

CEDAR CITY PLANNING COMMISSION

MINUTES

March 2, 2021

The Cedar City Planning Commission held a meeting on Tuesday, March 2, 2021 at 5:15 p.m., in the City Council Chambers, 10 North Main, Cedar City Utah.

Members in attendance: Mary Pearson–Chair, Craig Isom, Jennie Hendricks, Ray Gardner, Hunter Shaheen, Adam Hahn

Members absent: Jill Peterson-Excused

Staff in attendance: City Attorney-Tyler Romeril, City Planner-Donald Boudreau, City Engineer-Jonathan Stathis, and Michal Adams

Others in attendance: Dallas Buckner, John Bishop, Brian Nichols, Trudi Nichols, Janet Pyne, Tim Watson, Jon Ashdown, Ashley Dickinson, Teressa Perkins, Laney Smith, Gretchen Bartlett, Teri Kenney, L. Henderson, R. Nanney, M. Allred, Kennan Imlay, Chet Smith, Paul Ashdown

The meeting was called to order at 5:16 p.m.

ITEM/REQUESTED MOTION LOCATION/PROJECT APPLICANT/PRESENTER

I. Regular Items

1- Approval of Minutes (February 16, 2021)

(Approval)

Craig moved to approve the minutes of February 16, 2021, seconded by Jennie and the vote was unanimous.

**2- Easement from City
(Recommendation)**

820 W Industrial Road

Klyn Gleave

Dallas Buckner of GO Civil presented; he pointed out the parcel owned by Klyn Gleave that has no sewer lateral. It is right along Industrial Road at 800 West. He would like to put in a private lateral to this lot and will need an easement from the City to go across the railroad portion. They plan to compensate the City for this easement.

Craig wondered just how deep they could put this lateral; as they develop all this into a trail and parkway, they would want that lateral out of the way. Jonathan stated that they want them to keep this as deep as possible. The line in Industrial Road is 8' deep and they should be able to be about that deep. They have several other laterals that cross this area too. This should be no more impact than the others. Jonathan said he has seen the appraisal, and they will need to pay an appraised amount for this easement.

Hunter moved to send a positive recommendation to the City Council for this easement; seconded by Jennie and the vote was unanimous.

3- PUBLIC HEARING

PUD- Vicinity

Ashdown Forest Phase 8

Nichols/GO Civil Eng.

(Recommendation)

Approx. 1300 E Nichols Cnyn. Rd.

Dallas Buckner of GO Civil presented and said this came through several years ago. This is the same layout as before. It will be 35 lots; the smaller ones around 13,000 square feet up to about 70,000 square feet, almost 2 acres. He has met with Don B. and Jonathan and nothing has changed since that approval. This is further east of the rest of Ashdown Forest.

Jennie asked if this was Laurel Canyon to the east of here. The water tank was pointed out. Dallas said they have been working on the layout of the map. They have a more current one than this one. The layout is all the same. He has been working with engineering to get this all worked out. Nothing has changed from the first layout of the lots. They just flipped the way it lays on the sheet.

Jennie said there was a concern with water pressure. What is happening with that? Dallas said this was partially built before the process was different. They are close to the tank so there were water pressure issues. They plan to do a private water system for this Phase 8 only. They will Tee off and put in a booster pump to serve this phase. They will have their own master meter, then a booster pump and that will serve just Phase 8.

Jennie said so all the other existing Ashdown Forest is on City water and this Phase 8 will have its own private system? And the other phases of Ashdown Forest will feel no effects of this? Dallas said that was the plan. The lines are looped and run from tank to tank. They will re-route those and put them in the roads. They plan to tee off that, then put in the master mater, then go back to that booster pump. There will be a couple of meters in that road. Phases 1-7 will not feel any effect from that.

Hunter said so they will still be on City water, they are just adding a master meter and pump. Dallas explained more how this will work.

Mary opened the public hearing.

Robert Nanney said he lives in Ashdown his concern is that all the roads in Ashdown Forest are in bad shape. Adding all this, they will have heavy trucks during construction and the additional traffic. The roads will become deteriorated then their dues will increase. Also, there is a tank there now. Is that enough to support all the additional houses?

