

**CEDAR CITY  
ORDINANCE 1129-23-3**

**ORDINANCE REWRITING CHAPTER 32 REGARDING PROCEDURES FOR  
SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUDS).**

**WHEREAS**, Cedar City has adopted Chapter 32 of the ordinance of Cedar City, Utah, and said provisions contain specific requirements governing the control of the creation and modification of subdivisions; and

**WHEREAS**, the Utah Legislature passed legislation in 2023 requiring extensive changes to Cedar City's subdivision process; and

**WHEREAS**, the Cedar City Council desires to update its ordinances to carryout those statutory changes; and

**WHEREAS**, Cedar City staff have presented these changes to the public, including to local stakeholders working within the development industry; 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 make these changes by ordinance and other related changes by resolutions.

**NOW THEREFORE**, be it ordained by the City Council of the Cedar City, in the State of Utah, that the below ordinances are amended to include the below underlined text and exclude all crossed out text:

**SECTION 1:**        **AMENDMENT** “Section 26-VIII-7 Subdivisions” of the Cedar City Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 26-VIII-7 ~~Subdivisions~~Repealed

~~The subdivision of any land whether by metes and bounds or by recorded plat or the vacating or changing of a subdivision plat shall be reviewed by the Planning Commission and City Council according to the provisions of the City's Subdivision Ordinance, Chapter 32.~~

**Amended by Cedar City Ordinance No. 0612-13-3**

**SECTION 2:**        **AMENDMENT** “Section 32-2 Definitions” of the Cedar City Municipal Code is hereby *amended* as follows:

## AMENDMENT

### Section 32-2 Definitions

- A. For the purpose of this Ordinance and any Resolution setting the requirements for a complete subdivision land use application, the following definitions shall apply:
1. **Arterial Street:** A street, existing or proposed, which serves or is intended to serve as an arterial traffic-way and is so designated on the Master Street Plan and further described in the Cedar City Engineering Standards.
  2. **Available Sewer:** An existing City sewer main into which sewage from a proposed subdivision can drain.
  3. **Collector Street:** A street, existing or proposed, of considerable continuity which serves or is intended to serve as the principle traffic-way between large and separated areas or districts and which is the main means of access to an arterial street system. As shown on Cedar City's Streets Master Plan and further described in the Cedar City Engineering Standards.
  4. **Easement:** A quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of land, is granted to the public or some particular person or part of the public.
  5. **Final Plat:** A recorded plat of the land division, which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified. The Final Plat shall contain all information required by State Law and City ordinance.
  6. **Intervening Property:** Property located between the existing City utilities and public service facilities, and the property under development.
  7. Land Use Authority: The City Engineer and any designee(s) of the City Engineer.
  8. **Local Street:** A street as defined by the Cedar City Engineering Standards, existing or proposed which is supplementary to a collector street and of limited continuity which serves or is intended to serve needs of a neighborhood.
  9. Lot: means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
  10. **Lot Line Adjustment:** ~~The relocation of the lot line in a platted subdivision or a property line in an un-platted area that can be approved by the City Engineer if the proposed lot line adjustment complies with Section 32-5 (A) As~~ defined by Utah Code Ann. 10-9a-103, as amended.
  11. **Meets & Bounds:** The description of a lot or parcel of land by courses and distances.
  12. **On-Site Facilities:** Facilities installed in, under, or upon the public streets, or rights-of-way within or on the perimeter of the subdivision or development site.
  13. **Off-Site Facilities:** Facilities designed or located so as to serve other property outside the boundaries of the subdivision.
  14. **Oversize Facility:** Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.
  15. Parcel: means any real property that is not a lot.

16. **Parcel Boundary Adjustment:** As defined by Utah Code Ann. 10-0a-103.
17. **Preliminary Plat:** A map of a proposed land division which has been prepared in accordance with regulations herein prescribed.
18. **Review cycle: the occurrence of:**
- a. the applicant's submittal of a complete subdivision land use application;
  - b. the City's review of that subdivision land use application;
  - c. the City's response to that subdivision land use application, in accordance with this section; and
  - d. the applicant's reply to the City's response that addresses each of the City's required modifications or requests for additional information.
19. **Simple Minor Lot Subdivision:** A subdivision where one of the following criteria is met:
- a. The subdivision is in a residential zone, and all lots front a dedicated public street that is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than ten (10) lots including the remainder parcel;
  - b. The subdivision is in an industrial or commercial zone and all lots that front a dedicated public street, the street is completely improved with required curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel; or
  - c. The subdivision is in an industrial zone, commercial zone, or residential zone and meets the following criteria:
    - (1) The subdivision consists of less than ten (10) lots including the remainder parcel and the primary lot frontage along unimproved dedicated public streets are more than 200 feet;  
or
    - (2) The subdivision consists of less than three (3) lots including the remainder parcel, the primary lot frontage along unimproved dedicated public streets meets the minimum width of the underlying zone, and all lots including the remainder parcel are a minimum of one (1) acre in size or larger.
  - d. For all simple minor lot subdivisions, no lot including the remainder parcel, shall have a depth of less than 200 feet. For any lot including the remainder parcel that abuts a Master Planned road or dedicated street, lot depth shall be measured from the nearest side of expected or current right-of-way, whichever is wider.
20. **Subdivider/Developer:** A "Subdivider or Developer" is any person laying out or making a subdivision or Planned Unit Development (PUD) respectively as set forth above.
21. **Subdivision:** A subdivision and what is included and not included in a subdivision is described in Title 10, Chapter 9a, Section 103 ~~(52)~~ of the Utah Code.

22. Subdivision improvement plans: the civil engineering plans associated with required infrastructure and City controlled utilities required for a subdivision.
23. Subdivision ordinance review: review by City staff to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.
24. Subdivision plan review: a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with the City's ordinances and applicable standards and specifications.

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

**SECTION 3:** AMENDMENT “Section 32-3 Staff Sketch Review” of the Cedar City Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 32-3 Staff Sketch Review

- A. All types of Subdivisions, PUD’s or lot line adjustment proposals ~~may~~**shall** be presented to the City’s Staff Sketch Review Committee at the appropriate time before any City ~~Council, City Planning Commission or City Staff~~ approvals are obtained.

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

**SECTION 4:** AMENDMENT “Section 32-4 Subdivision And PUD Plats Required” of the Cedar City Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 32-4 Subdivision And PUD Plats Required

- A. The owner or agent of the owner of any land in a subdivision or PUD, except for land located in a recorded subdivision, shall not transfer or sell any lots or lands without first preparing a Final Subdivision or PUD Plat, and having such Plat approved by the City ~~Council~~, and recorded in the Office of the County Recorder, for each lot so transferred or sold. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from penalties outlined in Title 10, Chapter 9a, Section 611 of the Utah Code; ~~provided, however, that in subdivisions of less than ten lots, land may be sold by metes and bounds without the necessity of recording a final plat, if all of the~~

~~following conditions contained herein are met:~~

- ~~1. The subdivision layout shall have first been approved by the Planning Commission;~~
- ~~2. The subdivision is not traversed by the mapped lines of a proposed street as shown on the Master Plan of Cedar City streets and does not require the dedication of any land for street or other public purposes; and~~
- ~~3. Each lot in the subdivision meets the frontage, width and area requirements of the Zoning Ordinance, or has been granted a variance from such requirements by the Board of Adjustments.~~

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

**SECTION 5:            AMENDMENT** “Section 32-5 Lot Line Adjustment Approval Procedure” of the Cedar City Municipal Code is hereby *amended* as follows:

### AMENDMENT

#### 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 ~~(1A)~~ through ~~(7F)~~ below. Lot line adjustments may be approved by the City Engineer if they comply with all items ~~(1A)~~ through ~~(8G)~~ 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 included in the proposed lot line adjustment~~ or 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 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.

- 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 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 the Notice of Lot Line Adjustment 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

**SECTION 6:**AMENDMENT "Section 32-6 Minor Lot Subdivision Approval Procedure (Less Than 10 Lots Including The Remainder Parcel, Not Requiring A Plat)" of the Cedar City Municipal Code is hereby *amended* as follows:

### AMENDMENT

Section 32-6 ~~Minor Lot Subdivision Approval Procedure (Less Than 10 Lots Including The Remainder Parcel, Not Requiring A Plat)~~Repealed

~~**Step 1.** Discuss Proposed Subdivision with City Engineer: Any person wishing to subdivide within Cedar City, Utah, shall secure from the City Engineer information pertaining to the City's plan of streets, sewer, water, drainage, parks, trails, zoning, subdivision of lands, other master plan requirements affecting the land to be subdivided, and the required water conveyance to the City according to Section 32-9(S). Subdivider shall also be informed that multiple, contiguous minor lot subdivisions shall not be allowed.~~

**Step 2. Determine the Type of Minor Lot Subdivision and Requirements:** There are two (2) types of minor lot subdivision, a simple minor lot subdivision and a detailed minor lot subdivision as defined below:

- A. ~~Simple minor lot subdivisions shall consist of the minor lot subdivisions where the minor lot subdivision meets one or more of the following criteria:~~
  - 1. ~~The subdivision is in a residential zone and all lots front a dedicated public street that is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel.~~
  - 2. ~~The subdivision is in an industrial or commercial zone and all lots that front a dedicated public street, the street is completely improved with curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, but may not have sewer and water service laterals, and there are less than (10) lots including the remainder parcel.~~
  - 3. ~~The subdivision is in an industrial zone, commercial zone, or residential zone and meets the following criteria:~~
    - a. ~~The subdivision consists of less than ten (10) lots including the remainder parcel and the primary lot frontage along unimproved dedicated public streets are more than 200 feet; or~~
    - b. ~~The subdivision consists of less than three (3) lots including the remainder parcel, the primary lot frontage along unimproved dedicated public streets meets the minimum width of the underlying zone, and all lots including the remainder parcel are a minimum of one (1) acre in size or larger.~~
- B. ~~Detailed minor lot subdivisions shall consist of those minor lot subdivisions where:~~
  - 1. ~~The subdivision is in a residential zone and one or more of the lot frontages is not completely improved with required curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains, and there are less than (10) lots including the remainder parcel; except in the case of Step 2(A)(3) above.~~
  - 2. ~~The subdivision is in an industrial or commercial zone and one or more of the lots that front a dedicated public street that is not completely improved with required curb, gutter, sidewalk, asphalt, water mains, sewer mains, and storm drains and there are less than (10) lots including the remainder parcel; except in the case of Step 2(A)(3) above.~~
  - 3. ~~The subdivision is in an industrial zone, commercial zone, or residential zone and one or more of the lot frontages along unimproved dedicated public streets are less than two hundred (200) feet and there are less than (10) lots including the remainder parcel; except in the case of Step 2(A)(3) above.~~

**Step 3. Vicinity Plan:** (Only required for detailed minor lot subdivisions) The subdivider shall then prepare a Vicinity Plan at a scale of not smaller than 1 inch = 100 feet, and shall submit a copy of the same to the City Engineers. The Vicinity Plan shall show:

- A. ~~A small map showing the location of the subdivision in relation to existing City roads and recognizable landmarks;~~

- B. ~~The general layout and numbering of the lots and remaining parcel within the area to be subdivided and how the lots connect with existing adjoining streets and lots;~~
- C. ~~The lot frontages (in lineal feet) and areas (in square feet) of the lots within the subdivision;~~
- D. ~~The location of existing and proposed main water lines, main sewer lines, and storm drain facilities within the land to be subdivided and the adjoined existing streets;~~
- E. ~~The locations of existing building(s) on the property being subdivided;~~
- F. ~~A title block containing the subdivision name, subdivider's name and the name, address, and phone number of the subdivider's engineer;~~
- G. ~~City zoning designation and boundaries within the subdivision;~~
- H. ~~FEMA flood zone designation and boundaries within the subdivision;~~
- I. ~~Soils area designation;~~
- J. ~~Survey monuments, and;~~
- K. ~~Names of the adjacent property owners.~~

~~**Step 4. Vicinity Plan City Engineer Approval:** (Only required for detailed minor lot subdivisions) The City Engineering Staff shall Review and Approve the Vicinity Plan before submitting to the Planning Commission for review.~~

~~**Step 5. File Planning Commission Application and Fees:** For both simple and detailed minor lot subdivisions the subdivider shall submit an application to the City Engineer and pay the applicable Planning Commission and filing fees according to the City's adopted fee schedule. Pursuant to the provisions of Title 10, Chapter 9a, Section 509, of the Utah Code, upon submission of a complete application and payment of filing fees the Subdivider or Developer is entitled to substantive review of their application under the land use laws currently in effect.~~

~~**Step 6. Vicinity Plan Planning Commission Approval:** (Only required for detailed minor lot subdivisions) The Planning Commission shall review and approve the vicinity plan or approve it subject to changes or alterations. Whenever final approval has been obtained from the Planning Commission the Vicinity Plan approval shall remain effective for a period of Two (2) years.~~

~~**Step 7. Soil Report Approval and Compliance:** (only required for detailed minor lots subdivision), See Section 32-9(A).~~

~~**Step 8. Engineering Drawings:** (Only required for detailed minor lots subdivision). See Section 32-9(D).~~

~~**Step 9. Improvement Cost Estimate:** (Only required for detailed minor lots subdivision.) The subdivider shall prepare and submit to the City Engineer an improvement cost estimate for all improvements shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.~~

~~**Step 10. City Engineer's Approval of the Engineering Drawings and Cost Estimate:** (Only required for detailed minor lots subdivision.) The City Engineer shall review and approve, or recommend changes consistent with City ordinances and adopted standards, to the proposed detailed minor lot subdivision's engineering drawings, soils report, design study reports and~~

improvement cost estimate.

