

**CHAPTER 26**  
**PLANNING AND ZONING**  
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## SECTION 26-IV-1. General Regulations

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

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

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

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

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

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

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

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

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

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

## SECTION 26-IV-2 Height of Buildings

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

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

### **SECTION 26-IV-3. Clear View of Intersecting Streets**

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

### **SECTION 26-IV-4. Fences**

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

(B) **Interior Lot Requirements**:

(1) On all interior lots in Commercial and Residential zones, a fence, not to exceed six (6) feet in height may be erected along all side and rear property lines but not in the front yard setback area. On interior lots that border a City street on the front and rear lot lines and the property owner has a drive approach or curb-cut entering the rear property line through a fence, the opening in the fence shall be gated. Said rear lot driveway shall be for limited use, i.e. not every day use.

(2) In any front setback area in Commercial and Residential zones, no wall fence or hedge shall exceed thirty (30) inches.

(3) Where a fence, wall or hedge is located along an interior property line separating two (2) lots and there is a difference in grade of the two properties, the fence wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

(4) In Industrial zones a 6-foot non-site obscuring fence is permitted in the front set back area of interior and corner lots.

**Amended by ordinance number 0125-12.**

(C) **Corner Lot Requirements**:

(1) On all corner lots in Commercial and Residential zones, a fence, not to exceed six (6) feet in height may be erected along all side and rear property lines, but not in the front yard setback area. Along the rear lot line, if the adjoining property

owner has a drive approach or curb-cut within ten (10) feet of the property line, no obstruction to view shall be placed within a triangular area formed by said property line and street right-of-way and a line connecting them at points ten (10) feet from the intersection of the lines.

(2) In all Residential and Commercial zones requiring a front yard setback, no obstruction to view in excess of thirty (30) inches in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the property line.

(3) Notwithstanding any other provisions herein, a fence which does not obstruct view (i.e. chain link fence) may be erected to a height of thirty (30) inches in any yard abutting a street within the setback area of Commercial and Residential lots. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence so as to obstruct vision.

(4) In Industrial zones a 6-foot non-site obscuring fence is permitted in the front set back area of interior and corner lots.

**(D) Fences on the Public Right-of-Way:** No fence approved under this Chapter shall be erected beyond the property line, on the public right-of-way, without the issuance of a permit by the Cedar City Building Inspector. Approval of a fence on the public right-of-way shall be subject to the following conditions:

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

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

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

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

**(F) Fences Required Around Solar Power Generation, Central.** A 100% site obscuring fence Eight (8) feet high is required around the perimeter of the property inside the landscape strip. All other fence restrictions shall be met.

**(G) Fences to be Required in Certain Areas:** Site-obscuring fences shall be required

along the boundary line in the following cases:

(1) Commercial and Industrial Developments:

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

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

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

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

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

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

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

**Amended by City Ordinance 1113-19-7**

## **SECTION 26-IV-5. Frontage Improvements**

**(A) Improvements Required.**

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

**(B) Sidewalks Not Required in Industrial Zones.**

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

North-South Streets

5300 West  
5700 West  
Lund Highway  
Aviation Way  
Airport Road  
2300 West  
West View Drive  
Bulldog Road  
800 West  
400 West  
300 West  
200 West  
100 West  
Main Street

East-West Streets

Industrial Road  
Kitty Hawk Drive  
Cemetery Road  
3000 North  
2400 North  
2400 North Parkway  
1600 North  
400 North  
SR 56

Any others designated by the City Council.

**(C) Bonding Deferment**

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

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

Unless a dwelling is located in a Planned Unit Development with private streets, at least one side of each lot used as a dwelling site shall abut upon a street which has been deeded or dedicated to the public for street purposes. The length of such abutting side measured at the setback line shall be at least as great as the width required for dwelling sites in the zone in which such building site is located except as may be approved by the Board of Adjustments. Whenever a front or side yard is required for a building abutting on a proposed street which has not been constructed by which has been designated by the Planning Commission as a future street, the depth of such front or side yard shall be measured from the planned street line.

