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## **LAND USE (Planning and Zoning) ORDINANCE for the Town of CEDAR FORT**

**BE IT ORDAINED** by the Town Council of the Town of Cedar Fort, Utah County, Utah, that an ordinance relating to the establishment of a **Planning and Zoning (Land Use) Commission** and related land use issues be enacted as follows:

### **1.0 OVERVIEW**

Establishment and definition of Land Use Zones within the corporate limits of Cedar Fort and establishment of a Planning Commission and Board of Adjustment.

### **2.0 PURPOSE**

This ordinance is enacted to establish and define zones, uses and standards for the area within the corporate limits of the Town of Cedar Fort. Provision is also made in this ordinance for the establishment of a Town Planning Commission to administer and recommend any changes to this ordinance. Establishment of an Appeal Authority provides a means for individuals to seek a qualified variance from this ordinance.

### **3.0 ZONES ESTABLISHED**

In order to carry out the purposes of this ordinance, the Town of Cedar Fort, Utah is divided onto zones as follows:

CR	- Commercial Residential Zone (1/2 Acre)
RA	- Residential Agricultural Zone (1/2 Acre)
RA-1	- Residential Agricultural Zone (1 Acre)
RA-4	- Residential Agricultural Zone (4 Acres)
RA-5	- Residential Agricultural Zone (5 Acres)
RA-10	- Rural Agricultural Zone (10 Acres)
C	- Commercial Zone
LI	- Light Industrial Zone
MG-40	- Mining and Grazing (40 Acres)

### **4.0 OFFICIAL MAP**

The location and boundaries of each of the zones is shown on the official zone map of the Town of Cedar Fort, Utah County, State of Utah, which is the official record and part of this ordinance. If changes are made, according to the provisions of this ordinance, in

the zone boundaries or other matters shown on the official map, such changes will be made on the official map promptly after the amendment has been approved by the Town Council of the Town of Cedar Fort.

## **5.0 ESTABLISHMENT OF PLANNING COMMISSION**

5.1. This ordinance directs the creation of a Planning Commission for the Town of Cedar Fort, Utah. The Planning Commission will have five (5) members. The seats on the Planning Commission will be appointed by the duly elected members of the Town Council of Cedar Fort for a term of not less than five (5) years on a staggered basis. Upon completion of a term or resignation by a member of the Commission, the Town Council shall nominate a person to fill the vacancy. The Town shall post a notice of vacancy for not less than 24 hours and interested persons may submit a letter of application. Final determination of the position shall be the decision of the Town Council. **Any vacancy due to death, resignation, removal or disqualification occurring on the Commission will be promptly filled by appointment by the Town Council for the unexpired term of the member.** All members of the Planning Commission will be residents of the incorporated area of the Town of Cedar Fort for at least one (1) year prior to nomination to the Commission.

5.2. The Planning Commission will exercise all powers granted unto it by statute or ordinance. The Planning Commission may present to the Town Council of the Town of Cedar Fort, which is the legislative body of the town; maps, proposed land use ordinances, or other matters or recommendations as the Planning Commission may determine. The Town Council will determine any action to result from the recommendations of the Planning Commission according to the standards and regulations of this ordinance and the requirements of the laws of the State of Utah.

## **6.0 OBJECTIVES OF ZONING**

In establishing the zones, their boundaries and other regulations and restrictions applying within each of these zones, careful consideration will be given to the suitability of the land for particular use, and to the character of the zone, to encourage the most appropriate use of the land throughout the Town.

## **7.0 FEES AND COSTS**

All costs associated with the preparation and submittal of information and drawings for review and approval of any development shall be borne by the applicant or developer. At the time of filing the preliminary or final plats, the sub-divider shall pay to the Town a nonrefundable fee. The Town Council shall prescribe by resolution the amount of such fee, which shall be for the purpose of defraying expenses incidental to and in connection with the checking and reviewing of such plats. Additionally, fees associated with two-lot subdivisions, Permitted Use approvals, Change in Permitted Use approvals shall be as prescribed in the Cedar Fort Town Fee Schedule Resolution. Sign Permit Application fees are also identified in the Cedar Fort Town Fee Schedule Resolution.

## **8.0 ADOPTION OF A GENERAL PLAN**

The Town of Cedar Fort will adopt a General Plan of the Town. No street, park, other public way, any public structure, nor any utility whether publicly or privately owned, will be constructed or authorized within the corporate limits of the Town unless it conforms to the intent of the General Plan and the requirements of applicable ordinances, and has been submitted and approved by the Town Council of the Town of Cedar Fort, Utah. Persons desiring changes to the General Plan shall submit such requests to the Planning Commission in writing along with a General Plan Amendment fee as identified in the Cedar Fort Town Fee Schedule Resolution. The process and procedure for General Plan changes is the same as for zoning changes.

## **9.0 AMENDMENTS TO ZONING ORDINANCE**

9.1. This zoning ordinance, including the map, may be amended, but all proposed amendments will be submitted first to the Planning Commission for its recommendation, and must be initially considered by them within 30 days. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, it is public policy that amendments will not be made to the Zoning Ordinance and map except to promote more fully the objectives and purposes of this ordinance or to correct manifest errors. Any person seeking an amendment to this ordinance or map will submit to the Clerk of the Town Council of Cedar Fort, a written petition designating a change desired, the reasons, and how the proposed amendment would further promote the objectives and purposes of the zoning ordinance and the Town, together with a non-refundable fee as defined in the Cedar Fort Town Fee Schedule Resolution. The Town Clerk will transmit the petition to the Planning Commission. If, after review of the petition, the Planning Commission chooses to submit a recommendation to the Town Council for their consideration which State Statute requires a Public Hearing, the Planning Commission shall call a public hearing prior to submitting the matter for to the Town Council. Notice of the time and place of Public Hearings will conform to State Code.

9.2. Preparation /changes and adoption of land use ordinance or zoning map.

9.2.1 The Planning Commission shall:

9.2.1.1 provide notice as required by Subsection 9.3 (below);

9.2.1.2 hold a public hearing on proposed land use ordinance/zoning map change; and

9.2.1.3 prepare and recommend to the legislative body a proposed land use ordinance or ordinances and zoning map that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.

9.2.2 The Town Council shall consider each proposed land use ordinance, ordinance change and zoning map recommended to it by the planning commission. The Town Council may adopt or reject the ordinance or map either as proposed by the Planning Commission or make any revision the to the proposal before approval as the Town Council considers appropriate.

9.3. Notice of public hearings and public meetings on adoption or modification of land

use ordinance.

9.3.1 The Planning Commission shall give:

9.3.1.1 notice of the date, time, and place of the public hearing to consider the adoption or any modification of a land use ordinance; and

9.3.1.2 notice of each public meeting on the subject.

9.3.2 Each notice of a public hearing under Subsection 9. 3. 1.1 shall be:

9.3.2.1 mailed to each affected entity at least ten calendar days before the public hearing;

9.3.2.2 posted:

9.3.2.2.1 in at least three public locations within the town; and

9.3.2.2.2 on the Town's official website; and

9.3.2.2.3 mailed at least three (3) days before the public hearing to:

9.3.2.2.3.1 each property owner whose land is directly affected by the land use ordinance change; and

9.3.2.2.3.2 each adjacent property owner within the parameters specified by municipal ordinance.

9.3.3 Each notice of a public meeting under Subsection 9. 3. 1.2 shall be at least 24 hours before the meeting and shall be posted:

9.3.3.1 in at least three public locations within the municipality; and

9.3.3.2 on the Town's official website.

9.4. Land use ordinance or zoning map amendments.

9.4.1 The Town Council may amend:

9.4.1.1 the number, shape, boundaries, or area of any zoning district;

9.4.1.2 any regulation of or within the zoning district; or

9.4.1.3 any other provision of a land use ordinance.

9.4.2 The Town Council may not make any amendment authorized by this subsection unless the amendment was first submitted to the Planning Commission for its recommendation and a Public Hearing held as required by State Statute.

9.4.3 The Town Council shall comply with all State Statutes in preparing and adopting an amendment to a land use ordinance or a zoning map.

## **10.0 APPEAL AUTHORITY**

10.1 Composition and Duration of Term

A Appeal Authority (Variance Committee) shall be the Town Council unless the Town Council makes the initial determination regarding a particular land use or building application. In the event that the Town Council make the initial determination regarding a particular land use or building application, then the Town Council refer such matter to a panel of individuals comprised of five (5) members who are appointed by the Town Council of the Town of Cedar Fort, Utah. The board members are each appointed for a term of five (5) years and may be removed by the Town Council upon written charges and after a public hearing. Members will be appointed to serve five-year terms on a 5-year stagger basis. In June of each year, one new member will be appointed (or re-appointed) to replace a member whose term expires. Upon completion of a term or resignation by a member of

the Appeal Authority, the Town Council or Board shall nominate (or re-nominate) a person to fill the vacancy. The Town shall post a notice of vacancy for not less than 24 hours and interested persons may submit a letter of application. Final determination of the position shall be the decision of the Town Council. Any vacancy due to death, resignation, removal or disqualification occurring on the Board will be promptly filled by appointment by the Town Council for the unexpired term of the member. All members of the Appeal Authority will be residents of the incorporated area of the Town of Cedar Fort.

