

**CHAPTER 26
PLANNING AND ZONING
ARTICLE III. ZONES**

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Amended by Cedar City Ordinance Nos. 0125-12-1, 0425-12-1, 0926-12-1.

SECTION 26-III-1. Zones Defined.

In order to carry out the purpose of this Ordinance, Cedar City, Utah, is hereby divided into zones as set forth herein. Regulations and restrictions governing the use of land, buildings, structures, size of yards, courts and other open spaces, density of population, location, size and height of building and structures, and the maintenance of the premises shall apply within the several zones as herein provided.

SECTION 26-III-2. R-1 Residential Zone.

(A) Objectives and Characteristics of Zone: The objective in establishing the R-1 Residential Zone is to encourage the creation and maintenance of a residential environment within the City which is characterized by large lots (at least 10,000 square feet) on which single family dwellings are situated, surrounded by well-kept lawns, trees, and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living and the rearing of children shall also be characteristic of this zone. Representative of the uses within R-1

zone are one-family dwellings, parks, agriculture, playgrounds, schools, churches, and other community facilities designed in harmony with the characteristics of the zone. Boarding and lodging houses, two-family dwellings, triplexes, apartment houses and other multiple dwellings representative of higher density residential areas are strictly prohibited in this zone as are commercial and industrial uses and home occupations are strictly limited. Owners and developers of property are advised that primacy is given in this zone to one-family dwellings situated on lots averaging from ninety (90) to one hundred (100) feet in width and from ten thousand (10,000) to fifteen thousand (15,000) square feet in area, and property should be developed and maintained in recognition thereof. In order to accomplish the objectives and purposes of this ordinance, and to promote the characteristics of this zone, the following precise regulations shall apply in the R-1 Residential Zone.

(B) Permitted Uses: The following uses shall be permitted in the R-1 Residential Zone:

- (1) One-family dwellings and the following accessory buildings and structures; guest house not to exceed 800 square feet and subject to the setbacks of a one-family dwelling, private garage and/or carport for the storage of automobiles owned by persons residing on the premises, greenhouse for private use only, private swimming pools, pergolas, arbors;
- (2) Bulletin boards not exceeding eight (8) square feet in area pertaining to the lease or sale of property; also name plates in connection with dwellings not exceeding one and one half (1 1/2) square feet in area and constructed and maintained in harmony with the residential character of the zone.
- (3) Fences, walls, and hedges. (See 26-IV-4);
- (4) Public schools, public libraries, public recreation buildings and similar public buildings and grounds, churches, but not including temporary revival tents or buildings. Public utility buildings and structures, providing that no storage yard shall be maintained on the premises;
- (5) A temporary building or yard storage of construction materials and equipment incidental and necessary to construction of a house development, utilities, or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities or other community facilities are constructed. A permit therefor shall be issued only to the contractor or builder and shall be valid for not more than two (2) years, at the expiration of which time the said building or yard shall be removed from the premises and said use discontinued;
- (6) A temporary office building used as an office in connection with the sale of property within a subdivision under construction provided that the temporary office is located on the same part of land as the subdivision. A permit therefor shall be valid for no more than two (2) years, at the expiration of which time said use shall be discontinued;

- (7) Customary household pets, including, but not limited to dogs, cats, and canaries, but not including the breeding of dogs and cats for sale;
- (8) Home occupations when approved by the Board of Adjustment;
- (9) Planned Unit Developments (PUD's) approved per this ordinance;
- (10) Residential facility for persons with a disability, not to exceed four (4) residents (see Article XVI);
- (11) Public and private parks, playgrounds, green ways, trails, and open space;
- (12) Public and private golf courses; and
- (13) Public and private recreation centers.
- (14) Raising and keeping chickens for non-commercial purposes and subject to Article IV - Supplementary Regulations

Amended by ordinance number 0827-08-2

Amended by ordinance number 1013-10-2

Amended by ordinance number 0125-12-1

(C) Conditional Uses: See Section 26-XI-5

Amended by ordinance number 0827-08-2

(D) Lot Area Requirements: An area of not less than Ten Thousand (10,000) square feet shall be provided and maintained for each dwelling and uses accessory thereto.

(E) Lot Width Requirements: The minimum width of any lot for a dwelling shall be ninety (90) linear feet.

(F) Building Setback Requirements:

(1) Side Setback: A minimum side yard of any building shall be eight (8) feet and the total width of the two required side yards shall be not less than twenty (20). The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory buildings, located at least six (6) feet in the rear of the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than sixteen (16) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street, shall be not less than twenty (20) feet for main buildings and not less than twenty (20) feet for accessory buildings. A carport may be built within one (1) foot of the property line, except on the

street side of corner lots. However, all walls must comply with side yard regulations for buildings.

(2) **Front Setback:** The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of ten (10) feet shall be twenty-five (25) feet. Other private garages and all accessory buildings other than private garages shall be located at least six (6) feet in the rear of the main building. No structure, fence, or barrier, shall be constructed in a front yard where said structure, fence or barrier would be perpendicular to the street which the front yard faces, so as to divide the front yard into two different yards.

(3) **Rear Setback:** The minimum rear yard for any main building shall be thirty (30) feet; however, minimum rear yard for main buildings on corner lots may be reduced to eight (8) feet. For accessory buildings the minimum rear yard shall be one (1) foot, provided that on corner lots, accessory buildings shall be set back from the rear lot line a distance of at least eight (8) feet.

(G) Building Height Requirements: The maximum height of any building shall be two (2) stories, not to exceed twenty (20) feet, except as provided in Section 26-24 of this ordinance.

(H) Building Size Requirements: The ground floor area of any one-family dwelling shall not be less than one thousand (1,000) square feet, exclusive of open porches and carports.

(I) Special Provisions:

(1) There shall be no outside storage in connection with public buildings, churches, and public utility buildings.

(2) The required front yard and the required side yard, which abuts upon a street, shall not be used for the parking of automobiles, but shall be planted and maintained in lawn, trees, and shrubs, or other customary landscape features, except for permitted driveways.

(J) Supplementary Regulations: See Article IV, Supplementary regulations to All Zones.

SECTION 26-III-3. R-2 Residential Zone

Prior to the enactment of Cedar City Ordinance Number 0125-12-1 Cedar City had a single R-2 Residential Zone. After the adoption of Cedar City Ordinance 0125-12-1 there are two types of R-2 Residential Zones named R-2 Residential Zone (Dwelling, Single Unit) and R-2 Residential Zone (Dwelling, Two unit). When R-2 was replaced and split into the single unit and two unit designations the designation that most closely resembled the pre-existing R-2 zone is the two-unit designation. Therefore, in order to keep the vested rights of the existing property owners under the new R-2 zoning system the same as these rights were under the old R-2 system, property that was zoned R-2 Residential prior to the adoption of Cedar City Ordinance Number

0125-12-1 and property hereafter designated R-2 Residential on the Cedar City Zoning Map will be allowed to develop according to the provisions of the R-2 Residential Zone (Dwelling, Two Unit).

SECTION 26-III-4. R-2 Residential Zone. (Dwelling, Single Unit)

(A) Objectives and Characteristics: The objective in establishing the R-2 Residential zone (Dwelling, Single Unit) is to provide a residential environment within the City which is characterized by a more compact and somewhat denser residential development and a somewhat higher volume of vehicular and pedestrian traffic than is characteristic of the R-1 Zone. Attractive lawns, shrubs and trees, and other landscape plantings about the houses and on the parking strip within the streets is also characteristic of this Zone. Representative of the uses in this zone are single family dwellings, and boarding houses and rooming houses, home occupations, parks, playgrounds, schools, churches, and certain other compatible uses. On the other hand, apartment buildings, two-unit dwellings, multiple dwellings, sorority and fraternity houses and other uses normally associated with high density dwelling areas, as well as commercial and industrial uses, are prohibited from this Zone. In order to accomplish the objectives and purpose of this ordinance, and to promote the essential characteristics of this zone, the following precise regulations shall apply to the R-2 Residential Zone (Dwelling, Single Unit):

(B) Permitted Uses: The following uses shall be permitted in the R-2 Residential Zone (Dwelling, Single Unit):

- (1) Any use permitted in the R-1 Residential Zone.
- (2) Boarding and rooming houses having accommodations for not more than three (3) boarders and roomers in addition to the residing family.
- (3) Nursery Schools.
- (4) Rest Homes, also dwelling groups having not more than six (6) dwelling units per acre of land.
- (5) Planned Unit Developments approved per this ordinance.
- (6) Residential facility for persons with a disability, not to exceed eight (8) residents (see Article XVI).
- (7) Raising and keeping chickens and subject to Article IV - Supplementary Regulations.

Amended by Cedar City Ordinance Nos. 1013-10-2, 0125-12-1

(C) Conditional Uses: See Section 26-XI-5.

Amended by ordinance number 0827-08-2

(D) Lot Area Requirements: For single unit dwellings, an area of not less than seven thousand (7,000) square feet shall be provided and maintained.

Amended by ordinance number 0125-12-1

(E) Lot Width Requirements: The minimum width of any lot for a dwelling shall be seventy (70) linear feet.

Amended by ordinance number 0125-12-1

(F) Building Setback Requirements:

(1) Side Setbacks: The minimum side yard for any dwelling, or boarding and rooming house, shall be six (6) feet and the total width of the two required side yards shall be not less than sixteen (16) feet. The minimum side yard for a private garage or other accessory building shall not be located closer than twelve (12) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street shall be not less than twenty (20) feet for main buildings and not less than twenty (20) feet for accessory buildings. A carport may be built within one (1) foot of the property line, except on the street side of corner lots. However, all walls must comply with side yard regulations for buildings. A party wall shall be permitted between accessory buildings on adjacent lots when both accessory buildings are located at least twelve (12) feet in the rear of both adjacent dwellings.

(2) Front Setbacks: Same as R-1 Residential Zone.

(3) Rear Setbacks: Same as R-1 Residential Zone except the minimum rear yard for any main building shall be Twenty (20) feet.

(G) Building Height Requirements: Same as R-1 Residential Zone.

(H) Building Size Requirements: The ground floor area of any main building shall not be less than seven hundred fifty (750) square feet, exclusive of open porches and carports.

Amended by ordinance number 0125-12-1

(I) Special Provisions: Same as R-1 Residential Zone.

(J) Supplementary Regulations: See Article IV, Supplementary regulations to all Zones.

SECTION 26-III-5. R-2 Residential Zone. (Dwelling, Two Unit)

(A) Objectives and Characteristics: The objective in establishing the R-2 Residential zone (Dwelling, Two Unit) is to provide a residential environment within the City which is characterized by a more compact and somewhat denser residential development and a somewhat higher volume of vehicular and pedestrian traffic than is characteristic of the R-2 Zone for Single Dwelling Units. Attractive lawns, shrubs and trees, and other landscape plantings about the

houses and on the parking strip within the streets is also characteristic of this Zone. Representative of the uses in this zone are one and two family dwellings, and boarding houses and rooming houses, home occupations, parks, playgrounds, schools, churches, and certain other compatible uses. On the other hand, apartment buildings, multiple dwellings, sorority and fraternity houses and other uses normally associated with high density dwelling areas, as well as commercial and industrial uses, are prohibited from this Zone. In order to accomplish the objectives and purpose of this ordinance, and to promote the essential characteristics of this zone, the following precise regulations shall apply to the R-2 Residential Zone (Dwelling, Two Unit):

(B) Permitted Uses: The following uses shall be permitted in the R-2 Residential Zone (Dwelling, Two Unit):

- (1) Any use permitted in the R-1 Residential Zone or R-2 Residential Zone (Dwelling, Single Unit).
- (2) Two Family dwelling units which units shall have a common separation, and buildings customarily attached thereto.
- (3) Twin Homes when approved through the subdivision process.
- (4) Boarding and rooming houses having accommodations for not more than three (3) boarders and roomers in addition to the residing family.
- (5) Nursery Schools.
- (6) Rest Homes, also dwelling groups having not more than six (6) dwelling units per acre of land.
- (7) Planned Unit Developments approved per this ordinance.
- (8) Residential facility for persons with a disability, not to exceed eight (8) residents (see Article XVI).
- (9) Raising and keeping chickens and subject to Article IV - Supplementary Regulations

(C) Conditional Uses: See Section 26-XI-5.

(D) Lot Area Requirements: For single-family detached unit dwellings, an area of not less than seven thousand (7,000) square feet shall be provided and maintained. For twin homes, each dwelling unit shall have a lot area of not less than four thousand five hundred (4,500) square feet on each side of the common separation. For duplexes, an area of not less than nine thousand (9,000) square feet shall be provided and maintained.

