

**CEDAR CITY  
ORDINANCE 0422-26-2**

**AN ORDINANCE AMENDING CHAPTERS 23, 26, AND 32 REVISING  
REFERENCES TO STATE CODE**

**WHEREAS**, the Utah Legislature updates and modifies the Utah Code from time to time;

**WHEREAS**, City ordinance often references Utah Code sections; some of the City ordinance references now refer to repealed or renumbered code sections; and

**WHEREAS**, the City Council seeks to update City ordinance to remove the references to recently renumbered Utah Code sections.

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

**SECTION 1:**        **AMENDMENT** “Section 23-10 Rental Dwelling License” of the Cedar City Municipal Code is hereby *amended* as follows:

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

Section 23-10 Rental Dwelling License

A. Definitions: The following definitions are applicable to this Section:

1. **Internal Accessory Dwelling Unit:** as defined by the Utah Municipal Code~~UCA §10-9a-511.5(1)(a)~~
2. **Primary Dwelling:** as defined by the Utah Municipal Code~~UCA §10-9a-511.5(1)(b)~~
3. **Owner Occupied:**
  - a. A natural person who possesses fifty percent (50%) ownership or more in the dwelling and said dwelling is the primary residence of such person; or
  - b. A family trust created for the primary purpose of estate planning by one or more trustors who create the trust, place the dwelling in such trust, and whose primary residence is such dwelling.
4. **Property Owner:** An individual, corporation, partnership, association, joint stock company, business trust, or any unincorporated organization that is the owner of a rental dwelling or has a financial interest in the rental dwelling.
5. **Rental Dwelling:** A building or portion of a building that is:
  - a. used or designated for use as a residence by one or more persons; and
  - b. (1) available to be rented, loaned, leased, or hired out for a period of one month or longer; or

- (2) arranged, designed, or built to be rented, loaned or hired out for a period of one month or longer.

B. License Required:

1. It is unlawful for any person to keep, conduct, operate, or maintain a rental dwelling within the City without a Rental Dwelling Business License for such dwelling. A Rental Dwelling Business License is required when an internal accessory dwelling unit is being rented within a primary dwelling. A person who owns multiple rental dwellings is not required to obtain more than one business license for the operation and maintenance of those rental dwellings.
2. A Rental Dwelling Business License is not transferrable between persons or structures. Any person holding such license shall give written notice within thirty (30) days to the License Officer after having transferred or otherwise disposed of legal or equitable control of any rental dwelling licensed under this Section. Such notice of transferred interest shall be deemed a request to cancel an existing Rental Dwelling Business License for such rental dwelling(s) and shall include the name, address, and information regarding the person(s) succeeding to the ownership or control thereof. No refund or rebate shall be issued for any license cancelled under this provision, except where ownership is transferred for one of the reasons listed in Subsection 23-7(D)(2). The new owner shall obtain a Rental Dwelling Business License as required by this Section.
3. A Rental Dwelling Business License shall not be required for a dwelling unit that is ordinarily owner occupied but is temporarily rented because:
  - a. the owner is placed in a hospital, nursing home, assisted living facility, or other similar facility, or
  - b. the owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service. Indefinite periods of absence from the dwelling shall not qualify for this exception.

C. License Application: An application for a Rental Dwelling Business License shall conform to all applicable requirements of Section 23-6 and shall include the following additional information:

1. the address of each building containing rental dwellings which are owned, operated, or maintained by the applicant;
2. total number of units;
3. the number of bedrooms in each unit;
4. the occupancy status of each rental dwelling unit at the time of application;
5. the number of parking spaces provided on the premises; as governed by Chapter 26 of the City's ordinances, a dwelling unit in the R-2-2 and R-3-M zones rented to more than 4 unrelated persons shall have 1.30 parking stalls for each bedroom; a dwelling unit in the SHD zone rented to more than 4 unrelated persons shall have 0.75 parking stalls for each bedroom (rental dwelling units may not have more than 4 unrelated persons in any other zone); one (1) additional off street parking space must be provided for an internal

accessory dwelling unit; if a garage or carport is converted into an internal accessory dwelling unit, the owner must replace all lost parking spaces;

6. the number of current tenants with a vehicle;
  7. does the rental comply with the requirements of City ordinance 26-V-2;
  8. if the owner of the rental dwelling is not a Utah resident, the name, address, and both home and business telephone numbers of a legal representative and agent who resides in the State of Utah for service of process;
  9. the name, address, and both home and business telephone numbers of a local agent who:
    - a. resides not more than thirty (30) miles from the rental dwelling(s), and
    - b. is authorized to manage the rental dwelling(s);
  10. proof of liability insurance for the rental dwellings to be licensed; and
  11. the signature of the owner of the rental dwellings(s) certifying to the best of their knowledge and belief:
    - a. that the use and occupancy of the rental dwelling(s) conforms to applicable local, state, and federal laws,
    - b. that the use and occupancy of the rental dwelling shall contain no more than four (4) unrelated persons per unit, for an internal accessory dwelling unit only, the primary dwelling contains the owner of record and their family plus no more than four (4) unrelated persons in the internal accessory dwelling unit,
    - c. that per Cedar City Ordinance Chapter 26 Section V, the required parking spaces have been provided,
    - d. that the property owner will keep and maintain all fire lanes free from unlawful parking and obstructions, and
    - e. that the property owner will agree to comply with all applicable laws and ordinances,
    - f. that if a building conversion occurred that required a building permit, that the property owner had the conversion approved by the Cedar City Building Department; and
    - g. for internal accessory dwelling units only, that the rental is located within a primary dwelling.
- D. License Procedure: A Rental Dwelling Business License shall be issued pursuant to the requirements of Section 23-6, except as modified by this Section.
- E. License Term: All licenses issued hereunder shall expire on January 1st of each year unless sooner canceled and shall be issued for one year only.
- F. License Fee: The fee for a Rental Dwelling Business License shall be forty dollars (\$40) per license.
- G. Effect of License Issuance: The issuance of a Rental Dwelling License shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to:
1. legalizing an illegally created dwelling unit, use, or other circumstances, or
  2. recognizing a nonconforming use, structure, or other nonconformity.
- H. License Denial, Suspension, or Revocation: The City may deny, suspend, or revoke a Rental Dwelling Business License for any of the following reasons:
1. The licensee does not meet the qualifications for a license as provided under

this Chapter.