~~**Step 11. Minor Lot Subdivision Final Plan and Deeds:** Upon receiving the Planning Commission's approval of the Vicinity Plan for a detailed minor lot subdivision and the City Engineer's approval of the engineering drawings, soils report, design study reports and improvement cost estimate for a detailed minor lot subdivision, for both simple and detailed minor lot subdivisions the subdivider shall prepare and submit to the City Engineer one copy of the Final Plan and Deeds both in hard copy and electronic PDF format. Failure to submit a Final Plan of a detailed minor lot subdivision within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan and Engineering drawings null and void.~~

The following information shall be submitted as part of the Final Plan:

- A. ~~A Final Plan shall be in the form of a Record of Survey that shall contain the following information:~~
  1. ~~The location of the subdivision in relation to existing City streets and recognizable landmarks;~~
  2. ~~The layout of streets and lots within the area to be subdivided and how those streets and lots connect with existing streets within the subdivision including;~~
    - a. ~~Centerline bearings;~~
    - b. ~~Curve data;~~
    - c. ~~Widths;~~
    - d. ~~Street names and/or street numbers;~~
    - e. ~~Section corner tie;~~
    - f. ~~Right-of-way markers on state roads;~~
    - g. ~~Centerline monuments;~~
    - h. ~~Set and/or found corners, and;~~
    - i. ~~Other such information that may be necessary to fully and fairly describe the road;~~
  3. ~~Parcel information for both new and remaining parcels including, but not limited to the following:~~
    - a. ~~Distances;~~
    - b. ~~Bearings;~~
    - c. ~~Legal description;~~
    - d. ~~Closure of the parcels;~~
    - e. ~~The square footage of each parcel;~~
    - f. ~~The frontage length of each lot along a dedicated City Street;~~
    - g. ~~Parcel numbers;~~
    - h. ~~Other similar information related to the subdivision of the parcel, and;~~
    - i. ~~Parcel addresses.~~
  4. ~~Detailed information including distances, monument tie, parcel line tie,~~

- bearings, and boundaries for the airport overlay zone;
- 5. ~~The relationship of existing and planned streets within 200 feet from the outside boundaries of the entire subdivision;~~
- 6. ~~The locations and sizes of the main water lines, main sewer lines, and storm drain facilities within the subdivision and within 200 feet of the boundary of the subdivision;~~
- 7. ~~The location of any proposed and existing parks, open space, and trails within the land to be subdivided;~~
- 8. ~~A title block containing the subdivider's name and the name, address, and phone number of the subdivider's engineer;~~
- 9. ~~Surveyor's stamp and certification;~~
- 10. ~~Legal descriptions of the boundary and each parcel;~~
- 11. ~~Survey narrative;~~
- 12. ~~Basis of bearings, monuments, and elevations;~~
- 13. ~~City zoning designation and boundaries within the subdivision;~~
- 14. ~~FEMA flood zone designation and boundaries within the subdivision;~~
- 15. ~~Soils area designation;~~
- 16. ~~Survey monuments;~~
- 17. ~~If required, a certificate showing the acknowledgment and approval of the Electric Company, Gas Company, Telephone Company, Cable Company, and other private providers of public utilities;~~
- 18. ~~City Engineer's approval certificate;~~
- 19. ~~City Attorney's approval certificate (Detailed Minor Lot Subdivisions only);~~
- 20. ~~A certificate for the Planning Commission's approval;~~
- 21. ~~Show the building(s) existing on the property, and describe how these buildings(s) meet the following:~~
  - a. ~~Structural independence;~~
  - b. ~~Separate water service;~~
  - c. ~~Separate sewer service;~~
  - d. ~~Required setbacks;~~
  - e. ~~Required parking;~~
  - f. ~~Fencing;~~
  - g. ~~Landscaping, curb, gutter, and sidewalk; and~~
  - h. ~~Any other requirement that may apply to the subdivision.~~
- 22. ~~List the names of the adjacent property owners;~~
- B. ~~Signed and notarized recordable deeds necessary to transfer title to all lots and any easements associated with the minor lot subdivision.~~

**Step 12.** ~~Final Plan and Deeds City Surveyor's Review:~~ For both simple and detailed minor lot subdivisions the City Surveyor shall check the final plan and deeds for accuracy and completeness. The corrected final plan shall then be a plotted original on 24" X 36" mylar signed and stamped by the Surveyor and signed by all utilities if required, and then given to the City Engineer for his/her approval and signature.

**Step 13.** ~~Performance Bonding and Fees:~~ (Only required for detailed minor lot subdivisions); See Section 32-9(J&K).

~~Step 14. Filing Fee Collection by the City Engineer: (Only required for simple minor lot subdivisions.) Upon receiving the filing fees and approving the final plan and signed and notarized deeds the City Engineer shall schedule simple minor lot subdivisions for review and approval by the Planning Commission.~~

~~Step 15. Bonding and Fee Collection by the City Attorney: (Only required for detailed minor lots subdivision.) Upon receiving the final plan, signed and notarized deeds, bond estimate and accrued review fees from the City Engineer for detailed minor lot subdivisions only, the City Attorney shall collect the required bonding amount, signed bond agreement and required fees and schedule the detailed minor lot subdivision for review and approval by the Planning Commission.~~

~~Step 16. Minor Lot Subdivision Planning Commission Approval: Upon reviewing the final plan and deeds for a simple or detailed minor lot subdivision, the Planning Commission shall review and approve or disapprove the layout of the subdivision, or approve it subject to change or alteration. If the minor lot subdivision is approved, the record of survey shall be signed by the Planning Commission chairperson. Any deeds for the minor lot subdivision shall be stamped and signed by the Planning Commission Chair. The record of survey shall be filed with the Iron County Engineering and Surveying Office. The deeds shall be recorded with the Iron County Recorder. All recording shall be completed by the Subdivider.~~

~~This section amended by Cedar City Ordinance No. 1014-15 and 0126-22-3.~~

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

**SECTION 7:            AMENDMENT** “Section 32-7 Platted Subdivision Approval Procedure (10 Lots Or More)” of the Cedar City Municipal Code is hereby *amended* as follows:

### AMENDMENT

Section 32-7 ~~Platted Subdivision Approval Procedure (10 Lots Or More)~~Subdivision and Planned Unit Development (PUD) Approval Procedure

- A. Any owner or agent of the owner of any land seeking to subdivide said land must complete the preliminary subdivision land use application process and the final subdivision land use application process.
- B. Failure to submit a complete subdivision land use application shall result in a rejection of the application.
- C. All applications must comply with the requirements of this Chapter and all other applicable City ordinances, State and federal laws, and all applicable standards and specifications.

D. Pre-application meeting.

1. If an applicant requests a pre-application meeting, City staff shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
2. The applicant's request must include all items required by ordinance and resolution.
3. At the pre-application meeting, the City staff shall provide or have available on the City's website the following:
  - a. copies of applicable land use regulations;
  - b. a complete list of standards required for the project;
  - c. preliminary and final application checklists; and
  - d. feedback on the concept plan.

E. Preliminary subdivision land use application (Preliminary Plat)

1. A complete preliminary plat application must:
  - a. Include all fees, items, documents, and information included in the Complete Preliminary Land Use Application List passed by resolution of the City Council and shall comply with all relevant City ordinances, State statutes, adopted codes, and Engineering Standards; separate lists may be approved and used for different categories of subdivisions, including, if deemed necessary, for regular subdivisions, Planned Unit Developments, and minor lot subdivisions.
  - b. Be submitted to the City Engineer or the City Engineer's designee through the electronic submittal system designated by the City Engineer. Applications submitted outside of the designated electronic system shall be rejected unless no electronic system has been designated.
2. Said electronic submittal system shall require the submission of the required items, documentation, or information and payment of all required fees as set by schedule before allowing the applicant to proceed forward with the application. If the electronic submittal system allows the submittal of an incomplete application, whether by system error or by any action to defeat the system, including, but not limited to submitting a document purporting to be something other than what it is, the application shall be deemed incomplete and shall be rejected by staff.
3. Upon receiving a completed application, City Staff shall complete the review of the application pursuant to Utah Code Section 10-9a-604.2 and this Chapter.
4. The review cycle restrictions and requirements of this Chapter do not apply to the review of subdivision applications affecting property within identified geological hazard areas if the Land Use Authority determines the geological hazard area will require more time.
5. No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a subdivision or Planned Unit Development, the Land Use Authority shall complete the initial review of the application, including subdivision improvement plans.
6. In reviewing a subdivision land use application, the Land Use Authority may

require:

- a. additional information relating to an applicant's plans to ensure compliance with City ordinances and approved standards and specifications for construction of public improvements; and
  - b. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
7. The Land Use Authority's request for additional information or modifications to plans under the above subsection shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions and shared with the developer.
8. In each cycle and subject to Subsection (3), a change or correction not addressed or referenced in the Land Use Authority's plan review is waived and may not be addressed for the first time in a later cycle, except:
  - a. For a modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived; or
  - b. When the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development.
9. Upon completion of the 15-day review period in each cycle, the applicant shall submit, through the same electronic system, the applicant's reply to the Land Use Authority's response that addresses each of the Land Use Authority's required modifications or requests for additional information. The reply must contain
  - a. All additional items, documents, data, and information and all amended documents, information, and plat necessary to adequately correct the errors, mistakes, and omissions addressed by the Land Use Authority in that cycle; and
  - b. A written explanation in response to the Land Use Authority's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
10. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
11. No later than 15 business days after the day on which an applicant submits a complete reply to the Land Use Authority's response, the Land Use Authority shall complete that cycle's review of the updated application, including subdivision improvement plans, except,
  - a. If an applicant does not submit a revised plan within 20 business days after the Land Use Authority requires a modification or correction, the Land Use Authority shall have an additional 20 business days to respond to the plans.

12. The Land Use Authority may not require more than four review cycles. After the four review cycles, if the Land Use Authority determines that the land use application does not meet current ordinances, state and federal law, applicable standards, or specifications or does not contain all required information, then the land use application shall be denied.
13. If an applicant makes a material change to a plan set, the Land Use Authority has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
14. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the Land Use Authority's previous review cycle, the Land Use Authority may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
15. If the Land Use Authority's review shows the preliminary subdivision land use application meets all requirements of City ordinance, the General Plan, State and Federal law, and any applicable Residential Development Overlay (RDO), development agreement, or other standards or that any parts of the application failing to meet the applicable laws and standards have been waived pursuant to this section or granted an exception, deferral, or variance by the appropriate City body, the City shall approve the preliminary subdivision land use application and inform the applicant that the final subdivision land use application can be submitted.
16. If, on the fourth or final review, the Land Use Authority fails to respond within 20 business days, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
  - a. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5) (d) of the Utah Code, as amended, to review and approve or deny the final revised set of plans;
  - b. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the City Manager; or
  - c. Approve the preliminary subdivision land use application.
17. If, on the fourth or final review, the Land Use Authority rejects or denies the application, the City shall, upon request of the property owner, and within 10 business days after the day on which the request is received, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the City Manager.