(E) Lot Width Requirements: The minimum width of any lot for a dwelling shall be seventy (70) linear feet for a single-family dwelling lots as measured at the front setback line, and

seventy (70) linear feet for any twin home or duplex lot (each side of a twin home lot must be at least 35 feet wide) as measured at the front property line, with no portion of the lot being less than the minimum required width.

(F) Building Setback Requirements:

(1) Side Setbacks: The minimum side yard for any dwelling, or boarding and rooming house, shall be six (6) feet and the total width of the two required side yards shall be not less than sixteen (16) feet. The minimum side yard for a private garage or other accessory building shall not be located closer than twelve (12) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street shall be not less than twenty (20) feet for main buildings and not less than twenty (20) feet for accessory buildings. A carport may be built within one (1) foot of the property line, except on the street side of corner lots. However, all walls must comply with side yard regulations for buildings. A party wall shall be permitted between accessory buildings on adjacent lots when both accessory buildings are located at least twelve (12) feet in the rear of both adjacent dwellings.

(2) Front Setbacks: Same as R-1 Residential Zone.

(3) Rear Setbacks: Same as R-1 Residential Zone except the minimum rear yard for any main building shall be Twenty (20) feet.

(G) Building Height Requirements: Same as R-1 Residential Zone.

(H) Building Size Requirements: The ground floor area of any main building shall not be less than seven hundred fifty (750) square feet, exclusive of open porches and carports. Duplexes shall not have less than three hundred seventy-five (375) square feet on each side of the common wall, exclusive of open porches and carports.

(I) Special Provisions: Same as R-1 Residential Zone.

(J) Supplementary Regulations: See Article IV, Supplementary regulations to all Zones.

Amended by Cedar City Ordinance No. 0125-12-1.

SECTION 26-III-6. R-3 Residential Zone

Prior to the enactment of Cedar City Ordinance Number 0125-12-1 Cedar City had a single R-3 Residential Zone. After the adoption of Cedar City Ordinance 0125-12-1 there are two types of R-3 Residential Zones named R-3 Residential Zone (Dwelling, Single Unit) and R-3 Residential Zone (Dwelling, Multiple Unit). When R-3 was replaced and split into the single unit and multiple unit designations the designation that most closely resembled the pre-existing R-3 zone is the multiple unit designation. Therefore, in order to keep the vested rights of the existing property owners under the new R-3 zoning system the same as these rights were under the old R-3 system, property that was zoned R-3 Residential prior to the adoption of Cedar City Ordinance Number 0125-12-1 and property hereafter designated R-3 on the Cedar City Zoning Map will be

allowed to develop according to the provisions of the R-3 Residential Zoning (Dwelling, Multiple Unit).

SECTION 26-III-7. R-3 Residential Zone (Dwelling, Single Unit).

(A) Objectives and Characteristics: The objective in establishing the R-3 Residential Zone (Dwelling, Single Unit) is to provide a residential environment within the City which is characterized by a variety of dwelling types having widely varying forms, shapes and density. Attractive lawns, shrubs, trees, and other landscape plantings about the houses are characteristic of this zone. Typical also of the R-3 Zone with single-dwelling units is somewhat smaller lot widths, a greater movement of vehicular traffic, and a somewhat denser residential environment than is characteristic of the R-2 Zone for single-dwelling units. Representative of the uses in this zone are single-family dwelling units, schools, parks, and playgrounds. Commercial and industrial uses are not permitted uses in this zone.

Amended by ordinance number 0125-12-1.

(B) Permitted Uses: The following uses shall be permitted in the R-3 Residential Zone (Dwelling, Single Unit):

- (1) Any use permitted in the R-1 and R-2 Residential Zones for single-family dwelling units.
- (2) Boarding and rooming houses.
- (3) Private Schools.
- (4) Non-profit Community Service Clubs, except those whose activity of which is customarily carried on as a business.
- (5) Planned Unit Developments approved per this ordinance.
- (6) Residential facility for persons with a disability, not to exceed twelve (12) residents (see Article XVI).
- (7) Raising and keeping chickens for non-commercial purposes and subject to Article IV - Supplementary Regulations.

Amended by Cedar City Ordinance Nos. 1013-10-2 and 0125-12-1

(C) Conditional Uses: See Section 26-XI-5.

Amended by ordinance number 0827-08-2

(D) Lot Area Requirements: An area of not less than six thousand (6,000) square feet for a single-family dwelling.

Amended by ordinance number 0125-12-1.

(E) Lot Width Requirements: The minimum lot widths shall be fifty-five (55) feet at the front setback.

Amended by ordinance number 0125-12-1.

(F) Building Setback Requirements:

(1) Side Setback: The minimum side yard for any R-3 zone shall be six (6) feet and the total width of the two required yards shall be not less than sixteen (16) feet. The minimum side yard for a private garage shall be six (6) feet except that private garages and other accessory buildings located at least six (6) feet in the rear of the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than twelve (12) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street, shall be not less than twenty (20) feet for main buildings, and not less than twenty (20) feet for accessory buildings. A carport, may be built within one (1) foot of the property line except on the street side of corner lots. However, all walls must comply with said yard regulations for dwellings. A party wall shall be permitted where both accessory buildings are located at least twelve (12) feet in the rear of both adjacent dwellings.

(2) Front Setback: Same as R-1 Residential Zone.

(3) Rear Setback: Same as R-2 Residential Zone.

(G) Building Height Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1.

(H) Building Size Requirements: No requirements.

(I) Special Provisions: Same as in R-1 Residential Zone.

(J) Supplementary Regulations: See Article IV, Supplementary regulations to all Zones.

SECTION 26-III-8. R-3 Residential Zone (Dwelling, Multiple Unit).

(A) Objectives and Characteristics: The objective in establishing the R-3 Residential Zone (Dwelling, Multiple Unit) is to provide a residential environment within the City which is characterized by a variety of dwelling types having widely varying forms, shapes and density. Attractive lawns, shrubs, trees, and other landscape plantings about the houses are characteristic of this zone. Typical also of the R-3 Zone with multiple units is, a greater movement of vehicular traffic, and a denser residential environment than is characteristic of the R-2 Zones.

Representative of the uses in this zone are dwelling units, schools, parks, and playgrounds. Commercial and industrial uses are not permitted uses in this zone.

(B) Permitted Uses: The following uses shall be permitted in the R-3 Residential Zone (Dwelling, Multiple Unit):

- (1) Any use permitted in the R-1 and R-2 Residential Zones, and R-3 Residential Zones with single dwelling units.
- (2) Three and four-family dwellings, apartment houses, townhomes and other multiple dwellings.
- (3) Boarding and rooming houses.
- (4) Private Schools.
- (5) Non-profit Community Service Clubs, except those whose activity of which is customarily carried on as a business.
- (6) Planned Unit Developments approved per this ordinance.
- (7) Residential facility for persons with a disability, not to exceed twelve (12) residents (see Article XVI).
- (8) Raising and keeping chickens for non-commercial purposes and subject to Article IV - Supplementary Regulations.
- (9) Assisted Living Facilities as defined in Section 26-I-4(B)(14).

(C) Conditional Uses: See Section 26-XI-5.

(D) Lot Area Requirements: An area of not less than six thousand (6,000) square feet for a single-family dwelling, or nine thousand (9,000) square feet for a duplex or twin home, plus one thousand five hundred (1,500) additional square feet of lot area for each additional dwelling unit above 2 units, and not less than seven thousand (7,000) square feet for any main building other than dwellings. In no case shall there be more than 24 units per acre. Twin homes shall have a minimum lot area of four thousand five hundred (4500) square feet on each side of the common separation.

(E) Lot Width Requirements: The minimum lot widths shall be:

- (1) For single-family detached dwellings: fifty-five (55) feet at the front setback.
- (2) For twin homes or duplexes: seventy (70) feet at front property line (35 feet each side of a twin home lot)

(3) For any multi-unit dwelling: fifty-five (55) feet at front property line.

(F) Building Setback Requirements:

(1) Side Setback: The minimum side yard for any R-3 zone shall be six (6) feet and the total width of the two required yards shall be not less than sixteen (16) feet. The minimum side yard for a private garage shall be six (6) feet except that private garages and other accessory buildings located at least six (6) feet in the rear of the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than twelve (12) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street, shall be not less than twenty (20) feet for main buildings, and not less than twenty (20) feet for accessory buildings. A carport, may be built within one (1) foot of the property line except on the street side of corner lots. However, all walls must comply with said yard regulations for dwellings. A party wall shall be permitted where both accessory buildings are located at least twelve (12) feet in the rear of both adjacent dwellings.

(2) Front Setback: Same as R-1 Residential Zone.

(3) Rear Setback: Same as R-2 Residential Zone.

(G) Building Height Requirements: No building shall be erected to a height greater than thirty-five (35) feet, except as provided by the Board of Adjustment.

(H) Building Size Requirements: No requirements.

(I) Special Provisions: Same as in R-1 Residential Zone.

(J) Supplementary Regulations: See Article IV, Supplementary regulations to all Zones.

Amended by Cedar City Ordinance No. 0125-12-1 and 1216-15-2

SECTION 26-III-9. R-E Residential Estate Zone.

(A) Objectives and Characteristics: The objective in establishing the R-E Residential Estate Zone is to encourage the creation and maintenance of a residential environment within an area which is characterized by large lots with minimal lot densities (maximum 2 lots per acre) on which single family dwellings are situated, surrounded by settings in which the pre-development natural character of the landscape is retained. Native plant species, wildlife habitats, low water consumptive landscapes, minimum vehicular traffic, private lanes connected to public streets, featured or gated entries, building products produced from natural materials, and quiet residential conditions are also characteristic of this zone. While much of this zone is currently devoted to open land uses, it is intended that the land shall be developed into residential uses as the needs arise having characteristics as herein above set forth. The minimum area for a R-E Zone shall be

ten (10) acres. Representative of the uses within the R-E Zone are one family dwellings, caretaker's cottages (not to exceed one per lot), parks and playgrounds. Boarding and lodging houses, two family dwellings, triplexes, apartment houses and other multiple dwellings representative of higher density residential areas are strictly prohibited in this zone. Commercial and industrial uses are strictly prohibited unless otherwise designated or as listed below. In order to accomplish the objectives and purpose of this ordinance, and to promote the characteristics of this zone the following precise regulations shall apply to the R-E (Residential Estate) Zone:

Amended by ordinance number 0125-12-1 and 0919-12

(B) Permitted Uses: The following uses shall be permitted in the R-E Residential Zone:

- (1) One-family dwellings and accessory buildings and structures; including guest houses (not to exceed 1200 square feet) and subject to the setback requirements of one-family dwellings, private garage and/or barn;
- (2) Keeping of animals and fowl, as an accessory use to a single-family dwelling, limited to the following:
 - a. Two large animals per lot and one additional large animal for each 10,000 square feet over 1 acre. Large animals may include horses, cattle, goats, sheep or other animals judged by the Planning Commission to be compatible with this zone; and
 - b. Not more than 20 poultry or rabbits shall be kept on any lot;
- (3) Planned Unit Developments approved per this ordinance;
- (4) Residential facility for persons with a disability, not to exceed four (4) residents (see Article XVI);
- (5) Public and private parks, playgrounds, green ways, trails, and open space;
- (6) Public and private golf courses;
- (7) Public and private recreation centers;
- (8) Solar Power Generation, Central.

Amended by ordinance number 0827-08-2 and 0919-12

(C) Conditional Uses: See Section 26-XI-5.

Amended by ordinance number 0827-08-2

(D) Area Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(E) Width Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(F) Building Setback Requirements:

- (1) Side Setback: Same as R-1 Residential Zone.
- (2) Front Setbacks: Same as R-1 Residential Zone.
- (3) Rear Setbacks: Same as R-1 Residential Zone.
- (4) Solar Power Generation, Central: structures and panels shall be setback 20' minimum from residential neighboring properties.

Amended by ordinance number 0125-12-1 and 0919-12

(G) Building Height Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(H) Building Size Requirements: Same as R-1 Residential Zone.

Amended by ordinance number 0125-12-1

(I) Special Provisions:

- (1) All Special Provisions in R-1 Residential Zone.
- (2) Variations from development standards of other residential zones may be permitted by the City Council as part of the approval of this zone. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein.
- (3) The minimum area required for a R-E Residential Estate Zone is ten (10) acres.
- (4) All streets within a Residential Estate zone shall meet with City Engineering Standards. Streets adjacent to a Residential Estate zone and master planned arterial and collectors shall be fully improved with curb, gutter and sidewalk in accordance with City Engineer Standards.
- (5) The Residential Estate zone is designed to be in areas where the generally uniform slope is 5% or less and therefore, would not require curb, gutter and sidewalks along public streets. Areas with slopes greater than 5% will be permitted with fully improved

streets (curb, gutter and sidewalk) or as a P.U.D. Public streets shall have a minimum of one hard-surfaced sidewalk or footpath per street.