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

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

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

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

### **SECTION 26-IV-9. Swimming Pools**

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

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

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

### **SECTION 26-IV-11. Non-Conforming Lots**

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

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### **SECTION 26-IV-12. Prohibitions**

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

properties in accordance with the provisions of this ordinance.

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

Rest homes, nurseries, foster care homes, and similar uses shall be approved by the State Department of Health, as evidenced by a letter of approval from said State Department of Health, before a permit therefore shall be issued by the Building Inspector.

### **SECTION 26-IV-14. Location of Gasoline Pumps**

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

### **SECTION 26-IV-15. Commercial Communications Facilities**

**(A) Findings:** The Cedar City Council finds that: (1) it is in the best interests of the residents, businesses, industry, government operations, visitors, and the general economic development of Cedar City to have quality cellular wireless telephone and internet access; (2) private industry is best suited to provide the necessary infrastructure and service reasonably necessary so that Cedar City may enjoy quality cellular wireless telephone and internet access; (3) in permitting commercial electronic communication facilities it is important to balance the need for additional facilities and the aesthetic impacts on Cedar City; (4) the Federal Communications Commission regulates industry relative to possible environmental effects of radio frequency emissions, and; (5) the interests of Cedar City can be accomplished by developing as few facilities as is reasonably possible, encouraging co-location by carriers, and by encouraging all facilities that are built to be as un-obtrusive as possible.

**(B) Purpose:** Consistent with the City's findings, it is the purpose of this ordinance to: (1) establish minimum standards for the construction of commercial electronic communication facilities; (2) establish minimum separation requirements; (3) establish zones within the City where such facilities are permitted and under what circumstances; (4) establish maximum height limitations where necessary; and (5) establish such other setback, aesthetic, height, and zoning regulations as are reasonably necessary to balance the need for commercial electronic communication facilities and preserve the aesthetics of Cedar City.

#### **(C) Definitions:**

The following definitions are specific to this chapter:

- (1) **ANTENNA:** A transmitting or receiving device used in telecommunications that radiates or captures radio signals.
- (2) **CO-LOCATION:** is a condition that shall exist when more than one (1) wireless communication provider mounts equipment (antennas, dishes, or



similar devices) on a single communication tower or antenna support structure.

- (3) **COMMERCIAL COMMUNICATION FACILITIES:** A device used to transmit and/or receive radio or electromagnetic waves by a licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public. This excludes non-commercial antennas, radio and television signals, and non-commercial satellite dishes.
- (4) **LATTICE TOWER:** A self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.
- (5) **NON-COMMERCIAL ANTENNA:** Privately owned and operated, non-commercial communication facilities attendant to a residential or commercial use including but not limited to television antenna, satellite dishes, and/or ham radio facilities.
- (6) **ROOF MOUNTED ANTENNA:** An antenna or series of individual antennas mounted on a roof of a building.
- (7) **SMALL WIRELESS FACILITIES, DAS AND OTHER SIMILAR NETWORKS:** low powered wireless base stations containing three to four foot antennas that can be co-located on other structures to provide capacity to wireless customers.
- (8) **STEALTH DESIGN:** camouflage, concealed or otherwise not identifiable as a wireless communication facility by a casual observer and is aesthetically compatible and blends with the site and immediate surroundings.
- (9) **WALL MOUNTED ANTENNA:** An antenna or series of individual antennas mounted against the vertical wall of a building.
- (10) **WIRELESS COMMUNICATION PROVIDER:** is a provider of wireless communication services that owns or controls the elements necessary to sell and deliver services to an end user.
- (11) **WIRELESS COMMUNICATION FACILITY:** An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or (wireless) transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

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

**(E) General Provisions Applicable to Electronic Communications Facilities:**

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

(2) Prior to receiving a permit to construct a new commercial communication facility the provider will have to provide the City's building department a map showing the locations of all of its commercial communication facilities serving Cedar City. This shall include facilities located outside of the City limits that serve property within the City limits. In addition to the map the company requesting the permit will have to remove all facilities that are not in use, or will no longer be used due to the expansion of its facilities.

(3) Prior to receiving a permit to construct a new commercial communication facility that requires the installation of power lines, the wireless communication provider must obtain the necessary easements to lawfully install the power line from the property owner(s).