F. Final subdivision land use application.

1. Failure to submit a final subdivision land use application within two (2) years of the date of the approval of the preliminary subdivision land use application shall terminate all proceedings and render the approval of the preliminary land use application null and void.
2. An application for final subdivision land use must be submitted to the City

Engineer or the City Engineer's designee through the electronic submittal system designated by the City Engineer. Applications submitted outside of the designated electronic system shall be rejected unless no electronic system has been designated.

3. Said electronic submittal system shall require the submission of the required items, documentation, or information before allowing the applicant to proceed forward with the application. If the electronic submittal system allows the submittal of an incomplete application, whether by system error or by any action to defeat the system, including, but not limited to submitting a document purporting to be something other than what it is, the application shall be deemed incomplete and shall be rejected by staff.
4. If an applicant makes a material change between the preliminary subdivision land use application and the final subdivision land use application, the Land Use Authority has the discretion to restart the preliminary subdivision land use review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
5. Engineer's Approval: The City Surveyor and Engineer shall check the final plat copies for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of supplying and installing the required improvements as provided by the subdivider's Engineer. The City Engineer shall calculate the City fees to be paid, and the required amount of water that needs to be conveyed to the City necessary to comply with the City's Water Acquisition Ordinance prior to final plat approval. The corrected Final Plat shall then be a plotted inked original on 24" X 36" mylar signed and stamped by the Surveyor and signed and notarized by the owners, and signed by all utilities and then given to the City Engineer for his/her approval and signature.
6. No later than 20 business days after the day on which an applicant submits a final subdivision land use application, the Land Use Authority shall complete a review of the applicant's final subdivision land use application for a subdivision or PUD, by either
  - a. Approving the Final Land Use Application, obtaining all necessary signatures by City staff and elected officials, and, once all required documents have been submitted to the City Attorney, approving the final plat; or
  - b. Denying the Final Land Use Application by written response to the applicant, stating specifically how the application fails to meet City ordinance, State or Federal Law, or applicable standards and including citations to the violated ordinances, standards, or specifications. The City shall, upon request of the property owner, and within 10 business days after the day on which the request is received, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the City Manager.
7. If a Final Land Use Application is denied, no later than 20 business days after the date on which the denial is issued, the applicant may submit a corrected

final subdivision land use application and corrected final plat addressing the issues upon which the application was denied. No later than 20 business days after the day on which an applicant submits a corrected final subdivision land use application and corrected final plat, the Land Use Authority shall complete a review of the applicant's corrected final subdivision land use application for a subdivision or PUD, by either

- a. Approving the Final Land Use Application, obtaining all necessary signatures by City staff and elected officials, and, once all required documents have been submitted to the City Attorney, approving the final plat; or
- b. Denying the corrected Final Land Use Application by written

response to the applicant, stating specifically how the application fails to meet City ordinance, State or Federal Law, or applicable standards and including citations to the violated ordinances, standards, or specifications. The City shall, upon request of the property owner, and within 10 business days after the day on which the request is received, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to the City Manager.

8. Performance Bond, Fees, Title Report, Bond Agreement, Reimbursement Agreement, CC&R's, Water Conveyance, and Other Matters: Upon the City Attorney receiving the Final Plat and other information from the Land Use Authority, the applicant shall provide the following to the City Attorney for review and approval prior to the plat being sent for recording:
  - a. Performance bonding as described in Section 32-9(J) guaranteeing the required improvements will be installed and paid for without cost to the City;
  - b. A title report. The title report is to be reviewed to verify ownership, taxes, including green belt roll back taxes, and special improvement district assessments are current, and to examine the liens that are on the property. All ownership in the title report must match the ownership on the plat. All taxes, including green belt roll back taxes, and special improvement assessments must be current;
  - c. Proof of payment of all fees owed to the City pursuant to the City's adopted fee schedule. The fees shall include but not be limited to plat and plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, recording fees, inspection fees, and water assessment fees;
  - d. If requested by the subdivider, an off-site utility extension reimbursement agreement shall be prepared by the City Attorney and signed by the subdivider;
  - e. Documentation of all conveyances of water rights to the City according to Section 32-9(S);
  - f. Original CC&R's ready for recording as deemed necessary by the City; and
  - g. Applicant's preferred title company for delivery of the Final Plat to be

recorded.

- h. All outstanding matters must be completed prior to the plat being sent for recording. These matters include but are not limited to the matters described above, Attorney letters certifying compliance with the Utah Condominium Act, verification of original deeds for easements, and any other matter that is required by the subdivision of the land.
9. City approval of the final plat will expire if the final plat has not been recorded within 2 years of the date of the Land Use Authority's approval. Recordation of the Final Plat shall be deemed as acceptance of the dedication of any street, public way or ground. Unless the City files directly with the County Recorder, Cedar City will file the final plat directly or through the applicant's preferred title company, unless the applicant fails to inform the Land Use Authority of the preferred title company, in which case, the City may deliver it to the title company of its choice. Any fees associated with delivery or eventual recording shall be paid by the applicant.

#### G. Appeal

1. All appeals shall be handled pursuant to the requirements of Section 32-11.
2. Except where another appeal process is specifically designated in this Chapter, after denial of an application, an applicant may appeal said decision to the City Manager.

#### H. Fees.

1. For a land use application to be complete, all application fees must be paid before or concurrently with the filing of the land use application. All payments by check or cash must be paid before submission of the application with a copy of the receipt being uploaded with the submission of the land use application. Payments by credit or debit card shall be paid through the Land Use Authority's electronic submittal system.
2. All fees shall be set by the City's Consolidated Fee Schedule.
3. All fees paid are nonrefundable, except as listed below.
  - a. If the applicant requests a refund prior to submitting or attempting to submit a completed application, all fees paid shall be refunded.
  - b. If the applicant requests a refund after submitting or attempting to submit a completed application, all fees minus a completed application checking fee shall be refunded. "Attempting to submit a completed application" does not include beginning but not completing the application process through the electronic submittal system as long the system does not send the application to the Land Use Authority or designee.
  - c. Except where specifically prohibited by State law, no land use application fees may be refunded after the Land Use authority or designee determines the application is complete.
  - d. All requests for refund must be submitted within 90 days of payment for the request to be considered.

**Step 1. Discuss Proposed Subdivision with City Staff:** Any person wishing to subdivide land within Cedar City, which requires the submission of a Final Plat, the subdivider shall secure from the City Engineer information pertaining to the City's plan of streets, sewer, water, drainage, parks, trails, zoning, subdivision of land, and other Master Plan requirements and the required water right conveyance to the City according to 32-9(S).

**Step 2. Vicinity Plan:** The subdivider shall then prepare a Vicinity Plan at a scale of not smaller than 1 inch = 100 feet, and shall submit one (1) copy of the same to the City Engineer. The Vicinity Plan shall show:

- A. A small map showing the location of the subdivision in relation to existing City roads and recognizable landmarks;
- B. The general layout of streets and lots within the area to be subdivided and how the streets and lots connect with existing or proposed streets and lots within all phases of the subdivision;
- C. The lot frontages (in lineal feet) and areas (in square feet) of the lots within the subdivision;
- D. The relationship of existing and master planned streets within 500 feet from the outside boundaries of the entire subdivision;
- E. The location of existing and proposed main water lines, main sewer lines, and storm drain facilities within the land to be subdivided;
- F. The relationship of the main water lines, main sewer lines, and storm drain facilities to those existing or proposed main water lines, main sewer lines, and storm drain facilities within all phases of the subdivision;
- G. The location of existing or proposed master planned main water lines, main sewer lines, and storm drain facilities within 500 feet from the outside boundaries of the entire subdivision;
- H. The location of any existing and proposed and master planned parks, open space, and trails within the land to be subdivided;
- I. Elevation contours at 2-foot intervals on NGVD 1929 Datum.
- J. A title block containing the subdivision name, subdivider's name and the name, address, and phone number of the subdivider's engineer;
- K. City zoning designation and boundaries within the subdivision;
- L. FEMA flood zone designation and boundaries within the subdivision;
- M. Soils area designation;
- N. Survey monuments;
- O. List of names of the adjacent property owners on their property.

**Step 3. Vicinity Plan City Engineer Approval:** The City Engineering Staff shall review or recommend changes consistent with adopted City ordinances, engineering standards and City master plans; and approve the Vicinity Plan before submitting to the Planning Commission for review.

**Step 4. File Planning Commission Application and Fees:** Submit application to the City Engineer and pay the applicable Planning Commission and filing fees according to the City's adopted fee schedule. Pursuant to the provisions of Title 10, Chapter 9a, Section 509, of the

Utah Code, upon submission of a complete application and payment of filing fees the Subdivider or Developer is entitled to substantive review of their application under the land use laws currently in effect.

~~**Step 5. Vicinity Plan Planning Commission Approval:** The Planning Commission shall review and give a positive or negative recommendation of the vicinity plan or recommend it to the City Council subject to changes or alterations. Where a subdivider owns or controls more land than is desired to be developed immediately, the Planning Commission or City Council may require that a Vicinity Plan of the whole area or a portion thereof be submitted, in which case the subdivider shall indicate on the Vicinity Plan the portion to be developed immediately, and the portion to be held for future development.~~

~~**Step 6. Vicinity Plan City Council Approval:** Upon receiving the Planning Commission's recommendation, the Vicinity Plan shall be submitted to the City Council. The City Council may approve or disapprove the Vicinity Plan, or approve it subject to changes and alterations. Failure to submit a Final Plat within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan null and void.~~

~~**Step 7. Preliminary Plan:** Upon approval of the Vicinity Plan by the City Council, the subdivider shall prepare a Preliminary Plan of the subdivision and shall submit one (1) copy of the same for review and approval to the City Engineer. The preliminary plan shall include the following information;~~

- A. ~~A title block containing:~~
  - 1. ~~The name of the subdivision;~~
  - 2. ~~The location of the subdivision;~~
  - 3. ~~The date;~~
  - 4. ~~The scale;~~
  - 5. ~~The name of the engineer and/or surveyor;~~
  - 6. ~~Sheet number;~~
- B. ~~A north arrow;~~
- C. ~~The subdivision boundary with length and bearings;~~
- D. ~~Section tie including:~~
  - 1. ~~Monuments;~~
  - 2. ~~Line bearing/lengths;~~
  - 3. ~~Basis of bearings;~~
- E. ~~Adjacent owner names;~~
- F. ~~Names and widths of existing streets within 200 feet of the subdivision;~~
- G. ~~Existing culverts, channels, and basins;~~
- H. ~~City zoning designation and boundaries within the subdivision;~~
- I. ~~FEMA flood zones including zone designations, zone boundaries within the subdivision and flood elevations in NAVD 1929 datum;~~
- J. ~~Existing contours at 2 foot intervals;~~
- K. ~~Existing waterlines, valves, hydrants, and sizes within 200 feet;~~

- L. Existing sewer lines, sizes, flow direction, and manholes within 200 feet;
- M. Existing buildings within the subdivision;
- N. Existing easements;
- O. Proposed streets inside and outside the subdivision including;
  1. Name and/or number (no duplicates with streets within Iron County);
  2. Length and bearings;
  3. Widths;
  4. Intersection fillets;
- P. Proposed water mains, locations, sizes, valving, and fire hydrants inside and outside the subdivision;
- Q. Proposed sewer lines, location, sizes, manholes inside and outside the subdivision;
- R. Proposed drainage system, line location, line sizes, manholes, curb inlets/outlets, channels and basins within or adjacent to the subdivision;
- S. Property easements for gas, water, sewer, phone, fiber, avigation, off-site utilities, and trails within the subdivision;
- T. Lot information including border lines (lengths and bearings), lot numbers, lot areas in square footage and lot frontage lengths;
- U. Location map;

**Step 8.** Soil Testing and Report Approval: See Section 32-9(A).

**Step 9.** Engineering Drawings: See Section 32-9(D).

**Step 10.** Improvement Costs Estimate: The subdivider shall prepare and submit to the City Engineer an improvement cost estimate for all improvements shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.

**Step 11.** Preliminary Plan and Engineering Drawings City Engineer Approval: The City Engineer shall review or recommend changes consistent with adopted City ordinances, engineering standards and City master plans; and approve the proposed Subdivision's Preliminary plan, Engineering drawing, soils report, design study reports and improvement cost estimate.

**Step 12.** Final Plat: Once a submitted preliminary plan, engineering drawings, soils reports, design study reports and the improvement cost estimate have been checked and approved by the City Engineer the subdivision can proceed with the Final Plat process. The subdivider shall then prepare and submit a copy of the final plat of the subdivision to the City Engineer. Failure to submit a Final Plat within two (2) years of the date of approval of the Vicinity Plan, and/or Engineering drawings, whichever is later, shall terminate all proceedings and render all approval of the Vicinity Plan, preliminary plan and Engineering drawings null and void.