2. For nonpayment of all required fees for the Rental Dwelling Business License, including late fees and inspections, when applicable.
  3. The licensee gave false or incomplete information on the licensee's application.
  4. The licensee has allowed or intends to allow the licensed premises to be occupied or operated in a manner contrary to the conditions set forth in the license and this Chapter.
  5. The rental dwelling does not comply with applicable Health Department regulations governing the premises, or any City, State, or federal law.
- I. If the property owner fails to comply with all of the conditions set forth in the license and this Chapter, Cedar City shall impose the following administrative penalties:
1. Upon the first violation per the calendar year, the property owner shall receive a written warning concerning the violation;
  2. Upon the second violation per the calendar year, the property owner shall pay a civil fine of \$250;
  3. Upon the third or subsequent violation per the calendar year, the property owner shall pay a civil fine of \$500 for each violation, and a petition may be initiated to suspend or revoke their Rental Dwelling Business License.

AMENDED BY ORDINANCE NUMBER 0207-18 and 1113-19-6.

**SECTION 2:**        **AMENDMENT** “Section 26-I-4 Definitions” of the Cedar City Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### Section 26-I-4 Definitions

- A. Purpose: For the purpose of this ordinance certain words and terms are defined as follows: Words used in the present tense include the future. Words in the singular number include the plural and the plural the singular. The word district is synonymous with the word zone. And the word Zoning Administrator synonymous with the word Building Inspector. Words not included herein, but defined in the Building Code shall be construed as defined therein.
- B. Definitions: The following definitions shall apply for this chapter.
1. **Accessory Dwelling Unit – Internal:** A unit as defined by the Utah Municipal Code ~~UCA-10-9a-530(1)(a) as amended~~.
  2. **Accessory Dwelling Unit – External:** A unit as defined by the Utah Municipal Code ~~UCA-10-9a-530(1)(a) as amended~~ which shall be detached from the primary structure.
  3. **Accessory Use or Building:** A subordinate use or detached building clearly incidental to and located upon the same lot occupied by the main building;

also a building clearly incidental to an agriculture or animal care land use located on a lot in an agriculture zone, which lot meets the minimum lot size and is not under one acre. An accessory building may be located on an adjacent vacant lot in a residential zone when the vacant lot is contiguous and owned by an adjacent property owner. Such uses shall only encompass structures that do not require a building permit and are used for incidental purposes related to the adjacent residential property. Setbacks in such cases shall be the same as a primary structure

4. **Adult Daycare Facility:** An adult daycare facility means any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardian for periods of less than twenty-four hours per day.
5. **Agriculture:** The tilling of soil, raising of crops, horticulture and gardening but not including the keeping or raising of domestic animals or fowl, and not including any agricultural industry or business such as fur farms, animal hospitals, farm equipment sales, or similar uses.
6. **Airport:** A landing area used regularly by aircraft for receiving or discharging passengers or cargo.
7. **Alley:** Any public place or thoroughfare which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.
8. **Alley Line:** The boundary which separates the right-of-way of an alley from the abutting property.
9. **Alteration:** As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
10. **Amusement Enterprise:** A business facility that is maintained or operated for the amusement, patronage, or recreation of the general public. The amusement activity may be either a principal or secondary business, and may be located either indoors or outdoors. Accessory uses may include the preparation and serving of food, and the sale of equipment related to the included uses.
11. **Amusement Enterprise, Indoor:** An amusement enterprise where the entire activity takes place within an enclosed building. Such activities include, but are not limited to amusement arcades, bowling, roller and ice skating, laser tag, miniature golf, paint ball, soccer, baseball, football, basketball, and similar activities.
12. **Amusement Enterprise, Outdoor:** An amusement enterprise where any portion of the activity takes place outside of a building. Such activities include, but are not limited to batting cages, miniature golf courses, golf driving ranges, and go-cart tracks. Activities not included are outdoor activities that can be classified as spectator sports.
13. **Animal Hospital:** An establishment for the medical treatment and care of animals, including household pets, livestock, and commercial poultry, and which may include temporary or overnight boarding of animals that are

recuperating from treatment, all facilities to be within a completely enclosed building, except for exercising runs and parking of automobiles.

**14. Antenna Non-Commercial:**

- a. A transmitting or receiving device designed to radiate or capture communication signals consisting of electromagnetic or microwave radiation, for private, noncommercial recreational use. "Non-commercial Antenna" includes, but is not limited to, radio and television antennas, satellite antennas, amateur radio antennas, and antennas used for individual delivery of low power radio communication service.
- b. Antennas associated with commercial or manufacturing structures for the purpose of transmitting or receiving signals are Non-commercial Antennas, if the use of the antenna is incidental to the primary use of the structure. This includes, but is not limited to, antennas for individual delivery of low power radio communication service incidental to the primary use of the structure.

**15. Apartment House:** A building arranged, intended or designed to be occupied by more than four (4) families living independently of each other and having separate cooking facilities.

**16. Assisted Living Facility:** An assisted living facility is a residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated support of personnel and health care services, available 24-hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services Rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

- a. Specified services of intermediate nursing care;
- b. Administration of medication, and;
- c. Support services promoting residence independence and self-sufficiency. Such a facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

**17. Average Percent of Slope:** An expression of rise or fall in elevation along a line generally perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane, is a 100 percent grade.

**18. Basement:** Any floor level below the first story in a building. To be considered a basement, the floor level shall be more than four feet below grade, for more than 50% of the total perimeter or is more than 8 feet below grade at any point.

**19. Bed and Breakfast Inns:** A building containing not more than one kitchen, where for compensation, breakfast and lodging are provided persons on a nightly basis, not to exceed one week, in contradiction to a hotel or café. Signs shall be limited to one non-flashing sign not larger in area than eighteen square

feet. If lighted, the light shall be defused or shielded. Said signs shall be located at least two feet back from the property line.