(6) Areas used for animals shall be maintained so as to conform with health, sanitation, water and drainage requirements.

(7) Solar Power Generation, Central. Shall have a minimum of one hundred (100) contiguous acres.

Amended by Cedar City Ordinance No. 0919-12.

(J) Supplementary Regulations: See Article IV, Supplementary Regulations to All Zones.

THE FORMER SECTION 26-III-10, MPD- Master Planned Development Zone Repealed

Cedar City's master planned development zone has been repealed and is no longer available as a zone within Cedar City for future development. Cedar City will continue to use the provisions of this zone for the developments that have completed and recorded a development agreement with Cedar City prior to the date this ordinance is repealed. Those properties that are currently zoned MPD, but that have not completed the development agreement process will be required to re-zone the property in order to utilize the City's zoning tools that exist at the time of development. The contents of the master planned development zone that was repealed is attached to the repealing ordinance #0425-12-1 filed with the City Recorder.

SECTION 26-III-10, RESIDENTIAL DEVELOPMENT OVERLAYS (RDO).

- Section 26-III-10-A. Purpose
- Section 26-III-10-B. Permitted Land Use Locations
- Section 26-III-10-C. Permitted Zones
- Section 26-III-10-D. Permitted and Conditional Uses
- Section 26-III-10-E. RDO Master Plan Area
- Section 26-III-10-F. Allowed Residential Density
- Section 26-III-10-G. Approval Procedures
- Section 26-III-10-H. Amendments
- Section 26-III-10-I. Recording and Vesting
- Section 26-III-10-J. Expiration of Approvals

SECTION 26-III-10-A. Purpose

The underlying purpose and intent of this ordinance is to establish a method whereby land owners and/or developers who develop property in designated Residential Land Use Classifications of the Cedar City General Plan can develop to a higher density of residential units than are normally allowed in such designated land use classifications. Developments within Residential Development Overlays (RDO) can also include areas with commercial and office type businesses and should be enhanced with community amenities. Residential Development Overlays are developments that are allowed through the approval and recording of a

development master plan that designates a variety of the residential and commercial zones that are currently included in the City's Planning and Zoning Ordinance. After the approval and recording of the development master plan the development can proceed according to the requirements of the City's Planning and Zoning ordinance, subdivision ordinance and engineering standards.

SECTION 26-III-10-B. Permitted Land Use Locations

Residential Development Overlays are permitted within the following land use classifications of the Cedar City General Plan:

- Rural Estate Residential
- Low Density Residential
- Medium Density Residential
- Mixed Use Development

SECTION 26-III-10-C. Permitted Zones

The approved master plans for the Residential Development Overlays can include the following zones:

- All Residential Zones
- General Commercial Zone
- Central Commercial Zone
- Highway Service Zone
- Neighborhood Commercial Zone

RDO master plans will show planned zone areas as pods that approximately show the boundaries of the zone. The final approval of the zone and its recorded boundaries will be done at time of property development or subdivision plat approval. The number of dwelling units within the final zoning boundaries and in the overall RDO Master Plan shall not exceed the density that is shown on the RDO master plan.

SECTION 26-III-10-D. Permitted and Conditional Uses

See Section 26-III for the permitted and conditional uses allowed in each specific zone in the approved RDO master plan.

SECTION 26-III-10-E. RDO Master Plan Area

The minimum area for any RDO Master Plan shall be 10 Acres with the area of the master plan that is zoned residential to be a minimum of 50% of the total RDO Master Plan area.

SECTION 26-III-10-F. Allowed Residential Density

The maximum residential density for each land use area where an RDO Master Plan is permitted shall not exceed the following:

Land Use Area	Maximum Allowed Residential Density
Rural Estate Residential	4 Dwelling Units Per Acre
Low Density Residential	6 Dwelling Units Per Acre
Medium Density Residential	12 Dwelling Units Per Acre
Mixed Use Development	24* Dwelling Units Per Acre

* Current General Plan shows 30 Units per Acre

The only areas that will be allowed to be used in the calculations for the maximum residential density will be the master planned areas with residential zones, the half widths of the public street dedicated right of ways and private streets fronting the residential zones and any public or private amenities benefitting and adjoining the residential zones, i.e. parks, trails, schools, churches and other such amenities as approved with the master plan. Proposed commercial and office zones, the half widths of the streets fronting those commercial and office zones as well as any public or private amenities contained within or only benefitting those commercial and office zones cannot be used in the calculations for the maximum residential density. Residential development will be allowed in commercial and office zones according the zoning ordinance. The residential units in commercial and offices zones will not count toward the allowed density in master planned residential zones or the overall RDO Master Plan.

SECTION 26-III-10-G. Approval Procedures

The following procedure is for RDO Master Plan approval:

- (1) Discuss Proposed Master Plan with City Staff: Any person wishing to create a RDO Master Plan within Cedar City shall secure the following from the City:
 - a. Details of Residential Development Overlay (RDO) process;
 - b. Planning information pertaining to the City's plan of streets, parks, trails, drainage, zoning, subdivision of land, and other General Plan requirements affecting the land;
 - c. Airport overlay, flood zone, soil classification and other maps and information affecting the specific development including irrigation ditches;
 - d. Cedar engineering standards detailing the standards for the construction of Street, water, storm drain, sewer and other public improvements.
- (2) Planning Commission Application and Fees: The application and filing fees required for a RDO Master Plan are established by resolution as set forth in the City's consolidated fee schedule and shall be submitted with the Planning Commission Application.

(3) RDO Master Plan Preparation: The developer shall prepare the master plan for the development and present the same to the City Staff, Sketch Committee, Planning Commission and City Council in the sequence shown for review and approval. The required number of copies of the master plan and other information requested shall be provided to each group or individual in the approval process. The master plan shall be drawn to an appropriate scale not smaller than 100 feet to the inch, and shall be on standard 24" X 36" paper or smaller. Each sheet of the Plan shall contain the proposed name of the RDO Master Plan, scale of the drawing, the sheet number, an arrow indicating north and the section, township and range location of the RDO Master Plan. The RDO Master Plan shall also contain the following information:

- a. A vicinity map containing sufficient information to locate the RDO Master Plan in the City;
- b. The ownership lines for all separately owned parcels within the RDO Master Plan including the property owner's name, and the County serial and tax identification numbers for each parcel;
- c. The names and addresses of the owner(s), the developer, the engineer and surveyor of the RDO Master Plan;
- d. The boundary lines of the RDO Master Plan including a metes and bounds legal description of the entire RDO Master Plan boundary;
- e. Property ownership lines of all separately owned parcels within the RDO Master Plan including the County serial and tax identification numbers for each parcel;
- f. Property ownership lines of adjacent tracts of land to the RDO Master Plan, showing ownership and property monuments;
- g. Existing curbs, gutters, sidewalks, street asphalt, sanitary sewers and manholes, storm drains and manholes, water supply main valves, culverts, and fire hydrants within the RDO Master Plan and within 500 feet of the proposed RDO Master Plan (the width or diameter dimensions of all such improvements shall also be indicated);
- h. Location of all existing or recorded streets, alleys and easements, water courses, irrigation ditches (with irrigation company names), public utilities and other important features, and existing structures within the RDO Master Plan and within 500 feet thereof, and the location and distance to the nearest existing bench mark or monument and section line;

i. Land use area boundaries within the RDO Master Plan and within 500 feet thereof as shown on the most current Land Use map in the Cedar City General Plan;

j. Current zoning boundaries within the RDO Master Plan and within 500 feet thereof as shown on the most current Zone map of Cedar City;

k. Approximate location of master planned improvements within the RDO Master Plan including streets, water, sewer, storm drain, parks and trails as shown on the City's most current approved master plan for each improvement;

l. Approximate location of the proposed zoning boundaries with the development;

m. Approximate location, size and area of proposed parks, trails, school properties and church lots and other open spaces within the RDO Master Plan;

n. Each area within the RDO Master Plan that shows an individual zone designation shall be called a Zone POD. Each Zone POD shall show a unique number to identify that specific Zone POD;

o. A Density Development Table shall be included on the RDO Master Plan that includes the following information for each Zone POD: The Zone POD number, current land use designation; proposed zone; acreage; maximum allowed units per acre for the current land use area; total allowed units; acreage of proposed public parks, trails, schools, churches; remaining residential area with roads; proposed number of dwelling units and residential density. The table shall also include a row totaling all the individual Zone POD amounts for area, allowed units, area of parks, trails, schools and churches, the remaining residential area and the residential area density for the entire RDO Master Plan;

p. The RDO Master Plan shall show within its boundaries the FEMA flood zone designations and their boundaries, Cedar City Regional Airport overlay zones and their boundaries, soils classifications and topographical contours;

q. The RDO Master Plan shall include the required consent, approval, acceptance and signature certificates for each property owner, the City Engineer/ Community Development director, City Attorney, Planning Commission Chairperson and Mayor. The Mayor's certificate shall include a reference to the number of the Approval Ordinance.

(4) RDO Master Plan Approval: Recommendations or approvals for the RDO Master Plan shall be obtained for City Staff, Sketch Committee, Planning Commission and City Council and Mayor in the sequence stated. The final approval of the RDO Master Plan shall be done by a City ordinance. The approval procedure and Public Hearing and Notice requirements shall be the same as outlined in Article XII. of this ordinance titled Amendments.

SECTION 26-III-10-H. Amendments

RDO Master Plan Amendments: Upon application and payment of fees as outlined in Section 26-III-10-G(2), all or part of a RDO Master Plan can be amended as follows.

(1) Any amended areas of the RDO Master Plan and remaining Areas of the original or previously amended RDO Master Plan shall conform to all requirements of Section 26-III-10 or the requirements of the underlying zone as contained in this Planning and Zoning Ordinance.

(2) For an amended RDO Master Plan a revised RDO Master Plan same as required in Section 26-III-10-G for a new RDO Master Plan shall be prepared for all the amended areas and remaining areas within the original or previously amended RDO Master Plan.

(3) The approval and public hearing and notice requirements for an amended RDO Master Plan, including amended areas of the RDO Master Plan and remaining Areas of the original or previously amended RDO Master Plan, shall also be the same as the approval requirements for a new RDO Master Plan as contained in Section 26-III-10-G.

(4) As part of the approval process for an amended RDO Master Plan the approval of the underlying original or previously amended RDO Master Plan shall be rescinded.

SECTION 26-III-10-I. Recording and Vesting

Upon final approval of the RDO Master Plan and ordinance by the Mayor and City Council the City shall have the RDO Master Plan and ordinance respectively filed with the City Engineer and City Recorder. The approved ordinance will state the specific vesting responsibilities and rights between the City and property owners.

SECTION 26-III-10-J. Expiration of Approvals

An approval of an RDO Master Plan may be rescinded by the City Council after a period of seven years of development inactivity within the RDO Master Plan following the approval. When an RDO Master Plan is rescinded the zoning of the underlying property shall revert back to the established zones before the RDO Master Plan was approved or to an Annexed Transition (AT) zone if no zone existed. Such rescinding may only take place after notice to all current land

owners within the RDO Master Plan, and a public meeting with a vote of the City Council. Notice shall be sufficient if mailed via first class mail to the land owner's last known addresses. During the public meeting the land owners shall have a reasonable opportunity to address the City Council.

SECTION 26-III-10-K. City Fees

Before final approval of the RDO Master Plan and ordinance by the City Council the Developer shall have paid to the City Treasurer all City Administration and Engineering checking fees as established by resolution as set forth in the City's consolidated fee schedule.

Enacted by Cedar City Ordinance No. 0425-12-1.

SECTION 26-III-11. Development Agreements.

Section 26-III-11-A Intent

It is the intent of this Section to authorize the City to use, consistent with Utah Law and its own land use regulations, development agreements; to establish a method of approval for development agreements; to establish the scope of subjects to be covered by development agreements; and to allow for the amending and recording of development agreements.

Section 26-III-11-B General Requirements

At the full discretion of the Cedar City Council, the City may enter into a development agreement with one (1) or more owners or developers of property. The development agreement shall constitute a binding contract between Cedar City and all other parties containing all agreed upon terms and conditions. City staff is authorized to negotiate the terms of the development agreement with the applicant, but in no case shall a development agreement be binding on Cedar City unless it is approved by the Cedar City Council.