The following information shall be submitted with the final plat:

- A. A title report showing all water rights within the last 3 years that show the property as the point of use.

- B. ~~A cad file containing the subdivision, boundary, lots, and street centerlines.~~
- C. ~~The final plat shall contain the following information:~~
1. ~~Title block including the subdivision name, subdivision location, date, scale, the identity and contact information for the engineer/ surveyor, and sheet numbering;~~
  2. ~~A north arrow;~~
  3. ~~Boundary legal description matching the preliminary plan that closes, and the total subdivision area expressed in terms of acres;~~
  4. ~~Section ties including monuments, line bearing/length, and basis of bearing;~~
  5. ~~Existing and platted streets including street names, street widths, and center line monuments;~~
  6. ~~Existing and proposed occupation (fence) lines;~~
  7. ~~Existing easements;~~
  8. ~~Proposed street information including names and/or numbers, length/bearings, width, curve numbers and data table;~~
  9. ~~Proposed easement information including location of all utility easements (utility easements include but are not limited to gas, water, sewer, phone, cable, fiber), location of mail boxes, size of easements, and all off-site easements;~~
  10. ~~Lot information including border lines, lengths/bearings, numbers, areas expressed in both acres and square feet, addresses;~~
  11. ~~A vicinity map;~~
  12. ~~The airport overlay zone;~~
  13. ~~Airport aviation easements in any approach zone including the boundary of the easement, the bearings/distance of the easement, monument ties, and lot line ties;~~
  14. ~~If applicable, twin home lot division line;~~
  15. ~~FEMA flood zones including zone designations, zone boundaries and flood elevations in NAVD 1929 datum;~~
  16. ~~A soils notice stating words to the effect that a soils report has been required for the subdivision and that a copy of the report is available for review and inspection at the offices of the City Engineer;~~
  17. ~~Insufficient sewer depth note;~~
  18. ~~Other such information that is reasonable in the City Engineer's opinion based on adopted City ordinances, engineering standards and City master plans and the unique aspects of the subdivision.~~
  19. ~~Approval certificates for the following:~~
    - a. ~~All utility companies (utility companies include but are not limited to gas, electric, telephone, cable television, post office, and fiber);~~
    - b. ~~Surveyor;~~
    - c. ~~Notarized owner's signature and dedication;~~
    - d. ~~City Engineer;~~
    - e. ~~City Attorney;~~
    - f. ~~Planning Commission Chairperson (referencing the Planning Commission's approval of the vicinity plan);~~
    - g. ~~Mayor;~~

- h. ~~City Recorder;~~ and
- i. ~~County Recorder.~~

**Step 13. Engineer's Approval:** ~~The City Surveyor and Engineer shall check the final plat copies for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of supplying and installing the required improvements as provided by the subdivider's Engineer. The City Engineer shall calculate the City fees to be paid, and the required amount of water that needs to be conveyed to the City necessary to comply with the City's Water Acquisition Ordinance prior to final plat approval. The corrected Final Plat shall then be a plotted inked original on 24" X 36" mylar signed and stamped by the Surveyor and signed and notarized by the owners, and signed by all utilities and then given to the City Engineer for his/her approval and signature. Upon calculation and/or approval of the bond amount, required City fees and water conveyance quantity the City Engineer shall forward all information to the City Attorney for collection and the scheduling of the matter for City Council review.~~

**Step 14. Performance Bond, Fees, Title Report, Bond Agreement, Reimbursement Agreement, CC&R's, Water Conveyance, and Other Matters:** ~~Upon the City Attorney receiving the Final Plat and other information from the City Engineer the subdivider shall provide the following to the City Attorney for review and approval prior to the City Attorney scheduling the matter for Final Plat approval by the City Council:~~

- A. ~~Performance bonding as described in Section 32-9(J) guaranteeing the required improvements will be installed and paid for without cost to the City;~~
- B. ~~A title report. The title report is to be reviewed to verify ownership, taxes, including green belt roll back taxes, and special improvement district assessments are current, and to examine the liens that are on the property. All ownership in the title report must match the ownership on the plat. All taxes, including green belt roll back taxes, and special improvement assessments must be current;~~
- C. ~~Payment of all fees owed to the City pursuant to the City's adopted fee schedule. The fees shall include but not be limited to Planning Commission filing fee, plat and plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, recording fees, inspection fees and water assessment fees;~~
- D. ~~If requested by the subdivider, an off-site utility extension reimbursement agreement shall be prepared by the City Attorney and signed by the subdivider;~~
- E. ~~Documentation of all conveyances of water rights to the City according to Section 32-9(S);~~
- F. ~~Original CC&R's ready for recording as deemed necessary by the City;~~
- G. ~~All outstanding matters must be completed prior to scheduling for City Council approval. These matters include but are not limited to the matters described above, Attorney letters certifying compliance with the Utah Condominium Act, verification of original deeds for easements, and any other matter that is required by the subdivision of the land.~~

**Step 15. Final Plat Must Be Approved or Disapproved by City Council:** ~~After approved by the City Engineer and City Attorney, whichever approval is later, the Final Plat must be approved~~

~~or disapproved by the City Council within 60 days of such approval. Upon approval of the Final Plat by the City Council, the City shall submit the Final Plat Mylar to the County Recorder for recording. All Final Plats must be recorded in the office of the Iron County Recorder. A Final Plat of any subdivision shall be recorded within 30 days from the date of approval of the City Council and completion of the requirements outlined by 32-7 Step 14. City Council approval will expire if the final plat has not been recorded within 2 years of the date of City Council approval. Recordation of the Final Plat shall be deemed as acceptance of the dedication of any street, public way or ground.~~

Amended by City Ordinance 1209-20-1 and 0525-22-2

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

**SECTION 8: AMENDMENT** “Section 32-8 Planned Unit Developments (PUD)” of the Cedar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 32-8 Planned Unit Developments (PUD)

- A. Purpose: The purpose of the Planned Unit Development (PUD) is to allow for flexible and efficient utilization of land in residential, industrial and commercial developments (consolidation of open spaces, clustering of dwelling units and efficient use of public facilities). It is intended that a PUD create attractive and desirable environments.
- B. Uses:
  - 1. PUD’s shall be utilized in the process of annexing developed property where said development does not meet City Engineering Standards; in such case, the City reserves the right to require conversion of such developed property to a PUD as a condition of annexation.
  - 2. PUD’s may be allowed in residential, commercial and industrial zones, and the PUD development plan shall become supplementary to the provisions of the zone in which the PUD is located.
  - 3. PUD’s shall only be developed as residential attached town home and condominium developments, gated single and multi-unit residential communities and commercial and industrial developments. Un-gated single unit housing developments shall not be allowed to develop as a PUD except for additional phases that are contiguous with and part of an existing PUD or to facilitate the annexation of developed property where the City owned and maintained improvements do not meet Cedar City Engineering Standards.
  - 4. Uses permitted in the PUD shall be limited to those uses permitted in the zone in which the PUD is allowed.
  - 5. Conversion of existing buildings to a PUD shall conform to existing building codes and the provisions of this chapter.
- C. ~~Approval Procedure: The following is the procedure for PUD approval with specifics for each step set forth:~~

**Step 1.** Discuss Proposed PUD with City Engineer: Any person wishing to develop a PUD within Cedar City shall secure from the City Engineer information pertaining to the City's plan of streets, parks, drainage, zoning, subdivision of land, and other Master Plan requirements affecting the land to be subdivided.

**Step 2.** File Planning Commission Application and Fees: The filing fee required for a PUD is per the City's adopted fee schedule and shall be submitted with the Planning Commission application. Pursuant to the provisions of Title 10, Chapter 9a, Section 509, of the Utah Code, upon submission of a complete application and payment of filing fees the City will consider the Subdivider or Developer entitled to substantive review of their application under the land use laws currently in effect

**Step 3.** Vicinity Plan: The developer shall then prepare a Vicinity Plan of the PUD and present the same to the City Engineer. The Vicinity Plan shall be drawn to a scale not smaller than 60 feet to the inch, and be on standard 24" X 36" paper. Each sheet of the Plan shall contain the scale of the drawing, the sheet number and an arrow indicating north. The Vicinity Plan shall also contain the following information:

1. The proposed name of the development;
2. Where the submitted plan covers only a part of the development's tract, or is part of a larger vacant area, the plan shall show the location of the development as it forms part of a larger tract. In such case, a sketch of the prospective street system of the remaining area shall be submitted;
3. A vicinity map containing sufficient information to accurately locate the property shown on the vicinity map;
4. The names and addresses of the owner(s), the developer, the engineer and surveyor of the development;
5. The boundary lines of the tract to be developed;
6. City zoning designation and boundaries within the PUD;
7. FEMA flood zone designation and boundaries within the PUD;
8. The unit or lot dimensions and square footage of each unit or lot;
9. Existing curbs, gutters, sidewalks, sanitary sewers and manholes, storm drains and manholes, water supply main valves, culverts, and fire hydrants within the tract or within 200 feet of the proposed PUD (the dimensions of all such improvements shall also be indicated);
10. The location, width and other dimensions of proposed curbs, gutters, sidewalks, streets, easements, parks, and other open spaces, and designation of any land to be dedicated to the City;
11. The location of all existing or recorded streets, alleys and easements, water courses, ditches, public utilities and other important features, and existing structures within the development or within 200 feet thereof, and the location and distance to the nearest existing bench mark or monument and section line;
12. Boundary lines of adjacent tracts of land, showing ownership and property monuments;
13. A tabulation of each proposed use by acreage and its percentage of the total acreage;

14. ~~Parks, playgrounds, common areas and facilities, and other appurtenances within the PUD;~~
15. ~~Location of all dwellings and other structures within the development, the common areas, and other areas of private ownership;~~
16. ~~Parking Calculation per the underlying zone.~~
17. ~~Master Planned Improvements.~~
18. ~~Airport Overlay and Soils Area.~~
19. ~~Phasing Plan.~~
20. ~~Determination if the project area is within the Wildlife Urban Interface Zone.~~
21. ~~Fencing Plan.~~
22. ~~The following shall also be submitted with the Vicinity Plan:~~
  - a. ~~Any request for proposed zone change if necessary;~~
  - b. ~~An overall Project Analysis describing the concepts the developer proposes to implement with the project development, including but not limited to:~~
    - (1) ~~An expected buyer profile, including selling price range of units.~~
    - (2) ~~Project description indicating the general configuration for the project (i.e., single family, townhouses, condominiums, etc.) with the proposed plan for landscaping, mailboxes, street lighting, and walkways.~~
    - (3) ~~Proposed budget for common area amenities and landscaping, and infrastructure, including construction, as well as operations and maintenance projections; and~~
    - (4) ~~Project construction phasing and time schedule, for infrastructure; landscaping, buildings, amenities, etc.~~
  - c. ~~Identification of all variations to the development standards of the underlying zone, including, but not limited to:~~
    - (1) ~~Road widths and street setbacks, according to City Standards;~~
    - (2) ~~Location of buildings and structure or front, side, and rear yard setback requirements;~~
    - (3) ~~Lot area requirement (lot size and width);~~
    - (4) ~~Building sizes (minimum and/or maximum ground floor and multi-level); and,~~
    - (5) ~~Building heights (maximum); and~~
    - (6) ~~Supplementary regulations or special provisions.~~

**Step 4. Public Notification:** Any application for a PUD must comply with the following notice requirements five (5) business days prior to the Planning Commission Work Meeting for the Vicinity Plan:

1. Notice by the Petitioner shall be given to all property owners of record within a 300-foot radius from the boundary of the proposed PUD. Said notice shall be sent certified mail by the Petitioner 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;

2. The posting of a sign(s) by the City on the proposed PUD site. The sign(s) shall be posted in a conspicuous place at all points where City Streets intersect, within 10 feet of the street right-of-way line. The sign(s) shall be at least 24 inches square and be labeled with 2-inch high letters reading “PROPOSED PLANNED UNIT DEVELOPMENT” with the PUD notice stapled below, and;
3. When reviewing the Vicinity Plan of a PUD the Planning Commission shall hold a public hearing (requiring appropriate notice and advertising) before submitting recommendations to the City Council.

