

**CEDAR CITY
ORDINANCE 0409-25-2**

AN ORDINANCE AMENDING CEDAR CITY ORDINANCES 26-III-2(G) AND 26-III-23(G) CHANGING THE MAXIMUM RESIDENTIAL BUILDING HEIGHT IN MANY ZONES FROM TWENTY FEET TO TWENTY-FOUR FEET.

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 Chapter 26 of the ordinance of Cedar City, Utah, and said provisions contain specific requirements governing the control of property through zoning laws; and

WHEREAS, the Cedar City Council desires to update and amend Chapter 26 Article IV of the Cedar City Ordinances; and

WHEREAS, the Council finds that common residential building designs include a front plate height greater than what City ordinance currently allows; 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 allow residential building heights to reach twenty-four feet in R-1, R-2-1, R-2-2, R-3-1, RE, AT, and RN Zones.

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-III-2 R-1 Residential Zone” of the Cedar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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;
13. Public and private recreation centers;
14. Raising and keeping chickens for non-commercial purposes and subject to Article IV - Supplementary Regulations;
15. Internal Accessory Dwelling Units which have a separate address;
16. External Accessory Dwelling Units with a separate address which are no greater than 800 square feet, encompass no more than 2 bedrooms, and do not exceed one story (16 feet). Units must be located behind the primary dwelling, meet the setbacks of the primary dwelling (not an accessory building) and match the primary dwelling I color and roof design. Parking to the rear of the primary dwelling shall be served by a driveway that is a minimum of 12-feet wide. Parking shall be located behind the front setback. All detached units shall meet the provisions of the currently adopted Building and Fire Codes. Existing guest houses may be converted to an External Accessory Unit subject to the criteria above.

Amended by ordinance number 0827-08-2, 1013-10-2, 0125-12-1 and 0323-22

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 seventy (70) 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)~~twenty-four (24) feet, except as provided in Section ~~26-4-224~~ of ~~the~~this city's ordinances.
 - 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.

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.

SECTION 2: AMENDMENT “Section 26-III-23 RN Residential Neighborhood Zone” of the Cedar City Municipal Code is hereby *amended* as follows:

AMENDMENT

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)~~ twenty-four (24) 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-23 (I)(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.

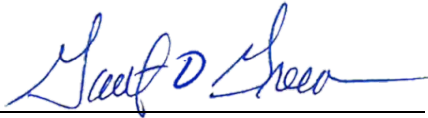
Created by Cedar City Ordinance Number 0207-18-1, amended by 1209-20, 0210-21-1, and 0414-21-3
CREATED BY ORDINANCE NUMBER 0728-21-7.

PASSED AND ADOPTED BY THE CEDAR CITY CITY COUNCIL APRIL 09, 2025.

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