#### 10.2 Organization and Meetings

The Appeal Authority will organize and elect a chairman and adopt rules in accordance with the provisions of this ordinance and State law. Meetings of the Board will be held at the call of the Chairman and at such time as the Appeal Authority or Town Council may determine. The Chairman, or in his absence, the acting chairman, may administer the oaths and compel the attendance of witnesses. All meetings of the Appeal Authority will be open to the public. The Appeal Authority will keep minutes of its proceedings showing the vote of each member on each question, noting those absent or failing to vote, and will keep records of its examination and other official acts; all of which will be immediately filed in the office of the Town of Cedar Fort.

#### 10.3 Powers of the Appeal of Authority

In addition to any other powers given by the State Law or this ordinance, the Appeal Authority, after proper notice and public hearing, will have the following powers:

##### 10.3.1. Basis for Granting Variance:

- (1) (a) The appeal authority may grant a variance only if:
  - (i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
  - (ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;
  - (iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
  - (iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - (v) the spirit of the land use ordinance is observed and substantial justice done.
- (b) (i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:

- (A) is located on or associated with the property for which the variance is sought; and
- (B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- (ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (1)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
- (c) In determining whether or not there are special circumstances attached to the property under Subsection(1)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
  - (i) relate to the hardship complained of; and
  - (ii) deprive the property of privileges granted to other properties in the same zone.
- (3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- (4) Variances run with the land.
- (5) The appeal authority may not grant a use variance.
- (6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
  - (a) mitigate any harmful effects of the variance; or
  - (b) serve the purpose of the standard or requirement that is waived or modified.

#### 10.4 Appeal of Decisions by the Appeal Authority

Decisions made by the Appeal Authority may be appealed to an arbitration board made up of one member of the Town Council, one member chosen by the requesting party and a third member from the mediation and arbitration board. A request for an appeal of the Appeal Authority decision shall be made in writing by the Town or the requestor and shall be accompanied by a non-refundable fee as specified in the Cedar Fort Town Fee Schedule Resolution.

#### 10.5 Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

##### 10.5.1 The Town of Cedar Fort shall establish one or more appeal authorities to hear and decide:

10.5.1.1 requests for variances from the terms of the land use ordinances; and

10.5.1.2 appeals from decisions applying the land use ordinances.

##### 10.5.2 As a condition precedent to judicial review, each adversely affected person shall

- timely and specifically challenge a land use authority's decision, in accordance with local ordinance.
- 10.5.3 An appeal authority:
- 10.5.3.1 shall:
- 10.5.3.1.1 act in a quasi-judicial manner; and
- 10.5.3.1.2 serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
- 10.5.3.2 may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.
- 10.5.4 The Town may:
- 10.5.4.1 require an adversely affected party to present to an appeal authority every theory of relief that it can raise in district court;
- 10.5.4.2 not require an adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies; and
- 10.5.4.3 provide that specified types of land use decisions may be appealed directly to the district court.
- 10.5.5 The Appeal Authority, or panel, shall:
- 10.5.5.1 notify each of its members of any meeting or hearing of the board, body, or panel;
- 10.5.5.2 provide each of its members with the same information and access to municipal resources as any other member;
- 10.5.5.3 convene only if a quorum of its members is present; and
- 10.5.5.4 act only upon the vote of a majority of its members.

## **11.0 GENERAL CHARACTERISTICS, OBJECTIVES, AND USES IN ZONES**

The following requirements in all zones are for single family dwellings. As defined in this ordinance, mobile (trailer) homes and satellite dwellings are not permitted in any zone. Agriculture and livestock operations are intended to remain a part of the zoning and lifestyle of the Town and any division of land must include provision for such uses. Only one Dwelling per lot is allowed. Only one Dwelling Unit per lot is allowed.

### **11.1 CR - COMMERCIAL RESIDENTIAL ZONE**

This zone is established as a district measured 300' on either side of the centerline of SR 73 the entire length of town boundary in which the primary use of the land is for retail business and the secondary use, which may be combined with the first, is single family residential dwellings. Any commercial usage must be approved by the Town Council through obtaining a business license. Home based businesses may be included in other zones if provisions of this and other applicable Town ordinances are met. Minimum lot size is 1/2 Acre.

### **11.2 RA – RESIDENTIAL AGRICULTURAL ZONE**

This zone is established as a district in which the primary use of the land is for dwelling purposes combined with limited agricultural pursuits. Representative of the uses in this zone are agricultural, single-family dwellings, barns, corrals, and structures for keeping a limited number of animals and fowls. Minimum lot size is 1/2 Acre.

#### 11.3 RA-1 RESIDENTIAL AGRICULTURAL ZONE

This zone is established as a district in which the primary use of the land is for dwelling purposes combined with agriculture and livestock-raising purposes. In general, the land within this zone is located near the outskirts of the Town. While single-family dwellings are permitted in this zone, the uses and activities are principally the growing of agricultural produce and livestock on a limited basis; including the erection and maintenance of structures included, but not limited to – barns, corrals, and sheds associated with farming and livestock raising activities. Minimum lot size is 1 acre.

#### 11.4 RA-4 RESIDENTIAL AGRICULTURAL ZONE

This zone is established as a district in which the primary use of the land is for dwelling purposes combined with agriculture and livestock-raising purposes. In general, the land within this zone is located on the East Side of Highway 73. While single-family dwellings are permitted in this zone, the uses and activities are principally the growing of agricultural produce and livestock; including the erection and maintenance of structures included, but not limited to – barns, corrals, and sheds associated with farming and livestock raising activities. Minimum lot size is 4 acres.

#### 11.5 RA-5 RESIDENTIAL AGRICULTURAL ZONE

Similar to the RA-4 Zone, this zone is established as a district in which the primary use of the land is for dwelling purposes combined with larger agriculture and livestock-raising purposes. While single-family dwellings are permitted in this zone, the uses and activities are principally the growing of agricultural produce and livestock; including the erection and maintenance of structures included, but not limited to – barns, corrals, and sheds associated with farming and livestock raising activities. Minimum lot size is 5 acres.

#### 11.6 RA-10 RURAL AGRICULTURAL ZONE

This zone is established as a district in which the primary use of the land is for open spaces such as agricultural and large ranch-type residences and grounds. The zone has as its main objective, providing of areas for spacious living and perpetuation of the open environment. No building permit will be issued in this zone unless the applicant has at least 10 acres of land to be deeded and maintained as a part of a lot on which a residence or other structure consistent with this zone may be built. While this zone is restricted to single family residences, the uses and activities are principally the growing of agricultural produce and livestock; including



the erection and maintenance of structures included, but not limited to - barns, corrals, and sheds associated with farming and livestock raising activities.

#### 11.7 MG-40 – MINING AND GRAZING ZONE

This zone is established as a district in which the primary use of the land is for open grazing and mining as approved. The zone has as its main objective, providing of areas for grazing and perpetuation of the open environment, held in reserve for future needs. Most of this area is steeply mountainous and not suited for building. No building permit will be issued in this zone unless the applicant has at least 40 acres of land to be deeded and maintained as a part of a lot on which a residence or other structure consistent with this zone may be built. This zone is restricted to single family residences or structures related to mining.

#### 11.8 C – COMMERCIAL ZONE

##### 11.8.1 **Purpose.**

The Commercial (C) Zone is to provide for commercial businesses, professional offices, and shopping centers that will serve neighborhood, communitywide, and regional shopping demand, along with other commercial opportunities, which are reasonably separated or buffered from residential development.

##### 11.8.2 **Permitted uses.**

The following land uses shall be permitted uses in the Commercial zone (any use not expressly permitted in this chapter is prohibited):

- Automobile gas/service stations;
- Automobile Retail Sales (with/without service centers);
- Convenience store;
- Laundry and dry-cleaning establishments;
- Motels/hotels;
- Moving and storage facilities and businesses;
- Office buildings including medical, dental or professional offices, corporate offices or corporate campuses;
- Public parks, plazas, or squares;
- Restaurants;
- Banks;
- Retail Complexes;
- Retail services establishments,
- Day-care center,
- Medical and health care offices;
- Self-storage or mini-storage units; and
- Veterinary offices.

##### 11.8.3 **Conditional Uses.**

No conditional uses are permitted in this zone.

**11.8.4 Prohibited Uses.**

Any use(s) not specifically permitted herein shall be prohibited.

**11.8.5 General Requirements for Commercial Zone**

**11.8.5.1 Area Requirements**

The minimum parcel size in the Commercial Zone is one-half acre, but may need to be larger to comply with applicable parking, lighting, roads, landscaping, utilities, site plan, and other land development regulations that may govern all or a portion of each project. All developments in this zone are required to submit a master site plan that includes maps and descriptions of constructions and uses.