**Step 5. Vicinity Plan Planning Commission Recommendation:** After approval by the City Engineer, the Planning Commission shall review and recommend or not recommend the PUD Vicinity Plan to the City Council.

**Step 6. Vicinity Plan City Council Approval:** Upon receiving the Planning Commission’s recommendation the Vicinity Plan shall be submitted to the City Council. The City Council may approve or disapprove the Vicinity Plan. Failure to submit a Final Plat of the PUD within two (2) years of the date of approval of the Vicinity Plan shall terminate all proceedings and render all approval of the Vicinity Plan null and void. Where a developer owns or controls more land than is desired to

be developed immediately, the Planning Commission or City Council may require that a Vicinity Plan of the whole area or a portion thereof be submitted, in which case the developer shall indicate on the Vicinity Plan the portion to be developed immediately, and the portion to be held for future development.

**Step 7. Preliminary Plan:** Upon approval of the Vicinity Plan by the City Council, the Developer shall prepare a Preliminary Plan of the PUD and shall submit two (2) copies of the same for review and approval to the City Engineer. The preliminary plan shall include the following information;

1. A title block containing:
  - a. The name of the PUD;
  - b. The location of the PUD;
  - c. The date;
  - d. The seal;
  - e. The name of the engineer and/or surveyor;
  - f. Sheet number;
2. A north arrow;
3. The PUD boundary with length and bearings.
4. Section tie including:
  - a. Monuments;
  - b. Line bearing/lengths;
  - c. Basis of bearings;
5. Adjacent owner names;
6. Names and widths of existing streets within 200 feet of the PUD;
7. Existing culverts, channels, and basins;
8. City zoning designation and boundaries within the PUD;

9. ~~FEMA flood zone designation and boundaries within the PUD;~~
10. ~~Existing contours at 2-foot intervals;~~
11. ~~Existing waterlines, valves, hydrants, and sizes within 200 feet;~~
12. ~~Existing sewer lines, sizes, flow direction, and manholes within 200 feet;~~
13. ~~Existing buildings within the PUD;~~
14. ~~Existing easements within the PUD;~~
15. ~~Proposed streets including;~~
  - a. ~~Name and/or number (no duplicates with streets within Iron County);~~
  - b. ~~Length and bearings;~~
  - c. ~~Widths;~~
  - d. ~~Intersection fillets;~~
16. ~~Proposed water mains, locations, sizes, valving, and fire hydrants;~~
17. ~~Proposed sewer lines, location, sizes, manholes;~~
18. ~~Proposed drainage system, line location, line sizes, manholes, curb inlets/outlets, channels and basins;~~
19. ~~Property easements for gas, water, sewer, phone, fiber, aviation, off-site utilities, and trails;~~
20. ~~Lot and unit information including border lines (lengths and bearings), lot or unit numbers, area in square footage;~~
21. ~~Location map;~~

**Step 8.** ~~Soil Testing and Report Approval: See Section 32-9(A).~~

**Step 9.** ~~Engineering Drawings: See Section 32-9(D).~~

**Step 10.** ~~Improvement Costs Estimate: The Developer shall prepare and submit to the City Engineer separate improvement cost estimates for the private and City owned and maintained improvements as shown on the engineering drawings including a 3% markup for Construction Management and a 0.5% markup for testing.~~

**Step 11.** ~~Preliminary Plan and Engineer Drawings City Engineer Approval: The City Engineer shall review and approve the proposed PUD's Preliminary plan, Engineering drawing, soils report, design study reports and improvement cost estimate.~~

**Step 12.** ~~Final Plat: Once a submitted preliminary plan, engineering drawings, soils reports, design study reports and the improvement cost estimate have been checked and approved by the City Engineer the PUD can proceed with the Final Plat process. The developer shall then prepare and submit a copy of the Final Plat of the subdivision to the City Engineer. The Final Plat shall contain the following information:~~

1. ~~The name of the development;~~
2. ~~A north arrow, the scale of the drawing and the date of preparation of the plat;~~
3. ~~All lot or unit sizes, which shall be indicated by square feet;~~
4. ~~Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the PUD, (properly tied by reference to a public survey monument - these lines shall be heavier than street and lot lines);~~
5. ~~The names, widths, lengths, bearings and curve data of said streets, public~~

utility and irrigation easements, and the boundaries, bearings and dimensions of all portions within the subdivisions intended to be dedicated to the use of the public, and the lines, dimensions, bearings and numbers of all units, lots, blocks and parts reserved within the PUD (all lot, blocks and streets shall be numbered in accordance with the street numbering system adopted by the City);

6. A licensed land surveyor's "Certificate of Survey";
7. The description of the boundaries of the development together with a certification by the Subdivider's engineer or land surveyor stating that the lots and units described fully comply with the requirements of this ordinance;
8. The owner's Certificate of Public and Private Dedications as required by Cedar City;
9. The signature of every person who owns property within the development and a notary public's acknowledgment of all signatures;
10. A signature line of the Planning Commission Chair;
11. A signature line for the Mayor and City Recorder;
12. A signature line for the City Engineer and City Attorney;
13. A signature line for all utility companies and the postal service;
14. A notice of all covenants, conditions and other restrictions which may be relevant and applicable to the property contained in the plat;
15. Designation of common areas and private ownership areas;
16. Identification of common landscaped areas, parking areas, driveways and other features required by this section;
17. Footprint drawings of all buildings and building elevations where required;
18. City zoning designation and boundaries within the PUD;
19. FEMA flood zone designation and boundaries within the PUD;
20. Plat restrictions, lot restrictions and other information required by the Planning Commission and/or City Council;
21. Other such information that is reasonable in the City Engineer's opinion based on adopted City ordinances, engineering standards and City master plans and the unique aspects of the subdivision; and
22. In the case of a PUD/Condominium project, the preliminary plat shall so indicate and comply with step 15 at final plat.
23. Cad file containing the subdivision, boundary, lots, and street centerlines.

**Step 13. City Engineer's Approval:** The City Surveyor and Engineer shall check the final plat copies for accuracy and completeness, and shall determine the amount of bond or other performance guarantee, which shall be based upon the estimate of the cost of installing the required improvements as provided by the Developer's Engineer. The City Engineer shall calculate the City fees to be paid, and the required amount of water that needs to be conveyed to the City necessary to comply with the City's water acquisition ordinance prior to final plat approval. The corrected Final Plat shall then be a plotted original on 24" X 36" mylar signed and stamped by the Surveyor, and signed and notarized by the owners, and signed by all utilities and then given to the City Engineer for his/her approval and signature. Upon calculation and/or approval of the bond amount, required City fees and water conveyance quantity the City Engineer

shall forward all information to the City Attorney for collection and the scheduling of the matter for City Council review.

**Step 14.** ~~Performance Bond, Fees, Title Report, Bond Agreement, Reimbursement Agreement, CC&R's, Water Conveyance, and Other Matters:~~ Upon the City Attorney receiving the Final Plat and other information from the City Engineer the developer shall provide the following to the City Attorney for review and approval prior to the City Attorney scheduling the matter for Final Plat approval by the City Council:

1. ~~Performance bonding as described in Section 32-9(J) guaranteeing the required improvements will be installed and paid for without cost to the City;~~
2. ~~A Title Report. The Title Report is to be reviewed to verify ownership, taxes, including green belt roll back taxes, and special improvement district assessments are current, and to examine the liens that are on the property. All ownership in the Title Report must match the ownership on the plat. All taxes, including green belt roll back taxes, and special improvement assessments must be current;~~
3. ~~Verification of payment of all fees owed to the City pursuant to the City's adopted fee schedule. The fees shall include but not be limited to Planning Commission filing fee, plat and plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, recording fees, inspection fees and water assessment fees;~~
4. ~~If requested by the subdivider, an off-site utility extension reimbursement agreement shall be prepared by the City Attorney and signed by the subdivider;~~
5. ~~Documentation of all conveyances of water rights to the City according to Section 32-9(S);~~
6. ~~Original CC&Rs ready for recording as deemed necessary by the City;~~
7. ~~All outstanding matters must be completed prior to scheduling for City Council approval. These matters include but are not limited to the matters described above, Attorney letters certifying compliance with the Utah Condominium Act, verification of original deeds for easements, and any other matter that is required by the subdivision of the land.~~

**Step 15.** ~~City Attorney Approval:~~ A current Title Report or copy of a Title Insurance Policy indicating ownership of the property, Declaration of Covenants, Conditions and Restrictions, required bonding, bond agreement, receipt verifying payment of fees and Final Plat shall be presented to the City Attorney for review and approval. Where covenants, conditions and restrictions are imposed upon a PUD, two copies of the Declaration of Covenants, Conditions and Restrictions shall be submitted to the City, signed and prepared for recording at the Iron County Recorder's Office prior to approval of the Final Plat. In the case of a PUD condominium project, the developer shall submit to the City Attorney a written statement by an attorney who is licensed to practice in the State of Utah. This written opinion shall state that the Condominium Declaration, the Record of Survey Map, and other supporting documentation comply in all respects with the Utah Condominium Ownership Act, as well as all applicable federal, state and local laws and ordinances, and that when the Condominium

~~Declaration and Survey Map have been recorded in the office of the Iron County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects:~~

~~**Step 16. City Council Approval of Final Plat:** After approval of the Final Plat by the City Engineer and City Attorney, the City Council shall approve or disapprove the same. The City Council shall consider approving the Final Plat of the PUD in a manner consistent with state law provided it finds that all Engineering drawings of the PUD have been approved by the City Engineer.~~

~~**Step 17. Recordation of Final Plat:** The Final Plat shall be recorded by the City after all signatures are obtained, all approvals are given, and all bonds and fees are posted with the City.~~

~~D. C.~~ PUD Development Standards and Requirements:

1. Variations from the development standards of the underlying zone in which the PUD is located may be permitted by the City Council provided the variations are specifically adopted by the City Council prior to the submission of the preliminary subdivision application~~as part of the approved development plan or approved supporting documents~~. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein. The development standards set forth hereinbelow are not subject to variations permitted by the City Council.
  2. Residential Planned Unit Developments shall meet the minimum lot area and maximum density of the underlying zone.
  3. Structure Setbacks:
    - a. Residential - No structures shall be set back less than 20 feet from the right-of-way line of a dedicated street;
    - b. Commercial/Industrial - All setbacks shall be as required in the underlying zone, subject to required utility easements;
    - c. Building setbacks of a residential PUD shall be the same as the underlying zone with exception that perimeter property lines not designated as a front or rear property line shall be 10 feet. Building setbacks along the perimeter property lines of a residential PUD located in an R-1 or RE zone shall be 10 feet, except within 100 feet of where the perimeter property lines of the PUD intersect the public right-of-way, where the minimum setback from the perimeter property line of the PUD line shall be 20 feet. Building setbacks in Industrial and Commercial PUDs shall be according to the requirements of the underlying zone, and;
- AMENDED BY ORDINANCE NUMBER 0426-17-3.
- d. When an existing building is converted to a PUD and the building is nonconforming because of setback requirements and utility easements, the building shall be allowed to continue as a nonconforming PUD relative to the same setback and utility easement

- requirements/deficiencies. All utilities shall be placed underground, where practical, as determined by the City Engineer.
4. All PUD developments shall be served by the public sewer system and public water supply. All newly constructed utilities shall be placed underground. City utilities shall be metered as determined by the City Engineer. Each building shall be served by a separate sewer lateral, sized according to applicable code. Back-flow prevention valves shall be required in accordance with the applicable code.
  5. All PUD common street, drainage, water and sewer improvements shall be designed and installed and inspected according to applicable codes and standards.
  6. Fences: A six-foot high sight obscuring masonry or composite fence shall be erected on the perimeter of condominium, townhome, attached multi-family and attached single family residential PUD projects. Fences shall be setback a minimum of 10 feet from the right-of-way line of a dedicated street. The fence setback area shall be landscaped.