20. **Boarder:** Boarder means a person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who reside on the premises with the operator, shall not be considered to be a boarder.
21. **Boarding House:** A boarding house is a building or a portion thereof where, for compensation, rooms are rented with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.
22. **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
23. **Building, Public:** For purposes of this section only, a public building is a building owned and operated, or owned and intended to be operated by the City, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is non-transferrable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:
  - a. Properties owned by the State of Utah or the United States Government which are outside of the jurisdiction of the City zoning authority as provided under Title 9, Chapter 10, Section 105, Utah Code Annotated, 1953, as amended; and
  - b. The ownership or use of a building which is immune from the City zoning authority under the supremacy clause of the United States Constitution.
24. **Buildable Area:** The portion of a lot which is in the envelope formed by the required yards. (see "Yard, Required.")
25. **Building, Community:** A public building designed or used for community activities or for educational, recreational or public service.
26. **Building Height:** (See "Height, Building.")
27. **Building Line:** The boundary of the build-able area.
28. **Building Line, Setback:** (See "Setback Building Line.")
29. **Building, Principal:** The building in which is conducted the principal use of the lot in which it is situated; in a residential zoning district, any dwelling is deemed to be the principal building on the lot on which it is situated.
30. **Caretaker Dwelling:** As long as not prohibited by the airport overlay zones, a caretaker dwelling may be allowed in the I&M-1 zone if it meets the

following restrictions:

- a. the residential space may only be located on the second floor or back half of the main building,
- b. the residential space cannot exceed the industrial space as measured insquare feet, and
- c. the residential space may not be rented separately from the remainder of the building. If the building is rented, a rental dwelling license issued by the City is required.

As long as not prohibited by the airport overlay zones, a caretaker dwelling may be allowed in the I&M-2 zone if it is a dwelling unit occupied primarily by a person or persons employed to care for and maintain 24 hour oversight on the principal commercial, industrial, or institutional use of the site.

31. **Carport:** A private garage open and unobstructed on two sides and attached to a dwelling.
32. **Cellar:** (See “Basement”)
33. **Clinic:** An outpatient medical or dental facility.
34. **Commission:** The City Planning Commission of Cedar City, Utah.
35. **Common Area:** Areas within a PUD that are held by all residents in common ownership through a homeowner’s association and are available for use by all residents. There is no required amount of common area in a PUD.
36. **Communication Antenna:** Any transmitting and receiving device designed to radiate and capture communications signals. "Communication Antenna" does not include “noncommercial antennas”; includes roof mounted, wall mounted & whip antennas.
37. **Communication Facility:** Any communication antenna, communication tower, accessory building, or any other structure or equipment installed for the primary purpose of providing communication service.
38. **Communication Tower:** A tower that supports or contains communications antennas (transmitting or receiving) or related communications equipment. "Communication Tower" also includes equipment and facilities permanently associated with the tower, whether or not such equipment or facilities are used directly to provide communication service. Communication tower include guyed, lattice or mono pole towers.
39. **Community Correctional Facility:** Community correctional facility means a facility licensed or contracted by the State of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living.
40. **Conditional Use:** A land use that, because of its unique characteristics of potential for impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
41. **Condominium:** A unit within a building where the owner only owns the air space occupied by his/her unit. The portion of land upon which the building is

situated, the surrounding grounds and services other than those within independent units, etc. become joint responsibilities of all the owners as tenants in common. Condominiums are a permitted use in planned unit developments.

42. **Contiguous:** Substantial touching (at least 55 feet) between two districts or areas of land which abut.
43. **Convenience store** means a store engaged in the retail sale of a limited range of household products including, but not limited to, food products, and other general merchandise. Convenience stores may also sell prepared food products.
44. **Correctional Institution:** A correctional institution means a prison, jail, juvenile detention facility, or juvenile secure facility.
45. **Dairy:** A commercial establishment for the manufacture or processing of dairy products.
46. **Disability/Disabled Person:** A disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability, to wit:
  - a. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 u.f.c. 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953 as amended:
  - b. A physical or mental impairment includes the following, to wit:
    - (1) Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
    - (2) Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
    - (3) Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus, (HIV), mental retardation, emotional illness, drug addiction, (other than addiction caused by current, illegal use of controlled substances) and alcoholism.
47. **Domestic Staff:** Domestic staff means persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.
48. **Drive-In - Fast Food:** A place of business where food and drink are sold

- primarily for consumption on the premises outside the structure.
49. **Drive Up Facility:** (Also known as “Drive-In” or “Drive-Through” Facilities)  
An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
  50. **Duplex:** A building of single ownership which is designed for two separate dwelling units. There is one set of utility connections for the building. The dwellings may be separated vertically or horizontally.
  51. **Dwelling:** A building or a portion thereof containing one or more dwelling units exclusively for residential occupancy, but not including hotels, tourist cabins or boarding houses.
  52. **Dwelling, Single Unit:** A building arranged or designed to be occupied by one family, the structure having one dwelling unit.
  53. **Dwelling, Two-Unit:** A building arranged or designed to be occupied by two families, the structure having two dwelling units.
  54. **Dwelling, Multiple-Unit (3 or more):** A building arranged or designed to have three or more dwelling units.
  55. **Dwelling Group:** A group of two or more dwellings, not more than two and one half (2 1/2) stories in height, located on a parcel of land in one ownership and having one yard or court in common. Dwelling groups are regulated as apartments regarding setbacks, parking, fencing, landscaping, etc.
  56. **Dwelling Unit:** One or more rooms providing complete living facilities, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.
  57. **Educational Institution:** Educational institution means any elementary or secondary school, seminary, parochial school or private educational institution having a curriculum similar to that ordinarily given in grades 1 thru 12 in public school systems. The term educational institution for the purpose of this title does not include post high school educational facilities or educational facilities which include residential facilities for its students.
  58. **Educational Institution with Housing:** Educational institution with housing means a public or private educational institution with residential facilities or housing for its students and or staff.
  59. **Elderly Person:** A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.
  60. **Family:** Family means one or more persons related by blood, marriage, adoption, or guardianship, or a group of not more than four (4) unrelated persons living together as a single nonprofit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. “Family” does not exclude the care of foster children. A family may also be defined in the R-2-2, R-3-M and SHD zones as not more than one (1) person per bedroom when the dwelling unit is being used as a long-term rental to unrelated individuals.
  61. **Family Food Production:** The keeping of not more than two cows, twenty

(20) rabbits, fifty (50) chickens, fifty (50) pheasants, ten (10) turkeys, ten (10) ducks, ten (10) geese, and twenty (20) pigeons.