**11.8.5.2 Setback Requirements**

The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in these zones, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below in Table 1.

**11.8.5.3 Other General Requirements.**

In addition to the specific setback requirements noted above, no building shall be closer than 10 feet from any private road, driveway or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window.

Setback requirements may be greater for uncommon conditions or operations to protect public safety.

**11.8.6 Development Standards**

The following standards apply to any parcels in the Commercial Zone:

**11.8.6.1 Architectural Review.**

The Planning Commission shall review the site plan and building elevations. The Planning Commission shall confirm compliance with architectural design standards for buildings and structures to ensure compliance with the general plan and with the Town's generally applicable policies and regulations.

**11.8.6.2 Landscaping.**

All landscaping shall be completed in accordance with the approved site plan and all Town ordinances and shall be installed prior to the issuance of a certificate of occupancy for the building. The Town Council Member overseeing building may approve delays in landscaping due to seasonal restrictions. A parcel owner must continuously maintain in good condition the approved landscaping plan and parking facilities consistent with the approved plans.

**11.8.6.3 Uses Within Buildings.**

All uses in the Commerce Zone must be conducted entirely within a fully enclosed building except those uses deemed by the Planning Commission and Town Council to be customarily and appropriately conducted outside. Such uses include service stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc. Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the Planning Commission and Town Council deem such storage to be customarily and appropriately conducted outside.

**11.8.6.4 Trash Storage.**

No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within a sight-obscuring enclosure that is architecturally compatible with the main building. Garbage dumpsters shall be located out of sight and away from major roads.

**11.8.6.5 Screening Requirements.**

A wall, fence and/or landscaping of acceptable design shall effectively screen the borders of any commercial, light industrial or industrial lot, which abuts an agricultural or residential use. Such a wall, fence or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the Town Council in consideration of a prior recommendation by the Planning Commission as part of a site plan review. Such wall, fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the Town's signage regulations.

## 11.9 LI – LIGHT INDUSTRIAL ZONE

### 11.9.1 Purpose.

The purpose of the Light Industrial (LI) Zone is to provide for light industrial opportunities within the community. The (LI) Zone is identified to provide a controlled and compatible location for industrial uses. This zone supports the local tax base to create high quality areas for business that are more impactful to surrounding areas than retail and office uses. Parcels in this zone are to be used for light industrial and small manufacturing purposes.

### 11.9.2 Permitted Uses.

The following land uses shall be permitted uses in the Light Industrial zone.

- Auto and truck repair, including autobody;
- Commercial and industrial laundries;
- Light manufacturing of finished products or parts, including processing, fabrication, assembly, treatment, packaging, and incidental storage of such products;
- Printing, lithography and publishing establishments;
- Recycling facilities;
- Research and development, including medical or electronic assembly and manufacturing;
- Self-storage or mini-storage units;
- Warehouses;
- Wholesale trade, warehousing, distribution and other operations characterized by the need for large truck and shipping establishments;
- Moving and storage facilities and businesses;
- Sexually oriented businesses (See Sexually Oriented Businesses Ordinance for details.).

Any use(s) not expressly permitted herein is prohibited.

### 11.9.3 Conditional Uses.

No conditional uses are permitted in this zone.

## 11.9.4 GENERAL REQUIREMENTS – LIGHT INDUSTRIAL ZONE

### 11.9.4.1 Area Requirements

A minimum lot size of one-half acre is required for developments in the Light Industrial Zone. However, all uses, lots or parcels in the Light Industrial Zone may need to be larger comply with all applicable ordinances, including, but not limited to, the town's parking, lighting, roads, landscaping, utilities, site plan, and other land development regulations that may govern all or a portion of each project. All developments in this zone are required to submit a master

site plan that includes maps and descriptions of constructions and uses.

#### 11.9.4.2 Setback requirements

The following setback requirements are intended to describe the amount of space required between buildings and property lines. All buildings in these zones, including accessory buildings, are required to maintain a minimum distance from property lines as set forth below.

Front: 30 feet.

Sides: 50 feet, where adjacent to a residential or agricultural use. Lots adjoining Commercial or Light Industrial uses require 10' side lot setbacks.

Rear: 20 feet for all uses except where a rear yard is located adjacent to residential or agricultural uses. In those cases, the rear yard shall be increased to 100 feet. If a building faces an arterial or collector street, there shall be a setback of 50 feet.

In addition to the above setback requirements, no building shall be closer than 10 feet from any private road, driveway or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window. Greater setbacks may be required where uncommon conditions or operations that would require such for to protect public safety.

#### 11.9.4.3 Building Height

No building in this zone shall be over 60 feet in height.

#### 11.9.4.3 Development standards

The following development standards shall apply to the Light Industrial Zones:

**Architectural Review.** The Planning Commission shall review the site plan and building elevations. The Planning Commission shall confirm compliance with architectural design standards for buildings and structures to assure compliance with the general plan and with the Town's generally applicable policies and regulations.

Landscaping: All landscaping shall be completed in accordance with

the approved site plan and all Town ordinances and shall be installed prior to the issuance of a certificate of occupancy for the building. The Town Council Member overseeing building may approve delays in landscaping due to seasonal restrictions. A parcel owner must continuously maintain in good condition the approved landscaping plan and parking facilities consistent with the approved plans.

Uses within Buildings: All uses and merchandize storage shall be conducted entirely within a fully enclosed building except those uses deemed by the Planning Commission and Town Council to be customarily and appropriately conducted outside for the particular approved use. Such exceptions may include service stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.

Trash Storage: No trash, used materials, wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept within a sight-obscuring enclosure that is architecturally compatible with the main building. Garbage dumpsters shall be located out of sight and away from major roads.

Screening Requirements: A wall, fence and/or landscaping of acceptable design shall effectively screen the borders of any commercial, light industrial or industrial lot, which abuts an agricultural or residential use. Such a wall, fence or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the Town Council in consideration of a prior recommendation by the Planning Commission as part of a site plan review. Such wall, fence or landscaping shall be maintained in good condition with no advertising thereon, except as permitted by the Town's signage regulations.

**11.10** Any use(s) not expressly and particularly allowed in the above zones are prohibited.

## **12.0 USE REQUIREMENTS IN ZONES**

In order to accomplish the objectives and purposes of this ordinance and to stabilize and protect the essential characteristics of each zone generally described in Section 11 of this ordinance, the following regulations coupled with the uses for each zone as stated in Section 11 of this ordinance will apply to the zones:

The following table is intended to simplify the variable characteristics assigned to each land use zone within the Town.

Please refer to notes following the table for clarification of items in table.

Table 1 – Zone Characteristics Summary

GENERAL Characteristic (defined in notes below)	Residential (CR)	Commercial	RA	RA-1	RA-4	RA-5	RA-10	MG-40
1. Min. Area Requirement	1/2 Acre	1/2 Acre	1/2 Acre	1 Acre	4 Acres	5 Acres	10 Acres	40 Acres
2. Minimum Lot Width	80'	TBD	80'	150'	250'	250'	400'	800'
3. Off-street parking	2 vehicles	CFO-224	2 vehicles	2 vehicles	2 vehicles	2 vehicles	2 vehicles	2 vehicles

DWELLING Characteristic (defined in notes below)	Residential I (CR)	Commercial	RA	RA-1	RA-4	RA-5	RA-10	MG-40
4. Front (Street) Setback	30'	n/a	30'	30'	30'	30'	50'	50'
5. Rear Setback	30'	n/a	30'	30'	75'	75'	100'	100'
6. Side Setback	15'/Side	n/a	15'/Side	15'/Side	30'/Side	30'/Side	45'/Side	45'/Side
7. Corner Lot side Setback	30' road/ 15' inside	n/a	30' road/ 15' inside	30' road/ 15' inside	40' road/ 30' inside	40' road/ 30' inside	80' road/ 45' inside	80' road/ 45' inside
8. Max Height	30'	n/a	30'	30'	30'	30'	30'	30'
9. Min Square Footage	1,050 sf	n/a	1,050 sf	1,050 sf	1,050 sf	1,050 sf	1,200 sf	1,200 sf

STRUCTURE (non-dwelling) Characteristic (defined in notes below)	Residential I (CR)	Commercial	RA	RA-1	RA-4	RA-5	RA-10	MG-40
10. Front (Street) Setback	40'	30'	40'	40'	2X Long Dimension	2X Long Dimension	2X Long Dimension	2X Long Dimension
11. Rear Setback, OR	5'	20' <sup>1</sup>	5'	5'	15'	15'	35'	50'
11A. Rear Setback, if structure over 12' in height at ridge	10'	TBD	10'	10'	30'	30'	70'	70'
12. Side Setback–Non-corner Lot, OR	5'	50' <sup>2</sup>	5'	5'	20'	20'	40'	40'
12A. Side Setback, if structure over 12' in height at ridge	10'	n/a	10'	10'	40'	40'	80'	80'
13. Side Setback - Corner Lot, OR	20' Road / 5' Int.	30' road / 50'	20' Road	20' Road	30' Road / 20' Int.	30' Road / 20' Int.	50' Road / 40' Int.	50' Road / 40' Int.