Section 26-III-11-C Scope of Development Agreements

(A) Development Agreements may address the following issues:

- (1) Project specific issues where the standards for development or the impact of the development is not addressed by the City's zoning ordinance, Subdivision ordinance, Engineering standards, the City's general land use plan, or other land use regulations.
- (2) Resolving issues regarding unique features or challenges confronting individual developments.

- (3) Clarifying the application of, and ensuring adherence to, the City's zoning ordinance, Subdivision ordinance, Engineering standards, the City's general land use plan, or other land use regulations.
 - (4) When mutually agreed upon with the developer.
 - (5) As a method of reimbursement for developers that extend infrastructure to facilitate development where the following apply:
 - A. The source of the reimbursement is from neighboring land owners, and no funds are pledged by the City;
 - B. The neighboring land owners are only to pay their proportionate share of the infrastructure that will facilitate the development of their lands; and
 - C. The agreements have a ten (10) year term;
 - (6) Facilitate a delay in the timing of the installation of various infrastructure items because of wintertime weather conditions.
 - (7) Provide for the construction of public infrastructure above what is required by the City's zoning ordinance, subdivision ordinance, engineering standards, the general land use plan, and other land use regulations.
 - (8) Provide that adequate security is in place for proposed public infrastructure and an adequate time line is established for completion.
 - (9) Provide alternative methods of bonding for construction of infrastructure or amenities when the methods of bonding approved in the City's ordinance are inadequate or fail to guarantee successful completion of the project.
- (B) Under no circumstances shall development agreements be used to approve development standards that fall below the minimum standards established by the City's zoning ordinance, subdivision ordinance, engineering standards, the general land use plan, and any other land use regulation.

Section 26-III-11-D Adoption and Amendment of Development Agreements

- (A) All development agreements shall go before the Cedar City planning commission for their review and recommendation. After receiving a recommendation from the Cedar City Planning Commission, all development agreements shall go before the Cedar City Council in a public meeting for adoption, amendment, or rejection.

(B) An approved development agreement may be amended with the mutual consent of the parties. All proposed amendments shall be in writing and shall follow the same procedure that is required to adopt a development agreement.

Section 26-III-11-E Monitoring and Enforcement

The City Engineer shall review the terms and conditions of all development agreements annually to assure compliance. Prior to Cedar City taking any enforcement allowed by the agreement, and state and federal law, the City shall send notice to all parties to the agreement giving notice of the substance of the noncompliance, a reasonable method to cure the noncompliance, and a reasonable time frame in which the noncompliance will need to be cured.

Section 26-III-11-F Recording

If deemed reasonably necessary, the agreement may be recorded on the title to the property subject to the agreement. All recording fees shall be paid by the private land owner(s).

Section 26-III-11-G Third Party Rights

Except as expressly provided in the development agreement, a development agreement shall not create rights enforceable by any individual or party not a party to the development agreement.

Amended by Cedar City Ordinance No. 0425-12-1.

SECTION 26-III- 12. GC General Commercial Zone.

Cedar City's general commercial (GC) zone has been repealed and is no longer available as a zone within Cedar City for future development. Cedar City will continue to use the provisions of this zone for the development of property that was zoned general commercial (GC) prior to the date of the general commercial (GC) zone's repeal. The contents of the general commercial (GC) zone that existed immediately prior to its repeal is attached to the repealing ordinance (Cedar City Ordinance Nom 0926-12-1) which is on file with the City Recorder.

SECTION 26-III-13. CC Central Commercial Zone.

(A) Objective and Characteristics: The CC Central Commercial Zone has been established as a district in which the primary use of the land is for business purposes. The area covered by this zone is now and is intended that it shall continue to be the dominant shopping and financial center of the City and surrounding territory. For this reason, the zone has been located where the street pattern makes the business buildings readily accessible to all parts of the City and surrounding region where business and shopping activities can be carried on with maximum convenience. The CC Zone is characterized by wide, clean, well-lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well-maintained shops, stores, offices and other buildings are also characteristic of this zone. Representative of the uses in this zone are banks, hotels, office buildings, theaters, and a wide variety of

retail outlets. Conversely, uses which tend to create business dead spots, cause undue scattering of business and generally tend to thwart the use of the land for its primary purpose have been excluded from this zone. In order to accomplish the objectives and purposes of this ordinance and to promote the characteristics of this zone, the following regulation shall apply in the CC Zone, Central Commercial Zone:

(B) Use Regulations: See Section 26-III-21.

(C) Lot Area Requirements: There shall be no minimum lot area requirements for commercial lots used for a commercial use permitted in the zone except for gas pumps and off-street parking area requirements. For buildings arranged, intended, or designed exclusively for residential use, the minimum lot area requirements shall be the same as for dwellings in the R-3 zone, except that no lot area requirements shall apply when the dwellings are located above the ground floor and said ground floor is devoted exclusively to a commercial use permitted in the zone.

(D) Lot Width Requirements: There shall be no minimum lot width requirements for commercial lots used for a commercial use permitted in the zone except for gas pumps and off-street parking area requirements. For buildings arranged, intended, or designed exclusively for residential use, the minimum lot width requirements shall be the same as for dwellings in the R-3 zone, except that no lot width requirements shall apply when the dwellings are located above the ground floor and said ground floor is devoted exclusively to a commercial use permitted in the zone

(E) Building Setback Requirements:

(1) Side Setback: Any commercial building adjacent to a street right-of-way shall be set back 20 feet therefrom. No other side setback shall be required for buildings having fire resistive walls in compliance with the Building Code except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(2) Front Setback: The front setback shall be twenty (20) feet from the front lot line.

(3) Rear Setback: No rear setback shall be required for commercial buildings having fire resistant walls in compliance with the building code, except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(4) Non Fire Resistant Building Setbacks: For non-fire resistant buildings, regulations as contained in the Building Code shall apply, except all buildings and structures, including but not limited to gasoline pumps, shall be set back at least twenty (20) feet from the street right-of-way line.

(5) **Residential Use Building Setbacks:** For buildings arranged, intended, or designed exclusively for residential use, the setback requirements shall be the same as for dwellings in the R-3 zone.

6) **Accessory Structures:** Accessory structures shall be permitted in the zone when adjacent to residential zones under the following conditions:

- a. Accessory buildings which are located within a required 20-foot setback shall not directly involve any business, trade, occupation, profession and shall be ancillary to the primary use.
- b. Any accessory building shall be a minimum of 10 feet behind the front of the primary structure.
- c. The minimum setback for any accessory structure shall be 10 feet to a residentially zoned property. In no case shall an accessory building be constructed within 16 feet of a residential home.
 - a. Eave projections shall not exceed 24 inches.
- d. Accessory structures may be constructed during or after the primary structure.
- e. The maximum height of structure shall be 13 feet to ridge line.
- f. No accessory structure shall be rented, leased or sold separately from the rental, sale or lease of the primary building.
- g. Permitted uses shall include open covered parking spaces and storage buildings for purposes ancillary to the primary use.

(F) **Building Height Requirements:** The maximum height of any building with a commercial use shall be fifty (50) feet except buildings arranged, intended, or designed exclusively for residential use, the maximum height requirement shall be the same as for dwellings in the R-3 zone.

(G) **Building Size Requirements:** No requirements.

(H) **Special Provisions:**

- (1) All off-street parking space shall be hard surfaced.
- (2) All merchandise, equipment, and other materials (except for vehicles in running order) shall be stored within an enclosed building or within a sight obscuring enclosure.
- (3) No dust, odor, smoke, vibrations, or intermittent light, glare, or noise shall be emitted which is discernible beyond the premises.
- (4) Landscaping - See Article VII, Landscaping

(I) Supplementary Regulations: See Article IV, Supplementary Regulations to all zones.

(J) Special Provisions:

(1) Residential type uses that are permitted within this zone (i.e. “Apartments,” “Dwelling Units,” “Nursing Homes,” “Residential,” “Residential facility for persons with a disability,” and “Rest Homes”) are only permitted in the following situations:

- A. In conjunction with a commercial development where the residential use is located above the ground floor and, except for access to the residential units, said ground floor is devoted exclusively to a commercial use permitted in the zone, and/or;
- B. In conjunction with a unified mixed use project where any exclusively residential portion of the project (that part of the project that does not contain a commercial use or associated parking) comprises no more than fifty (50) percent of the overall development site.

SECTION 26-III-14. DC Downtown Commercial Zone.

(A) Objective and Characteristics: The DC Downtown Commercial Zone is established as a district in which the primary use of the land is for retail/business purposes. The area covered by this zone is intended to be the central retail, service and professional center of the City. For this reason, the zone has been located in the center part of the City where the street pattern makes the business buildings readily accessible to all parts of the community and the surrounding region. The area is intended to provide for a variety of community activities. The DC Zone is characterized by wide, clean, well-lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well-maintained shops, stores, offices, theater and cultural buildings, as well as multifamily residential dwellings are also characteristic of this zone. Representative of the uses in this zone are specialty retail, lodging, condo/apartment housing (not at ground level), professional offices, theaters, restaurants and a wide variety of retail outlets.

(B) Permitted Uses: See Section 26-III-21.

(C) Lot Area Requirements: There shall be no minimum lot area requirements for commercial lots used for a commercial use permitted in the zone except for gas pumps and off-street parking area requirements. For buildings arranged, intended, or designed exclusively for residential use, the minimum lot area requirements shall be the same as for dwellings in the R-3 zone, except that no lot area requirements shall apply when the dwellings are located above the ground floor and said ground floor is devoted exclusively to a commercial use permitted in the zone.

(D) Lot Width Requirements: There shall be no minimum lot width requirements for commercial lots used for a commercial use permitted in the zone except for gas pumps and off-street parking area requirements. For buildings arranged, intended, or designed exclusively for residential use, the minimum lot width requirements shall be the same as for dwellings in the R-3 zone, except that no lot width requirements shall apply when the dwellings are located above the ground floor and said ground floor is devoted exclusively to a commercial use permitted in the zone

(E) Building Setback Requirements: Shall be the same as the R-3 Residential Zone.

(1) Side Setback: No side setback shall be required for commercial buildings having fire resistive walls in compliance with the Building Code except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line off the adjacent residential lot.

(2) Front Setback: No front setback shall be required for commercial buildings in this zone.

(3) Rear Setback: No rear setback shall be required for commercial buildings having fire resistant walls in compliance with the building code.

(4) Non Fire Resistant Building Setbacks: For non-fire resistant buildings, regulations as contained in said Building Code shall apply.

(5) Residential Use Building Setbacks: For buildings arranged, intended, or designed exclusively for residential use, the setback requirements shall be the same as for dwellings in the R-3 zone.

(F) Building Height Requirements: The maximum height of any building with a commercial use shall be fifty (50) feet except buildings arranged, intended, or designed exclusively for residential use, the maximum height requirement shall be the same as for dwellings in the R-3 zone.

(G) Building Size Requirements: No requirements.

(H) Special Provisions:

(1) All off-street parking space shall be hard surfaced.

(2) All merchandise, equipment, and other materials (except for vehicles in running order) shall be stored within an enclosed building or within a sight obscuring enclosure.

(3) No dust, odor, smoke, vibrations, or intermittent light, glare, or noise shall be emitted which is discernible beyond the premises.

(4) Landscaping - See Article VII, Landscaping

(I) Supplementary Regulations: See Article IV, Supplementary Regulations to all zones.

SECTION 26-III-15. HS Highway Service Zone.

(A) Objectives and Characteristics: The HS zone has been established as districts in which the primary use of the land is for establishments which serve the traveling public. The Highway Service Zone has been situated in appropriate locations adjacent to major highways. The objectives in establishing the HS zone is to:

(1) promote safety on the highways;

(2) protect the interest of the public in maintaining unobstructed use of the highway right-of-way;

(3) promote the beauty and appearances of the landscape;

(4) promote the convenience of the traveling public;

(5) encourage establishments to locate in the zone which will provide essential services to the traveling public; and

(6) discourage any use which, because of its character or nature, would thwart the use of the land for its primary purpose. The highway service zone is characterized by attractive highway commercial and service buildings situated in restful landscaped settings surrounded by landscaping of well-maintained trees, shrubs, and other plantings, and open off-street parking areas. Representative of the uses in the highway service zone are motels, cafes, and RV Parks. In order to accomplish the objectives and purposes in the ordinance and to stabilize and protect the central characteristics of the highway service zone, the following regulations shall apply in the HS zone.

(B) Permitted Uses: See Section 26-III-21.

(C) Lot Area Requirements: No Requirements.

(D) Lot Width Requirements: No Requirements.