62. **Fast Food Restaurant:** An eating/drinking establishment that may be either
- a. a freestanding operation; or
  - b. a non-freestanding operation incorporated into a building within which one or more other compatible and complimentary uses exist, and whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready-to consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes two or more of the following characteristics:
    - (1) The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled.
    - (2) The food is usually served in edible containers or in paper, plastic or other disposable containers.
    - (3) The facilities for on premises consumption of food are insufficient for the volume of food sold by the establishment.
    - (4) The restaurant provides a drive-up facility for placing and receiving food orders.
63. **Floor Area, Gross:** The gross floor area shall be the sum of the gross horizontal areas of the several floors of the building, excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of the enclosed porches.
64. **Fraternity or Sorority House:** A fraternity or sorority house means a building occupied by and maintained exclusively for students of a social organization affiliated with an academic or professional college or university or other recognizable institution of higher learning who are associated together in a social fraternity or sorority that is officially recognized by such institution and who receives lodging and/or meals on the premises for compensation.
65. **Garage, Private:** A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
66. **Garage, Public or Storage:** A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.
67. **Garage, Party Wall:** An accessory building designed for the temporary storage of automobiles, and which has a common wall on the property line between two properties.
68. **General Plan:** A document adopted by the City which sets forth general guidelines.
69. **Grade:**

- a. For building adjoining one street only, the elevation of the sidewalk at the center of that wall facing the street.
- b. For buildings adjoining more than one street, the average level of elevations of the sidewalk at the centers of all walls adjoining streets.
- c. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than twenty-five (25) feet from a street line are to be considered as adjoining a street.

- 70. **Guest:** Any transient person who rents or occupies a room for sleeping purposes.
- 71. **Guest House:** An attached or detached dwelling structure with a total of one (1) bedroom located on a lot with one or more main dwelling structures and used for housing of guests or servants, and not rented, leased or sold separate from the rental or sale of the main dwelling. Guest houses are subject to the setback requirements of a one-family dwelling unit (not an accessory building).
- 72. **Guest Room:** A room which is designed for occupancy by one or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.
- 73. **Hard Surfaced:** Asphalt, concrete or brick pavers.
- 74. **Height, Building:** A vertical dimension measured from the highest elevation in the front of the structure to the top of the plate line.
- 75. **Heliport:** A landing area solely for the landing of helicopters. A heliport may include more than one helipad.
- 76. **Home Occupation:** An occupation carried on entirely within a dwelling by a person residing within the dwelling, and where there is no visual indication from outside the building that the occupation is being carried on therein.
- 77. **Hometel:** A building or buildings containing one-bedroom dwelling units which are primarily used for apartment style living, being rented on a monthly basis. However, the dwelling units may also be used as a motel being rented on a daily basis. For parking requirements see Section 26-39. Water and sewer connections are the same as apartments. Setback requirements are the same as motels in CC and GC zones. A Hometel is not permitted in residential zones.
- 78. **Hospital:** Hospital means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a 24-hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, out-patient units and training and central services, together with staff offices necessary to operate the hospital.
- 79. **Hotel:** A hotel is a building designed for or occupied as the more or less temporary abiding place of individuals who are, for compensation lodged with or without meals.

80. **Household Pets:** Animals or fowls ordinarily permitted in the house and kept for company or pleasure.
81. **Intensity:** The concentration of activities such as a combination of a number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc. Also, the size of buildings or structures, the most intense being higher, longer and/or wider.
82. **Jail:** Jail means a place of incarceration owned and operated by the County.
83. **Junk:** Any worn out, cast off, or discarded article or item not functioning for its intended use, material, vehicle or equipment which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without further conditioning can be used for its original purpose as readily as when new shall not be considered junk.
84. **Junk Yard:** The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.
85. **Juvenile Detention Facility:** Juvenile detention facility means a place of temporary detention for delinquent juveniles, which either is owned or operated by the State of Utah or is under contract with the State of Utah.
86. **Juvenile Secure Facility:** Juvenile secure facility means a place of incarceration for delinquent juveniles which is either owned or operated by the State of Utah or is under contract with the State of Utah.
87. **Kitchen:** Any room used for or intended to be used for cooking and preparing food.
88. **Landfill:** A land disposal site where solid waste is disposed of using sanitary land filling techniques in accordance with law.
89. **Landscaping (Permanent):** Some combination of planted trees, shrubs, vines, groundcover, flowers, lawns, or xeriscape. In addition, the combination or design may include rock and such structural features as fountains, pools, art works, screens, walls, fences, or benches. Such objects alone shall not meet the requirements of the ordinance and must be less than 30 percent of total required landscaping. The selected combination of objects for landscaping purposes shall be arranged in a harmonious manner to encourage pleasant and attractive surroundings.
90. **Legislative Body:** The Mayor and the Cedar City Council.
91. **Loading Space:** Off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon streets, alley or other appropriate means of access.
92. **Lot:** A parcel of land occupied or to be occupied by a building or buildings, together with such yards, open spaces, lot width, and lot area as required by

this ordinance, having a frontage on a street.