<sup>1</sup> Twenty feet for all uses except where a rear yard is located adjacent to residential or agricultural use. In those cases, the rear yard shall be increased to 100 feet. If a building faces an arterial or collector street, there shall be a setback of 50 feet.

<sup>2</sup> Setback is for buildings that are adjacent to residential or agricultural use. Lots adjoining Commercial or Light Industrial uses require 10' side lot setbacks.

		side	/ 5' Int.	/ 5' Int.				
13A. Side Setback, if structure over 12' in height at ridge	40' Road / 10' Int.	n/a	40' Road / 10' Int.	40' Road / 10' Int.	60' Road / 40' Int.	60' Road / 40' Int.	100' Road / 80' Int.	100' Road / 80' Int.
14. Clearance to Dwelling, OR	15'	n/a	15'	15'	15'	15'	15'	15'
14A. Clearance from Ag Bldg to Dwelling	50'	n/a	50'	50'	50'	50'	50'	50'
15. Height limits	30'	40'	30'	40'	50'	50'	75'	75'

### Notes and Definitions of characteristics:

These definitions clarify and expand on the characteristics listed above. The variables are specified in the table.

Note: For COMMERCIAL use: ALL Characteristics are To Be Determined (TBD) by the Planning Commission and approved by Town Council. Upon application of the owner of the property, the Planning Commission will consider the street access, parking, nature of the business, surrounding area, and the general impact of the commercial use upon the surrounding uses, in determining the area requirements and other characteristics. In NO case will the characteristic requirements be less stringent than those for residential use. These characteristic requirements are determined by the Planning Commission, but the Town Council has final approval authority.

### GENERAL

A landowner may not place or construct any permanent structure on an Easement located on landowner's property.

Each dwelling shall be located within 30 feet of a street or Improved Driving Surface (as defined in Section 16 – STREET DETAILS)

No building permit will be issued until all of the following requirements are met:

An Access Route from a Public Street to the dwelling site shall be contiguous with the Lot and the Public Street. All proposed streets and roads to be pre-approved by zoning commission. Location of such roads to be determined according to ease of access, fire codes and consideration of future growth.

The Access Route shall become a Public Street and shall be transferred, conveyed and granted to the Town via warranty deed granting fee simple absolute title. Any greenbelt rollback taxes shall be paid by the grantor.

The Access Route (Public Street) shall not be included within the minimum lot area



required by ordinance for the zone.

The front side of the Interior Lot shall be deemed to be that side nearest to the Access Route (now Public Street). Lot address shall be the approximate location of the house along the newly deeded Public Street.

**Required Width** – The width is measured perpendicularly across the Access Route.

**Title to Access Route** – The Access Route shall be a 56-foot wide street deeded fee simple absolute to the Town and is to be exclusively and entirely across one side of the subject lot to be developed. The side of the parcel on which the street is located shall have minimum length as specified in Table 1 – Zone Characteristics Summary. See Section 14.13 for exemptions to this requirement.

**Street Details** – The access route shall not exceed a maximum grade of 8%. The utility strip, shoulder and improved driving surface shall be separate designated surface areas and shall not be layered upon one another. The improved driving surface shall be located approximately in the center of the Access Route (see STREET DETAILS in Definition Section 16).

**Turn Around Required** - Lots not required to abut a street (i.e., exceptions to street abutment requirement – Section 14.13) shall include a turning area. The type and placement of the turning area is to be approved by the Planning and Zoning Commission and the Fire Marshall. A minimum 28-foot turning radius (road edge) and 70-foot T-Turn, or 120-foot Hammerhead, or 60-foot "Y", or 96-foot diameter cul-de-sac shall be required. No buildings, structures, shrubs/trees, or parking shall be permitted in this area or in the Access Route which is to be used solely as access to the lot. The entire turnaround area shall be constructed per requirements in Street Details (see STREET DETAILS in Definitions Section 16).

## DEVELOPMENT PRECEDENT

Future Access Route extensions shall align with the original Access Route (a deeded Public Street) or an alternate Access Route must be established.

Any future development shall not be allowed to utilize an existing Access Route (Public Street) within 10 years of completion, without written consent from the original grantor of the Access Route in a form as reasonably required by the Town.

**EXCEPTION NOTE:** The Town road from the corner of 200 North and 100 West to the beginning of the property owned by the Town that is currently used for rodeo and related activities (approx. 500 North and 300 West) ("Rodeo Road") is and has historically been

narrower than most other roads in Town.

Any development or subdivision of land (other than parcels contiguous and abutting the Rodeo Road) after July 2017 that requires or adds a new Town road that connects, directly or indirectly, to the Rodeo Road to access, regardless of whether the Rodeo Road is the exclusive access, the development or subdivision shall deed to the Town, in the manner and form required by Town ordinance, all land necessary for the Rodeo Road to be 56' wide for its entire length.

Any development or subdivision of land which results only in parcels that are contiguous and abutting the Rodeo Road or construction on any parcel that is contiguous and abutting the Rodeo Road shall deed to the Town, in the manner and form required by Town ordinance, the portion of land that abuts the parcels as indicated on the attached Cedar Fort Drawing CFO-200-PZ-RR-2017.

#### NOTES FOR TABLE 1

1. Area Requirements: the actual amount of land required in each zone. This amount may not be reduced after subdivision or other changes in parcel size within the zone.

Note: As of the approval date of this ordinance, any buildable lot shall remain buildable with regard to area requirements.

2. Lot Width (Frontage): Each lot will have at least one side that abuts a public street, and is to be exclusively and entirely across one side of the subject lot to be developed.

3. Off-Street Parking: For residential use: Every dwelling will have adequate off-street parking having no less than the specified spaces for each dwelling.

Note: For Commercial: parking will be based on results of the traffic study.

#### DWELLING

4. Front Setback: Each dwelling will have a setback as shown, measured from the foundation of the house to the front lot line, excluding any public sidewalks. Any structure attached to the house, not including steps, will be included in the front setback calculation.

Note: If the property is used for commercial use, the Planning Commission will determine the requirements giving due consideration to the standards and objectives of this ordinance.

5. Rear Setback (Requirements): Every dwelling will have a rear setback of no less than the specified distance measured from the rear of the foundation of the dwelling to the rear lot line.

6. Side Setback (Requirements): Every dwelling will have a minimum specified clearance between the dwelling and the side yard lot line and will have a total as specified for both side yards combined. If only one dimension is shown for side setback, it applies equally to both sides.

7. Corner Setbacks: Corner lots will have a side clearance ("road" dimension) as specified on the side near the street and an inside (interior) side dimension. The corner "clear zone" is 30' minimum each direction from the corner of the lot (e.g., 30' radius from corner of house).

8. Height Limits (Height Requirements): No dwelling will exceed the specified height above ground measured from the average ground level to the highest point on the exterior roofline of the structure. All homes must be at least one (1) story dwellings. Basement homes are expressly prohibited.

9. Minimum Square Footage: Every dwelling will have no less than the square footage as specified in the table on the main floor of the dwelling, exclusive of garage and/or carport. In the event the main floor has two levels such as in a "split level" home, the specified square footage will be determined by the square footage of both levels. Basement homes are expressly prohibited.

#### STRUCTURE (Non-Dwelling)

10. Front Setback - Each non-dwelling structure will have a setback as shown, measured from the foundation or base (whichever is closer) to the front lot line. Any structure attached to the outbuilding, not including steps, will be included in the front setback calculation. For Zones RA-4 and above, calculate setback using the longest overall total dimension for the building – not less than 40', but requiring not more than 100'.

11., 11A., 12., 12A., 13. and 13A. Rear Yard and Side Yard Setbacks (Structures Only): No structure will be closer to the rear and side property lines than specified in the table.

If only one dimension is shown for side setback, it applies equally to both sides.

The building must comply with the requirements of the Building Code and the Fire Code and shall not be closer than twenty (20) feet to a dwelling on an adjacent lot or property and must not be located within any Utility Easements. The building owner is responsible for water run-off control.

14. Structure clearance: Any structure will be at least the minimum specified distance at their nearest point from main dwelling.

14A. Structure clearance for Agricultural Buildings. Any agricultural structure will be at least the minimum specified distance at their nearest point from main dwelling.

15. Structure Height limits: No structure will exceed the height specified, as measured at the roof ridge.

Note: Every commercial use, prior to receiving a building permit or any permit required by Town ordinance with respect to the construction or use of the structure or the property, will first apply to the Planning Commission for a determination as to the minimum structure size. In determining the minimum structure size, the Planning Commission will consider standards and objectives in this ordinance. Further, the Planning Commission will specify the number of parking spaces for motor vehicle parking that will accompany the structure upon the lot, regardless of the size of the structure. In determining the number of parking spaces, the Planning Commission will give due consideration to the contemplated use of the property, the traffic flow, impact of traffic on the surrounding uses and area and such other matters as they deem relevant to the consideration of parking.