(E) Building Setback Requirements:

(1) Side Setback: Any building adjacent to a street right-of-way shall be set back 20 feet therefrom. No other side setback shall be required for buildings having fire resistive walls in compliance with the Building Code, except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(2) Front Setback: The front setback shall be twenty (20) feet from the front lot line.

(3) Rear Setback: No rear setback shall be required for buildings having fire resistant walls in compliance with the building code, except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(4) Non Fire Resistant Building Setbacks: For non-fire resistant buildings, regulations as contained in said Building Code shall apply, except all buildings and structures, including but not limited to gasoline pumps, shall be set back at least twenty (20) feet from the street right-of-way line.

(F) Building Height Requirements: The maximum height of any building shall be fifty (50) feet.

(G) Building Size Requirements: No requirements except as specified in Section 26-III-14.

(H) Special Provisions:

(1) Setback Space: Space resulting from setback requirements may be used for exit and entrance driveways, and shall not be used for off-street parking, automobile repair, or any other activities in which vehicles are left unattended for more than twenty-four (24) hours. Ten (10) feet of said setbacks fronting on any roadway shall be landscaped with lawn, shrubs, and other landscape features, except for permitted exit and entrance driveways.

(2) Landscaping: See Article VII, Landscaping

(3) Storage: All storage (including debris and waste materials) except vehicles in running order, shall be enclosed within a building or within a site obscuring fence or masonry wall at least eight (8) feet in height.

(4) Maintenance of Premises: The entire lot shall be kept free from refuse, debris and waste materials and all such refuse, debris and waste material shall be kept in storage areas in approved containers.

(I) Supplementary Regulations: See Article IV, Supplementary Regulations to all zones.

(J) Special Provisions:

(1) Residential type uses that are permitted within this zone (i.e. “Apartments,” “Dwelling Units,” “Nursing Homes,” “Residential,” “Residential facility for persons with a disability,” and “Rest Homes”) are only permitted in the following situations:

- A. In conjunction with a commercial development where the residential use is located above the ground floor and, except for access to the residential units, said ground floor is devoted exclusively to a commercial use permitted in the zone, and/or
- B. In conjunction with a unified mixed-use project where any exclusively residential portion of the project (that part of the project that does not contain a commercial use or associated parking) comprises no more than fifty (50) percent of the overall development site.

Amended by City Ordinance 1113-19-7

SECTION 26-III-16. The former NC Neighborhood Commercial Zone

Cedar City’s neighborhood commercial (NC) zone has been repealed and is no longer available as a zone within Cedar City for future development. Cedar City will continue to use the provisions of this zone for the development of property that was zoned neighborhood commercial (NC) prior to the date of the neighborhood commercial (NC) zone’s repeal. The contents of the neighborhood commercial (NC) zone that existed immediately prior to its repeal is attached to the repealing ordinance (Cedar City Ordinance No. 0926-12-1) which is on file with the City Recorder.

SECTION 26-III-17. MU- Mixed Use Zone

(A) Objectives and Characteristics: The objective in establishing the MU Mixed Use Zone is to provide an environment within the City which is characterized by a variety of uses including residential, commercial, offices and to encourage a mixture of uses within the zone within single developments. Residential densities may vary from 2 to 24 units per acre. The MU Zone is characterized by wide, clean, well-lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well-maintained shops, stores, offices, theaters and cultural buildings, as well as single and multi-family residential dwellings are also characteristic of this zone. Representative of the uses in this zone are

specialty retail, lodging, all types of residential, professional offices, theaters, restaurants, and a wide variety of retail outlets.

(B) Permitted Uses: See Section 26-III-21.

(C) Lot Area Requirements:

1. For dwelling units, residential - same as R-2-2 Residential Zone (Dwelling Two-Unit) Development sites shall not be limited to 2 units.
2. For developments which have a minimum of 30 percent of the overall building footprint devoted to a commercial use which fronts the public right of way with residential units located behind the commercial use - same as the R3-M (Dwelling Multiple Unit).
3. No density restrictions for residential developments where the residential use is located above the ground floor, except access to the residential units, and said ground floor is devoted to 50% commercial uses.
4. For all other uses - same as CC Central Commercial Zone.

(D) Lot Width Requirements:

1. For dwelling units, residential - same as R-2-2 Residential Zone (Dwelling Two-Unit).
2. For developments which have a minimum of 30 percent of the overall building footprint devoted to a commercial use which fronts the public right of way with residential units located behind the commercial use - same as the R3-M (Dwelling Multiple Unit).
3. For residential developments where the residential use is located above the ground floor, except access to the residential units, and said ground floor is devoted to 50% commercial uses - same as the CC Central Commercial Zone.
4. For all other uses - same as CC Central Commercial Zone.

(E) Building Setback Requirements:

1. For, dwelling units, residential - same as R-2-2 Residential Zone (Dwelling Two-Unit).

2. For developments which have a minimum of 30 percent of the overall building footprint devoted to a commercial use which fronts the public right of way with residential units located behind the commercial use - same as the R3-M (Dwelling Multiple Unit).
3. For residential developments where the residential use is located above the ground floor, except access to the residential units, and said ground floor is devoted to 50% commercial uses - same as the CC Central Commercial Zone.
4. For all other uses - same as CC Central Commercial Zone.
5. In no case shall any setback be less than five (5) feet.

(F) Building Height Requirements: No building shall be erected to a height greater than thirty-five (35) feet, except as provided by the board of Adjustment. Exception: Mixed Use Developments where the residential use is located above the ground floor, except access to the residential use, and said ground floor is devoted to 50% commercial uses is 37 feet.

(G) Building Size Requirements:

1. For, dwelling units, residential - same as R-2-2 Residential Zone (Dwelling Two-Unit).
2. For developments which have a minimum of 30 percent of the overall building footprint devoted to a commercial use which fronts the public right of way with residential units located behind the commercial use - same as the R3-M (Dwelling Multiple Unit).
3. For residential developments where the residential use is located above the ground floor, except access to the residential units, and said ground floor is devoted to 50% commercial uses - same as the CC Central Commercial Zone.
4. For all other uses - same as CC Central Commercial Zone.

(H) Special Provisions:

1. For, dwelling units, residential - same as R-2-2 Residential Zone (Dwelling Two-Unit).
2. For developments which have a minimum of 30 percent of the overall building footprint devoted to a commercial use which fronts the public right of way with residential units located behind the commercial use - same as the R3-M (Dwelling Multiple Unit).

3. For residential developments where the residential use is located above the ground floor, except access to the residential units, and said ground floor is devoted to 50% commercial uses - same as the CC Central Commercial Zone.
- 4.. For all other uses - same as CC Central Commercial Zone.

(I) Supplementary Regulations:

1. For, dwelling units, residential - same as R-2-2 Residential Zone (Dwelling Two-Unit).
2. For developments which have a minimum of 30 percent of the overall building footprint devoted to a commercial use which fronts the public right of way with residential units located behind the commercial use - same as the R3-M (Dwelling Multiple Unit).
3. For residential developments where the residential use is located above the ground floor, except access to the residential units, and said ground floor is devoted to 50% commercial uses - same as the CC Central Commercial Zone.
4. For all other uses - same as CC Central Commercial Zone.

(J) Parking:

1. Parking for residential uses located within the Mixed-Use Zone shall meet the minimum provisions of the Cedar City Zoning Ordinance (26-V). Parking for the residential use shall not constitute parking for commercial uses and shall be so designated on the site plan.

(K) Design:

The following shall apply to commercial and mixed-use developments for the commercial component of any project.

1. For new construction buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may satisfy this requirement. Building entrances may include doors to individual shops or businesses, lobby entrances,

entrances to pedestrian oriented plazas, or courtyard entrances to a cluster of shops or businesses.

2. All commercial floor space provided at the ground level of a mixed-use building must have a minimum floor to ceiling height of 11 feet.
3. The minimum floor area for any commercial space shall be 800 square feet.

Amended by Cedar City Ordinance 0129-20-1 and 1118-20-1.

SECTION 26-III-18. I&M-1 Industrial and Manufacturing Zone.

(A) **Objectives and Characteristics:** The I&M-1 Zone has been established as a district in which the primary use of the land is manufacturing, fabricating, processing and warehousing establishments. This zone is characterized by flat, open land particularly suited for industrial uses because of the proximity to railroad tracks and streets and the availability of utilities necessary for successful industrial use. Representative of the uses within this zone are manufacturing and fabrication and processing, storage warehousing, and wholesale distribution and railroad trackage switch yards and terminal facilities. Uses which give rise to excessive noise, vibration, smoke, odor, dust, fumes, or danger of explosion have been excluded from this zone. Also subdivisions and dwellings on small lots along with other uses which tend to thwart or prevent the use of the land for its primary purposes have been excluded from this zone. In order to accomplish the objectives and purposes of this ordinance and to encourage the most appropriate use of the land within these zones, the following regulations shall apply in the I&M-1 Industrial and Manufacturing Zone:

(B) **Permitted Uses:** See Section 26-III- 21.

(C) **Lot Area Requirements:** No requirements, except that an area sufficient to accommodate setback, off-street parking, loading and unloading, and vehicular access shall be provided and maintained.

(D) **Lot Width Requirements:** No requirements.

(E) **Building Setback Requirements:**

(1) **Side Setback:** Any building adjacent to a street right-of-way shall be set back 15 feet therefrom. No other side setback shall be required for buildings having fire resistive walls in compliance with the Building Code, except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(2) Front Setback: The front setback shall be fifteen (15) feet from the front lot line.

(3) Rear Setback: No rear setback shall be required for buildings having fire resistant walls in compliance with the building code, except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(4) Non Fire Resistant Building Setbacks: For non-fire resistant buildings, regulations as contained in said Building Code shall apply, except all buildings and structures, including but not limited to gasoline pumps, shall be set back at least fifteen (15) feet from the street right-of-way line.

(F) Height Requirements: No requirements unless restricted by Section 26-126.

(G) Size of Buildings: No requirements.

(H) Special Provisions:

(1) All storage, except vehicles in running order, shall be enclosed within a building or within a site obscuring fence at least eight (8) feet in height.

(2) Adequate sanitary facilities shall be provided subject to standards required by the Board of Health.

(I) Supplementary Regulations: See Article IV, Supplementary Regulations to all zones.

Amended by City Ordinance 1113-19-7

SECTION 26-III-19. I&M-2, Industrial and Manufacturing Zone.

(A) Objectives and Characteristics: The I&M-2 zone has been established to provide areas in the community where heavy industrial, manufacturing, and extractive uses may be located in an environment which protects them from the encroachment of commercial and residential uses, and which reduces the effect of undesirable characteristics such as odor, dust, and noise upon surrounding residential, commercial or light industrial areas. The I&M-2 zone should be located in areas which are readily accessible to railroads and major highway routes. Said zone shall also be located in areas which will insure the purity of air and waters within Cedar City and will not create hazards to nearby residential, commercial or light industrial areas as the result of noise, dust, fumes, or other disturbances. The I&M-2 zone will be characterized by the location of open and enclosed manufacturing, processing, extractive, and assembly uses which may potentially create hazards, nuisances, or disturbances. These uses will be located in areas which reduce the effects of these characteristics upon other areas of the community, and in an environment which is attractive but which recognizes the characteristics of the permitted

uses. Some peripheral landscaping will be provided, where appropriate, to reduce the effects of the detrimental characteristics of permitted uses, and to enhance the appearance of the entire I&M-2 zone.

- (B) **Permitted Uses**: See Section 22-III-21.
- (C) **Lot Area Requirements**: Same as I&M-1 requirements.
- (D) **Lot Width Requirements**: Same as I&M-1 requirements.
- (E) **Building Setback Requirements**: Same as I&M-1 requirements.
- (F) **Building Height Requirements**: No requirements.
- (G) **Building Size Requirements**: No requirements.
- (H) **Special Provisions**: Same as I&M-1 requirements.
- (I) **Supplementary Regulations**: See Article IV, Supplementary Regulations to all zones.

SECTION 26-III-20. AT - Annexed Transition Zone

(A) **Objectives and Characteristics**: The AT (Annexed Transition) zone is intended as a holding zone for newly annexed areas where the future land use is not determined at the time of annexation. It is further intended to retain and protect properties for future development which are undeveloped or underdeveloped and do not have adequate facilities developed, such as sanitary sewer, water, drainage, and streets. The zone allows for the continuation of legally established (pre-existing non-conforming) uses and the establishment of uses compatible with the General Plan designation and zone criteria. The zone is appropriate in areas designated in the City General Plan for future residential development (RPA-4, RPA-6), or to protect lands intended for future commercial, industrial or public uses.