93. **Lot Area:** The lot area of a horizontal plane within the lot line of a lot.
94. **Lot, Corner:** A lot abutting on two intersecting or intercepting streets where the interior angle of the intersection or interception does not exceed 135 degrees.
95. **Lot Coverage:** The percentage of the area of a lot which is occupied by all buildings or other covered structures.
96. **Lot Depth:** For lots having front and rear lot lines which parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel, the shortest horizontal distance between the midpoint of a front line and the midpoint of the rear lot line; for triangular shaped lots, the shortest horizontal distance between the front lot lines and a line within the lot, parallel with and at a maximum distance from the front lot line, having a length of not less than ten feet.
97. **Lot, Interior:** A lot other than a corner lot.
98. **Lot, Key:** A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side entry of the corner lot.
99. **Lot Line:** Any line bounding a lot.
100. **Lot Line, Front:** The front boundary line of a lot bordering on the street. In the case of a corner lot, the side bordering on the street which has the smaller dimension shall be the front lot line.
101. **Lot Line, Rear:** A lot line which is opposite and is most distant from the front lot line. In the case of an irregular, triangular, or gore-shaped lot, the rear line shall be a line within the lot, parallel to and with a maximum distance from the front lot line, having a length of at least ten feet.
102. **Lot Line, Side:** Any lot boundary line not a front lot line or a rear lot line.
103. **Lot of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Iron County; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Iron County.
104. **Lot, Through:** A lot having a pair of opposite lot lines abutting two streets, and which is not a corner lot. On such lot, both lot lines are front lot lines.
105. **Lot Width:** The distance between side lot lines measured at required minimum front yard setback line on a line parallel with the city street.
106. **Major Life Activities:** Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
107. **Mobile/Manufactured Home:** The term "mobile home" or "manufactured home" shall mean a dwelling designed and manufactured after June 14, 1976, by a recognized fabricator of mobile homes to be transported after fabrication on its own wheels or on detachable wheels, and which is ready for occupancy, except for connection to utilities and/or location on a foundation.
108. **Mobile Home Park:** The term "mobile home park" shall mean any area or tract of land which is used to accommodate two or more mobile homes,

generally for long periods of time.

109. **Motel:** A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot, and designed, used, or intended, wholly or in majority part in any calendar year, for the accommodation of the traveling public. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks or RV parks.
110. **Natural Water Ways:** Those areas varying in width along streams, creeks, gullies, springs, faults, or washes which are natural drainage channels as determined by the City Engineer, and in which areas no building shall be constructed.
111. **Non-Conforming Building or Structure:** A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, and which does not conform to all the height, area, and yard regulations herein prescribed for zoning in which it is located.
112. **Nonconforming Use:** A use of land that: legally existed before its current zoning designation; has been maintained continuously since the time the zoning regulation governing the land changed; and because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.
113. **Non-Residential Treatment Facility:** Non-residential Treatment Facility is a facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
114. **Nursery Schools, Kindergarten, Preschool, Day Care Centers:** Facilities specializing in the education and/or care of children prior to their entrance in the first grade, other than facilities owned and/or operated by the public school system.
115. **Nursing/Rest Home:** Nursing home means an intermediate care/nursing facility or a skilled nursing facility licensed by the State of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a 24hour per day basis. Such a facility does not include an adult day care facility or adult day care provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.
116. **Off-Street Parking:** An area adjoining a building or business providing for the parking of automobiles which does not include a public street, and has convenient access to it.
117. **Open-air Businesses:** Any business which sells, primarily at retail, certain goods, products or merchandise which are displayed or otherwise merchandised outside an enclosed building, including but not limited to fresh fruits, fresh vegetables, flowers, landscape nurseries, home garden supplies

and equipment, auto sales, parking lot sales, camper sales, recreational vehicles, arts, crafts, and playground equipment.

118. **Open Space:** A planned open area suitable for relaxation, recreation or landscaping which is held in common, public, or private ownership that is unoccupied by buildings and hard surface, such as asphalt or cement, except that such open spaces may include walkways, patios, recreational activities, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed 15 percent of the required open space.
119. **Parking Facilities:** An open area other than a street for the parking of automobiles including all parking spaces, aisles, and access driveways and is available for public or private use, whether free, for compensation or an accommodation for clients or customers.
120. **Parking Space:** A space within a building lot or parking lot for the parking or storage of one automobile having adequate provisions for ingress and egress from a street by a standard-sized automobile sized as provided by this ordinance.
121. **Permitted Use:** A use of land for which is allowed by this zoning ordinance but for which no conditional use permit is required.
122. **Planned Unit Development:** Complete development plan for an area pursuant to this Ordinance.
123. **Planning and Zoning Commission:** The Planning and Zoning Commission of Cedar City, Utah.
124. **Prison:** Prison means a place of incarceration owned or operated by the State of Utah.
125. **Private Jail:** Private jail means a place of incarceration established or operated under a contract with the County.
126. **Private Prison:** Private prison means a correctional facility established or operated under a contract with the State of Utah under the provisions of the Private Correctional Facilities Act, Chapter 13C, Title 64, Utah Code Annotated, 1953 as amended.
127. **Protective Housing Facility:** Protective housing facility means a facility either:
  - a. operated, licensed, or contracted by a governmental entity, or
  - b. operated by a charitable, non-profit organization, where no compensation, temporary, protective housing is provided to:
    - (1) abused or neglected children waiting placement of foster care;
    - (2) pregnant or parenting teens;
    - (3) victims of sexual abuse; or
    - (4) victims of domestic abuse.
128. **Public Use:** A use operated by public body or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities administrative and service facilities, public utilities, and all other public uses recognized under the law.
129. **Reasonable Accommodation:** Reasonable accommodation means a change

in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions, to wit:

- a. **Reasonable:** Reasonable means a requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
- b. **Necessary:** Necessary means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
- c. **Equal Opportunity:** Equal opportunity means achieving equal results as between a person with a disability and a non-disabled person.

- 130. **Record of Impairment:** Having a record of impairment means having a history of, or having been miss-classified as having a mental or physical impairment that substantially limits one or more major life activities.
- 131. **Recreational Vehicle or Camper:** Any vehicle or camper which is used or maintained primarily as a temporary dwelling for travel, vacation, or recreational use.
- 132. **Recycling Center, Indoor:** A building in which recyclable material is collected, processed, and/or baled entirely within an enclosed building. Said facility may also be used to prepare and ship materials to others who will use those materials to manufacture new products. On site drop off containers shall be located a minimum of thirty (30) feet back from the right of way line, and shall be screened to mitigate blowing debris.
- 133. **Regarded as Having an Impairment:** A person is regarded as having an impairment when:
  - a. the person has a physical or mental impairment that does not substantially limit one or more major life activity but is treated by another person as having such a limitation;
  - b. has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others towards such an impairment; or
  - c. has none of the impairments defined in this section but is treated by another person as having such an impairment.
- 134. **Rehabilitation/Treatment Facility:** Rehabilitation/treatment facility means a facility licensed or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.
- 135. **Residential Facility for Elderly Persons:** Residential facility for elderly persons means a dwelling unit that is occupied on a 24-hour per day basis by

8 or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following, to wit:

- a. a facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;
- b. a facility where persons being treated of alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a health care facility as defined by Title 26, Section 21, Chapter 2, Utah Code Annotated, 1953 as amended; or a facility which is a residential facility for persons with a disability.

