

**CEDAR CITY
ORDINANCE 0208-23-4**

**AN ORDINANCE AMENDING CHAPTER 26, ARTICLE XI, SECTION 2 OF THE
ORDINANCES OF CEDAR CITY, UTAH, RELATED TO CONDITIONAL USE
PERMITS**

WHEREAS, Cedar City has adopted Chapter 26 of the ordinances of Cedar City, Utah, and said provisions contain specific requirements governing planning and zoning; and

WHEREAS, Article XI of Chapter 26 of the ordinances of Cedar City, Utah, contains specific requirements governing conditional uses; and

WHEREAS, the Cedar City Council desires to update and amend Chapter 26, Article XI, Section 2 of the Cedar City Ordinances entitled “Conditional Use Permit”; and

WHEREAS, the ordinance amendment clarifies when the City Council can grant a conditional use permit; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and general welfare of the citizens of Cedar City to amend Chapter 26 Article XI, Section 2 to clarify when the City Council can grant a conditional use permit; and

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

SECTION 1: **AMENDMENT** “Section 26-XI-2 Conditional Use Permit” of the Cedar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 26-XI-2 Conditional Use Permit

A Conditional Use Permit shall be required for all uses listed as conditional uses in the Cedar City Ordinances or elsewhere in this Chapter. A conditional use permit may be revoked upon failure in compliance with conditions precedent to the original approval of the permit.

- A. Application: Application for a Conditional Use Permit shall be made by the property owner or certified agent to the Cedar City Planning Commission.
- B. Accompanying Documents: The applicant shall provide detailed site plans drawn to scale and other drawings necessary to assist the Planning Commission and City Council in arriving at an appropriate decision.
- C. Fee: The fee for any Conditional Use Permit application shall be Twenty-Five Dollars (\$25.00) unless otherwise specified in this Ordinance, no part of which shall be refunded.

- D. Planning Commission Review: The Planning Commission shall review the proposed Conditional Use Application pursuant to the requirements and criteria set forth hereafter and shall approve or disapprove the permit application, or approve it subject to change or alteration.
- E. City Council Approval: The Planning Commission shall forward the permit application together with its recommendations to the City Council for its review pursuant to the requirements and criteria set forth hereafter. The City Council may affirm, reverse, alter, or remand for further review and consideration the recommendation given by the Planning Commission.
- F. Public Hearing: A public hearing shall be held by the City Council in its consideration of a Conditional Use Permit Application which hearing shall be held not more than 30 days from the date the application is referred to the City Council by the Planning Commission. A Notice of Hearing shall be published in a newspaper of general circulation in the City not less than seven (7) days prior to the date of said hearing.
- G. Determination: The City Council may permit a conditional use to be located within any zone ~~district~~ which as long as the particular conditional use is ~~permitted by Section 26-104 of~~ permitted by this Chapter. In authorizing any conditional use the City Council shall impose such additional conditions as may be necessary for the protection of adjacent properties and the public welfare.

The City Council shall establish policies regarding landscaping, fencing, lighting, ingress/egress, height of buildings, etc., to insure consistency in the issuance of a conditional use permit. A conditional use permit shall not be authorized unless the evidence presented is such as to establish:

1. That the proposed use of the particular location is necessary or desirable to provide a Service or facility which will contribute to the general well-being of the neighborhood and the community; and
2. That the proposed use will comply with regulations and conditions specified in this Section for such use; and
3. That the proposed use will conform to the intent of the Cedar City General Plan.
4. That such use will not under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings and structures when considering the following zones:

Residential Zones:

- a. Will the proposed use generate enough traffic to be detrimental to the immediate neighborhood?
- b. Will the proposed development overload the carrying capacity for which local streets are designed?
- c. Will internal traffic circulation adversely affect adjacent residential properties?
- d. Will parking facilities location adversely affect adjacent residential properties?

- e. Will parking facilities be effectively screened from adjacent residential properties?
- f. Will the relationship of structures and parking be complimentary to the aesthetics of the general area?
- g. Will the proposed sign(s) adversely affect the development itself or the overall aesthetics of the general area?
- h. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?

Commercial Zones:

- a. Will traffic ingress and egress adversely affect the general traffic patterns in the area?
- b. Will parking facilities location adversely affect internal circulation or access to public street circulation?
- c. Will building location create a pedestrian traffic hazard by causing blind approaches to sidewalks?
- d. Will building design be compatible with or complimentary to already established adjacent structures?
- e. If the development is adjacent to a residential zone or use, will the building location, lighting, parking, or traffic circulation adversely affect the adjacent residential use or zone?
- f. Will proposed signing be complimentary to the development and overall aesthetic nature of the immediate area?
- g. Will the proposed business be attached to the city sewer, and if so, will it adversely affect the system?
- h. Will the parking facility be adequate for employees, clientele, loading and unloading, and other business functions?
- i. Will landscaping and parking facilities be satisfactory aesthetically, and as per site plan?
- j. Will there be any outside storage? (Outside storage shall not be permitted.)
- k. Will there be any hazardous material or chemicals of concern utilized in the proposed business? If so, the City reserves the right to carefully evaluate the potential impact of such materials or chemicals, and deny the conditional use permit based upon any adverse findings.

Industrial Zones:

- a. Will heavy vehicle traffic adversely affect adjacent residential or commercial properties?
- b. If the proposed use emits tolerable pollution of any type, will the prevailing breezes and winds direct the pollutant toward residential or commercial properties in the immediate area?
- c. Will landscaping add aesthetic acceptance to the proposed development?
- d. Will proposed signs be inoffensive and unimposing and not create adverse effects on adjacent residential or commercial properties?


Amended by ordinance number 0827-08-2, 0926-12-1 and 0708-20-6

PASSED AND ADOPTED BY THE CEDAR CITY CITY COUNCIL FEBRUARY 08, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Hartley	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Isom	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Phillips	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Melling	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Riddle	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Garth O. Green, MAYOR, Cedar City



RENON SAVAGE, RECORDER,
Cedar City