(B) **Permitted Uses**: The following uses, when developed under the applicable development standards in this zoning ordinance, are permitted in the AT zone:

- 1) Lawful uses existing on a property at the time of the effective date of this zone.
- 2) Housing and storage (including corrals, pens, coops, etc.) for animals and for crop products produced on the premises, to the extent existing at the time of annexation.
- 3) The management or harvesting of agricultural products, including field crops, trees, vegetables, fruits, flowers and nursery stock.

- 4) Animal grazing, limited to horses, cattle, sheep, and goats and including their supplementary feeding, providing such grazing is not a part of, nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the premises.
- 5) Single-family dwellings on tracts of land which contain five acres or more. No more than one such dwelling shall be permitted on one lot regardless of the size of the lot.
- 6) Equestrian establishments, provided that in no case shall permanent maintenance or stabling of horses, storage of feed, riding arenas, or storage or maintenance of equipment be permitted within three hundred feet of the boundary of any Residential zone.

Amended by ordinance number 0827-08-2 and 0708-20-6.

(C) Lot Area Requirements: Property in this zone shall remain the same size or lot area as it existed at the time of annexation. There is no minimum or maximum lot size for this zone. Pre-existing legally created lots of record that exist at the time of annexation will be recognized by the City for purposes of sale. Subdivision of property is not permitted in this zone. The property must first be re-zoned prior to further subdivision.

(D) Lot Width Requirements: Same as Lot Area Requirements above.

(E) Building Setback Requirements:

(1) Side Setbacks: Same as R-1 Residential Zone for dwellings and other main buildings.

(2) Front Setbacks: Same as in R-1 Residential Zone.

(3) Rear Setbacks: Same as in R-1 Residential Zone.

(F) Building Height Requirements: Same as in R-1 Residential Zone.

(G) Building Size Requirements: Same as in R-1 Residential Zone.

(H) Special Provisions: Same as in the R-1 Residential Zone.

(I) Supplemental Regulations: See Article IV, Supplementary Regulations to all Zones.

SECTION 26-III-21. Permitted and Conditional Uses.

The following list itemizes the various uses permitted in each type of commercial and industrial zone. Uses designated as "P" are permitted in that zone and those designated "N" are not allowed in the zone. Refer to the Special Provisions and Supplementary Regulations section of each zone for use with an Asterisk (*). Zones included here are: Mixed Use (MU); Central Commercial (CC); Downtown Commercial (DC); Highway Service (HS); Industrial & Manufacturing-1 (I&M-1); and Industrial & Manufacturing-2 (I&M-2).

	MU	CC	DC	HS	I&M-1	I&M-2
Agricultural products or supplies (except large machinery)	N	P	N	P	P	P
Air conditioning sales & service	N	P	N	P	P	N
Airports	N	N	N	N	P	N
	MU	CC	DC	HS	I&M-1	I&M-2
Amusement enterprises (outdoor)	P	P	N	P	P	N
Amusement enterprises (indoor)	N	P	P	P	P	N
Animal hospitals	N	P	N	N	P	N
Animals, under 20 head	N	N	N	N	P ¹	P
Antique, import or souvenir shops	P	P	P	P	P	N
Apartment houses	P*	P*	P	P*	N	N
Apparel altering & repairing	P	P	P	P	N	N
Appliance and/or electronic instruments assembly	N	N	N	N	P	P
Appliance stores	P	P	P	P	P	N
Arts and crafts shops	P	P	P	P	N	N
Asphalt mixing plants	N	N	N	N	C	P
Assembly of appliances (from previously prepared parts)	N	P	N	P	P	N

¹The provision allowing under 20 head of animals in the I&M-1 zone also contains an additional allowance for offspring. The offspring shall be allowed to remain on the property and not count against the 20 head. This allowance shall last for a reasonable time until the offspring are weaned, depending upon the breed of animal.

Athletic & sporting goods store, (excluding sales & service of motor vehicles or motor boats)	P	P	P	P	P	N
Auction houses (except animals)	P	P	N	P	P	N
Auction houses (including animals)	N	N	N	N	P	N
Automobile parts sales (new parts only)	P	P	N	P	P	P
Automobile rental (<10,000 GVW) (See "Truck rental" for vehicles over 10,000 GVW)	N	P	N	P	P	N
Automobile sales (used and new)	P	P	P	P	P	N
	MU	CC	DC	HS	I&M -1	I&M- 2
Automobile service station	N	P	N	P	P	P
Automobile wrecking yards	N	N	N	N	N	P
Bakeries, on-site retail only	P	P	P	P	P	N
Bakeries, wholesale	N	P	N	P	P	N
Banks and other financial institutions	P	P	P	P	P	N
Barber shops, beauty parlors	P	P	P	P	P	N
Barns, stables, corrals	N	N	N	N	N	P
Bed and breakfast	P*	P	P	P	N	N
Beer parlors (on site consumption)	N	P	N	P	N	N
Bicycle sales and repair shops	P	P	P	P	N	N
Boat sales and service (No manufacturing)	N	P	N	P	P	N
Boat storage	N	N	N	N	P	P
Book and stationary stores	P	P	P	P	N	N
Bowling alley	P	P	P	P	N	N
Breweries/Winery < 3000 S.F. production area	P	P	N	P	P	N
Breweries/Winery >3000 S.F. production area	N	N	N	N	P	P

Broadcasting studios	P	P	N	P	P	N
Building materials sales yards and storage bldgs. (Materials are customarily stored outside the main building on a year-around basis)	N	N	N	N	P	P
Building supply stores (Materials are stored primarily inside the main building, including permanently attached, covered and fenced enclosures, with some seasonal sales items temporarily kept outside)	N	P	N	P	P	N
	MU	CC	DC	HS	I&M-1	I&M-2
Bus terminal	N	P	N	P	P	N
Business Park/research Campus	C	C	C	C	C	C
Cabinet and woodwork shop	N	P	N	P	P	P
Camera store	P	P	P	P	N	N
Candy store, confectionery	P	P	P	P	N	N
Cannabis Pharmacy	P	P	P	P	P	N
Cannabis Pharmacy located on the same parcel as a Cannabis Production Establishment	N	N	N	N	N	P ²
Cannabis Production Establishment	N	N	N	N	N	P
Caretaker's dwelling	N	N	N	N	P	P
Carwash	P	P	P	P	P	N
Catering service (food)	P	P	P	P	P	N
Church	P	P	P	P	P	P
Clinics, medical and dental	P	P	P	P	N	N
Clothing and accessory store	P	P	P	P	N	N
Clubs and fraternal societies	P	P	P	P	P	N
Coal yards	N	N	N	N	N	P
Cold storage plants	N	N	N	N	P	P

Concrete mixing and batching plants	N	N	N	N	C	P
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²This use is permitted in contemplation of mail-order pharmacies and pharmacies built in close proximity to drug manufacturing and production facilities. The I&M-2 zone exists to protect businesses that are especially vulnerable to nuisance claims, and any cannabis pharmacy or drug store operation in this zone is on notice that business activities prone to order, dust, and noise are appropriately located in the I&M-2 zone.

	MU	CC	DC	HS	I&M-1	I&M-2
Construction equipment rental (heavy equipment)	N	N	N	N	P	P
Convenience store, <2,400 sq ft, w/fuel islands	P	P	P	P	P	P
Convenience store/travel center, <5,000 sq ft, w/fuel islands	N	P	N	P	P	P
Correctional /intensive treatment facility	N	N	N	N	C	N
Craft & hobby store	P	P	P	P	N	N
Dance hall/studio	P	P	P	N	P	N
Day care center	P	P	N	N	P	N
Department/variety store > 2400 S.F.	N	P	P	P	P	N
Department/variety store< 2400 S.F.	P	P	P	P	P	P
Drive-ins-fast food	P	P	P	P	P	N
Drug store	P	P	P	P	P	N
Dry cleaning and laundry	P	P	P	N	P	P
Dwelling units	P*	P*	P	N*	N	N
Electrical, heating, air conditioning and plumbing sales & service	N	P	N	P	P	P
Electrical sign shop	N	P	N	N	P	P

Electronic equip, sales & service (≤2400 sf)	P	P	N	P	P	P
Electronic equip, sales & service (>2400 sf)	N	P	N	P	P	P
Employment agency	P	P	P	N	P	N
Engraving, printing	P	P	P	P	P	N
Farm buildings, fowl	N	N	N	N	N	P
Farm equipment sales, rental & service	N	P	N	N	P	P
	MU	CC	DC	HS	I&M -1	I&M- 2
Feed processing	N	N	N	N	P	P
Feed processing, cereal and flour mill	N	N	N	N	P	P
Fertilizer and soil conditioner manufacturing, processing and sales	N	N	N	N	N	P
Fire/police/sheriff stations	P	P	P	P	P	P
Fix-it shops (small appliance/equipment repair)	P	P	P	P	P	N
Floral shop	P	P	P	P	P	N
Food processing wholesale (with no noise or odor nuisance)	N	N	N	N	P	P
Food processing wholesale (with noise or odor nuisance)	N	N	N	N	N	P
Fuel, gas and oil storage (when approved by the fire chief)	N	N	N	N	P	P
Fur farms	N	N	N	N	N	P
Furniture stores, retail	P	P	P	P	P	N
Garden supply & plant material sales	P	P	P	P	P	N
Gift shops	P	P	P	P	P	N
Grain storage elevators (over 5000 bu.)	N	N	N	N	N	P

Grain storage elevators (under 5000 bu.)	N	N	N	N	P	P
Gravel and sand pits	N	N	N	N	C	P
Grocery stores, less than 2400 sq. ft.	P	P	P	P	P	N
Grocery stores, more than 2400 sq. ft.	N	P	P	P	P	N
Hardware stores	P	P	P	P	P	N
Health clubs	P	P	P	P	P	N
Health food store	P	P	P	P	P	N
Heliport	N	C	N	C	P	C
	MU	CC	DC	HS	I&M-1	I&M-2
Home furnishings	P	P	P	P	P	N
Hometel	P	P	P	P	P	N
Hospital	N	P	N	P	N	N
Hotel & motel	P	P	P	P	P	N
House wrecking yards	N	N	N	N	N	P
Ice manufacturing and storage (wholesale)	N	N	N	N	P	P
Ice cream parlor	P	P	P	P	P	N
Indoor Shooting range	N	P	N	N	P	P
Interior decorating & design (retail)	P	P	P	P	P	N
Janitor service & supply	P	P	P	P	P	N
Jewelry stores sales & service	P	P	P	P	N	N
Junk yards and scrap storage (when property is fenced with at least six foot (6') site obscuring fence	N	N	N	N	N	P
Karate studio	P	P	P	P	P	N
Kennels	N	P	N	N	P	P
Knitting mills	N	N	N	N	P	P

Laboratory	N	P	N	P	P	P
Laboratory, dental/medical	P	P	P	P	P	N
Library	P	P	P	P	P	N
Liquor store	P	P	P	P	P	N
Locksmith	P	P	P	P	P	P
Lumber yards	N	P	N	P	P	P
Machine shop (general)	N	N	N	N	P	P
Manufacturing, heavy	N	N	N	N	N	P
Manufactured home sales	N	P	N	P	P	N
Manufacturing, light	N	N	N	N	P	P
	MU	CC	DC	HS	I&M -1	I&M- 2
Manufacturing, clean	N	N	N	N	P	N
Mill working	N	N	N	N	P	P
Mobile home park	N	N	N	N	P	N
Mortuary/funeral home	P	P	N	P	P	N
Moving & storage company	N	P	N	N	P	N
Museum	P	P	P	P	P	N
Music store	P	P	P	P	P	N
Nurseries & greenhouses (plants)	N	P	N	P	P	P
Nursing homes	N*	P*	N	N*	N	N
Office supply & machines, sales, & services	P	P	P	P	P	N
Oil and petroleum refining	N	N	N	N	N	P
Open-air Businesses	P	P	P	P	P	P
Outdoor trap shooting ranges	N	N	N	N	C	C
Paint & wallpaper store	P	P	P	P	P	N
Park & playgrounds	P	P	P	P	P	P
Parking lots	P	P	P	P	P	P

Pawn shops	P	P	P	P	N	N
Pest control & extermination	N	P	N	N	P	P
Pet & pet supply store	P	P	P	N	P	N
Photographic studios/film processing	P	P	P	N	P	N
Plumbing shops	N	P	N	N	P	N
Power plant	N	N	N	N	N	P
Professional, business, & admin. Offices	P	P	P	N	P	P