Dallas said as far as the road go, that is part of the PUD and it is all maintained by the HOA. The developer is coming in and continuing to develop on this property; just adding to all the existing phases. As far as a water tank; the City does have a master planned tank but as far as an issue for serving this subdivision, the problem previously was the pressure issue. That is why they will install that pressure pump now. The City does have a master planned tank further to the south, and they will be putting in dummy lines now so when that tank comes on line, they can use those lines. That is part of the City plan.

Janet Pyne also lives in Ashdown Forest and is the VP of the HOA. To be clear, there will not be a second tank yet. That will be up to the City. As she recalls, at one pointe this phase was stopped, and they were told it was because there needed to be a second tank. As far as the roads, she is not sure why they need to clean up after all the construction people. She gave examples. They have 2 roundabouts, at each one there is a sign that says to use Mill Hollow Road, so you don't tear up the roundabout. She was far

enough back of one large truck that she let him back up. They re-surfaced all their roads about 1 ½ years ago. That is very expensive. They are already looking terrible due to the construction trucks. They chew up the roads badly. When you have a large project, they will chew up the roads. Her concern is that the construction workers need to all be told they have to use Mill Hollow Way. If they use the roundabouts, those and all the homes around them will have torn up curb and asphalt. When she talked to the truck driver, he was sorry and said he would use Mill Hollow. So, #1, please use Mill Hollow Way and #2, when they do the budget for this development, they should add enough and be responsible to resurface all the roads they will be using. Nichols Canyon and Ashdown Forest and any others that they use. They are tired of continually paying for the construction messes.

Mary said they have the builder here; they should talk with him and he can take their comments into account.

Mary closed the public hearing.

Hunter said he can feel for them as homeowners in a PUD; most of that does fall on the HOA. It is difficult to deal with when the construction is in so many phases and all the others have to pay the price. It is outside the City's responsibility as it is in a PUD. Hopefully, all the owners of the HOA can work it all out.

Hunter moved to send a positive recommendation to the City Council for Phase 8, seconded by Jennie and the vote was unanimous.

4- PUBLIC HEARING

General Plan Amendment

Approx. 1000 North 3900 West

Premier/Watson Eng.

Low to Medium Density Res.

(Recommendation)

Tim Watson said his client has a proposed development and would like to change the General Land Use map and also the zone which is item #5. He pointed out the very south end of Equestrian Pointe to the north. This is along 3900 West and crosses through the County before you get to U-56. The property is currently alfalfa. Premier has purchased 55+ acres and they want to change this for the development.

Mary indicated that the request is to take the General Land Use from low to medium density and they propose to have both the R-2-2 and the R-2-1 zones.

Tim said this still meets the 10,000 square foot minimum lot size of the R-1 but the developer wanted a little narrower lot frontage. Just about 83-85' rather than the minimum 90' in the R-2-1 section.

Mary said so the R-2-2 could be twin homes. And it is good planning to have a little higher density right next to a major road like this one. Tim said the first 2 streets will be the R-2-2 or twin homes, and then the rest will be the R-2-1.

Jennie said so that front portion will be the twin homes and all the rest will be single family homes in the R-2-1. Yes.

Tim pointed out one road in the rear that will be even larger lots. They will bring the vicinity plan for this later when they have more details.

Mary said she hears that we are adding more and more high density. As you drive out there, it is apparent and as you continue to just add it all in, residents come forward and are opposed to all the higher density. Mary is a little uneasy as there is so much going in this area.

Adam asked what the General Plan was for here? That is R-1.

Tim said again, with that major collector road, having a buffer was felt to be better than all single homes along 3900 West. They joked about making that front portion a park.

Tim said it was difficult; you either have commercial on the frontage, or higher density. They are seeing this in other areas of town like Cross Hollow and the Crescent Hills area. It is typical with land planning. Craig asked just how many units were planned in that front piece? Tim said the first phase was just the first street, so about 23-24 units. It is a long frontage there, about 1300 feet long.