### **13.0 ENFORCEMENT, VIOLATION, PENALTY AND EFFECTIVE DATE**

13.1. It will be the duty of the officer or person designated by the Town of Cedar Fort as a zoning or building inspector and also the duty of the authority having Law Enforcement jurisdiction in the Town, to enforce all the provisions of this ordinance, entering actions in courts when necessary; and his failure to do so, or the failure of the Town Council of the Town of Cedar Fort will not legalize any act in violation of the provisions of this ordinance.

13.2. It will be unlawful for any person, firm or corporation to construct any dwelling or structure in the Town of Cedar Fort without having first acquired a building permit and having indicated by way of a drawing, plat, or other writing, that the use of the property to be built upon will be in conformity and compliance with all the requirements of this ordinance. Zoning area requirements will be maintained after construction or the structure will be removed at the owner's expense. A careful record of all applications for building permits and plats will be kept in the Town for a period of five (5) years from date of receipt.

13.3. It is the duty of any and all persons having to do with any use of land or the structural exterior modification of any building or structure to see that a proper permit has been granted before such work has begun. Any architect, builder, contractor or other person doing or performing any such work without a permit having been issued, is in conflict with this ordinance and its requirements and will be deemed guilty of violation of this ordinance in the same manner and to the same extent that the owner of the premises or the persons for whom the use is established or for whom such structures are erected or altered and will be subject to the penalties prescribed under the laws of the State of Utah for violation of a Class B misdemeanor, and such violation will be deemed a Class B misdemeanor. Any unauthorized and/or non-conforming construction will be removed at owner's expense.

This ordinance and its parts, sections and clauses are severable. If any part, section, paragraph, sentence, clause, or phrase is deemed unconstitutional or invalid and it is declared that the remainder of the ordinance is not affected, the Town Council of the Town of Cedar Fort declares that it would have passed this ordinance in each part, section,

paragraph, clause and phrase irrespective of the fact that any one or more portions be declared invalid.

#### **13.4. VIOLATION, A PUBLIC NUISANCE**

Any building or structure which has been set up, erected, constructed, altered, enlarged, converted, moved, remodeled, or maintained contrary to the provisions of this ordinance, in any use of land or premises established, conducted, maintained or operated contrary to the provisions of this ordinance, are declared to be unlawful and opposed to the orderly development of the community, and will therefore, be considered a public nuisance.

#### **14.0 SUPPLEMENTARY AND QUALIFYING REGULATIONS AND DEFINITIONS**

The regulations in this section qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance and the definitions contained herein will apply to the entire ordinance.

##### **14.1. ACCESS TO UTILITIES**

Access to all utilities is the perpetual right of the Town.

##### **14.2. LOTS IN SEPARATE OWNERSHIP**

The requirements of this ordinance as to minimum lot area or lot width will not prevent the use of the lot for a single-family dwelling if that lot or parcel of land is held in separate ownership at the time this ordinance became effective, provided all other provisions of the zone are complied with.

##### **14.3. YARD SPACE FOR ONE STRUCTURE ONLY**

No required yard or other open space around an existing structure for the purpose of complying with the provisions of this ordinance can be considered as providing a yard or open space for any other structure, nor will any yard or other required open space on an adjoining lot be considered as providing the yard required or open space on a lot where a structure is to be erected or established.

##### **14.4. EVERY DWELLING TO BE LOCATED ON A "LOT"**

Every dwelling will be located and maintained on a lot as defined in this ordinance.

##### **14.5. FLOOD PROTECTION**

No dwelling shall be constructed within 30 feet of a gully or flood channel. Existing flood channels may not be filled or modified.

##### **14.6. SALE OR LEASE OF REQUIRED SPACE**

No space needed to meet the width, yard, area coverage, parking or other requirements of this ordinance for a lot or structure may be sold or leased apart from such lot or structure after construction.

**14.7. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS**

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

**14.8. YARD TO BE UNOBSTRUCTED: EXCEPTIONS**

Every part of a required yard will be open to the sky, unobstructed except for accessory structures in the rear yard and for the ordinary projections of skylights, sills, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three (3) feet and open or lattice enclosed fire escapes, outside stairways and balconies projecting into the yard not more than five (5) feet.

**14.9. AREA OF ACCESSORY STRUCTURES**

No accessory structure or group of accessory structures in any zone will cover more than twenty-five (25) percent of the rear yard.

**14.10. MINIMUM HEIGHT OF MAIN STRUCTURES**

No dwelling will be erected to a height less than one story above grade.

**14.11. CLEAR VIEW OF INTERSECTING STREETS**

In all zones, the corner lot front yard will have no sight obscuring fencing or vegetation in excess of two (2) feet in height within thirty (30) feet each way from the intersection of the property corner lines, except a reasonable number of trees pruned high enough to permit unobstructed views to automobile drivers.

**14.12. EFFECT OF OFFICIAL MAP**

A front yard setback will be measured from the map street (property) line as shown on the official map.

**14.13. FRONTAGE REQUIRED FOR DWELLING SITES**

**FRONTAGE ON AN APPROVED PUBLIC STREET REQUIRED.** For adequate access by emergency vehicles and local occupants, the frontage of each lot used as a site for a dwelling, commercial establishment, manned industrial plant or other facility occupied by humans, shall abut on an official state road, county class "B" road, or Town Public Street which has been improved under the direction of the Town, and from which frontage such facility gains vehicular and pedestrian access exclusively and entirely across one side of the subject lot.

The following are exceptions to the above requirement:

14.13.1. In large-scale developments that have been recorded with the County Recorder and where the lots or building sites abut on paved roads platted as a part of the development, access shall be from the frontage of said paved road across the subject lot or building site.

14.13.2. Building permits may utilize unpaved county class "B" or Cedar Fort Town roads for frontage which have been part of the county road system and continuously shown on the official county road map since December 12, 1975, meet the criteria of a suitable "graveled road" under the land use ordinance, and which have the required gravel surfacing material covering the entire travel surface width. This gravel road requirement must be met across the entire lot frontage and on to the point where the gravelled road connects with the paved road system.

14.13.3. In the RA-10 and MG-40 Zones, the vehicular and pedestrian access must be gained from the frontage, but need not be exclusively and entirely across the subject lot, if the Zoning Administrator finds that the following conditions are met:

14.13.3.1. because of the topography, the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require excessive cuts and fills and an access of excessive length; or

14.13.3.2. because of the topography and/or location (i.e., no developable land beyond the parcel, etc.), the construction of an access from the frontage to the facility, exclusively and entirely across the subject lot, would require an access of excessive length; and

14.13.3.3. the access driveway must be designed and constructed to a grade no greater than 8 percent using engineering standards. A road maintenance agreement must be entered into between the owner of the subject lot and Cedar Fort guaranteeing that the owner of the subject lot will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.

14.13.4. In the RA5, RA-10 and MG-40 Zones, a nonconforming lot of record that lies within 500 feet of an official county class "B" road or Public Street that is separated from official road frontage by land in State or Federal ownership, may gain vehicular access to the lot by a written permanent perpetual easement or private road easement, in the official form utilized by the governmental entity and approved by the Zoning Administrator, granted to the owner of the subject lot and appurtenant to the subject lot, if said vehicular access driveway conforms to Cedar Fort standards, currently adopted codes and other adopted applicable

ordinances. Unless prohibited by the applicable governmental entity providing the access, the granting document shall be recorded in the Office of the Utah County Recorder. The owner of the subject lot shall sign and record in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the permanent perpetual easement, or the governmental issued private road easement, is terminated, for any reason, the Occupancy Permit issued by Cedar Fort will immediately and automatically be revoked and become null and void, and the subject lot will not be used for human occupancy, either temporarily or permanently, until such time as the permanent perpetual easement, or the governmental issued private road easement, is reinstated and approved by the Zoning Administrator. The access driveway must be designed and constructed to a grade no greater than 8 percent, unless a more restrictive requirement applies, using engineering standards. A road maintenance agreement must be entered into between the owner of the subject lot and Cedar Fort guaranteeing that the owner of the subject lot will maintain the access driveway in a condition to allow vehicular access during all periods of occupancy.