	MU	CC	DC	HS	I&M-1	I&M-2
Professional, business, & admin. offices (not to exceed a maximum of 2000 sq. ft.on the ground floor and having no more than 2 stories above grade.)	P	P	P	P	P	P
Railroad spurs and dock facilities	N	N	N	N	P	P
Recreational vehicle sales, service & rental (Small - Vehicles customarily hauled to recreational sites such as snowmobiles, ATV's, etc.)	N	P	P	P	P	N
Recreational vehicle sales, service & rental (Large - Vehicles customarily towed or driven such as campers, trailers, motor homes, etc.)	N	N	N	N	P	N
Recycling	N	N	N	N	N	P
Recycling Center, Indoor	N	N	N	N	P	P
Residential	P*	P*	P	N*	N	N
Residential facility for persons with a disability (see Article XVI)	P*	P*	P	N*	N	N
Restaurant	P	P	P	P	P	N
Rest homes	P*	P*	N	N*	N	N

RV Park	N	P	N	P	P	N
Salvage yards	N	N	N	N	N	P
Sawmills	N	N	N	N	N	P
Schools	P	P	P	P	P	N
Service stations	N	P	N	P	P	P
Sewage service	N	N	N	N	N	P
Sexually oriented businesses	N	N	N	N	N	P
Shoe sales and repair shops	P	P	P	P	P	N
Sign painting	N	P	N	P	P	P
Sporting goods stores	P	P	P	P	P	N
Storage rental (more than 1.5 acre)	N	N	N	N	P	P
	MU	CC	DC	HS	I&M -1	I&M -2
Storage rental (not more than 1.5 acres including: buildings, outdoor storage, and associated parking and driveways-with seven-foot masonry perimeter fence and no access or frontage on Main Street)	N	P	N	N	P	P
Swap meets	N	P	N	P	P	N
Tanning, curing, storage of hides	N	N	N	N	N	P
Tattoo parlor and body piercing	P	P	P	P	P	P
Theaters, indoor & outdoor	P	P	P	P	P	N
Tire retreading and/or vulcanizing (associated with sales)	N	N	N	N	P	P
Tire sales & service	N	P	N	P	P	P
Toy store	P	P	P	P	P	N
Trade and vocational schools	N	P	N	P	P	P
Truck terminal	N	P	N	P	P	P
Upholstery shops	P	P	N	P	P	N

Warehouses (with a principal activity of a storage warehouse, excluding heating and chlorine gas and explosives)	N	N	N	N	P	P
Welding shop	N	N	N	N	P	P
Wholesale outlets	N	P	N	P	P	N

Amended by Cedar City Ordinance Number – 0708-09, 0826-09, 0811-10, 1110-10, 0926-12-1, 0311-15, 0113-16-2, 0129-20-1 and 0902-20.

SECTION 26-III-22 SUU HOUSING DISTRICT ZONE (SHD)

(A) **Objectives and Characteristics:** The SHD Zone is established as a district in which the primary use of the land is for housing for Southern Utah University (SUU) purposes. The area covered by this zone is intended to be the primary housing area for SUU. For this reason, the zone can be located around the SUU campus in the SUU Student Housing Area of the City’s general land use plan. The area is intended to provide housing for SUU students and to provide for limited commercial uses complementary to student life. The SHD Zone is characterized by wide, clean, well-lighted streets, with landscaped street frontages and ample pedestrian and bicycle ways. Buildings on the lots shall be separated from structures on neighboring lots as required by currently adopted Building and Fire Codes.

(B) **Permitted Uses:** The following uses shall be permitted in the SHD Zone: (1) Any use permitted in the R-1, R-2-2 and R-3-M Zones. (2) Boarding and rooming houses. Chapter 26 - Article III- Page 10 (3) Private Schools. (4) Non-profit Community Service Clubs, except those whose activity of which is customarily carried on as a business. (5) Planned Unit Developments approved per this ordinance. (6) Residential facility for persons with a disability, not to exceed twelve (12) residents (see Article XVI). (7) Raising and keeping chickens for non-commercial purposes; and (8) limited commercial subject to the restrictions of this section; and subject to Article IV - Supplementary Regulations.

(C) **Lot Area Requirements:** There shall be no minimum lot area requirements for this Zone.

(D) **Lot Width Requirements:** there shall be no minimum lot width requirements for this Zone.

(E) **Building Setback Requirements:**

(1) Side Setback: shall be in compliance with currently adopted building and fire code as adopted at the time of the land use application.

(2) Front Setback: shall be a minimum of 15' from the street right-of-way line including corner street sides and in compliance with currently adopted building and fire code as adopted at the time of the land use application.

(3) Rear Setback: shall be in compliance with currently adopted building and fire code as adopted at the time of the land use application.

(F) **Building Height Requirements:** The maximum height of any building shall be fifty (50) feet in compliance with currently adopted building and fire codes.

(G) **Building Size Requirements:** In compliance with currently adopted building and fire codes.

(H) **Dwelling Unit Density Requirement:** No requirements.

(I) **Parking Requirements:** Required parking in the SHD Zone is 0.75 parking stalls per occupant.

(J) **Special Provisions:**

- 1) All off-street parking space shall be hard surfaced.
- 2) Landscaping – see Article VII, Landscaping.
- 3) See Article IV, Supplementary Regulations to all zones.
- 4) Compliance with City Subdivision Ordinance and City adopted Building and Fire Codes.
- 5) In addition to the International Fire Code, these Fire Department provisions are required for Group R occupancies:
 - a) Any required Fire Department Connection (FDC) will be located in the front or side setback of the building as directed by the Fire Chief.
 - b) Full automatic sprinkler system designed and installed per the current International Fire Code.
 - c) Full Commercial Fire Alarm System designed and installed per the current International Fire Code shall be installed in Group R occupancies where any of the following conditions apply:
 - i. any bedroom is located in a three or more story building,
 - ii. any bedroom is located in a basement, or
 - iii. the building contains 16 or more bedrooms.
 - d) Section 26-III-22(J)(5)(b) and (c) shall not be required for single family dwellings, duplexes and legally subdivided townhomes.

(K) **Design Criteria:** Buildings within the SHD zone are encouraged to present a street side elevation that is visually and physically penetrable, incorporating architectural elements that provide visual interest and relief from flat surfaces such as the textured materials, offset planes,

differentiated piers and columns, varied roof lines, and other projections. The following are required standards applicable to projects within the SHD zone:

(1) Landscaping:

- a. Simple landscape plan required. All setbacks adjacent to the street shall be improved with landscaping and shall not include more than 50 percent rock and or gravel materials. Street trees shall be planted on private property along all street frontages at a minimum of 1 tree for every 30 linear feet. All trees shall be maintained by the property owner.
- b. Tree plantings are not required to be of equal spacing and shall not preclude fire access.
- c. Minimum 24-inch box trees required.
- d. Due to soils conditions within the area the amount of landscaping may be reduced to prevent soil saturation and potential structural damage. Reductions shall be based on a soils report provided by the developer.

(2) Parking:

- a. Building shall be oriented towards the public street with no onsite parking or drive aisles within any setback adjacent to a street.
- b. Parking lots located behind a building and abutting the front yard of a through lot, or visible from a corner shall be screened with low level walls, berms, or hedges and trees. No such implements shall impede any required sight distances.

(3) Screening:

- a. Mechanical equipment including air compressors, backflow prevention, irrigation, control boxes, and similar equipment located at grade or on a rooftop shall be shielded from view by permeant materials compatible with the exterior colors and materials of the building.
 - i. Conduits mounted on the exterior of a building shall be finished to match the building.
- b. Each Development shall provide facilities for the storage and collection of refuse as follows:
 - i. Unless enclosed in a building, all waste materials shall be located within an enclosure encompassing 6-foot masonry walls finished to match the building.
 - ii. Enclosures shall not be allowed in any yard which abuts a public street, between the primary building and any adjacent street frontage, and shall be located a minimum of five feet from adjacent residential properties.
 - iii. Enclosures which are visible from a public street shall have the access openings oriented away from the street frontage.

(4) Architecture:

- a. All buildings shall incorporate at least two primary building materials as part of the exterior façade. Mirrored glazing as a primary building material shall be prohibited.

- b. Lighting shall be shielded to prevent glare.
- c. Buildings shall incorporate a minimum of three colors.
- d. A minimum of one primary entrance shall be located at the ground floor. Exterior entrances shall be permitted at upper floors; however no exterior access corridor above the first floor shall be permitted adjacent to any street frontage.
- e. Every part of a required yard shall be open to the sky and unobstructed except for architectural projections of sills, eaves, belt courses, cornices, columns and other ornamental features. All projections shall maintain a minimum of 12 feet from any street property except for porches which shall maintain a minimum of 10 feet to street property line. Projections shall not be placed within any public utility easement nor be utilized to increase the square footage of any building.

(5) Architectural Guidelines: The following guidelines are encouraged to promote visual interest and architectural quality of buildings within the zone:

- a. A building should not have a total measurement greater than 100 linear feet along any wall, roof, or footprint. Building wall offsets, including projections, and recesses are encouraged along any building wall facing a street. The total measurement of such offsets should equal a minimum of 20 percent of the building wall length. The minimum depth of any recess or projection should be 1 foot with a maximum spacing between such offsets at 30 feet.
- b. Rooflines should be vertically articulated at least every thirty feet along the street frontage with the use of architectural elements such as parapets, varying cornices, reveals and varying roof form. Flat roofs with a horizontal fascia are discouraged unless there is a change in the roofline at least every 30 feet with a minimum vertical change in the roofline of three feet. Any building with a flat roof should incorporate at least one change in plane.
- c. Primary building entrances and paths of travel should be visible from the primary street frontage and shall provide direct pedestrian access from a city sidewalk. If a site fronts on two streets, the primary street frontage should be determined by aligning the entrance with the predominant front yard pattern of the adjacent residential streets.
- d. Exterior entrances serving multiple units should have a roofed projection or recess with a minimum depth of five feet with a length that is a minimum of one foot beyond each side of the entrance doors. Exterior entrances serving a single unit should have a recess or roofed projection at a minimum of three (3) feet in depth and a length that is a minimum of one foot beyond each side of the entrance door.
- e. Blank walls (facades without doors or windows) are encouraged to be less than 30 feet along any street frontage.

(L) Commercial Uses: The use of commercial spaces in the SHD zone can enhance student and resident life by providing needed services and employment opportunities within a walkable distance of campus. These commercial spaces are intended to be incidental to the residential nature of the zone.

- 1) Commercial Uses are permitted as part of any building in the SHD zone so long as:

- a. the commercial space is located on and faces one of the following streets in the zone:
 - i. 200 S between 300 W and 800 W;
 - ii. Center Street between 300 W and 800 W;
 - iii. 300 W between Harding Avenue and 200 S; and
 - iv. 800 W between 200 N and 200 S, excluding the westside of 800 W from Harding Avenue to 200 N;
 - b. the commercial space does not occupy more than twenty-five percent of the total indoor space of the building; and
 - c. the commercial space public signage must:
 - i. face one of aforementioned streets;
 - ii. qualify as a "wall sign" or "awning sign" under the Cedar City Sign Ordinance; and
 - iii. comply with the design restrictions of the Historic Downtown Area under the Cedar City Sign Ordinance.
- 2) Non-residential parking spaces shall be based on Section 26-V et seq. of this ordinance.
- 3) There shall be no minimum setback for buildings fronting streets identified in Section 26-III-22(L)(1)(a) for those lot lines abutting the aforementioned streets so long as the ground floor thereof is at least fifty percent utilized for commercial purposes. All other setbacks shall apply. Any doors opening into a public sidewalk must be recessed into the building in such a way that there is no impedance to ADA access and fire access per Appendix D of the fire code.
- 4) Commercial uses shall be setback 10 feet from the property line of any Single-Family Residence.
- 5) Permitted uses for buildings fronting streets identified in Section 26-III-22(L)(1)(a) shall not include a drive-in or drive-through or gasoline service station, and shall be limited to the permitted uses of this zone as identified in Section 26-III-22(B) and the following uses:
- a. Antique, import, or souvenir shops
 - b. Apparel altering & repairing
 - c. Arts and crafts shops
 - d. Athletic & sporting goods store, (excluding sales & service of motor vehicles or motorboats)
 - e. Bakeries, on-site retail only
 - f. Banks and other financial institutions
 - g. Barber shops, beauty parlors
 - h. Bicycle sales and repair shops
 - i. Book and stationary stores
 - j. Camera store
 - k. Candy store, confectionery
 - l. Clothing and accessory store
 - m. Craft & hobby store

- n. Drug store
- o. Electronic equip, sales & service (<2400 sf)
- p. Floral shop
- q. Gift shops
- r. Grocery stores, less than 2400 sq. ft.
- s. Health food store
- t. Ice cream parlor
- u. Jewelry stores sales & service
- v. Music store
- w. Office supply & machines, sales, & services
- x. Restaurant
- y. Shoe sales and repair shops
- z. Amusement enterprises (indoor)
- aa. Clinics, medical and dental - excluding plasma donation centers
- bb. Dry cleaning and laundry

M) 200 N Projects: Buildings and projects which border 200 N shall meet the criteria of this section except as follows:

- 1) Mixed Use Buildings and the grounds thereof shall meet the criteria of this section with exception of Sections 26-III-22(E), 26-III-22(K) and Section 26-III-22(L) but must meet the setbacks requirements of the HS (Highway Services) Zone. There shall be no minimum setback along those lot lines abutting a public right-of-way or street for commercial buildings or structures which incorporate commercial space on the ground floor and residential space above the ground floor. Any doors or openings into the public right-of-way must be recessed in such a way that there is no impedance to ADA access and fire access per Appendix D of the fire code.
- 2) Commercial uses shall be permitted as allowed within the HS (highway Services) or the CC (Central Commercial) zones of this ordinance with exception of gasoline pumps and service stations shall not be permitted as part of a mixed-use project; and
- 3) Landscape requirements shall be in compliance with Section 26-VI et seq of this ordinance.
- 4) Residential parking spaces shall be in accordance with the SHD zone and non-residential parking spaces shall be based on Section 26-V et seq. of this ordinance.
- 5) Signs shall be subject to the provisions of the Cedar City Sign Ordinance.