They can address both 4 & 5 as it is the same property.

Mary opened the public hearing.

Chet Smith of the Smith family owns to the west of this. He has no complaints but needed to let them know there is a high-water ditch along that north side. They also own about an 8" or 10" irrigation line all the way from Equestrian Pointe.

Keenan Imlay also with land in the area said that ditch may be designated as a flood control channel. Also, on 3900 West are they aware that is a designated livestock trail?

Jonathan said that ditch through there is operated by the Coal Creek Irrigation company. There may be some storm water that gets in there, and historically, it has taken some storm water. Also, there is a master planned 42" storm drain pipe planned to go along that ditch. That ditch would stay there. There are water rights that the Smith Family has that need to be maintained in that ditch. The master-planned storm drain would go next to that ditch. As far as a livestock easement, he was not sure of that. Tim Watson nor anyone else was aware that 3900 West was a livestock trail.

Jonathan said if they have concerns with the ditch, they need to deal with that ditch company. Keenan said he was a board member of the Coal Creek Irrigation, and they do not want that ditch used for any storm drain water. It looks like they will put a pipe in for that storm water. His other concern is that they use farm equipment in the summer; sometimes at 4 in the morning, and they are going up and down 3900 West.

Jonathan said if that is a high ditch line, it would be difficult to get any storm water to go into it.

Anyway, the developer would need their permission to be able to do that.

Hunter said even if they move forward, that road can be used as a livestock trail.

Paul Ashdown pointed out his property. That 42" drainage pipe will go along that north line? How far from that ditch will it be? Tim said they have not worked through any of the details yet. How far away from that ditch would they want it to be. Jonathan said they are not into the design phase yet, but he would guess about 15-20 feet.

Tim said that most of the time when they come to an irrigation ditch, the irrigation company wants those

ditches to be piped or replaced. He pointed out the north line and the housing that will be along that line. They would need to work all this out with land owners; the Ashdowns, which side they want the pipe from that ditch, how to accommodate that whole area. They also have the Robinsons, and the Whitakers and there will be more development south of this.

Paul A. wondered just how will their water go? Tim said they were not sure yet. They have some easements across there all the way to the State land.

Jonathan said that storm drain systems like the city puts in would be out in the street. It will be a public road along there, there may be a row of lots in back of that ditch, but the City likes all the storm drain in the public road, not the rear of those lots. They are not in the design phase yet.

Jennie wondered if there were homes that back up to that channel, is there any concern of flooding those homes? Tim said there are always concerns, they can't control the water. Even if the ditch takes on high water, sometimes it is more than a ditch can handle. That will be one of the last sections to develop; they will start at the southeast and work their way north. Jennie wondered if there needed to be anything on the plan to notify them of things like that. Tim said they are only at rezoning now.

Chet Smith said that is high water when they have a good water year. His end gate is almost to the State land. The City has come out and cleaned that in very high-water years. When you look at the County flood plain map, that includes some of this development. If it were higher density, there may be more water in that ditch. They would need to look at improving it then.

Also, Ashdown and Smith both feel that anyone building there needs to be aware there are farm animals nearby, they have to bail hay at 4 in the morning, etc. Mary said they have had these concerns before. She would refer back to the City; just what are the noise ordinances? The homes are in the City, the farms are still in the County, how does that all work.

Tyler R. said the ordinances and rules are different between City and County. When they get complaints like that, they just say: you built next to a farm.

Hunter agreed: they all like the area until they are right next to a farm.

Mary closed the public hearing.

Craig could see the logic of placing the R-2-2 on the main road there and making the transition into the single houses.

Craig moved to send a positive recommendation for both items 4 & 5; seconded by Hunter and the vote was unanimous.

5- PUBLIC HEARING

Zone Change: AT to

R-2-1 and R-2-2

(Recommendation)

Approx. 1000 North 3900 West

Premier/Watson Eng.

Discussed and voted upon under Item #4.