Exceptions:

- a. For residential PUD developments requiring a perimeter fence with units that front on a dedicated street the perimeter fence within the front setback area may be reduced or eliminated under the following conditions:
  - (1) The units fronting the street must be served by individual access driveways leading directly to an enclosed garage attached to and designed to serve an individual unit. A driveway serving a single unit with a two-car garage shall not exceed an on-site width of 20 feet. Driveways serving a single unit with a one-car garage shall not exceed 12 feet. Individual driveways shall be separated by a minimum of 6 feet. Driveway separation areas and all other areas fronting a dedicated street must be landscaped. Driveway widths and sidewalk separation at the property line shall comply with engineering standards; or
  - (2) Buildings fronting dedicated streets must have articulated elevations (multi-surface building projections) with a covered porch at the front of each unit. The full frontage of the buildings shall be landscaped common area and parking and/or garages shall be at the rear of the buildings.
- b. The sight obscuring fence may be eliminated through City Council approval, along portions of the perimeter which meet at least one (1) of the following minimum requirements. City Council approval must be obtained prior to submission of the preliminary subdivision application:
  - (1) the overall density of the development does not exceed 60% of the allowed density per the underlying zone;

- (2) the minimum distance of open space between the proposed building units and any adjacent existing or proposed structures is 150 feet; or
    - (3) there are geologic features between existing and or potential development sites that provide for privacy and separation negating the need for privacy and mitigating potential impacts between developments. Geologic features may include topographical change such as hills, cliffs, and ravens; streams and rivers, and or other areas preserved as open space. Open space areas may include natural and manmade components.
  - c. The sight obscuring fence may be placed on the right-of-way/property line (minimum 1-foot behind sidewalk) adjacent to and fronting the south side of the Highway 56 corridor between Westview Drive and 5300 West. The developer shall landscape to either the back of sidewalk of Highway 56 or to the top of slope of existing irrigation ditches whichever is closer. In no case shall the landscape be less than 10-feet wide. Approval of such configuration shall be subject to the following:
    - (1) Approval by the Utah department of Transportation (UDOT) and associated landscape agreement; and
    - (2) City approval and agreements for maintenance responsibilities by the adjacent corporate entity.
7. Landscaping: In commercial or industrial PUDs, and residential PUDs, permanent landscaping requirements shall be satisfied by the landscaping requirements of the underlying zone. In addition, the perimeter landscape strip adjacent to the public right-of-way shall include one (one) street tree for every 30 feet of linear street frontage. The spacing need not be linear and shall not impede Fire Department access.
8. Open Space: Common Useable Open Space shall be defined as planned public or common outdoor improved landscaped areas suitable for relaxation and recreation. Open space areas shall include one improved amenity to include but not be limited to patios, gazebos, picnic pavilions, pools, and other amenities suitable for public and private gatherings. Open space does not include roads, driveways, parking areas or linear sidewalk adjacent to vehicular access roads.

Common Open space requirements shall apply to attached multi-family residential developments, residential condominiums and attached and detached townhome developments, and the residential component of mixed-use developments as follows:

- a. Common open space shall be provided at a minimum of 150 square feet per unit with a maximum requirement of 3% of the gross development site. 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 except the rear and side setback area when not encumbered by any residential structures and

- designed to be open and available to all residents of a development.
  - b. Open space areas shall be accessible by foot from all residential units within the PUD and shall not require more than 1000 feet of travel.
  - c. Open space areas shall be developed prior to the last phase of a development.
  - d. The minimum amount of open space shall be provided in the master plan of the development.
  - e. At no time shall more than 30% of open space be permitted in the last phase of development.
  - f. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 10 feet wide unless part of a landscaped pathway or trail connecting open space areas.
  - g. Accessory structures within open space areas shall meet the requirements of the underlying zone.
  - h. Open space shall be separated from streets, service and parking areas by landscaping, low level walls, or other decorative treatments.
  - i. Detention areas may be counted as common open space when designed for open space purposes.
9. Parking: The parking of any PUD shall be the same as the parking requirements of the underlying zone including the following:
- a. Within a residential Planned Unit Development where the street design does not allow for street parking either due to narrowness or vehicular access, there shall be provided additional guest parking spaces at a ratio of .20 guest parking spaces per unit. Spaces shall be located in the development within a central parking lot or dispersed throughout. Guest parking shall be arranged to be within 1000 feet to the units the spaces are designed to serve.
    - (1) Exceptions:
      - (A) When PUD Developments do not configure in tandem parking for residential units, and the parking is located within a parking lot that is unenclosed, additional guest parking spaces shall not be required.
      - (B) PUD Developments consisting of single-family dwellings which meet the minimum lot size of the underlying zone per dwelling shall not require additional guest parking spaces.
  - b. Parking space dimensions:
    - (1) Parking spaces located within a central parking area or along routes not required for fire access shall meet the dimensional requirements of the underlying zone. Spaces located along the primary driveway or private street shall not constitute a central parking lot.
    - (2) Private parking spaces designated for private use and located

in front of a unit, or garage, or other obstruction and oriented perpendicular to the street or access way shall have a minimum depth of 22 feet exclusive of any sidewalk, curb gutter.

- (3) Parking spaces located perpendicular to a fire access drive aisle with no obstruction shall have a minimum depth of 20 feet and shall include a 2-foot overhang.

10. Pedestrian Access: Planned Unit Developments shall provide for separate pedestrian access throughout the development to required opens space areas, and to the City sidewalk. Pedestrian access does not include the minimum paved width of private streets and other vehicular access corridors.

11. Private (Non-dedicated) Streets:

- a. All streets within a PUD shall have a minimum paved width according to City Engineering Standards. The minimum street width shall be 26 feet not including curb, gutter and sidewalk. Secondary access roads may be reduced to 24 feet in width not including curb, gutter, and sidewalk. Larger street widths and or turning radii may be required when in the judgment of the City Engineer or Fire Department a greater width is required to provide for adequate access. Streets do not include parking lot driveways;

- (1) Street corner drivable surface inside radius shall be 16 feet for 26-foot-wide streets, and 20.5 feet for 24-foot wide access ways.

- b. Access ways designated for trash pickup shall be a minimum of 26 feet wide, excluding curb and gutter, and shall not require trash collection vehicles to back up.

- c. A private street will not extend to or provide service to another property not included in a phase of the PUD;

- d. Private streets are entered from the public streets by a drive-way type entrance and are posted as private streets. Entrances shall be designed in accordance with City Engineering Standards;

- e. At the intersection of PUD driveways and the public street, the public street shall exhibit a no parking restriction for thirty (30) feet on each side of the driveway when the PUD serves 80 units or more.

Proposed no parking restrictions in excess of thirty (30) feet on each side of the driveway must be approved by the City Council on an individual basis. Proposed no parking restrictions at driveway entrances for PUD's serving less than 80 units must be approved by the City Council on an individual basis. Private streets shall be designed at the intersection to provide adequate stopping and sight distance in accordance with the American Association of State Highway and Transportation Officials (AASHTO).

- f. Private streets are not maintained by the City;

- g. When a PUD entrance occurs at the end of a City Street the developer shall provide for a dedicated, City Standard Cul-de-sac or equivalent

- turn-around, and;
- h. As part of the PUD approval process and in order to provide legal public access to adjoining properties or to conform with the City's Street Master Plan, the City can require any street in the PUD to be a dedicated City street with widths and improvements according to City Engineering Standards.
12. All storage and solid waste receptacles which serve multiple units, and which are not located within a building shall be enclosed within a site obscuring fence or fence compatible with the design of the development.
  13. A PUD may restrict the storage of recreational vehicles within the PUD in the restrictions and covenants of the project. Combined recreational vehicle storage areas in excess of 560 square feet shall be enclosed in a 6-foot-high site obscuring fence.
  14. PUD plats prepared for filing shall be required to show the following minimum utility easements and required dedications to the public:
    - a. All private streets;
    - b. Minimum ten-foot utility easement on each side of all primary access streets;
    - c. Minimum seven and one-half foot utility easement around the perimeter of the PUD. In a Commercial or Industrial Zone, the City Council may grant an exception to said easement requirement, after a recommendation by the City Engineer and the Planning Commission, and each City franchised utility has waived in writing their need for the easement; and,
    - d. All public dedications for streets, trails, drainage, utilities, parks, etc. Said utility easements shall be for the purpose of installing and maintaining utility lines as required by the utility owners. Prior to filing of a Planned Unit Development plat, all utilities currently operating in Cedar City, Utah under a franchise agreement with the City, shall acknowledge by signature on the plat that they have approved said utility easements, and guarantee their utility improvements will be installed and maintained.
    - e. Provide a note indicating all common areas are public utility easements.
    - f. The City Engineer or his designee may grant an exception to the easement requirements above if the easement is deemed unnecessary and each City franchised utility has waived in writing its need for the easement. At locations where the 10-foot PUE requirement in Subsection (b) is waived on a primary access street, a sight visibility triangle shall be preserved at the intersection of two or more primary access streets or of one primary access street and any other private street(s) as follows: No obstruction which will obscure the view of automobile drivers shall be placed within a triangular area formed by a line along the back edges of the drivable surface and a line connecting them at points thirty (30) feet from the intersection of those lines.

15. The declaration of Covenants, Conditions and Restrictions (CC&R's) shall include:
- a. A statement of maintenance responsibilities and estimated maintenance budget for all private common improvements, i.e. streets, drainage, sewer, water, landscaping, parks, trails, recreational facilities, club houses, parking areas, fencing, solid waste and other storage areas, etc.
  - b. A statement prohibiting parking on private streets within the PUD on streets having less than 30 feet of asphalt width.

Amended by City Ordinance 1113-19-7, 0501-19, 1209-20-1, 1027-21, 0112-22-1, and 0713-22-1

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

**SECTION 9: AMENDMENT** “Section 32-9 Subdivision And PUD General Requirements” of the Cedar City Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 32-9 Subdivision And PUD General Requirements

- A. The following are the General Requirements for the development of subdivisions and/or PUDs as indicated:
1. Soils Report Compliance: When the applicable Complete Preliminary Land Use Application List requires the applicant ~~The City Council requires that all proposed detailed minor lot subdivisions, platted subdivisions and PUDs undergo to submit~~ soils testing to determine the susceptibility of the soil in said subdivisions or PUDs to soils problems, including but not limited to: subsidence, enlargement, hydro-compaction, settling, slippage, and sinking of soil in relation to construction thereon or any other soil related condition that may pose a present or future threat to buildings or infrastructure constructed thereon. The subdivider or developer shall retain a Geotechnical Engineering Consultant to drill sufficient test pits and bore holes and make analysis and recommendations concerning the requirements to use the soil as the supporting structure for City streets, curb, gutter, sidewalk, utilities and other right-of-way improvements and for public and private buildings. Any such consultant so retained must first be approved by the City Engineer of Cedar City. The following details how the soils report will be reviewed by the City and used by the subdivider or developer in designing the subdivision or PUD:
    - a. ~~Upon approval of the Vicinity Plan of a detailed minor lot subdivision or platted subdivision or a PUD, the subdivider or developer~~ applicant shall provide the City Engineer with two (2)

copies of the proposed subdivision's soils report containing the testing, analysis and recommendations of the Geotechnical Engineer. The Soils Report may be submitted to a second geotechnical engineering firm retained by Cedar City for its comments and recommendations regarding the findings and recommendations of the original soils report. The cost of all engineering analysis shall be borne by the subdivider or developer and payment for the second engineering opinion shall be prepaid by the subdivider to the City;

- b. After reviewing the original soils report and the second opinion ~~of a detailed minor lot subdivision~~, the Land Use Authority City Engineer ~~may present the findings of the reports to the Planning Commission and/or City Council. The Planning Commission and City Council may either approve or disapprove the application for a subdivision or PUD in which a soils report has been required after considering the findings and recommendations of the original soils report and any required second opinion;~~ require additional information or modifications pursuant to Section 32-7.
- c. In all subdivisions and PUDs, all right-of-way improvements, all public utilities, other public improvements and private structures erected within a subdivision or PUD in which a soils report has been required and approved by the City must be built in accordance with the findings of the approved soils report. This shall be in addition to all other building code requirements. The Building Inspector shall have the authority to deny a building permit to a builder proposing to erect a structure within a subdivision or PUD that does not comply with the approved soils report. The City Engineer shall assist the Building Inspector in determining the compliance of buildings with the engineering report. The City Building Inspector shall maintain a complete copy of the soils report for inspection and review by the general public and for the City's use in performing the duties of the City Building Inspector, and;

- d. Violations of this section shall constitute a Class B Misdemeanor.

- B. Standards and Specifications: Engineering standards containing specifications for materials and installation of the required improvements to be owned and maintained by the City in subdivisions, ~~and PUDs,~~ and other construction shall be prepared by the City Engineer. Such engineering standards shall be approved by the Planning Commission and City Council and shall be adopted by resolution of the City Council. Said standards shall be considered minimum and shall apply under all ordinary circumstances; provided, however, that where the ~~subdivider~~ applicant can show that a provision of these general requirements and design standards would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the City Council, a departure may be made without destroying the intent of such provisions, the City Council may authorize a variance. Any variance so authorized shall be stated on the Final Plat and the reasons for such departure shall be entered in writing in the minutes of the City Council. Otherwise, all improvements shall be installed in accordance with City Engineering

Standards.