SECTION 26-III-23. RN Residential Neighborhood Zone.

A) **Objectives and Characteristics of Zone:** The objective in establishing the RN Residential Neighborhood Zone is to encourage the creation and maintenance of new subdivisions within the City which allow for smaller, more narrow building lots for owner-occupants. The standards of this zone are suitable for medium-density and high-density residential areas,

through the use of varied standards for new subdivisions which border low-density residential subdivisions. The RN Residential Neighborhood Zone is characterized by single-family, detached dwellings which are distanced from other dwellings based upon their proximity to existing subdivisions of low-density zones and upon building height. Representative uses of this zone are one-family dwellings, parks, playgrounds, schools, churches, and other community facilities designed in harmony with the characteristics of the zone. An essential element of this zone is its use of mandatory covenants which place limits on non-owner-occupied uses to prioritize sustainability, affordability, and permanency. In order to accomplish the objectives and purposes of this ordinance, and to promote the characteristics of this zone, the following precise regulations shall apply in the RN Residential Neighborhood Zone.

B) Permitted Uses: The following uses shall be permitted in the RN Residential Neighborhood Zone:

- 1) One-family dwellings and the following accessory buildings and structures; private garage and/or carport for the storage of automobiles owned by persons residing on the premises, greenhouse for private use only, private swimming pools, pergolas, arbors;
- 2) Bulletin boards not exceeding eight (8) square feet in area pertaining to the lease or sale of property; also name plates in connection with dwellings not exceeding one and one half (1 1/2) square feet in area and constructed and maintained in harmony with the residential character of the zone.
- 3) Fences, walls, and hedges. (See 26-IV-4);
- 4) Public schools, public libraries, public recreation buildings and similar public buildings and grounds, churches, but not including temporary revival tents or buildings. Public utility buildings and structures, providing that no storage yard shall be maintained on the premises;
- 5) A temporary building or yard storage of construction materials and equipment incidental and necessary to construction of a house development, utilities, or other community facilities, provided such temporary building or yard is located on the same tract of land on which the houses, utilities or other community facilities are constructed. A permit therefor shall be issued only to the contractor or builder and shall be valid for not more than two (2) years, at the expiration of which time the said building or yard shall be removed from the premises and said use discontinued;
- 6) A temporary office building used as an office in connection with the sale of property within a subdivision under construction provided that the temporary office is located on the same part of land as the subdivision. A permit therefor shall be valid for no more than two (2) years, at the expiration of which time said use shall be discontinued;
- 7) Customary household pets, including, but not limited to dogs, cats, and canaries, but not including the breeding of dogs and cats for sale;
- 8) Home occupations when approved by the Board of Adjustment;
- 9) Residential facility for persons with a disability, not to exceed four (4) residents (see Article XVI);
- 10) Public and private parks, playgrounds, green ways, trails, and open space;
- 11) Public and private golf courses; and
- 12) Public and private recreation centers.

- 13) Raising and keeping chickens for non-commercial purposes and subject to Article IV - Supplementary Regulations
- 14) Planned Unit Developments (PUD's) approved per this ordinance so long as Cedar City has determined that city-standard residential subdivision infrastructure is unsuitable for the subdivision due to soils conditions. For such uses, all provisions relating to setbacks and lot sizes are as required in this Zone and not as permitted in the PUD ordinance.

C) **Conditional Uses:** There are no conditional uses for this zone.

D) **Lot Area Requirements:** Except as permitted in the Special Provisions of this zone, lots within this zone may be subdivided as follows:

- 1) **Lot Area Medium Density:** In areas of this zone which are designated as Medium Density Residential in the City General Land Use Plan, an area of not less than four thousand (4,500) square feet shall be provided and maintained for each dwelling and uses accessory thereto. For any area of a subdivision within this zone within 300 feet of an existing subdivision boundary which is zoned under the RE Residential Estate Zone, R-1 Residential Zone, or R-2 Residential Zone (Dwelling, Single Unit) an area of not less than 7,000 square feet shall be maintained.
- 2) **Lot Area High Density:** In areas of this zone which are designated as High Density Residential in the City General Land Use Plan, an area of not less than three thousand (3,500) square feet shall be provided and maintained for each dwelling and uses accessory thereto. For any area of a subdivision within this zone within 300 feet of an existing subdivision boundary which is zoned under the RE Residential Estate Zone, R-1 Residential Zone, or R-2 Residential Zone (Dwelling, Single Unit) an area of not less than 7,000 square feet shall be maintained.

E) **Lot Width Requirements:** This zone shall not require any minimum lot width. However, garage and carport openings shall not comprise more than one-half of the width of any dwelling. Landscaping, parking, setbacks, and covenants required in this zone and under this ordinance may impact lot width and still apply.

F) **Building Setback Requirements:**

- 1) **Setbacks at subdivision boundaries:** Notwithstanding all other side, front, and rear minimum setbacks, those parts of new subdivisions in this zone which are located within 300 feet of an existing residential subdivision which is zoned under the RE Residential Estate Zone, R-1 Residential Zone, or R-2 Residential Zone (Dwelling, Single Unit) shall use the side, front, and rear minimum setbacks of the R-2 Residential Zone (Dwelling, Single Unit),
- 2) **Side Setback:** A minimum side yard of any building shall be six (6) feet for structures not exceeding one floor above grade. For structures exceeding one floor above grade, the minimum side yard for any building shall be eight (8) feet and the total width of the two required side yards shall be not less than twenty (20) feet. The minimum side yard for a private garage shall be eight (8) feet, except that private garages and other accessory

buildings, located at least six (6) feet in the rear of the main building may have a minimum side yard of one (1) foot, provided that no private garage or other accessory building shall be located closer than twelve (12) feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street, shall be not less than twenty (20) feet for main buildings and not less than twenty (20) feet for accessory buildings. A carport may be built within one (1) foot of the property line, except on the street side of corner lots. However, all walls must comply with side yard regulations for buildings. Mechanical equipment including air compressors, control boxes, and similar equipment shall not be located in the required side setback.

- 3) **Front Setback:** The minimum depth of the front yard for any main building shall be ten (10) feet from the required Public Utility Easement. The minimum depth of the front yard for projections, porches, or other permitted structures shall be five (5) feet from the required Public Utility Easement. The minimum depth of the front yard for required driveway access to a garage, carport, or parking pad shall be twenty-five (25) feet. Other private garages and all accessory buildings other than private garages shall be located at least six (6) feet in the rear of the main building. No structure, fence, or barrier, shall be constructed in a front yard where said structure, fence or barrier would be perpendicular to the street which the front yard faces, so as to divide the front yard into two different yards. If private alleys in the rear of the lot are governed by covenants, provide access to a carport, garage, or parking pad as required for each lot, and are otherwise compliant with this ordinance and with fire and building code, then no front yard driveway is required.
- 4) **Rear Setback:** The minimum rear yard for any main building shall be fifteen (15) feet for structures not exceeding one floor above grade, and twenty (20) feet for structures exceeding one floor above grade; however, minimum rear yard for main buildings on corner lots may be reduced to eight (8) feet. For accessory buildings the minimum rear yard shall be one (1) foot, provided that on corner lots, accessory buildings shall be set back from the rear lot line a distance of at least eight (8) feet.

G) Building Height Requirements: The maximum height of any building shall be two (2) stories, not to exceed twenty (20) feet.

H) Building Size Requirements: There is no minimum dwelling size requirement in this zone subject to the building code.

I) Special Provisions:

- 1) **Definition of Existing Subdivision:** For purposes of this Zone, “existing subdivision” and “existing residential subdivision” is any subdivision which has obtained final plat approval before the submission of the applicant’s vicinity plan under the requirements of this zone. For adjacent subdivisions which obtained final plat approval after the submission of the applicant’s vicinity plan under the requirements of this zone, the applicant’s plan, plat approval, and any subsequent building and use permits in conformity of the applicant’s final plat shall be evaluated as if the new adjacent

subdivision does not exist. However, any subsequent revisions of the final plat established as part of this zone shall be evaluated based on the existence of the new adjacent subdivision.

- 2) Required Covenants: All subdivisions in this zone must have Covenants, Conditions, and Restrictions which must include the provisions specified below, which specified provisions may not be subject to change except by a change in this ordinance. Provisions not required or specified in this section may be amended as permitted by the Covenants, Conditions, and Restrictions and by applicable law. Such required provisions shall include:
 - a) A statement limiting non-owner-occupied rental uses, whether short-term rentals or long-term rentals, to thirty-percent (30%) or fewer units in the subdivision. In addition to any exceptions required by state law, this statement may allow rental exceptions on an individual basis for up to two (2) years to account for sickness, military leave, and other factors, which exemptions must be counted toward the rental limit; and
 - b) A statement of maintenance responsibilities and estimated maintenance budget for all private common areas.
- 3) Open Space: All subdivisions in this zone must comply with the following requirements regarding Open Space:
 - a) Open Space Defined: Common Useable Open Space shall be defined as planned common outdoor improved landscaped areas suitable for relaxation and recreation. Open space areas shall include one improved amenity per required 2 acres of open space, to include but not be limited to patios, gazebos, picnic pavilions, pools, and other amenities suitable for appropriate public or private gatherings. Open space does not include roads, driveways, parking areas or linear sidewalk adjacent to vehicular access roads.
 - (1) Common open space shall be provided at a minimum of 250 square feet per residential unit with a maximum requirement of 3% of the total subdivision acreage. No requirement in this section shall preclude open space in excess of the minimum requirements. Open space shall be exclusive of any required setback areas.
 - (2) Thirty-percent (30%) of all open space area shall be within 30 feet of a shade tree, defined as a tree which would be expected in our climate with modest irrigation to exceed at maturity a height of 30 feet and a canopy width of 20 feet.
 - (3) At least one open space area shall be accessible within 1,000 feet by foot by public right of way from all residential lots smaller than 10,000 square feet in size which are located within the subdivision.
 - (4) Open space areas shall be fully developed prior to the last phase of a development, with at least one-half of required areas completed upon completion of 30% of the subdivision.
 - (5) The minimum amount of open space shall be provided in the master plan of the development.

- (6) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 50 feet wide unless:
 - (a) The dimension is part of a landscaped pathway or trail, so long as no more than 20% of required open space area falls under this exception; or
 - (b) the subdivision is less than 5 acres in size.
 - (7) Open space shall be separated from streets, service and parking areas by landscaping, low level walls, or other decorative treatments.
 - (8) Detention areas may be counted as common open space when designed for open space purposes.
 - (9) A developer may approach Cedar City to determine if common open space, once developed, should be owned and maintained by the city, dependent upon the amenities provided, number of residences served, access, parking, and other factors subject to the discretion of the City Council.
- 4) Non-Severability: If Subsection 26-III-23I(2)(a) of this ordinance pertaining to owner-occupancy covenants is ever found to be unconstitutional, unlawful, or otherwise void or unenforceable for any reason, then, unless modified by the City Council, then this zone shall become unavailable to new subdivisions that have not received final plat approval. Any subdivision platted under the standards of the RN Residential Neighborhood Zone may continue to use the provisions of the zone for future development.

CREATED BY ORDINANCE NUMBER 0728-21-7.

Created by Cedar City Ordinance Number 0207-18-1, amended by 1209-20, 0210-21-1, and 0414-21-3.