

**CEDAR CITY
ORDINANCE 0508-24-2**

**AN ORDINANCE AMENDING SECTIONS 26-IV-4 AND 32-8 PERTAINING TO
FENCING REQUIREMENTS**

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

WHEREAS, the City Council desires to modify certain fencing requirements, reducing the requirement in a few areas; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and general welfare of the citizens of Cedar City to change Sections 26-IV-4 and 32-8 by updating the existing ordinance.

NOW THEREFORE, be it ordained by the City Council of Cedar City, State of Utah that Chapter 26 and Chapter 32 of the ordinances of Cedar City, Utah, are hereby amended to include the below underlined red text and exclude all crossed out text:

SECTION 1: **AMENDMENT** “Section 26-IV-4 Fences” of the Cedar City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 26-IV-4 Fences

- A. Setback Area Defined: The term "Front Setback Area" shall refer to the setback area (as required by this ordinance) along any street frontage.
- B. Interior Lot Requirements:
 - 1. On all interior lots in Commercial and Residential zones, a fence, not to exceed six (6) feet in height may be erected along all side and rear property lines but not in the front yard setback area. On interior lots that border a City street on the front and rear lot lines and the property owner has a drive approach or curb-cut entering the rear property line through a fence, the opening in the fence shall be gated. Said rear lot driveway shall be for limited use, i.e. not every day use.
 - 2. In any front setback area in Commercial and Residential zones, no wall fence or hedge shall exceed thirty (30) inches.
 - 3. Where a fence, wall or hedge is located along an interior property line separating two (2) lots and there is a difference in grade of the two properties, the fence wall or hedge may be erected or allowed to the maximum height

permitted on either side of the property line.

4. In Industrial zones a 6-foot non-site obscuring fence is permitted in the front set back area of interior and corner lots.

Amended by ordinance number 0125-12.

C. Corner Lot Requirements:

1. On all corner lots in Commercial and Residential zones, a fence, not to exceed six (6) feet in height may be erected along all side and rear property lines, but not in the front yard setback area except as follows:-
 - a. If the corner fence contains a driveway, the fence shall be eliminated within a 5-foot by fifteen-foot site triangle adjacent to both sides of the driveway.
 - b. Along the rear lot line, if the adjoining property owner has a drive approach or curb-cut within ten (10) feet of the property line, no obstruction to view shall be placed within a triangular area formed by said property line and street right-of-way and a line connecting them at points ten (10) feet from the intersection of the lines.
2. In all Residential and Commercial zones requiring a front yard setback, no obstruction to view in excess of thirty (30) inches in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the property line.
3. Notwithstanding any other provisions herein, a fence which does not obstruct view (i.e. chain link fence) may be erected to a height of thirty (30) inches in any yard abutting a street within the setback area of Commercial and Residential lots. The fence shall in no way be closed in with adjacent plant materials or strips of material inserted into the fence so as to obstruct vision.
4. In Industrial zones a 6-foot non-site obscuring fence is permitted in the front set back area of interior and corner lots.

D. Fences on the Public Right-of-Way: No fence approved under this Chapter shall be erected beyond the property line, on the public right-of-way, without the issuance of a permit by the Cedar City Building Inspector. Approval of a fence on the public right-of-way shall be subject to the following conditions:

1. No fence shall be erected within one (1) foot of an existing or future sidewalk or within three (3) foot radius of a fire hydrant.
2. The City shall retain the right to remove any fence on the public right-of-way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.
3. Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.

E. Fences for Recreation Use: A chain link fence may be erected to a height of twelve (12) feet for the purpose of enclosing a tennis court, swimming pool, or other court game area. Said fence may not be located within the setback area of yards abutting a front, side, or street side yard.

F. Fences Required Around Solar Power Generation, Central. A 100% site obscuring fence Eight (8) feet high is required around the perimeter of the property inside the landscape strip. All other fence restrictions shall be met.

G. Fences to be Required in Certain Areas: Site-obscuring fences shall be required along the boundary line in the following cases:

1. Commercial and Industrial Developments:

- a. On all Commercial and Industrial developments, in areas zoned accordingly, having a common lot line with property used for residential purposes shall require the construction of a 6-foot high sight-obscuring masonry fence; or
- b. On residential developments having a common lot line with property used for Commercial or Industrial purposes shall require the construction of a 6-foot high sight-obscuring masonry fence.

(1) Unified Mixed-Use projects consisting of housing and commercial uses consisting of purpose-built shared pedestrian and vehicular access shall not require fencing between the mix of uses.

