

SECTION 26-IV-8. Flood Channels and Water Courses

No building, structure, fence, earth fill or other obstruction shall be constructed within any active flood channels or water courses of the City. Applications for permits to construct buildings or structures within 50 feet of such flood channels or water courses shall require certified engineering plans, showing improvements that will protect the buildings or structures from flood damage. The plans shall be approved by the City Engineer.

SECTION 26-IV-9. Swimming Pools

Swimming pools not completely enclosed within a building having solid walls shall be set back at least five (5) feet from property lines and shall be completely surrounded by a fence or wall having a height of at least four (4) feet. There shall be no openings larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices.

SECTION 26-IV-10. Concessions in Public Parks and Playgrounds

Concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, shall be permitted on a public park or playground when approved by the City Manager or his designee, with an appeal option by the applicant to the City Council.

SECTION 26-IV-11. Non-Conforming Lots

The requirements of this ordinance as to area and width shall not be construed to prevent the use for a one-family dwelling of any lot or parcel of land in any district in which dwellings are permitted, in the event that such a lot or parcel of land was of record at the time this ordinance became effective. Any lot that was illegal at the time of the passage of this ordinance shall continue to be illegal and unauthorized unless expressly permitted by the terms of this ordinance.

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SECTION 26-IV-12. Prohibitions

Uses of land which are not expressly permitted within a zone are prohibited therein, except that properties and land owned by the State of Utah shall be subject only to the provisions of Utah Code Annotated, 1953, and except that the provisions of this ordinance shall not apply to properties owned by the United States Government. Any person, firm, or corporation who may obtain State or Federal properties by purchase, lease, or other arrangements shall utilize such properties in accordance with the provisions of this ordinance.

SECTION 26-IV-13. Health Department Approval Required for Rest Homes, etc.

Rest homes, nurseries, foster care homes, and similar uses shall be approved by the State Department of Health, as evidenced by a letter of approval from said State Department of Health,

before a permit therefore shall be issued by the Building Inspector.

SECTION 26-IV-14. Location of Gasoline Pumps

Gasoline pump islands shall be set back not less than twenty (20) feet from any property line.

SECTION 26-IV-15. Electronic Communications Facilities

(A) Other Types of Antennas or Equipment: Antennas, communications facilities, or communications equipment not defined by this chapter shall be governed under the most restrictive provisions.

(B) General Provisions Applicable to Electronic Communications Facilities:

(1) Building Permit Required: No communication tower or other facility shall be constructed unless a building permit is obtained from the City.

(2) Engineering Review: Each application for a permit to construct a communication tower or other facility shall be certified by a licensed professional engineer that the design of the facility meets all applicable standards for the facility, including, but not limited to: electrical safety, material and design integrity, seismic safety, etc. For communication towers, the professional engineer shall also certify that the tower meets acceptable design criteria or standards to withstand wind and other weather damage. In all cases, the certification shall indicate whether or not the facility will interfere with any other communications service, including, but not limited to, low power radio communication service.

(3) Interference with Other Communications: No permit to construct a communication facility shall be approved if the operation of the facility will interfere with emergency or airport communications.

(4) Aircraft and Airport Safety: All communication facilities shall comply with applicable laws, regulations, and approvals regarding aircraft and airport operations.

(5) Project Review Board: All communication facilities shall be approved by Project Review Board.

(6) Height Restrictions:

a. The maximum allowable height for facilities with a single antenna is sixty (60) feet. The maximum allowable height for a facility co-located with two (2) or more antennas is one hundred (100) feet. "Maximum

allowable height” shall be measured to the highest point of the antenna or tower, whichever is greater.

b. The maximum allowable height for roof and wall-mounted antennas, and noncommercial antennas shall be fifteen (15) feet above the maximum building height requirement for the zone.

(7) Lattice Towers: Lattice towers shall be located only in the rear yard of a lot. No lattice tower shall be located in any required landscaped area or parking area. Lattice towers shall comply with the setbacks required for the zoning district in which they are located.

(C) Permitted Locations:

(1) Commercial Facilities: Commercial facilities shall be allowed in Industrial and Manufacturing zones.

(2) Non-Commercial Antennas: Non-Commercial antennas shall be allowed in all zones.

(3) Location Restriction: No commercial communication facility shall be located within three hundred (300) feet of a residential zone. Commercial communication facilities may be considered as a Conditional Use on City-owned property within 250 feet of the center point of a Cedar City water tank, but in no event shall they be located within 100 feet of the outside wall of such water tank. A conditional use would be subject to obtaining a lease agreement with Cedar City subject to all terms and conditions set by the Cedar City Planning Commission and Council.