**6- PUBLIC HEARING (carry over item)
Ordinance Revision regarding rear setback in CC zone
(Recommendation)**

John Bishop

John Bishop said that under #3 instead of 20' would like a change to the rear setback of accessory buildings in the CC zone. Rather than the 20' would like to see a minimum of 10' and make this exception to accessory buildings. The only thing that is not there, is he added #C for a minimum setback to any residential property of 10'. Added under #C put an A, to take in the footing; then you have an overhang. Look at the structure of a building and many only have 2' or 3' and if putting a footing 20' away, then a 10' overhang. You can run into problems. It does not say anything specifically about the overhang. Say you have 2' maximum so under C and A you can say that projection will not exceed 24". If you are doing another canopy, they can try and add A. instead of trying to change all #3 just leaving the accessory building at 10' away and the height limit on that. They can't be 40' in the air. Like a lawn shed, you put trusses on then keep that at 13' total height. Can't be like in other counties that have 16' and they are all trying to change that now to 14' so they will just stay with 13'.

Don B. said they have worked together on this; they have started with the 10' setback. If you go just with CC, you can have a 50' tall building. They will allow this for accessory buildings and mitigate all this next to any residential zone. The 2' overhang is just a projection. If they are all at 10', you can have an eave. Lastly, the language they got into at the last meeting, they have gotten down to what is allowed, etc. They decided to keep it simple to only carport and storage. Just those passive type uses. They don't feel those would have a lot of issues even next to residential zones.

Mary opened the public hearing. Seeing no comments, Mary closed the public hearing.

Hunter wondered if they have now added projections for that 24" overhang, do they need to bring this back again? Tyler said if the commission is fine, they will take this note, and put that in prior to this going before the City Council.

Hunter moved to send a positive recommendation to the City Council for this ordinance change to clarify and put in that an overhang will not exceed 24". Craig seconded and the vote was unanimous.

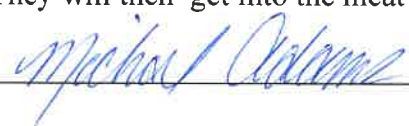
Staff Items

1- General Plan Review Update

Staff

Don B. said they have really been pushing the public outreach. Hopefully, all have seen the ads, they have received a card in the mail, and they will now wait for those results. The survey is now up to 439 responses. They are very happy about that. The consultant is pleased. The survey where you take lots of time, they are up to 153 of those. The consultant is happy with those results also. They have extended that to the 10th of March for responses. The SUU survey has 150 responses. He will have the meeting with the consultant tomorrow. They have seen lots of annexations. Just how to refine that chapter, and create more policy is what they will get into and see how that goes. He will work on a schedule and they are working on the Land Use Map. They will then get into the meat and potatoes on all this.

The meeting adjourned at 6:00 p.m.
Michal Adams, Executive Assistant



CONSTRUCTION DRAWINGS FOR KLYN GLEAVE SEWER LATERAL

PROJECT LOCATED IN THE EAST 1/2 ON THE EAST 1/4 OF SECTION 10 T355, R11W, S.L.B.#M.



NOTICE
THESE DRAWINGS ARE THE PROPERTY OF GO CIVIL ENGINEERING. ANY REPRODUCTION OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF GO CIVIL ENGINEERING IS STRICTLY PROHIBITED. CONTACT US AT 435.1585.9552 FOR MORE INFORMATION.

SCALE IN FEET



NOTES

1. ALL DIMENSIONS SHALL BE TAKEN FROM THE CENTERLINE OF THE SEWER LATERAL UNLESS OTHERWISE NOTED.
2. ALL UTILITY LOCATIONS SHOWN ARE FOR INFORMATION ONLY. VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
3. EXISTING ELEVATIONS ARE SHOWN IN FEET ABOVE SEA LEVEL UNLESS OTHERWISE NOTED.

PRELIMINARY NOT FOR CONSTRUCTION 12/27/2024 10:00 AM

DATE	DESCRIPTION

**CONSTRUCTION DRAWINGS
FOR
KLYN GLEAVE**



590 N. 800 W. CEDAR CITY, UT 84721
435.1585.9552 WWW.GOCIVIL.NET

PROJECT LOCATED IN THE EAST 1/2 ON THE EAST 1/4 OF SECTION 10 T355, R11W, S.L.B.#M.