C. Required Subdivision Improvements: The following improvements shall be required in all subdivisions and also PUDs where specifically indicated herein:

1. All streets shall have sub-base, and minimum two and one half (2 1/2) inch oil mat from curb to curb in accordance with Cedar City's engineering standards;
2. Signs in accordance with Cedar City's engineering standards;
3. Street drainage and drainage structures shall be provided in accordance with Cedar City's engineering standards and City storm drain system master plans;
4. The subdivider shall install sanitary sewers as approved by the City Engineer in accordance with Cedar City's engineering standards and City sewer system master plans;
5. Water mains having a diameter of not less than eight (8) inches shall be installed in accordance with Cedar City's engineering standards and City water system master plans;
6. Easements shall be provided, and fire hydrants and water meters installed to City specifications;
7. Curbs and gutters shall be installed in accordance with Cedar City's engineering standards;
8. Underground utilities shall be installed within the subdivision (these utilities shall include electricity, natural gas, telephone, cable T.V. and street lights; a subdivider may have the option of installing appropriate overhead utilities in any portion of the subdivision in which overhead utilities existed at the time of the presentation of the ~~vicinity plat~~preliminary land use application where such utilities could serve that portion of the subdivision);
9. Sidewalks for the entire subdivision where streets front lots in the subdivision shall be installed in accordance with Cedar City's engineering standards. Where a street does not front lots on both sides, the sidewalks along the side of the street not fronting lots can be omitted;
10. For Subdivisions and PUDs neighborhood delivery and collection box units (NDCBU) shall be installed (the location of the NDCBU'S shall be designated on the Final Plat after consultation by subdivider with the United States Postal Service and an appropriate easement provided therefore);
11. For Subdivisions, streetlights in accordance with Cedar City's engineering standards; for PUD's streetlights in accordance with Cedar City's engineering standards unless prohibited by recorded CC&Rs;
12. Six-foot-high site obscuring fences on lot lines of back yards of double fronted lots where the back yard is bordered by a City street classified as a major collector, minor arterial or major arterial on the Transportation Master Plan. A six-foot-height ~~site~~ght obscuring fence is not required on double fronted lots located along local or minor collector roads, but the subdivider shall specify on the final plat and address said lots to one road for primary access. Said address shall determine the front property line with the opposite lot line being so designated as the rear property line. In no case shall a rear street property line be so designated on a plat that abuts the front property line of a non-through lot.

13. Subdivisions and PUDs will be required to leave in place any existing and required un-paved, 20-foot minimum width, wild land accesses to any public property. Subdivisions and PUDs will be required to design streets to connect to the existing and required wild land accesses. The wild land accesses shall not be included as part of a lot.
  14. For Subdivisions and PUDs off-site access streets are as follows:
    - a. Where off-site access streets to the subdivision or PUD extend through the subdivider's or developer's property the street shall be fully improved with pavement and curb and gutter, not including sidewalk;
    - b. Where off-site access streets to the subdivision or PUD extend through property not owned by the subdivider or developer the street shall be paved 13 feet on each side of the street centerline and be dedicated the required full width with the required public utility easements on both sides of the street.
- D. Engineering Drawings: ~~Upon receiving the Planning Commission's approval of the Vicinity Plan and soils report for detailed minor lot subdivisions, platted subdivisions and PUDs the subdivider or developer shall have a~~ An engineer licensed in the State of Utah shall prepare and stamp one (1) copy of engineering drawings showing a detailed design of all the required subdivision or PUD City and common improvements as listed in Section 32-9(C). The engineering drawings shall be reviewed and initialed by the design engineer's<sup>2</sup> internal checker and shall conform to all City Ordinances, City Engineering Standards, City Master Plans, sound engineering practices, other local, state and federal regulations, soils report recommendations and other requirements of the City Engineer that are based on adopted Cedar City land use regulations. Design study reports for drainage, water, sewer, and traffic may also need to be submitted when requested by the City Engineer. Whenever final approval has been obtained from the City Engineer on the Engineering Drawings the approval shall remain in effect for a period of two (2) years. If construction has not begun before the 2 year period elapses, the City Engineer ~~shall has the right to have~~ require the drawings be updated to the current Cedar City Engineer Standards in effect at that time.
- E. Parks, School Sites, Other Public Space: In subdividing property, consideration shall be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the Master Plan. Any provisions for such open spaces should be indicated on the ~~Vicinity Plan~~ Preliminary Land Use Application and Final Land Use Application in order that the City may determine when and in what manner such areas will be dedicated to, or required by, the appropriate agency.
  - F. Water Pressure: No subdivision shall be approved in an area in which the water pressure at the highest spot in said subdivision has less than 40 p.s.i. with the water tank serving said area containing the amount of one (1) foot of water in said tank, unless said subdivision installs a water system consisting of either additional storage, booster pumps, or other requirements as determined to be necessary by the City Engineer to provide service to areas within said subdivision not meeting the 40 p.s.i. requirement.
  - G. Access: All subdivisions shall have access to a dedicated, paved street. If these

conditions do not exist, the subdivider will be required to obtain such access before submission of the Final Plat Final Land Use Application approval and make improvements before the subdivision is accepted.

Amended by City Ordinance No. 1009-19, 0310-21, and 0525-22-3

- H. Minimum Public Utility Easements on Residential Lots: Residential subdivision plats prepared for filing shall be required to show the following minimum width utility easements:
1. Residential Lots:
    - a. Minimum ten-foot utility easement on the front lot line;
    - b. Minimum five-foot utility easement on the side lot line of subdivision perimeter lots; and
    - c. Minimum seven and one-half foot utility easement on the rear lot line.
  2. Commercial and Industrial Lots: Minimum twenty-foot easement on front lot line.
  3. Said utility easements shall be for the purpose of installing and maintaining utility lines as required. Prior to filing of any residential subdivision plat, all utilities currently operating in Cedar City, Utah, shall acknowledge by signature on the plat that they have reviewed said utility easements, and guarantee their utility improvements will be installed.
- I. Cost Sharing of Improvements: Cost of on-site and off-site improvements, which are covered under the provisions of this section, as well as the cost of other improvements, which the subdivider is required to install, shall be shared between the subdivider and the City, according to the following schedule:

<b>FACILITY</b>	<b>SUBDIVIDER</b>	<b>CITY</b>
Easements and rights-of-ways	100%	0%
Grading and drainage of streets	100%	0%
Bridges	100% for all local and collector streets	0% (on-site and off-site)
Street and paving	100% for minor collector widths in residential areas and for collector widths in industrial and commercial areas	100% for widths above minor collector widths in residential areas and for collector widths in industrial and commercial areas are eligible for impact fee reimbursement
Curb, gutter, curb cuts, driveways and cross gutters	100%	0%
Sidewalk	100%	0%

Street signs	100%	0%
Electric utilities, Natural Gas, Telephone/Communications, Cable TV and Street light wiring	100%	0%
Street Light system	100%	0%
Water system	100% up to and including the diameter required for subdivision, 8" minimum	All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement
Fire Hydrants	100%	0%
Sanitary Sewer System	100% up to and including the diameter required for subdivision, 8" minimum	All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement
Storm drains, canals and Flood Channel Systems	100% up to and including the size required for subdivision, 24" minimum	All required oversize in excess of the diameter required for subdivision that is eligible for the impact fee reimbursement
Parks	Special negotiations with City Council	Special negotiations with City Council
Fences	100% for rear yard lot line fences on double fronted lots	0%
Wildland Access	100%	0%
Inspection and Materials testing	100%	0%

1. Exception is made when street is Federal or State Highway where City will not participate.
2. Whenever any off-site property is benefitted by the installation of any of the required improvements, the subdivider or developer, prior to recording the Final Plat, may sign an agreement with Cedar City providing that they shall be reimbursed for the expenses incurred for installing the improvements. After the improvements are installed and accepted by Cedar City, the subdivider or developer can begin receiving reimbursement amounts according to the agreement. These reimbursement amounts shall be collected and be paid by

Cedar City to the subdivider that paid for the installation of the improvements. Such reimbursement shall extend until the subdivider or developer has been completely reimbursed without interest for the money expended for installing the improvements, or for a ten-year period from the time the reimbursement agreement is executed, whichever occurs first. Reimbursement shall only be collected from off-site property owners whose property fronts the installed improvements. The reimbursement for the fronting off-site property shall be calculated on a front foot basis and shall be 50% of the installation costs for street light, water, sewer and storm drain improvements that front the off-site property and 100% of the installation costs for bridge, street, curb, gutter, sidewalk and sign improvements that are on the off-site fronting property's side of the road centerline. This reimbursement shall not eliminate the requirement to pay impact or other required City fees.

3. Improvements eligible to be paid for with impact fees shall be reimbursed by the City to the subdivider or developer. This impact fee reimbursement shall be based on the actual cost of installation including engineering and be subject to availability of impact fee funds.

J. Guarantee of Performance: For all required ~~City owned and maintained improvements in detailed minor lot subdivisions,~~ City owned and maintained platted subdivisions and PUDs and common improvements in residential PUDs, the subdivider or developer will be required to post a bond with the City guaranteeing the required improvements will be installed and paid for without cost to the City. Such bonds shall be posted and administered as follows:

1. Type and Amount of Guarantees: The type of guarantee for the subdivision or PUD improvements may be in the form of a cash bond or letter of credit from an acceptable financial institution in an amount equal to the cost of the required utilities and improvements as approved by the City Engineer. All letters of credit shall be in a form acceptable to the City Attorney;
2. Bond Amount: The cash bond or letter of credit in an amount sufficient to cover the approved engineer's estimate plus an additional ten percent (10%) warrantee bond to cover the warranty period for the City owned and maintained improvements in detailed minor lot and platted subdivisions and

residential PUDs; if the applicant believes the required bond amount includes items not allowed under the Utah Code, the applicant shall specifically delineate those items and their costs that the applicant believes should be excluded and provide sufficient details for the Land Use Authority to make a determination;

3. Duration: Unless otherwise provided by a contract entered into according to this Chapter, the duration of the cash bond or letter of credit for the improvement bond and warrantee bonds shall continue until all improvement and warrantee work has been completed by the subdivider or developer;
4. Default: Unless otherwise provided by a contract entered into according to this Chapter, in the event the subdivider is in default or fails or neglects to satisfactorily install the required utilities and improvements within two years from the date of approval of the Final Plat by the City Council, or to pay all liens in connection thereto, the City may declare the bond or other assurance

forfeited, and the City may install or cause the required improvements to be installed, using the proceeds from the collection of the bond or other assurance to defray the expense thereof;

5. Bond Agreement: A signed bond agreement with the City is required. The bond agreement shall be in a form approved for use by the City Attorney. These agreements are deemed necessary and proper to insure the improvements are constructed, and the Mayor is authorized to sign them without prior approval from the City Council, and;
6. Release of Bonds:
  - a. A maximum of 90% of the cash bond or letter of credit shall be eligible for release as the improvements are completed according to the approved engineering drawings. 10% of the bond shall be retained until the City improvements in a subdivision or PUD are accepted by the City Engineer. The improvements shall not be accepted by the City Engineer until as-built drawings and grading reports are received, and the final inspection by the City Engineer and resulting punch list items are completed by the subdivider;
  - b. The additional ten percent (10%) cash bond posted to cover the warranty period shall remain in effect for one (1) year from the date the subdivision or PUD with City improvements is accepted by the City. The purpose of the bond is to pay for items that are not repaired by the subdivider or developer during the warranty period. Once this year has passed and the improvements have been accepted by the City this bond will be eligible for release to the subdivider or developer, and;
  - c. When the warranty bond is released the City will be deemed to have accepted all City improvements and shall assume responsibility for ongoing maintenance of the subdivision's or PUD's City improvements.

K. City Fees: City fees for subdivisions and PUDs will be assessed according to the City's fee schedule and paid ~~for~~ before or concurrently with submission of the Preliminary Land Use Application and the Final Land Use Application ~~Final Plan or~~

~~Plat approval by the City Council~~. The fees shall include but not be limited to any Planning Commission filing fee, plan checking fees, pre-plat approval construction fees, utility line reimbursement fees, lift station up-grade fees, construction inspection fees, water acquisition fees, etc.