2. ~~Apartments: Any lot with four (4) or more dwelling units and having a common lot line with:~~Changes in Density.

- a. ~~property used for less-dense residential purposes; or~~Any property which proposes residential construction adjacent to a property used for residential purposes where the difference in the total number of dwelling is three (3) or more shall require the construction of a site obscuring fence. This provision shall not apply when less dense property already exhibits four (4) or more units.
- b. ~~vacant property that is presently zoned for less-dense use, shall require the construction of a 6-foot high site obscuring fence.~~
- c. Said fence shall be reduced to thirty (30) inches in height inside the front yard setback area of the residential property.

3. Conditional Uses: In the case of a commercial development permitted by conditional use in a residential neighborhood, fencing may be addressed by written agreement between adjoining property owners. Said agreement shall be submitted to the Planning Commission and City Council for approval and be part of the Conditional Use Permit.

Amended by City Ordinance 1113-19-7

SECTION 2: AMENDMENT “Section 32-8 Planned Unit Developments (PUD)” of the Cedar City Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 32-8 Planned Unit Developments (PUD)

- A. Purpose: The purpose of the Planned Unit Development (PUD) is to allow for flexible and efficient utilization of land in residential, industrial and commercial developments

(consolidation of open spaces, clustering of dwelling units and efficient use of public facilities). It is intended that a PUD create attractive and desirable environments.

B. Uses:

1. PUD's shall be utilized in the process of annexing developed property where said development does not meet City Engineering Standards; in such case, the City reserves the right to require conversion of such developed property to a PUD as a condition of annexation.
2. PUD's may be allowed in residential, commercial and industrial zones, and the PUD development plan shall become supplementary to the provisions of the zone in which the PUD is located.
3. PUD's shall only be developed as residential attached town home and condominium developments, ~~gated~~ single and multi-unit residential communities and commercial and industrial developments. ~~Un-gated single unit housing developments shall not be allowed to develop as a PUD except for additional phases that are contiguous with and part of an existing PUD or to facilitate the annexation of developed property where the City owned and maintained improvements do not meet Cedar City Engineering Standards.~~
4. Uses permitted in the PUD shall be limited to those uses permitted in the zone in which the PUD is allowed.
5. Conversion of existing buildings to a PUD shall conform to existing building codes and the provisions of this chapter.

C. PUD
Develop
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Standar
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Require
ments:

1. Variations from the development standards of the underlying zone in which the PUD is located may be permitted by the City Council provided the variations are specifically adopted by the City Council prior to the submission of the preliminary subdivision application. Variations shall not include changes in the permitted uses allowed except to the extent set forth herein. The development standards set forth below are not subject to variations permitted by the City Council.
2. Residential Planned Unit Developments shall meet the minimum lot area and maximum density of the underlying zone.
3. Structure Setbacks:
 - a. Residential - No structures shall be set back less than 20 feet from the right-of-way line of a dedicated street;
 - b. Commercial/Industrial - All setbacks shall be as required in the underlying zone, subject to required utility easements;
 - c. Building setbacks of a residential PUD shall be the same as the underlying zone with exception that perimeter property lines not designated as a front or rear property line shall be 10 feet. Building setbacks along the perimeter property lines of a residential PUD

located in an R-1 or RE zone shall be 10 feet, except within 100 feet of where the perimeter property lines of the PUD intersect the public right-of-way, where the minimum setback from the perimeter property line of the PUD line shall be 20 feet. Building setbacks in Industrial and Commercial PUDs shall be according to the requirements of the underlying zone, and;

AMENDED BY ORDINANCE NUMBER 0426-17-3.

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

Exceptions:

- a. For residential PUD developments requiring a perimeter fence with units that front on a dedicated street the perimeter fence within the front setback area may be reduced or eliminated under the following conditions:
 - (1) The units fronting the street must be served by individual access driveways leading directly to an enclosed garage attached to and designed to serve an individual unit. A driveway serving a single unit with a two-car garage shall not exceed an on-site width of 20 feet. Driveways serving a single unit with a one-car garage shall not exceed 12 feet. Individual driveways shall be separated by a minimum of 6 feet. Driveway separation areas and all other areas fronting a dedicated street must be landscaped. Driveway widths and sidewalk separation at the property line shall comply with engineering standards; or
 - (2) Buildings fronting dedicated streets must have articulated

elevations (multi-surface building projections) with a covered porch at the front of each unit. The full frontage of the buildings shall be landscaped common area and parking and/or garages shall be at the rear of the buildings.

