

**CEDAR CITY  
ORDINANCE 0731-24 -1**

**AN ORDINANCE AMENDING CEDAR CITY ORDINANCE 26-IV-15.4(4)(B), 26-XII-1(A), AND 32-5(C) REGARDING NOTICING REQUIREMENTS**

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enable Cedar City to pass ordinances as are necessary and proper to provide for the safety, promote the prosperity, improve the peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city; and

**WHEREAS**, Cedar City has adopted Chapters 26 and 32 of the ordinance of Cedar City, Utah, and said provisions contain specific requirements governing the control of property through zoning and subdivision laws; and

**WHEREAS**, multiple noticing requirements are found throughout Chapters 26 and 32, many of which do not match in timing or mailing requirements; and

**WHEREAS**, Cedar City has recently adopted an ordinance allowing notifications to be sent by first class mail with the submission of a certificate of mailing rather than certified mail; and

**WHEREAS**, the City Council seeks to bring more consistency to the notification requirements in our zoning and subdivision ordinances.

**NOW THEREFORE**, be it ordained by the City Council of the Cedar City, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “Section 26-XII-1 Procedure” of the Cedar City Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

Section 26-XII-1 Procedure

This Zoning Ordinance, including the map, may be amended, but all proposed amendments shall be submitted first to the Planning commission for its recommendations, which recommendations shall be submitted to the City Council for its consideration within thirty (30) days. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be a public policy that amendments shall not be made to the Zoning Ordinance and map, except to promote more fully the objectives and purposes of this ordinance or to correct manifest errors. Any person seeking an amendment of the Zoning Ordinance shall submit to the Cedar City Community Development Director a written petition designating the change desired, the reasons therefor, and wherein the proposed amendment

would further promote the objectives and purposes of the Zoning Ordinance, together with a fee of \$25.00. The Community Development Director shall in turn transmit the petition to the Planning Commission. Upon the receipt of the petition, the Planning Commission shall consider the request.

Any application for a zone change must comply with the following notice requirements prior to Planning Commission consideration:

- A. ~~Five~~Ten (10~~5~~) business days' notice by the Petitioner shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed zone change. Said notice shall be sent by first class mail~~certified mail~~or hand delivered by the Petitioner to said property owners, or hand-delivered to the property owners. The Petitioner shall provide Cedar City a (certificate of hand-delivery or a Certificate of Mailing; a copy of the mailed materials and a radius map depicting the properties and property owners receiving the required notice~~to be filed with City Community Development Director)~~ in accordance with the most current Iron County Assessment Roll;
- B. The posting of a sign(s) by the City on the property proposed to be re-zoned. The sign(s) shall be posted in a conspicuous place on the property proposed to be re-zoned. Said sign(s) shall be visible from all abutting streets and must face every street surrounding the property. The sign(s) shall be at least 24 inches square and be labeled with 2-inch high letters reading "PROPOSED ZONE CHANGE NOTICE" with the zone change notice stapled below, and;
- C. The applicant shall pay an additional administration fee in the amount of \$25.00.

The Planning Commission may call a public hearing before submitting recommendations to the City Council.

Before recommending an amendment to the ordinance, it must be shown that such amendment is reasonably necessary, is in the best interest of the public, and is in harmony with the objectives and purposes of this ordinance. Failure on the part of the Planning Commission to make recommendations within thirty (30) days shall be deemed to constitute approval of such proposed amendment unless a longer period is granted by the City Council. The fee provided herein shall not be remitted.

Amended by City Ordinance 03-11-20-1 Amended by City Ordinance 0623-21-7

**SECTION 2: AMENDMENT** "Section 26-IV-15 Commercial Communications Facilities" of the Cedar City Municipal Code is hereby *amended* as follows:

#### AMENDMENT

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:
  - (1) 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:
  - (1) 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
  - (2) 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~~first class mail or hand-delivered to the property owners in accordance with the most current Iron County Assessment Roll. Proof of ~~the certified mail~~said notice shall be provided by a Certificate of Mailing and/or a certificate documenting hand delivery to property owners as required herein shall be delivered to the City Building Official. The applicant shall also provide a copy of the notice, and a radius map depicting the properties and property owners receiving the required notice. 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 3:        AMENDMENT** “Section 32-5 Lot Line Adjustment Approval Procedure” of the Cedar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 32-5 Lot Line Adjustment Approval Procedure