(4) In conformity with the Federal Communications Commission (FCC) "Shot Clock" guidelines, Cedar City will approve or deny an application from a Wireless Communication Company for the co-location of additional antennas to existing infrastructure within ninety (90) days, and approve or deny an application for the construction of new infrastructure within one-hundred and fifty (150) days of the filing date of the application.

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

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

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

operations.

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

(9) Height Restrictions:

- a. The maximum allowable height for facilities with a single wireless communication provider is sixty (60) feet. The maximum allowable height for a facility designed for co-location with two (2) or more wireless communication providers is one hundred (100) feet. "Maximum allowable height" shall be measured to the highest point of the antenna or tower, whichever is greater.
- b. The maximum allowable height for non-commercial roof and wall-mounted antennas shall be fifteen (15) feet above the maximum building height requirement for the zone, or fifteen (15) feet above the actual height of the roof of an existing building whichever is less. Measurement from the roof of an existing building shall be from the highest point on the roof and exclude any parapet wall or architectural feature of a similar nature.

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

(11) Wall and roof mounted commercial facilities: The following setbacks and limitations shall apply to all wall mounted and roof mounted commercial communication facilities:

- a. Commercial communication facilities mounted on the roof of a building in a commercial zone shall be set back at least five (5) feet from the front and sides of the building. For commercial communication facilities mounted between five (5) and ten (10) feet from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of ten (10) feet above the roofline of the building to which the commercial communication facilities are attached. The roof mounted commercial communication facility shall not extend more than ten (10) feet above the roof or a parapet wall or similar architectural feature.
- b. The total surface of the wall mounted commercial communication facility shall not extend more than three (3) feet from the face of the wall to which it is mounted. A wall mounted commercial

communication facility shall not extend more than ten (10) feet above the top of the roof or a parapet wall or similar architectural feature. A wall mounted commercial communication facility shall not have its lowest point more than ten feet from the roof of the building or parapet wall or similar architectural feature.

(12) Co-Location:

- a. In order to serve current and reasonably foreseeable needs, any site approved by the City, regardless of location, shall be subject to all of the following requirements for all 100-foot-tall towers:
  - i) The 100-foot-tall tower shall be constructed in such a manner as to accommodate three (3) different services, meaning the original company's equipment and two (2) co-locations on the same tower for two (2) other wireless carriers.
- b. When later applications for towers are received, the applicants shall be required to:
  - i) Co-locate on an existing tower or light pole, unless it can be shown by a preponderance of the evidence that all existing sites are inadequate to serve that company's reasonable needs due to location, height, or other reasons; and
  - ii) Pay reasonable compensation to the original tower company.
- c. Co-location may also occur on any existing light poles when stealth designing is utilized as specified in section E (12).

(13) Stealth Design: Antennas, equipment, and supporting structures shall be selected to achieve the architectural compatibility with the host structure to which they are attached.

- a. Stealth-facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
- b. Non-stealth facilities shall only be considered in locations in which adverse visual impacts are not a substantial concern due to the location of the facility and the nature of the surrounding land uses.

(14) All commercial communication facilities shall be constructed and maintained in a manner so as to, as much as reasonably possible, camouflage its

existence. Prior to issuance of a permit the company requesting the permit shall provide the City's building department a detailed description of the methods it will use to camouflage its commercial communication facilities.

(15) Self-Supporting ground based commercial communication facilities including the antenna base and all supporting equipment installed at grad shall be screened with a six-foot block wall finished to match surrounding developments. All gates providing ingress and egress to the facility shall be constructed of steel, iron or equivalent materials, with solid or opaque metal mesh providing screening of the facility and finished to match the block wall.

**(F) Permitted Locations:**

(1) Commercial Communication Facilities: Commercial Communication Facilities not located on a building and exceeding fifteen (15) feet in height shall be allowed in Industrial and Manufacturing and Commercial zones, as well as on school property and city parks regardless of zone. Commercial facilities that are roof mounted or wall mounted on an existing building are allowed in Industrial and Manufacturing and Commercial zones.