- b. The sight obscuring fence may be eliminated through City Council approval, along portions of the perimeter which meet at least one (1) of the following minimum requirements. City Council approval must be obtained prior to submission of the preliminary subdivision application:
 - (1) the overall density of the development does not exceed 60% of the allowed density per the underlying zone;
 - (2) the minimum distance of open space between the proposed building units and any adjacent existing or proposed structures is 150 feet; or
 - (3) there are geologic features between existing and or potential development sites that provide for privacy and separation negating the need for privacy and mitigating potential impacts between developments. Geologic features may include topographical change such as hills, cliffs, and ravens; streams and rivers, and or other areas preserved as open space. Open space areas may include natural and manmade components.
 - c. The sight obscuring fence may be placed on the right-of-way/property line (minimum 1-foot behind sidewalk) adjacent to and fronting the south side of the Highway 56 corridor between Westview Drive and 5300 West. The developer shall landscape to either the back of sidewalk of Highway 56 or to the top of slope of existing irrigation ditches whichever is closer. In no case shall the landscape be less than 10-feet wide. Approval of such configuration shall be subject to the following:
 - (1) Approval by the Utah department of Transportation (UDOT) and associated landscape agreement; and
 - (2) City approval and agreements for maintenance responsibilities by the adjacent corporate entity.
7. Landscaping: In commercial or industrial PUDs, and residential PUDs, permanent landscaping requirements shall be satisfied by the landscaping requirements of the underlying zone. In addition, the perimeter landscape strip adjacent to the public right-of-way shall include one (one) street tree for every 30 feet of linear street frontage. The spacing need not be linear and shall not impede Fire Department access.
8. Open Space: Common Useable Open Space shall be defined as planned public or common outdoor improved landscaped areas suitable for relaxation and recreation. Open space areas shall include one improved amenity to include but not be limited to patios, gazebos, picnic pavilions, pools, and other amenities suitable for public and private gatherings. Open space does not include roads, driveways, parking areas or linear sidewalk adjacent to vehicular access roads.

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

- a. Common open space shall be provided at a minimum of 150 square feet per unit with a maximum requirement of 3% of the gross development site. No requirement in this section shall preclude open space in excess of the minimum requirements. Open space shall be exclusive of any required setback areas except the rear and side setback area when not encumbered by any residential structures and designed to be open and available to all residents of a development.
 - b. Open space areas shall be accessible by foot from all residential units within the PUD and shall not require more than 1000 feet of travel.
 - c. Open space areas shall be developed prior to the last phase of a development.
 - d. The minimum amount of open space shall be provided in the master plan of the development.
 - e. At no time shall more than 30% of open space be permitted in the last phase of development.
 - f. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 10 feet wide unless part of a landscaped pathway or trail connecting open space areas.
 - g. Accessory structures within open space areas shall meet the requirements of the underlying zone.
 - h. Open space shall be separated from streets, service and parking areas by landscaping, low level walls, or other decorative treatments.
 - i. Detention areas may be counted as common open space when designed for open space purposes.
9. Parking: The parking of any PUD shall be the same as the parking requirements of the underlying zone including the following:
- a. Within a residential Planned Unit Development where the street design does not allow for street parking either due to narrowness or vehicular access, there shall be provided additional guest parking spaces at a ratio of .20 guest parking spaces per unit. Spaces shall be located in the development within a central parking lot or dispersed throughout. Guest parking shall be arranged to be within 1000 feet to the units the spaces are designed to serve.
 - (1) Exceptions:
 - (A) When PUD Developments do not configure in tandem parking for residential units, and the parking is located within a parking lot that is unenclosed, additional guest parking spaces shall not be required.
 - (B) PUD Developments consisting of single-family dwellings which meet the minimum lot size of the

underlying zone per dwelling shall not require additional guest parking spaces.

b. Parking space dimensions:

- (1) Parking spaces located within a central parking area or along routes not required for fire access shall meet the dimensional requirements of the underlying zone. Spaces located along the primary driveway or private street shall not constitute a central parking lot.
- (2) Private parking spaces designated for private use and located in front of a unit, or garage, or other obstruction and oriented perpendicular to the street or access way shall have a minimum depth of 22 feet exclusive of any sidewalk, curb gutter.
- (3) Parking spaces located perpendicular to a fire access drive aisle with no obstruction shall have a minimum depth of 20 feet and shall include a 2-foot overhang.