L. Inspection of Improvements: The City Engineer shall inspect the work during construction for quality of materials and workmanship, but the subdivider or developer shall be responsible for the quality of all materials and workmanship.

M. Improvement Schedule:

1. No improvement construction shall begin in a platted subdivision, ~~detailed minor lot subdivision~~ or residential PUD, including clearing and grubbing, before the Final Plat Land Use Application is approved by the City. Notwithstanding the forgoing, ~~After~~ the proposed project has been presented to the City's ~~Staff Sketch Review Committee~~, the subdivider or developer may

contact the Engineering Department and apply for a Grading Permit. The Grading Permit Applicant must ensure that proper measures are in place for dust control, drainage, and erosion control. An approved Grading Permit will allow the subdivider or developer to do clearing, grubbing, and rough grading work prior to Final Plat approval. Any clearing, grubbing, and rough grading work without a grading permit will cause the subdivider or developer to be assessed a pre-plat construction fee as set forth in the City's Fee Schedule.

Any work done in excess of clearing, grubbing, and rough grading (i.e., utility installation, subgrade preparation, curb & gutter, asphalt, etc.) will cause the subdivider or developer to be assessed a pre-plat construction fee as set forth in the City's Fee Schedule. If applicable, the pre-plat construction fee will be collected before approval of the Final Plat approval Land Use Application by the ~~City Council~~ Land Use Authority.

2. The City owned and maintained improvements in a platted subdivision; ~~detailed minor lot subdivision~~ and PUD, and common improvements in a residential PUD, shall be constructed within two (2) years of the Final ~~Plat or Plan~~ Land Use Application approval by the City. If the improvements are not installed within two (2) years of the Final Plat or Plan Land Use Application approval by the City, the City shall use the subdivider's or developer's performance bond to install the improvements.
  3. In simple minor lot subdivisions ~~included in Section 32-6 Step 2(A)(3)~~ the required City owned and maintained improvements fronting the lot shall be completed before an occupancy permit is issued for any building on the lot. As an exception, an occupancy permit may be issued if the uncompleted improvements are not essential under the building code and fire code, and an acceptable performance bond and City bond agreement have been accepted by the City.
  4. In commercial or industrial PUDs the common PUD improvements serving any lot in the PUD shall be completed before an occupancy permit is issued for the building on that lot. As an exception, an occupancy permit may be issued if the uncompleted improvements are not essential under the building code and fire code, and an acceptable performance bond and City bond agreement have been accepted by the City.
  5. **No building permits will be issued in a ~~platted~~ subdivision with final approval ~~or a detailed minor lot subdivision~~ (not including PUDs) until all fronting streets improvements are installed and accepted by the City.** As an exception, building permits may be issued in a ~~platted~~ subdivision with final approval ~~or a detailed minor lot subdivision~~ when an acceptable performance bond and City bond agreement have been accepted by the City, and the development meets the requirements for the issuance of the building permit under the building code and fire code.
- N. As-built Drawings: No bond retainage will be released on a ~~platted subdivision~~ or PUD ~~or a detailed minor lot subdivision~~ until final as-built drawings of any City owned and maintained improvements are prepared and submitted to the City Engineer.

- O. Improvement Completion and Acceptance: At the completion of the installation of the City owned and maintained improvements the City Engineer shall make a final inspection of the subdivision or PUD. If "as-built" plans are filed and other conditions thereof are found to be satisfactory, the City shall release the bond, not including the 10% cash warrantee bond, or other assurance and accept the responsibility for the dedicated right-of-ways, easements and City owned and maintained facilities. If "as constructed" plans have not been submitted to the City Engineer or the required improvements are not completed within the required time period, the City may declare the subdivider in default.
- P. Warrantee Period Acceptance: If the condition of material or workmanship shows unusual depreciation or does not comply with acceptable standards of durability at any time during the one-year warranty period it will be the responsibility of the subdivider or developer to make the necessary repairs. If the subdivider or developer does not complete the necessary repairs within 30 days after receiving written notice from the City, the City will declare the subdivider or developer in default and use the 10% warranty bond to complete the repairs.
- Q. Special Improvement Contracts: In the event that the improvements are installed under "special improvement contracts" the planning and execution of the work shall be carried out as prescribed by laws pertaining thereto.
- R. Amended Plats: Amended plats must be filed. When major changes, not including lot line adjustments, in a plat of a subdivision which has been recorded are made, approval of said subdivision shall be vacated and an amended plat thereof approved and filed in accordance within the requirements of this Ordinance and applicable state laws.
- S. Water Right Conveyance to the City:
1. Before Final Land Use Application Plat approval, subdividers and developers of platted subdivisions and residential PUDs are required to convey water rights to the City according to the City's water acquisition ordinance.
  2. Minor lot subdivisions and commercial and industrial PUDs shall convey water rights to the City according to the City's water acquisition ordinance when a building permit is obtained on each lot.
- T. Enforcement and Permits: No officer of Cedar City shall grant any permit or license for the use of any building or land if such use would be in violation of this Ordinance.
- U. Penalty: Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment in the County Jail for six (6) months, or by both fine and imprisonment.
- V. Validity: If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Ordinance.

AMENDED BY ORDINANCE NUMBER 0922-21 and 0810-22-13

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

**SECTION 10:** AMENDMENT “Section 32-10 Vesting Rights” of the Cedar City Municipal Code is hereby *amended* as follows:

## AMENDMENT

### Section 32-10 Vesting Rights

#### A. Definitions:

1. **Complete Land Use Application:** To become vested, an applicant must submit a complete land use application and pay the applicable City fees. To be accepted and considered complete, the application must conform to the requirements of the City’s zoning map and applicable land use ordinance in effect when the application is filed with the City. Application forms are available at the City Engineers Office or on the Cedar City website. Applications will not be accepted that do not comply with the application form. All requested information on the application form must be provided to be considered complete. The applicable City fee will correspond with the specific land use application.
2. **Requirement to Pursue Approval with “Reasonable Diligence”:** It is not in the City’s best interest to allow applications to languish for years with little activity, while zoning, safety and other standards are being updated and changed. As such, once an application is accepted as complete by the City, the applicant is required to ~~appear before the Planning Commission and/or the City Council meeting agendas with required plans, studies, and requested information necessary to obtain preliminary and final plat approval within 6 months~~ complete the applicant's duties under this ordinance with reasonable diligence.
  - a. At no time shall a ~~Vicinity Plan~~ Preliminary Land Use Application approval remain effective beyond a period of two (2) years from the date of the ~~Planning Commission~~ City's approval. If the ~~Vicinity Plan~~ Preliminary Land Use Application approval expires, the applicant will lose their vested rights and be required to restart the land use application process under the ordinances/fees in effect at the time of resubmittal.
  - b. At no time shall an Application to Annex remain effective beyond a period of two (2) years from application submittal. If the Application to Annex expires, the applicant will lose their vested rights and be required to restart the annexation process under the ordinances/fees in effect at the time of resubmittal.
  - c. Except for being granted a building permit extension by the City’s Building Official, at no time shall a Building Permit remain effective beyond a period of 180 days from the date of the filing of the Building Permit application and the payment of all applicable fees. If the Building Permit expires, the applicant will lose their vested rights

- and be required to pay the Building Permit fee at the rate in effect at the time of resubmittal.
- d. At no time shall a Residential Development Overlay (RDO) remain effective beyond a period of seven (7) years from the date of the City Council approval. If the RDO expires, the applicant will lose their vested rights and be required to restart the RDO approval process under the ordinances/fees in effect at the time of resubmittal.
- B. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City's zoning map and applicable land use ordinance in effect when a Complete Application is submitted and all required fees have been paid, unless:
1. the City Council, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
  2. the City Council, before the application is submitted, has adopted a Notice of Pending Ordinance as set forth in Utah Code Ann. §10-9a-504.
- C. The City shall process a Complete Application without regard to proceedings initiated to amend the City ordinance if:
1. 180 days have passed since the proceedings were initiated, and
  2. the proceedings have not resulted in an enactment that prohibits the approval of the land use application.
- D. When a Complete Application for a land use approval is considered submitted, the accompanying rights vest on the following date:
1. A ~~Planning Commission~~ complete Preliminary Land Use Application plus the payment of applicable fees vests the applicant in the City's ordinance in effect on the date of application submittal and payment of applicable fees.
  2. A ~~Land Use Application~~ Petition for Annexation, ~~Subdivision or PUD approval~~ plus the payment of ~~Planning Commission~~ applicable F fees, vests the applicant in the City's fees effective when the ~~Application~~ Petition and ~~Planning Commission~~ fees are submitted.
  3. A Building Permit Application vests the applicant in the City's permit fee rate in effect on the date of application submittal and payment of applicable fees.
- E. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with Reasonable Diligence.
- F. The following list of land use practices do not create vested rights: master plan approval, general plan amendments, City master plans, discussions with City Staff pertaining to a development, and the deeding of water rights. This list is not meant to be exhaustive.
- G. The City Council retains the ability to enter agreements which provide vesting rights contrary to this ordinance when the City Council finds that the proposed agreement furthers the City's policy of establishing and maintaining sound, stable, and desirable development within the City, and which promotes more fully the objectives and purposes of the City's ordinances.

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

**SECTION 11:** **ADOPTION** “Section 32-11 Appeals” of the Cedar City Municipal Code is hereby *added* as follows:

**ADOPTION**

Section 32-11 Appeals(*Added*)

A. Engineer Panel Review.

1. Appeals from the following issues shall be handled through the Engineer Panel Review process described herein:
  - a. Requests from the applicant
    - (1) after the fourth or final review cycle of a preliminary subdivision land use application;
    - (2) the City has not responded within 20 business days; and
    - (3) the dispute arises from the subdivision improvement plans;
  - b. Appeal from the applicant regarding a City requirement for pavement in excess of 32 feet on a residential roadway.
2. Upon appropriate and timely request, the Land Use Authority shall assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
3. Unless otherwise agreed by the applicant and the municipality, the panel described herein shall consist of the following three experts:
  - a. one licensed engineer, designated by the municipality;
  - b. one licensed engineer, designated by the land use applicant; and
  - c. one licensed engineer, agreed upon and designated by the two designated engineers above.
4. A member of the panel assembled by the municipality may not have an interest in the application that is the subject of the appeal.
5. The land use applicant shall pay:
  - a. 50% of the cost of the panel; and
  - b. the municipality's published appeal fee.
6. The decision of the panel is a final decision, subject to a petition for review if either the applicant or the City files a petition for review of the decision with the Fifth District Court within 30 days after the date that the panel's decision is final.

B. Designated appeal authority.

1. All decisions made by the Land Use Authority that are not specifically directed to the Engineer Panel Review may be appealed to the City Manager.
2. Any appeal must be submitted in writing to the Land Use Authority within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of, and

- the grounds for appeal.
3. Within seven (7) business days of the filing of the appeal to the City Manager, the Land Use Authority shall submit to the City Manager all records and documentation pertaining to the application and the Land Use Authority's explanation for the decision(s) made.
  4. Decision by City Manager: The City Manager shall issue a decision within fifteen business (15) days of receiving the applicant's appeal, unless an extension of time is agreed upon by the parties. The decision complained of shall be reversed by the City Manager if upon review of the written appeal and information submitted, the City Manager finds that the Land Use Authority or other City official made a material mistake of law or fact in making the complained of decision.
  5. Decisions of the City Manager are final, subject to a petition for review if either the applicant or the City files a petition for review of the decision with the Fifth District Court within 30 days after the date that the City Manager's decision is final.

**SECTION 12:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect on February 1, 2024.

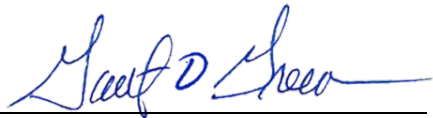
PASSED AND ADOPTED BY THE CEDAR CITY CITY COUNCIL NOVEMBER 29, 2023.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Hartley	_____	X	_____	_____
Isom	X	_____	_____	_____

Phillips	_____	<u>  X  </u>	_____	_____
Melling	<u>  X  </u>	_____	_____	_____
Riddle	<u>  X  </u>	_____	_____	_____

Presiding Officer

Attest



\_\_\_\_\_  
Garth O. Green, MAYOR, Cedar City



\_\_\_\_\_  
RENON SAVAGE, RECORDER,  
Cedar City