SECTION 26-IV-16. Commercial and Industrial Building Materials

(A) The inclusion and exclusion of the following materials should be considered in the design of commercial building:

(1) Preferred Building Materials

a. Quarried stone,

b. Cultured stone,

c. Full brick veneer

d. Composite lap siding (i.e. Hardiplank),

e. Architectural concrete (with recessed panels and reveal lines),

f. Colored CMU block and architectural CMU block (i.e. split face, fluted, scored, honed, etc)

(2) Preferred Accent Materials

a. Precast concrete accents,

b. Stucco (EIFS) as an accent material (not a major building component). Limited amounts of stucco used for vertical surfaces only if the quality of the design merits such consideration,

c. Glass accents.

(3) Discouraged Materials

a. Plain, grey, flat faced CMU block except when used as an accent, not a total wall treatment,

b. Brick Tiles

c. Metal Walls

d. wood or glass when used as more than for a functional purpose or as an accent material.

(B) Along particular street frontages, building materials as listed above are mandatory for the front face and the first 30 feet of the side of any building (i.e. the materials listed as “Preferred” are required, and those listed as “Discouraged” are prohibited). This requirement shall apply to buildings located within 150 feet of the following streets:

a. Main Street - Entire Length

b. 200 North Street extending through U-56 Highway

SECTION 26-IV-17 Solar Energy Production

(A) Applicability: This section shall apply to the installation and use of solar energy production systems, including both active and passive systems, arrays, and facilities for all zoning districts and for both commercial and noncommercial uses.

(B) Definition of Related Terms: Besides the definition of terms contained in Section 26-I-4, the following definitions shall apply to this chapter:

Solar Easement: Solar easement has the same meaning as current state law, or as state law may hereinafter be amended.

Solar Energy Collector: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy as an alternative for or supplement to a conventional energy system.

Solar Energy System: A system of apparatus and equipment capable of collecting and converting solar radiation into heat, mechanical or electrical energy, and transferring those forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation or mechanical energy generation.

Solar Energy System, Active: A solar energy system which uses a solar panel such as a photovoltaic panel to generate electrical and/or thermal energy.

Solar Energy System, Passive: A solar energy system which uses structural elements of a building to provide for collection, storage, and distribution of solar energy for heating or cooling, in order to reduce the need for outside energy resources. Passive system components may include architectural means such as building orientation, interior illumination, the use of materials with favorable thermal mass.

Solar Feature: Features on a building or structure that serve as solar collectors. Besides active energy systems, solar features may also include such passive system features as windows, walls and roofs.

Solar Panel: A structure containing solar cells that collects sunlight and converts it to electrical energy. This term also includes the supporting structures that secure solar panels excepting the independent features or structures of a building or structure to which the solar panel may be attached.

Solar Power: Electrical power generation through the utilization of such means as nonmechanical semiconductor devices that convert sunlight into direct current electricity.

Solar Power Generation, Distributed: Generation of solar power close to the point of use with production considered non-commercial in nature in that it is either a single-user system, or else provides supplemental power for a specific group of associated commercial or industrial buildings, or residences within a planned unit development type project.

Solar Power Generation, Central: Generation of solar power on a commercial basis, using collection sources generally located at a distance from where the energy is consumed.

Solar Power Systems: A solar energy system used to produce electrical power as either a supplemental or primary energy source.

Solar Power Systems, Single-User: A distributed solar power system designed for a single property or building.

Solar Power Systems, Group Use: A distributed solar power system designed to provide supplemental power to two or more commercial or industrial buildings associated through ownership or through joint development such as in an office or industrial park, or a group of residences within a planned unit development type project.

(C) Passive Solar Energy Systems. Passive Solar Energy Systems which meet the height and setback requirements of the zone in which they are located, and all building code requirements, are permitted and encouraged for all residential and commercial uses.

(D) Distributed Solar Power Generation Facilities.

- (1) **Private Solar Power Systems** which meet the following criteria are permitted within any zone:
 - a. Solar features must meet the minimum setback requirements for the applicable zone.
 - b. Solar features must comply with the height restrictions for the applicable zone, except that on non-pitched roofs, solar features may extend up to 30 inches above the roof line, or up to five feet above the top roof line if screened by a parapet wall or other similar structural feature.
 - c. A building permit is obtained, insuring compliance with the National Electrical Code (NEC) and the siting of the system on the property.
- (2) **Group Use Solar Power Systems** which meet the following criteria are permitted within any zone:

- a. The location of the solar energy collectors is approved as a component to a residential planned unit development type project, or located within a jointly developed commercial project, a business park or an industrial park. The area for the solar energy collectors need not be contiguous and may include both rooftop and surface locations.
- b. Have a minimum production capacity of at least 50 kilowatts for residential groups, and at least 500 kilowatts for commercial and industrial groups.
- c. Meet minimum setback requirements of 100 feet from any residential dwelling or 50 feet from a property boundary, whichever is greater, for any portion of the solar energy collector.
- d. Meet all Federal and State regulations that may regulate power distribution.
- e. Meet all Building Code requirements relating to construction and electrical installation.

(E) Solar Easements: Any solar easement is the owner's or developer's responsibility and will be recorded in a form complying with the State Code for such easements.

AMENDED BY CEDAR CITY ORDINANCE NO. 0526-10.