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

11. Private (Non-dedicated) Streets:

- a. All streets within a PUD shall have a minimum paved width according to City Engineering Standards. The minimum street width shall be 26 feet not including curb, gutter and sidewalk. Secondary access roads may be reduced to 24 feet in width not including curb, gutter, and sidewalk. Larger street widths and or turning radii may be required when in the judgment of the City Engineer or Fire Department a greater width is required to provide for adequate access. Streets do not include parking lot driveways;
 - (1) Street corner drivable surface inside radius shall be 16 feet for 26-foot-wide streets, and 20.5 feet for 24-foot wide access ways.
- b. Access ways designated for trash pickup shall be a minimum of 26 feet wide, excluding curb and gutter, and shall not require trash collection vehicles to back up.
- c. A private street will not extend to or provide service to another property not included in a phase of the PUD;
- d. Private streets are entered from the public streets by a drive-way type entrance and are posted as private streets. Entrances shall be designed in accordance with City Engineering Standards;
- e. At the intersection of PUD driveways and the public street, the public street shall exhibit a no parking restriction for thirty (30) feet on each side of the driveway when the PUD serves 80 units or more. Proposed no parking restrictions in excess of thirty (30) feet on each side of the driveway must be approved by the City Council on an

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

- f. Private streets are not maintained by the City;
 - g. When a PUD entrance occurs at the end of a City Street the developer shall provide for a dedicated, City Standard Cul-de-sac or equivalent turn-around, and;
 - h. As part of the PUD approval process and in order to provide legal public access to adjoining properties or to conform with the City's Street Master Plan, the City can require any street in the PUD to be a dedicated City street with widths and improvements according to City Engineering Standards.
12. All storage and solid waste receptacles which serve multiple units, and which are not located within a building shall be enclosed within a site obscuring fence or fence compatible with the design of the development.
13. A PUD may restrict the storage of recreational vehicles within the PUD in the restrictions and covenants of the project. Combined recreational vehicle storage areas in excess of 560 square feet shall be enclosed in a 6-foot-high site obscuring fence.
14. PUD plats prepared for filing shall be required to show the following minimum utility easements and required dedications to the public:
- a. All private streets;
 - b. Minimum ten-foot utility easement on each side of all primary access streets;
 - c. Minimum seven and one-half foot utility easement around the perimeter of the PUD. In a Commercial or Industrial Zone, the City Council may grant an exception to said easement requirement, after a recommendation by the City Engineer and the Planning Commission, and each City franchised utility has waived in writing their need for the easement; and,
 - d. All public dedications for streets, trails, drainage, utilities, parks, etc. Said utility easements shall be for the purpose of installing and maintaining utility lines as required by the utility owners. Prior to filing of a Planned Unit Development plat, all utilities currently operating in Cedar City, Utah under a franchise agreement with the City, shall acknowledge by signature on the plat that they have approved said utility easements, and guarantee their utility improvements will be installed and maintained.
 - e. Provide a note indicating all common areas are public utility easements.
 - f. The City Engineer or his designee may grant an exception to the easement requirements above if the easement is deemed unnecessary and each City franchised utility has waived in writing its need for the

easement. At locations where the 10-foot PUE requirement in Subsection (b) is waived on a primary access street, a sight visibility triangle shall be preserved at the intersection of two or more primary access streets or of one primary access street and any other private street(s) as follows: No obstruction which will obscure the view of automobile drivers shall be placed within a triangular area formed by a line along the back edges of the drivable surface and a line connecting them at points thirty (30) feet from the intersection of those lines.

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

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

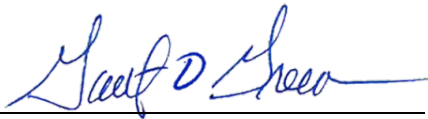
ENTIRE CHAPTER AMENDED BY CEDAR CITY ORDINANCE NO. 0211-15

PASSED AND ADOPTED BY THE CEDAR CITY CITY COUNCIL MAY 08, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Phillips	_____	_____	<u> X </u>	_____
Melling	<u> X </u>	_____	_____	_____
Riddle	<u> X </u>	_____	_____	_____
Cox	<u> X </u>	_____	_____	_____
Wilkey	_____	_____	<u> X </u>	_____

Presiding Officer

Attest



Garth O. Green, MAYOR, Cedar City



RENON SAVAGE, RECORDER,
Cedar City