14.13.5. Access to a permitted mining operation and access to a permitted building and appurtenant grounds and facilities when owned and occupied by a governmental agency (government building), where such use is located within a zone which allows such use as a permitted use, shall be from a paved Town street, county class "B" road or state road or highway, and access must be approved by the agency having jurisdiction of the paved public street. Vehicular access from the paved public street to the mining operation or to the government building that is not exclusively across land in the same ownership as the parcel upon which the mining operation or the government building is located may be approved if the Zoning Administrator finds that all of the following conditions are met:

14.13.5.1. the owner of the property on which the portion of the access which falls outside of the land in the same ownership as the parcel on which the mining operation or the government building is located has granted to the owner of the parcel on which the mining operation or the government building is located, a written access easement, in a form acceptable to the Zoning Administrator, which complies with all the requirements for a legal access, which is appurtenant to the parcel upon which the mining operation or the government building is located, and which easement has been recorded in the office of the Utah County Recorder, or, if a governmental entity is the owner of the property on which the portion of the access which falls outside of the parcel on which the mining



operation or the government building is located, the governmental entity has granted a private road easement or license, in the official form utilized by the governmental entity, to the owner of the parcel on which the mining operation or the government building is located; and

14.13.5.2. the owner of the parcel on which the mining operation or the government building is located has signed and recorded in the office of the Utah County Recorder a restrictive covenant and acknowledgment, in a form acceptable to the Zoning Administrator, which provides that, if the easement, or the governmental issued private road easement or license, is terminated, for any reason, the permits and approvals issued by Cedar Fort or Utah County related to the mining operation or the government building will immediately and automatically be revoked and become null and void, and the subject parcel will not be used for the mining operation or the government building; and

14.13.5.3. engineering plans showing the proposed access road alignment, road grades, road loading, and road cross-sections have been submitted to and approved by the Town Engineer.

#### 14.14. CONSERVATION OF VALUES

14.14.1. The outside surfaces of dwellings, attached structures, and garages that are constructed of wood will be coated with paint or other wood preservative (in perpetuity) before such structure is occupied or used.

14.14.2. The front yard required by this ordinance will be planted and maintained in lawn, trees, or other plantings or landscape features (including minimal water or desert landscape), except for area covered by walls, driveways, and structures. Such landscaping will be done within two (2) years from the date of the occupancy of the structure.

14.14.3. No trash, rubbish, or debris will be placed on or allowed to remain on any lot outside of approved containers, nor will any grass or weeds liable to contribute to a fire hazard be allowed to remain on any lot. All equipment and vehicles except those in running order will be stored within a structure or enclosed within a sight-obscuring fence or wall of at least six (6) feet in height, or will be removed by Town at owner's expense.

#### 14.15. PARCELS WITHIN MULTIPLE ZONES

Any parcel that is intersected by multiple zones can only be developed using one of the following options:

14.15.1 If the division of a parcel results in buildable lots (in accordance with all applicable ordinances), then the multi-zone parcel may be divided to correspond with the applicable zones. Each new parcel

may then be developed in accordance with the corresponding zone.

14.15.2 The parcel may be developed according to the most restrictive zone in which the parcel is located.

14.15.3 If less than 25% of the total area of a parcel is in a more restrictive zone and the portion of the parcel in the more restrictive zone totals less than ½ acre, then the entire parcel may be developed using the less restrictive zone.

#### 14.16 IRRIGATION

All gravity flow ditches through which water will continue to flow within or adjoining a property, whether to serve as irrigation water and / or waste flow to or from any adjacent property, shall be piped with a minimum pipe size of at least 15 inches, unless otherwise required by the Irrigation Company, and shall be approved by the Town Engineer. Irrigation ditches which do not carry irrigation water and / or waste flow may be abandoned, with approval of the Town Engineer and Irrigation Company.

#### 14.17 PROTECTIVE STRIPS

No protective strips will be allowed. Surrounding landowners need access to their property.

#### 14.18 Recreational Trailers and Motor Homes

Only one Recreational Trailer or Motor Home shall be allowed as a temporary habitation on a parcel at a given time. A parcel owner shall not allow or suffer any Recreational Trailer or Motor Home to be occupied on their parcel for a period of more than 30 days during any calendar year. For clarity, the above 30 day limit is NOT *per Recreational Trailer or Motor Home*, but is cumulative for any and all Recreational Trailers or Motor Homes that may be inhabited on a given parcel during the calendar year.

Parking of any occupied Recreational Trailers or Motor Homes is prohibited on Town property.

An exception to the above 30-day limitation is available only if the Recreational Trailer or Motor Home is:

- 1) Located on the private property of occupant of the Recreational Trailer or Motor Home,
- 2) Used for temporary occupancy only during permitted construction (one-year maximum term), and
- 3) Approved in advance by the Town Council.

## **15.0 NON-CONFORMING STRUCTURES AND USES**

Non-conforming buildings or structures are herein defined as not conforming to area, height, setback, or other physical characteristics of the zone in which they are located. Non-conforming use means a use other than that intended for the zone such as an agricultural structure used as a shop. The parts of this section apply to both definitions equally and fully.

### **15.1. MAINTENANCE PERMITTED**

An existing non-conforming structure may be maintained.

### **15.2. REPAIRS**

Repairs, maintenance and upkeep may be made to an existing non-conforming structure or to a structure housing existing non-conforming use.

### **15.3. ADDITIONS, ENLARGEMENTS AND MOVING**

A structure occupied by a non-conforming use and a structure non-conforming as to height, area, or yard regulations will not be added to or enlarged in any manner so as to increase the non-conforming status (i.e. a residence smaller than 1,050 S.F. may be enlarged to minimum size, a residence or structure with insufficient setback or clearance may not be added to in the direction of the non-conforming setback or clearance but may be added to in other directions).

### **15.4. ONE YEAR VACANCY**

A structure or portion thereof or a lot occupied by a non-conforming use which is or becomes vacant and remains unoccupied by a non-conforming use for a continuous period of one year will not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

### **15.5. CONTINUATION OF USE**

The occupancy of a structure by a non-conforming use existing at the time this ordinance became effective may be continued, except those uses in contest by the Town.

### **15.6. OCCUPATION WITHIN ONE YEAR**

A vacant structure may be occupied by a use for which the structure is designed or intended if so occupied within a period of one year after the use became non-conforming.

### **15.7. CHANGE OF USE**

The non-conforming use of a structure may not be changed except to a conforming use, but where such change is made, the use will not thereafter be changed back to a non-conforming use.

**15.8. NON-CONFORMING USE OF LAND**

A non-conforming use of land existing at the time this ordinance became effective may be continued, provided that no such non-conforming use of land will in any way, be expanded or extended, either on the same or on adjoining property, and provided that, if such non-conforming use of land or any portion thereof is abandoned or changed to a conforming use for a period of one year or more, any future use of such land will be in conformity with the provisions of this ordinance.

**15.9. RESTORATION OF DAMAGED STRUCTURES**

A non-conforming structure or a structure occupied by a non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or a public enemy may be restored to a conforming status, and the occupancy or use of such structure, or part thereof may be continued or resumed, provided that such restoration is started within a period of one year from date of destruction and is diligently prosecuted to completion.

**16.0 DEFINITIONS**

For the purpose of this ordinance, certain words and terms are defined as follows: Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the word "lot" includes the word "plot", tract, or parcel of land, as the sense may require it. The term "erected" means constructed, altered, or moved. Words "will" "shall" and "must" are always mandatory. The word "district" is synonymous with the word "zone" and the term "building inspector" is synonymous with the term "zoning administrator."

**ACCESS ROUTE --**  
See Street.

**ACCESSORY BUILDING --**  
See ACCESSORY STRUCTURE.

**ACCESSORY STRUCTURE --**  
A subordinate structure the use of which is incidental to that of the main structure.

**ACCESSORY USE --**  
A related use which is incidental to the prescribed and permissible use.

**AGRICULTURE --**  
Agriculture will mean the growing of soil crops in the customary manner. It may include livestock raising activities; and may include retailing of goods produced on the premises.

**ALLEY --**

---

Alley--A public way primarily for utility use and for servicing the property adjacent thereto. This is not considered a public street.

**BUILDING --**

See STRUCTURE

**CORNER LOT --**

A lot situated at a junction of two public streets, or situated on a curved street or way whose road-edge radius is thirty-five (35) feet or less, and where the angle formed by the intersection of the tangent is one hundred five (105) degrees or less.

**CURB CUT --**

A cut in the curb line for the passage of vehicles.

**DWELLING --**

A building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present, but does not include a commercial facility used for lodging or health care or assisted elderly care.

**DWELLING UNIT --**

One or more rooms in a structure designed for or occupied by one family for living or sleeping purposes, and having one kitchen or set of cooking facilities.

**EASEMENT--**

A portion of land reserved for present or future use by a person (natural person or entity) or agency, other than the land owner, that holds a non-possessory interest in the land to use the land for a specific purpose. An easement may be under, on, or above a parcel of land. An easement may be acquired by law or equity.

**FAMILY --**

An individual, or two or more persons related by blood, marriage, or adoption living together in a dwelling unit.

**FENCE --**

A man-made barrier of any material or combination of materials erected to enclose or screen areas of land. Fence also includes a compact planting of any type of tree, plant, or shrub, which acts or is intended to act as a fence.

**FLAG LOT --**

Flag Lots are prohibited within the Town. See Lots.