136. **Residential Facility for Persons with a Disability:** Residential facility for persons with a disability means any residence in which more than one person with a disability resides and which is:
- a. licensed or certified by the Department of Human Services under Title 62 A, Chapter 2, of the Utah Code, licenser for programs and facilities; or
  - b. licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.
137. **Residents, Residential Facility:** A resident, residential facility means any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.
138. **Restaurant:** A place of business where food is prepared or cooked, and complete meals are served to the general public for consumption on the premises (primarily indoor dining accommodations).
139. **Restaurant, Drive-In or Drive-Through:** A building in which food is prepared and served for consumption on the premises, and which includes a facility which allows food to be ordered and taken from the premises for consumption elsewhere, without leaving a vehicle.
140. **Retirement Home:** Retirement home means a residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living sleeping and sanitation.
141. **Rooming House:** Any dwelling in which more than three persons, either individually or as families, are housed or lodged for compensation, with or without meals. A boarding house or furnished room house shall be deemed a "rooming house."
142. **RV Park:** Any area or tract of land used to accommodate two or more travel trailers or campers in which the occupants occupy the area or tract of land on a transient basis.
143. **School:** A public or private institution of learning such as elementary and secondary schools, colleges and universities, which offers instruction in

several branches of learning and study, but not including dancing schools. On campus student housing is subject to the housing regulations of each zone.

144. **Service Station:** A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles including repair activities which are subordinate to the sale of petroleum products.
145. **Setback:** The shortest horizontal distance between the property line and the building or structure or part thereof on a lot.
146. **Sewage Service:** Sewage service means a business that cleans, maintains and/or constructs individual or public sewer/wastewater disposal systems and as part of the business, parks or stores vehicles or vessels that contain or have contained human waste.
147. **Setback, Building Line:** A line which defines the shortest distance between the property line and building or part thereof.
148. **Sheltered Workshop:** Sheltered workshop means an onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.
149. **Shelter for the Homeless:** Shelter for the homeless means charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.
150. **Shipping Container:** A reusable metal container originally designed for the transportation of freight including but not limited to CONEX boxes, PODS, and semi-trailers without wheels.
151. **Sign:** Any device for visual communication including any structure or natural object or part thereof, that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civil, charitable, religious, patriotic, fraternal or similar organization.
152. **Site (Sight) Obscuring Fence:** A fence or wall of not less than six feet in height nor more than eight feet in height. A site obscuring fence or wall shall be constructed to City standards and shall be constructed from materials and of workmanship to permit vision through not more than ten percent (10%) of each square foot more than eight inches above ground and eight inches from the top of the fence or wall (e.g., masonry, composite, chain link with factory-inserted slats, vinyl, wood slats, or other material manufactured and designed for fencing purposes)
  - a.
  - b.
  - c.
153. **Story:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or, if there be no floor above it, the space between the surface of such floor and the ceiling or roof above it.
154. **Street:** A public right-of-way, including highways, avenues, boulevards,

parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

155. **Street Line:** The boundary which separates the right-of-way of a street from the abutting property.
156. **Structural Alteration:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.
157. **Structure:** Anything structured or erected which is either located on the ground or attached to something having a location on the ground, including signs and billboards, but not including fences or walls used as fences, tents, vehicles, or travel trailers.
158. **Subdivision:** The division of a tract or parcel of land, as shown on the records of the Recorder of Iron County, Utah, into two or more parts, including the original parcel or tract, for the purpose, whether immediate or future, of sale or for building development.
159. **Townhome:** A dwelling unit (regardless of the number of stories) within a building where the owner owns the land upon which his/her unit is located, and is completely independent except for the yard surrounding the building.
160. **Trade or Vocational Schools:** A post-high school educational or vocational training facility.
161. **Transitional Housing Facility:** Transitional housing facility means a facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually three to twenty- four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty days, shall not be considered to be a transitional housing facility.
162. **Travel Center** means a place for the transient stopping, parking, and fueling of commercial trucks. Travel Centers may also include facilities for eating, sleeping and recreation of the truck drivers, convenience stores; and may also serve the general public and their vehicles.
163. **Twin Home:** Two family dwelling units of separate ownership having a zero lot line. Each unit is structurally independent with separate utility connections and a maintenance break. The twin homes will have zero setbacks on adjoining sides and may be offset but not separated from each other up to a distance of six (6) feet. All other setback requirements shall apply. Each side of the twin home shall be considered a single-family dwelling unit, however, one building permit and certificate of occupancy shall be issued for both units.
164. **Use, Principle:** The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.
165. **Use, Accessory:** A use which is customarily incidental and subordinate to the principle use of a lot or a building, including bona fide servant or caretaker

- quarters, and located on the same lot.
166. **Veterinary Clinic/Hospital:** An establishment for the medical treatment and care of animals, including household pets, livestock, and commercial poultry, and which may include temporary or overnight boarding of animals that are recuperating from treatment, all facilities to be within a completely enclosed building, except for exercising runs and parking of automobiles.
167. **Width of Lot:** The distance between side lot lines measured at required minimum front yard setback line on a line parallel with the city street.
168. **Yard:** An open unobstructed space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise permitted.
169. **Yard, Front:** A space on the same lot of a building between the front line of the building and the front lot line and extending across the full width of the lot. The depth of the front yard is a minimum distance between the front lot line and the front line of the building.
170. **Yard, Rear:** A space on the same lot with the building between the rear line of the building and the rear lot line and extending the full width of the lot. The depth of the rear yard is a minimum distance between the rear lot line and the rear line of the building.
171. **Yard, Required:** The minimum open space as required by the regulations of this ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. (See "Buildable Area")
172. **Yard, Side:** A space on the same lot with the building between the side line of the building and the side lot line and extending from the front yard to the rear yard. The width of the side yard shall be a minimum distance between the side lot line and side line of the building.
173. **Zoning District:** Any portion of the incorporated area of Cedar City in which the zoning regulations apply.