(2) Commercial facilities, regardless of height, are allowed on property owned by the United States Forest Service, the United States Bureau of Land Management, or the State of Utah Institutional Trust Lands Administration regardless of the City's zoning designation as long as the proposed facility located on the above mentioned property is a minimum of one hundred and fifty (150) feet from all property zoned residential.

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

(4) Location Restriction:

- a. A ground-based communication facility shall have a required setback of 1:1 from a residential zone or property used for a residential purpose – i.e. the distance as measured from the center point of the antenna that the commercial communication facility is set back from the property line must be equal to or greater than the height of the commercial communication facility.
- b. Notice by the applicant shall be given to all owners of record of property zoned residential or used for a residential purpose within a 300-foot radius

from the boundary of the proposed commercial communication facility. Said notice shall be sent certified mail or hand-delivered to the property owners in accordance with the most current Iron County Assessment Roll. Proof of the certified mail and/or a certificate documenting hand delivery to property owners as required herein shall be delivered to the City Building Official. Notice shall contain language directing property owners who wish to challenge the location of the commercial communication facility to contact the City Building Official within 10 days of receipt of notice. The Building Official's name, address and contact number shall be listed in the notice. If no complaint is received within 10 days a building permit will be issued. If a complaint is received the permit will go before the next available Planning Commission and Cedar City Council for final approval.

- c. Commercial communication facilities will be permitted on City-owned property within 250 feet of the center point of a Cedar City water tank, but in no event shall they be located within 100 feet of the outside wall of such water tank. A permit would be subject to obtaining a lease agreement with Cedar City subject to all terms and conditions set by the Cedar City Planning Commission and Cedar City Council.

**(G) Small Wireless Facilities, DAS and Other Similar Networks**

Small wireless Facilities, DAS and other similar networks shall be allowed in any zoning district when stealth design is utilized as stated in section E (12).

Amended by Cedar City Ordinance No. 0125-17 and 1114-18.

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

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

(1) Preferred Building Materials

- a. Quarried stone,
- b. Cultured stone,
- c. Full brick veneer
- d. Composite lap siding (i.e. Hardiplank),
- e. Architectural concrete (with recessed panels and reveal lines),

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

(2) Preferred Accent Materials

a. Precast concrete accents,

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

c. Glass accents.

(3) Discouraged Materials

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

b. Brick Tiles

c. Metal Walls

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

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

a. Main Street - Entire Length

b. 200 North Street extending through U-56 Highway

**SECTION 26-IV-17 Solar Energy Production**

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

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

- 1) **Solar Easement:** Solar easement has the same meaning as current state law, or as state law may hereinafter be amended.
- 2) **Solar Energy Collector:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy as an alternative for or supplement to a conventional energy system.
- 3) **Solar Energy System:** A system of apparatus and equipment capable of collecting and converting solar radiation into heat, mechanical or electrical energy, and transferring those forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation or mechanical energy generation.
- 4) **Solar Energy System, Active:** A solar energy system which uses a solar panel such as a photovoltaic panel to generate electrical and/or thermal energy.
- 5) **Solar Energy System, Passive:** A solar energy system which uses structural elements of a building to provide for collection, storage, and distribution of solar energy for heating or cooling, in order to reduce the need for outside energy resources. Passive system components may include architectural means such as building orientation, interior illumination, the use of materials with favorable thermal mass.
- 6) **Solar Feature:** Features on a building or structure that serve as solar collectors. Besides active energy systems, solar features may also include such passive system features as windows, walls and roofs.
- 7) **Solar Panel:** A structure containing solar cells that collects sunlight and converts it to electrical energy. This term also includes the supporting structures that secure solar panels excepting the independent features or structures of a building or structure to which the solar panel may be attached.
- 8) **Solar Power:** Electrical power generation through the utilization of such means as nonmechanical semiconductor devices that convert sunlight into direct current electricity.
- 9) **Solar Power Generation, Distributed:** Generation of solar power close to the point of use with production considered non-commercial in nature in that it is either a single-user system, or else provides supplemental power for a specific



group of associated commercial or industrial buildings, or residences within a planned unit development type project.