**FLOOR AREA --**

For purposes of determining minimum dwelling size, the floor area is the area of

the main floor of the dwelling (see Table 1 – Zone characteristics summary and note 9)

**FRACTIONAL NUMBERS --**

In determining the requirements of this ordinance, whenever a fraction of a number or a unit is one-half (1/2) or more, and whenever a fraction or a number of a unit resulting from a computation is one-half (1/2) or more, said fraction will be considered as a whole number or a unit.

**GARAGE, PRIVATE --**

A detached accessory structure or portion of a main structure designed for the parking or temporary storage of automobile of the occupants of the premises.

**GENERAL PLAN --**

A comprehensive plan, or part thereof, which has been adopted by the Town Council for the purpose of building development in the Town, including but not limited to, a plan or plans of land use, streets, parks, and playgrounds, public structures and grounds, off-street parking, neighborhood conservation, water facilities, sewerage facilities and similar plans.

**GRADE --**

The average of the finished ground level at the center of exterior walls of a structure. Also, the slope of any ground or road measured as a percentage of that slope.

**GUEST --**

A person staying or receiving services at a home.

**GUEST HOUSE --**

See Satellite Dwelling.

**HEIGHT OF STRUCTURE --**

Will be the average vertical distance from the grade to the highest point on the exterior roof ridgeline on the structure. This does not include chimneys or other small protrusions such as cupolas or steeples.

**HOME BUSINESS --**

A home business will mean any occupation or profession conducted entirely away from the dwelling. The use of space within a dwelling may include an office, but no clients are assisted at the home.

**HOME OCCUPATION --**

A home occupation will mean any occupation or profession conducted entirely within the dwelling and carried on by persons residing therein. The use of space

within a dwelling as an office, studio, shop or work room for occupation at home by a person residing on the premises.

**HOUSEHOLD PET --**

Animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, and similar animals.

**LOT --**

Land occupied or to be occupied by a structure or structures together with such open spaces as required under this ordinance and having its principal frontage on a public street. Also building sites without reference to lots as recorded on official plats. A lot may not necessarily be buildable.

**LOT, CORNER --**

A lot situated at a junction of two public streets. See CORNER LOT.

**MAIN STRUCTURE --**

The principal structure upon a lot – typically the residence.

**MOBILE HOME --**

Shall mean a dwelling unit designed to be transported after fabrication on its own wheels or detachable wheels and which is ready for occupancy as an independent dwelling unit except for connection to utilities and/or location on a foundation. The term mobile home shall not include conventional houses that are manufactured elsewhere and moved into an area for use as permanent housing. Mobile homes are expressly prohibited.

A transportable factory-built housing unit built prior to June 15, 1976. These structures are NOT permitted within the Town and may not be used as a temporary residence during construction or at any time.

**MODULAR HOME, SECTION HOUSE, OR MANUFACTURED HOUSING --**

A home fabricated in two or more sections or modules which are transported to a building site for placement on a permanent foundation, and which carries the HUD seal of compliance with national safety standards.

Manufactured Home - a transportable, built housing unit constructed on or after June 15, 1976. It is in one or more sections and built on a permanent chassis designed to be used as a dwelling with a permanent foundation. It includes plumbing, heating, air-conditioning and electrical systems. A label is attached to the exterior of the unit certifying that the home was manufactured to HUD standards. Manufactured homes must be placed on a continuous, solid concrete/masonry foundation. No "pillars and skirting" foundations are allowed.

Modular Unit - structure built from sections which are manufactured in accordance with the UBC construction standards and transported to a building site for the purpose of human habitation. Modular homes must be placed on a continuous, solid concrete/masonry foundation. No "pillars and skirting" foundations are allowed.

Manufactured and Modular Homes will conform to all building, zoning, and use requirements established for "site-built" houses. Utility hook-ups will be permanent. Roof pitch will be the same as site-built homes in the area (minimum of 1:12 pitch). The unit must meet and continue to meet all health, fire, and safety codes.

MOTOR HOME – see Recreational Trailer

NON-CONFORMING STRUCTURE --

A structure or portion thereof which does not conform to the regulations of this ordinance applicable to the zone or district in which such structure is situated, but which existed prior to the effective date of this ordinance.

NON-CONFORMING USE --

A use of premises which does not conform to the regulations of this ordinance, but which was in existence at the effective date of the ordinance.

NURSERY OR DAY CARE --

The watching, caring for or tending children for compensation.

OFF STREET PARKING SPACE --

An area for the parking of automobiles which does not include a public street, but has convenient access to it.

PARKING SPACE --

Space within a structure or parking area, exclusive of driveways, ramps, columns, office and working areas, for the parking of a motor vehicle, not less than twenty (20) feet in length and not less than nine (9) feet in width.

PARK AND PLAYGROUND --

An open space that has been dedicated and designed for, or used for, outdoor recreation activities. Not including outdoor theaters and similar commercial recreational activities.

PORTABLE STRUCTURES --

Any non-residential structure which is **readily detachable from the ground and does not require structural footings** and which is, by its design, capable of being moved as a module (does not include Fencing).

PUBLIC PARKS --



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Parks which are maintained by a public agency.

ROAD –  
See STREET

RECREATIONAL TRAILER OR MOTOR HOME --

*Recreational Trailer or Motor Home* includes all of the following that is or could readily be used for habitation: any vehicle, fifth wheel trailer, bumper pull trailer, motor homes, whether or not the drive engine is operable, or other units for temporary habitation.

SATELLITE DWELLING --

A structure detached from the primary residential structure and used as a dwelling.

SETBACK --

The shortest distance between the property line and the foundation, wall, or main frame of the structure.

SHED --

See STRUCTURE

SIGN – (See Cedar Fort SIGNAGE REQUIREMENTS ORDINANCE)

Any device designed and intended to bring the subject thereof to the attention of the public, provided, however, that the following shall not be included in the application of the regulations herein:

- a. Flags or insignia of any government except when displayed in connection with a commercial promotion.
- b. Legal notices, curb (i.e., stop) signs, and signs used for regulator, identification informational purposes erected by a governmental body.
- c. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
- d. Sign, Accessory - A sign that directs attention to a business or profession conducted on the premises.

STORY --

That portion of a structure included between the surface of a floor and the ceiling next above it.

STREET --

A public thoroughfare other than an alley or private driveway defined as a combination of a travel way, a utility easement, and shoulder. For purposes of this

ordinance, the minimum width of a public street is 56 feet from property line to property line directly across the street.

#### STREET DETAILS --

**Street Details** – The street shall not exceed a maximum grade of 8%. Street Details – Residential Roads: 24' Improved Driving Surface, 10' Utility Easement, 22' Shoulder; Commercial/Light-Industrial Area Roads: At least those set forth for residential, but Planning Commission or Town Council may require wider consistent with the development plan or commercial/light-industrial area needs. The utility strip, shoulder and improved driving surface shall be separate designated surface areas and shall not be layered upon one another. The improved driving surface shall be located approximately in the center of the access route

**Improved Driving Surface Requirements** – The improved Driving Surface shall consist of a firm unyielding surface made by rolling or other means of compaction. All soft material which will not compact readily will be removed and an approved sub-base material will be installed. The road base shall consist of a minimum of six (6) inches of approved, crushed gravel base course, and be prepared and placed on the sub-grade. The improved driving surface area shall be of the same or better construction as the adjoining Public Street – i.e., if it is adjoining an asphalted Public Street, then it shall be of asphalt construction. Detailed construction requirements are found in the Cedar Fort Design Standards Document

**Acceptance of Public Streets and Improvements** - The dedication of the streets, water lines, storm drains, sewer lines and other improvements required by this Ordinance shall be deemed an offer by the sub-divider which shall be kept open for at least two (2) years and may not be withdrawn during that time. The Town shall accept the offer of dedication only if it finds that the sub-divider has constructed, installed and maintained the improvements required by this Ordinance and the improvements comply with the minimum requirements of this Ordinance and the Town Standards and Specifications at the time of acceptance.

#### STREET, MAJOR --

One of the principal streets in the Town as shown and designated on the Master Street Plan of Cedar Fort as a Major Street.

#### STREET, MINOR, LOCAL --

Any dedicated street serving as the principal means of access to property, which street is not shown on the Master Street Plan of Cedar Fort, Utah, as a Major Street.

#### STRUCTURE --

Any dwelling, building, carport, shed or enclosure/cover built for the support, shelter, or protection of persons, animals, equipment or property of any kind. [Note: a structure may or may not have sides or roof]

**STRUCTURAL ALTERATIONS --**

Any change in the supporting members of the structure such as the bearing walls, columns, beams, girders, or roof.

**SUBDIVISION --**

A division of any tract or parcel of land, for the purpose, whether immediate or future, of sale or building development. Division of previously subdivided land or parcel will be deemed a subdivision.

**SUBDIVISION, MINOR --**

A division of any tract or parcel of land into TWO (2) parts for the purpose, whether immediate or future, for sale or building development. Division of previously subdivided land or parcel will be deemed a subdivision.