- A. Lot line adjustments may be approved by the City Planning Commission if they comply with items (1) through (7) below. Lot line adjustments may be approved by the City Engineer if they comply with all items (1) through (8) below:
  - 1. No more than three (3) lots are affected by the lot line adjustment;
  - 2. No City streets or easements are affected by the lot line adjustment;
  - 3. No City street dedications or easement dedications are required by the lot line adjustment;
  - 4. No public infrastructure or improvements are required to be constructed and/or dedicated to the City;
  - 5. No land area is being added to the original total land area of the combined parcels or the total area of the combined platted lots affected by the lot line adjustment;
  - 6. All City zoning ordinances are complied with;
  - 7. All fee owners of the affected lots join in the petition; and
  - 8. The proposed lot line adjustment is not contested by any property owner who was required to receive a notice according to this section.
- B. Prior to the City approving a lot line adjustment the City Engineer shall receive the following:
  - 1. a record of survey showing:
    - a. Proper scale;
    - b. Title block depicting the survey name, location, name of the engineer/surveyor, the date, the scale, and the sheet number;
    - c. A north arrow;
    - d. Certificates, legal description, etc.:
      - (1) The surveyor’s certification and stamp;
      - (2) The property legal description depicting boundaries, lots, parcels, easements, etc.;
      - (3) Survey narrative;
      - (4) Basis of bearings/elevations;
      - (5) City zone;
      - (6) FEMA flood zone;
      - (7) Soils area;
      - (8) Legend with survey monuments, signs, fire hydrants, and other relevant data;
      - (9) City Engineer’s approval certificate;
      - (10) When deemed necessary by the City Engineer approvals from utilities;

- (11) Vicinity map;
  - (12) A map showing an existing layout of the affected area showing lot lines, lot numbers, lot or parcel addresses, street lines, street numbers, and the location and types of existing easements, and;
  - (13) A map showing the proposed lot modifications showing lot lines, lot line distances, line bearings, legal description, closure, lot areas, lot frontages, lot numbers, and the identity of adjacent owners.
2. Final signed deeds showing:
    - a. Grantor's name and address;
    - b. Grantor's notarized signature;
    - c. Grantee's name and address;
    - d. Parcel/lot legal description with reference to the plat being amended;
    - e. Parcel/lot legal description matching the record of survey;
    - f. Closure of the legal description; and
    - g. Deed restriction, if any.
  3. A Notice of Lot Line Adjustment Approval containing:
    - a. A signature block for the Land Use Authority; and
    - b. A recitation of the legal descriptions of both the original properties and the properties resulting from the lot line adjustment.
- C. At least 14 days prior to the City making the decision to approve a lot line adjustment a public notice shall be provided as follows:
1. Notice shall state the following: A lot line adjustment is being proposed on a property within 300-feet of your property. The exact location and details of the proposed lot line adjustment are shown on the enclosed drawing(s). (Include 11" X 17" copies of the required record of survey maps). Objections to the proposed lot line adjustment will be received by the City Engineer until 5:00 p.m. on // (specify date). If no objections are received by the specified date and time the matter will be approved by the City Engineer without further public process. If an objection is received by set date the City Engineer will schedule the matter for the public meeting of the Cedar City Planning Commission for their review and possible approval.
  2. Notice shall be delivered as follows: The notice by the Applicant shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed lot line adjustment. Notice shall be sent ~~certified mail~~ first class mail by the Applicant to said property owners, or hand-delivered to the property owners (~~certificate of hand-delivery to be filed with City Engineer~~) in accordance with the most current Iron County Assessment Roll. The applicant shall provide proof of said notice to Cedar City by a certificate of hand deliver or a certificate of mailing. The proof of notification shall also include a radius map depicting properties and property owners receiving the required notice and the notice materials.
- D. If Planning Commission approval is required under Subsection (A), a public hearing shall be required unless exempt under Utah Code 10-9a-608(2).

- E. Prior to the City Planning Commission Chair or City Engineer signing the approved record of survey and the Notice of Lot Line Adjustment and the Notice of Lot Line Adjustment, and stamping and signing the deeds, the City Engineer shall collect the filing fee and plat checking fee at a rate to be set by the City's consolidated fee schedule.
- F. Once the Planning Commission Chair or City Engineer has signed the record of survey and stamped and signed the deeds, the lot line adjustment shall be deemed approved. The approval shall be valid as provided by the provisions of this ordinance. The deeds, Notice of Lot Line Adjustment, and record of survey shall be returned to either the title company or the applicant for recording with the Iron County Surveyor and Iron County Recorder.
- G. A lot line adjustment shall not require compliance with the following provisions of this ordinance; bonding, submission of as-built and/or construction drawings, inspections, soils testing, water pressure minimums, and required improvements.
- H. Parcel boundary adjustments do not require land use authority approval. A parcel boundary adjustment may not be used to create an illegal parcel, and any such parcel created shall not constitute a nonconforming use.

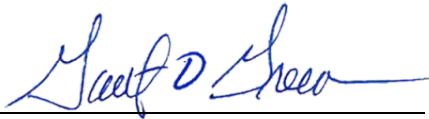
**ENTIRE CHAPTER AMENDED BY CEDAR CITY ORDINANCE NO. 0211-15**

PASSED AND ADOPTED BY THE CEDAR CITY CITY COUNCIL JULY 31, 2024.

|          | <b>AYE</b>    | <b>NAY</b>    | <b>ABSENT</b> | <b>ABSTAIN</b> |
|----------|---------------|---------------|---------------|----------------|
| Phillips | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |
| Melling  | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |
| Riddle   | <u>      </u> | <u>      </u> | <u>  X  </u>  | <u>      </u>  |
| Cox      | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |
| Wilkey   | <u>  X  </u>  | <u>      </u> | <u>      </u> | <u>      </u>  |

Presiding Officer

Attest



Garth O. Green, MAYOR, Cedar City



RENON SAVAGE, RECORDER,  
Cedar City