**Amended by Cedar City Ordinance Number – 0708-09,0826-09, 0811-10, 0213-13, 1113-19-6, 1113-19-7, 0902-20, 0323-22 and 0525-22-1**

**SECTION 3:            AMENDMENT** “Section 32-1 Purpose Of Ordinance” of the Cedar City Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### Section 32-1 Purpose Of Ordinance

- A. The underlying purpose and intent of this Ordinance is to promote the health, safety, convenience, and general welfare of the inhabitants of Cedar City, in the matter of subdivision of land and related matters affected by such subdivision. This Ordinance is enacted for the further purpose of facilitating the orderly growth and development of the City; lessening congestion in the streets; preventing the over-crowding of land;

avoiding undue concentration of population; securing economy in municipal expenditures; facilitating adequate provisions for transportation, water, sewage, schools, parks, and other public requirements; and stabilizing the value of property; increasing the security of home life; and in furtherance of the Municipal Land Use, Development and Management Act ~~UCA §10-9a-101 et seq~~ of the Utah Municipal Code.

- B. Condominiums are required to comply herewith and the Condominium Ownership Act UCA § 57-8-1, et seq. In the event of a Planned Unit Development, compliance herewith is mandated.

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

**SECTION 4:**        **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. **Boundary Adjustment:** An agreement between adjoining property owners to relocate a common boundary line that results in the conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels. A Boundary adjustment does not mean a modification of a lot or parcel boundary that creates an additional lot or parcel or is made by the Utah Department of Transportation.
  4. **Boundary Establishment:** An agreement between adjoining property owners to clarify the location of an ambiguous, uncertain or disputed common boundary. A Boundary Establishment does not mean a modification that creates an additional lot or parcel or is made by the Utah Department of Transportation.
  5. **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.
  6. **Conveyance Document:** An instrument that meets the definition of a

“document” in UCA Section 57-1-1 and meets the requirements of UCA Section 57-1-45.5.

7. Conveyance of Property: The transfer of ownership of any real portion of real property from one person or entity to the other.
8. Document: The same as the term is defined in UCA Section 57-1-1.
9. **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.
10. Establishment Document: An instrument that meets the definition of “document” in UCA 57-1-1 and meets the requirements of Section 57-1-45 as amended.
11. **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.
12. Full Boundary Line Adjustment/ Amended Plat: A boundary adjustment that is not a simple boundary adjustment.
13. Functional Classification of Streets: Classification of existing or proposed streets based on the functional use they serve or are intended to serve, including local, collector, and arterial streets. Classifications may be further subdivided as major (principal) and minor and/or be subdivided based on land use context (e.g., industrial). Functionally-classified streets include both existing and future facilities. Functional classification is set forth in the latest City transportation master plan study document as updated through transportation master plan amendments.
14. **Intervening Property:** Property located between the existing City utilities and public service facilities, and the property under development.
15. **Land Use Authority:** The City Engineer and any designee(s) of the City Engineer.
16. **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.
17. **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.
18. **Meets & Bounds:** The description of a lot or parcel of land by courses and distances.
19. **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.
20. **Off-Site Facilities:** Facilities designed or located so as to serve other property outside the boundaries of the subdivision.
21. **Oversize Facility:** Facilities with added capacity designed to serve other property outside the boundaries of the subdivision or development site.
22. **Parcel:** means any real property that is not a lot.

23. **Preliminary Plat:** A map of a proposed land division which has been prepared in accordance with regulations herein prescribed.
24. **Record of Survey Map:** A map of a survey of land in accordance with UCA Section 17-23-17 as amended.
25. **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.
26. **Simple Boundary Adjustment:** A boundary adjustment that does not affect a public right-of-way, municipal utility easement or other public property; affect an existing easement, onsite water system, or an internal lot restriction; or result in a lot or parcel out of conformity with land use regulations.
27. **Subdivision Exemption:**
- a. A division of parcels where one of the following criteria is met:
    - (1) The division 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) parcels including the remainder parcel;
    - (2) The division is in an industrial or commercial zone and all parcels 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) parcels including the remainder parcel; or
    - (3) The division is in an industrial zone, commercial zone, or residential zone and meets the following criteria:
      - (A) The division consists of less than ten (10) parcels including the remainder parcel and the primary lot frontage along unimproved dedicated public streets are more than 200 feet; or
      - (B) The division consists of less than three (3) parcels 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. For all subdivision exemptions, no parcel 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.

- c. The division shall be graphically illustrated on a record of survey map that includes a legal description of the parcel to be divided; a legal description of each parcel created by the division and a citation to the specific provision of ~~UCA Section 10-9a-605~~ the Utah Municipal Code which authorizes an exemption to platting requirements.
- d. The City shall issue a certificate of approval, and the record of survey map shall be filed with the county surveyor in accordance with UCA Section 17-23-17.

28. **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.

29. **Subdivision:** Any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purposes, whether immediate or future, for offer, sale, lease or development either on installment plan or upon any and all other plans, terms, and conditions.

a. A subdivision includes:

- (1) The division or development of land, whether by deed, metes and bounds description, devise and testacy map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot.
- (2) Divisions of land for residential and nonresidential uses including land used or to be used for commercial, agricultural, and industrial purposes.

b. A subdivision does not include the following:

- (1) A bona fide division or partition of land used for agricultural purposes as provided in ~~UCA Subsection 10-9a-605(2)~~ the Utah Municipal Code.
- (2) A recorded conveyance document consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or the joining of a lot to a parcel.
- (3) A bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division is in anticipation of future land use approvals on the parcel or parcels; does not confer any land use approvals; and has not been approved by the land use authority.
- (4) A boundary adjustment.
- (5) A Boundary Establishment.
- (6) A road, street, or highway dedication plat.
- (7) A deed or easement for a road, street or high way purpose.
- (8) Any other division of land authorized by law.

30. **Subdivision Amendment:** An amendment to a recorded subdivision in

accordance with ~~UCA Section 10-9a-608~~ the Utah Municipal Code that vacates all or a portion of a subdivision; increases the number of lots within the subdivision; alters the public right-of-way, a public easement, or public infrastructure within the subdivision; or alters a common area or other common amenity within the subdivision.

a. A subdivision amendment does not include a simple boundary adjustment.