**SUBDIVISION, MAJOR --**

A division of any tract or parcel of land into THREE (3) or more parts for the purpose, whether immediate or future, for sale or building development. Division of previously subdivided land or parcel will be deemed a subdivision.

**UCA --**

The term UCA shall mean Utah Code Annotated.

**VARIANCE --**

A waiver of specific regulations of this ordinance granted by the Town in accordance with the provisions set forth in this ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, will be deprived of privileges commonly enjoyed by other properties in the same zone. Special circumstances are very limited in scope and do not include any considerations or hardships generated by the owner/seller.

**YARD --**

An open space on the same lot with a structure, unoccupied or unobstructed from the ground upward, except as otherwise provided in this ordinance.

**YARD, FRONT --**

The minimum horizontal distance between the street line and the front line of the structure excluding steps and roof line. On corner lot, the front yard may be applied to either street.

**YARD, REQUIRED --**

The open space around structure which is required by the terms of this ordinance.

**YARD, REAR --**

An open, unoccupied space on the same lot as a structure, measured from the rear line of the structure (exclusive of steps and roofline) and the rear lot line, and extending for the entire width of the lot. In the case of a corner lot where the structure fronts on the side street, the rear yard can be established from the rear of the house to the side property line.

**YARD, SIDE --**

A yard between the structure or residence and side property line of the lot and extending from the street line to the rear of the structure.

**17.0 ANNEXATIONS**

In every case where territory becomes a part of the town by annexation, the same will be reviewed by the Zoning Commission and a recommendation sent to the Town Council for approval and changed by an amendment to the zoning ordinance as provided herein. Newly annexed territory will be automatically assigned the most restrictive zoning classification, unless or until rezoned otherwise. Application for Annexation shall be in writing and shall include applicable fees as specified in the Cedar Fort Town Fee Schedule Resolution.

**18.0 PLATS AND MAJOR SUBDIVISIONS**

18.1. Every person, firm or corporation who will subdivide any parcel of land within the Town of Cedar Fort will first comply with the following requirements:

- 18.1.1. All the parcels of ground are laid out and platted, by their boundaries, course and extent, and whether they are intended for streets, alleys or other public uses.
- 18.1.2. All blocks and lots intended for sale, by numbers, and their precise length and width.

18.2. This map or plat will be acknowledged by the owner before an officer authorized by law to take the acknowledgment of conveyances of real estate, and certified by the surveyor making such plat; such plat or map will be reviewed by the Planning Commission and approved by the Town Council. When so acknowledged, certified, and approved, it will be filed and recorded in the office of the County Recorder except that in subdivisions of less than ten (10) lots, land may be sold by metes and bounds, without necessity of recording a plat if all of the following conditions are met:

18.2.1. The subdivision layout will have been first approved in writing by the Planning Commission and Town Council.

18.2.2. The subdivision is not traversed by the mapped lines of a proposed street as

shown on any official map or maps and does not require the dedication of any land for street or other public purposes.

18.2.3.If a subdivision is located in a zoned area, each lot in the subdivision meets all the requirements of the zoning ordinance.

18.3. Such maps and plats, when made, acknowledged, filed and recorded, will convey all streets, alleys and other public places expressed, named, or intended for public uses in the Town of Cedar Fort for the uses named or intended.

18.4. If any person sells any lot so platted according to such plat before it is made out, acknowledged, filed and recorded, such person will be guilty of a misdemeanor for each lot which he sells.

18.5. Every developer or sub-divider will provide a bond acceptable in form to the legal counsel for the Town Council, in an amount equal to 110% of the estimated cost of all public improvements required herein to be made and provided by the developer or sub-divider.

18.6. The following improvements will be made in all subdivisions at the sole cost and expense of the developer or sub-divider:

18.6.1.All streets, curb, gutter and sidewalk required by the Town. The downtown area of Town is intended to retain a rural atmosphere and, as such, is exempted from the requirement for sidewalks, curb and gutter.

18.6.2.All water and sewer lines, both mains and laterals, including service to homes, fire hydrants and such other valves and equipment necessary to adequately serve the development.

18.7. Prior to commencing any sale or construction on subdivisions or plats, the applicant/developer shall pay all plat, site, and applicable Public Improvement Inspection Fees as specified in the Cedar Fort Town Fee Schedule Resolution. Any revisions to construction drawings shall also require payment of review fees as identified in the Cedar Fort Town Fee Schedule Resolution.

18.8. Signage may be permitted for subdivisions and developments as approved by the Planning and Zoning Commission. Temporary Special Event permits, On-Premise Project signage, Directional signage for projects, and Temporary Weekend Directional signage may be allowed for approved projects upon approval by Planning and Zoning Commission and payment of fees prescribed in the Cedar Fort Town Fee Schedule resolution.

19.0 Fences, Walls and Hedges

**19.1. General Requirements:**

No fence, wall, hedge or similar device extending into or enclosing all or any part of the front yard and any side yard that is in front of the plane of the front, if adjacent to a road, of the structure shall be constructed or maintained at a height greater than forty-two (42) inches; provided that where the fence is to be of the chain link or other open mesh or barbed wire type and the fence will remain non-sight obstructing, the maximum height may be increased to not greater than seventy-two (72) inches. The maximum height of any fence, hedge, wall or similar enclosing device situated within any other portion of a lot shall be six (6) feet. All fences and walls shall be constructed of substantial material and design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area.

**19.2. Exceptions to Height Requirement**

Fences, walls and similar structures exceeding six (6) feet in height may be permitted under the following circumstances and conditions.

1. Required by Other Government Regulation Where the additional height is required by law or other governmental regulation, subject to the receipt of a building permit.
2. Required for Increased Safety and Security Where additional height is needed to provide more adequate security for one of the following:
  1. Utility facility compound area (i.e., gas regulating stations, electric substations, well site, etc.), subject to receipt of a building permit.
  2. Swimming pools and open water impoundment areas, subject to receipt of a building permit.
  3. Self-storage facilities and materials and equipment storage compounds (limited to commercial and industrial zones), subject to the prior approval of a site plan by the Planning Commission
3. if a home is on the parcel and where the fence is both non-sight obscuring and does not extend in front of any point of the front elevation of the home, fences may be permitted up to 8' in height.

**20.0 PENALTIES, VALIDITY, SEVERABILITY, CONFLICT, EFFECTIVE DATE**

**20.1. PENALTIES:** It will be unlawful for any person to violate any of the provisions of this ordinance. Any person, firm or corporation whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of the provisions of this ordinance will, upon conviction, be guilty of a Class C misdemeanor and punishable as provided by law - both civilly and criminally. Each and every day during which such violation occurs will

constitute a separate offense.

20.2. VALIDITY: If any sections, subsection, paragraph, clause, or phrase or provision of this ordinance will be adjudged invalid or held unconstitutional, the same will not affect the validity of this ordinance as a whole or any part or provision other than the part so decided to be invalid or unconstitutional.

20.3. SEVERABILITY: If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof. This revision supersedes and replaces all previous versions and revisions of this ordinance.

20.4. CONFLICT WITH OTHER LAND USE ORDINANCES OF THE TOWN: If any provision of this ordinance is in conflict with a provision of another ordinance of the Town, then the most stringent requirement shall govern.

20.5. EFFECTIVE DATE: In order to preserve properly the peace, health, safety and general welfare of the Town of Cedar Fort and its inhabitants, this ordinance will take effect upon its passage by majority vote of the Town Council and posting in three public places within the town.

Approved and passed this 17<sup>th</sup> day of April 2021.

TOWN OF CEDAR FORT

  
David T. Gustin, Mayor

Attested by:   
Town Clerk

SEAL





Mayor David T. Gustin

Voted Yea DG

Councilmember Ellen Cibula

Voted Yea [Signature]

Councilmember Wyatt Cook

Voted Yea WC

Councilmember Laura Ault

Voted Yea LA

Councilmember Rett Messersmith

Voted Yea RM





STATE OF UTAH                     )  
  ) ss.  
COUNTY OF UTAH                )

I, CARA LYON, Town Clerk of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 17<sup>th</sup> day of April 2021, entitled

**"LAND USE (Planning and Zoning) ORDINANCE for the Town of CEDAR FORT "**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 17<sup>th</sup> day of April 2021.

  
\_\_\_\_\_  
CARA LYON, Cedar Fort Town Clerk



**AFFIDAVIT OF POSTING**

STATE OF UTAH                     )  
  ) ss.  
COUNTY OF UTAH                )

I, Cara Lyon, Town Clerk of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 17<sup>th</sup> day of April 2021 and herein referred to as:


**"LAND USE (Planning and Zoning) ORDINANCE for the Town of CEDAR FORT "**

**SUMMARY:**

The above ordinance was revised to adjust road width requirements to match practice and needs of commercial/light-industrial zones.

The three places are as follows:

1. Post Office
2. Town Hall
3. Community/Recreation Center

  
\_\_\_\_\_  
Cara Lyon, Cedar Fort Town Clerk

Date of Posting April 17, 2021