- 10) Solar Power Generation, Central:** Generation of solar power on a commercial basis, using photovoltaic collection sources generally located at a distance from where the energy is consumed.
- 11) Solar Power Systems:** A solar energy system used to produce electrical power as either a supplemental or primary energy source.
- 12) Solar Power Systems, Single-User:** A distributed solar power system designed for a single property or building.
- 13) Solar Power Systems, Group Use:** A distributed solar power system designed to provide supplemental power to two or more commercial or industrial buildings associated through ownership or through joint development such as in an office or industrial park, or a group of residences within a planned unit development type project.

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

**(D) Distributed Solar Power Generation Facilities.**

**(1) Private Solar Power Systems** which meet the following criteria are permitted within any zone:

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

**(2) Group Use Solar Power Systems** which meet the following criteria are permitted within any zone:

- a. The location of the solar energy collectors is approved as a component to a residential planned unit development type project, or located within a jointly developed commercial project, a business park or an industrial park.

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The area for the solar energy collectors need not be contiguous and may include both rooftop and surface locations.

b. Have a minimum production capacity of at least 50 kilowatts for residential groups, and at least 500 kilowatts for commercial and industrial groups.

c. Meet minimum setback requirements of 100 feet from any residential dwelling or 50 feet from a property boundary, whichever is greater, for any portion of the solar energy collector.

d. Meet all Federal and State regulations that may regulate power distribution.

e. Meet all Building Code requirements relating to construction and electrical installation.

**(3) Solar Power Generation Central** which meets the following criteria is permitted in the permitted zone:

a. The solar panels have to be ground mounted not to exceed 8' high.

b. Shall have a minimum of one hundred (100) contiguous acres.

c. All structure and panels shall be setback twenty (20) feet from residential uses.

d. Shall be fenced with eight (8) foot high site obscuring fence around the perimeter of the property.

e. Meet all Federal and State regulations that may regulate power distribution.

f. Meet all Building Code requirements relating to construction and electrical installation.

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

AMENDED BY CEDAR CITY ORDINANCE NO. 0526-10 and 0919-12.

**SECTION 26-IV-18 Regulations for the Keeping of Chickens in Residential Zones.**

**(A) Residential Zones – Zones:** Chickens may be kept for non-commercial purposes on residential lots. The keeping of chickens is an accessory use as defined in Section 26-I-4(B)(1).

**(B) Number:** The number of chickens that may be kept per lot is limited to six (6).

**(C) Roosters:** The keeping of roosters is prohibited.

**(D) Slaughtering:** The slaughtering of chickens is prohibited.

**(E) Enclosures:** Chickens shall be confined within a secure, outdoor, enclosed area. The enclosure area shall include a covered chicken coop. Chicken coops with a permanent electric connection must comply with the electric code and require a building inspection.

**(F) Setback:** the Chicken coop shall: (1) meet all required setbacks; and (2) be a minimum distance of 35 feet from any neighboring dwelling.

AMENDED BY CEDAR CITY ORDINANCE NO. 1013-10-2

#### **SECTION 26-IV-19 Indoor Shooting Ranges.**

The following provisions shall apply to all Indoor Shooting Ranges:

(A) Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. (without a special event permit).

(B) All indoor ranges shall be designed so their walls, ceilings, and floors are impenetrable to the ammunition being discharged. It shall have an internal baffle system that will capture the ammunition.

(C) When constructing or renovating an indoor shooting range a design guideline such current design guidelines published by as the National Rifle Association or other similar design guideline approved by the City's Chief Building Official shall be followed.

(D) Each indoor shooting range shall have a ventilation system to remove led contaminates, dust, and vapor.

(E) Each indoor shooting range shall be constructed and insulated in such a manner that prevents the sound from the discharged firearms within the facility from exceeding a maximum of sixty-five (65) dba at the measured outside the facility and at the property line of the property where the facility is constructed.

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(F) Any magazine (ammunition) storage shall be fully enclosed by construction materials as approved by the Building Department and Fire Department as per applicable codes.

THIS SECTION ENACTED BY CEDAR CITY ORDINANCE NO. 0311-15.