31. **Subdivision improvement plans:** the civil engineering plans associated with required infrastructure and City controlled utilities required for a subdivision.
32. **Subdivision ordinance review:** review by City staff to verify that a subdivision land use application meets the criteria of the City's subdivision ordinances.
33. **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 5:**        **AMENDMENT** “Section 32-5 Boundary Adjustment And Subdivision Amendment Procedure” of the Cedar City Municipal Code is hereby *amended* as follows:

### AMENDMENT

#### Section 32-5 Boundary Adjustment And Subdivision Amendment Procedure

##### A. Simple Boundary Adjustment:

1. An application for a Simple Boundary Adjustment shall be submitted with the following information:
  - a. A conveyance document that complies with UCA Section 57-1-45.5 as amended.
  - b. A description of all lots or parcels affected by the proposed simple boundary adjustment.
2. The City Land Use Authority shall consent to a proposed Simple Boundary Adjustment if the land use authority verifies the following:
  - a. The conveyance document complies with UCA Section 57-7-45.5.
  - b. The simple boundary adjustment does not affect a public right-of-way, municipal utility easement, or other public property.
  - c. The simple boundary adjustment does not affect an existing easement, onsite wastewater system, or an internal lot restriction.
  - d. The simple boundary adjustment does not result in a lot or parcel

being out of conformity with land use regulations.

3. If the land use authority determines that the simple boundary adjustment meets the requirements of Section A(2) above, the land use authority will issue a Notice of Consent which stipulates that the land use authority is not responsible for any error related to the boundary adjustment and that the county recorder may record the simple boundary adjustment.
4. If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Section A(2) above, then a full boundary adjustment will be required.

**B. Full Boundary Adjustment:**

1. An application for a Full Boundary Adjustment shall be submitted with the following information as follows:
  - a. A conveyance document that complies with UCA Section 57-1-45.5 as amended.
  - b. A survey that complies with UCA Subsection 57-1-45.(3)(b).
  - c. A plat amendment.
2. The City Land use Authority shall consent to a proposed full boundary adjustment if the land use authority verifies the following:
  - a. The conveyance document complies with UCA Section 57-7-45.5.
  - b. The required survey shows no evidence of a violation of a land use regulation.
  - c. A plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with ~~UCA Section 10-9a-608 as amended~~ the Utah Municipal Code.
3. If the land use authority determines that the full boundary adjustment meets the requirements of Section B(2) above, the land use authority will issue a Notice of Consent which stipulates that the land use authority is not responsible for any error related to the boundary adjustment and that the county recorder may record the full boundary adjustment.
- 4.

**C. Subdivision Amendment:**

1. An application for a Subdivision Amendment shall be submitted with the following information as follows:
  - a. A plat depicting only the portion of a subdivision that is proposed to be amended;
  - b. The plat name distinguishing the amended plat and the original plat;
  - c. A description between the amended plat and the original plat; and
  - d. References to the original plat.
2. The City Land Use Authority shall prepare a notice of a petition for a plat amendment by mail or email for the following:
  - a. Each affected entity that provides a service to a property owner of record of the portion of the plat that is being vacated or amended; and
  - b. Each property owner of record within the portion of the subdivision that is proposed to be amended.
    - (1) The notice shall be sent to each property owner of record and

shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than ten (10) calendar days after the day which the notice is sent.

3. Public Hearing Requirements:

- a. The Land Use Authority shall hold a public hearing within 45 days after the day on which a petition is filed if any property owner within the subdivision that is proposed to be amended notifies the city of an objection in writing before the notification deadline.
- b. A public hearing is not required, and the land use authority may consider at a public meeting an owner's petition for the following:
  - (1) Join two or more of the petitioner fee owner's contiguous lots;
  - (2) Subdivide one or more of the petitioning fee owners lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
  - (3) Adjust an internal lot restriction imposed by the local political subdivision; or
  - (4) Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not owned by the petitioner or designated as common area.

4. Approval

- a. The Land Use Authority may approve a petition for a subdivision amendment no earlier than the day after the day on which written objections were due to the land use authority; or if a public hearing is required, the day after the public hearing takes place.
- b. The Land Use Authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

5. Survey Requirements

- a. A surveyor preparing an amended plat shall certify that the surveyor:
  - (1) Holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
  - (2) Has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements;
  - (3) Has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries or has referenced the original plat that created the lot boundaries being amended; and
  - (4) Has placed monuments as represented on the plat.

6.

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

**SECTION 6:**        **AMENDMENT** “Section 32-7 Subdivision And Planned Unit Development (PUD) Approval Procedure” of the Cedar City Municipal Code is hereby *amended* as follows:

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

**Section 32-7 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 subdivision exemptions.
    - 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~~ the Utah Municipal Code 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,~~ the Utah Municipal Code 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 before the Mayor and City Attorney sign the final plat 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. If the final plat is not recorded within sixty (60) days of final approval, a new title report will be required prior to the plat being sent for recording;
  - 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.

Amended by City Ordinance 1209-20-1 and 0525-22-2  
**ENTIRE CHAPTER AMENDED BY CEDAR CITY  
ORDINANCE NO. 0211-15**

**SECTION 7:**        **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 complete the applicant's duties under this ordinance with reasonable diligence.
  - a. At no time shall a Preliminary Land Use Application approval remain effective beyond a period of two (2) years from the date of the City's approval. If the 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~~the Utah Municipal Code.
- 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 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 Petition for Annexation plus the payment of applicable fees, vests the applicant in the City's fees effective when the Petition and 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.

Enacted by City Ordinance 0825-21-4

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

PASSED AND ADOPTED BY THE CEDAR CITY CITY COUNCIL APRIL 22, 2026.

|          | <b>AYE</b> | <b>NAY</b>        | <b>ABSENT</b>     | <b>ABSTAIN</b>    |
|----------|------------|-------------------|-------------------|-------------------|
| Phillips | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| Cox      | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| Wilkey   | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| Schmidt  | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |
| Galan    | <u>X</u>   | <u>          </u> | <u>          </u> | <u>          </u> |

Presiding Officer

Attest



STEVE NELSON, MAYOR, Cedar  
City



RENON SAVAGE, RECORDER,  
Cedar City