NO.	DESCRIPTION	BY	DATE

SCALE IN FEET

2

VICINITY PLAN FOR ASHDOWN FOREST PUD, PHASE 8

LOCATED IN SECTION SW1/4 OF SECTION 9, T36S, R17W, S18&M, CEDAR CITY, UTAH

PHASE 8 SOILS MAP

SOIL AREA NOTES

THE SOILS MAP IS A GENERALIZATION OF THE SOILS INFORMATION AVAILABLE FROM THE STATE SOILS DATA CENTER (SDSC) AND OTHER SOURCES. IT IS NOT A REPRESENTATION OF THE ACTUAL SOILS CONDITIONS. THE SOILS MAP IS INTENDED TO BE USED AS A GUIDE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE SOILS MAP DOES NOT INDICATE THE DEPTH, LOCATION, OR EXTENT OF ANY SOIL PROBLEMS OR LIMITATIONS. THE SOILS MAP IS NOT TO BE USED AS A BASIS FOR ANY SOIL TESTING OR INVESTIGATION. THE SOILS MAP IS NOT TO BE USED AS A BASIS FOR ANY SOIL REMEDIATION OR RESTORATION. THE SOILS MAP IS NOT TO BE USED AS A BASIS FOR ANY SOIL MONITORING OR EVALUATION. THE SOILS MAP IS NOT TO BE USED AS A BASIS FOR ANY SOIL TREATMENT OR CONTROL. THE SOILS MAP IS NOT TO BE USED AS A BASIS FOR ANY SOIL REMEDIATION OR RESTORATION. THE SOILS MAP IS NOT TO BE USED AS A BASIS FOR ANY SOIL MONITORING OR EVALUATION. THE SOILS MAP IS NOT TO BE USED AS A BASIS FOR ANY SOIL TREATMENT OR CONTROL.



CITY ENGINEERS APPROVAL

CONSTRUCTION PERMITS, CITY ENGINEERS, FOR RESIDENTIAL CONCEPT PLAN AND LAYOUT AS SHOWN ON THIS PLAN.

PLANNING COMMISSION APPROVAL

1. I HAVE REVIEWED THE CONCEPT PLAN FOR THE ASHDOWN FOREST PUD AND HAVE APPROVED THE CONCEPT PLAN ON THIS DATE.

DATE:

CERTIFICATE OF ACCEPTANCE

1. I HAVE REVIEWED THE CONCEPT PLAN FOR THE ASHDOWN FOREST PUD AND HAVE APPROVED THE CONCEPT PLAN ON THIS DATE.

DATE:

LEGEND

PROPOSED EASEMENT

PROPOSED PROPERTY CORNER

EXISTING EASEMENT

EXISTING PROPERTY CORNER

EXISTING 10' SIDE WALK

EXISTING 12' SIDE WALK

EXISTING 20' SIDE WALK

EXISTING 30' SIDE WALK

EXISTING 40' SIDE WALK

EXISTING 50' SIDE WALK

EXISTING 60' SIDE WALK

EXISTING 70' SIDE WALK

EXISTING 80' SIDE WALK

EXISTING 90' SIDE WALK

EXISTING 100' SIDE WALK

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (SQ. YD.)
1	LOT 1	10,000	0.228
2	LOT 2	10,000	0.228
3	LOT 3	10,000	0.228
4	LOT 4	10,000	0.228
5	LOT 5	10,000	0.228
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9	LOT 9	10,000	0.228
10	LOT 10	10,000	0.228
11	LOT 11	10,000	0.228
12	LOT 12	10,000	0.228
13	LOT 13	10,000	0.228
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32	LOT 32	10,000	0.228
33	LOT 33	10,000	0.228
TOTAL		330,000	7.584

NOTES

1. THE SUBMISSION IS FOR PHASE 8.
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GO CIVIL
ENGINEERING

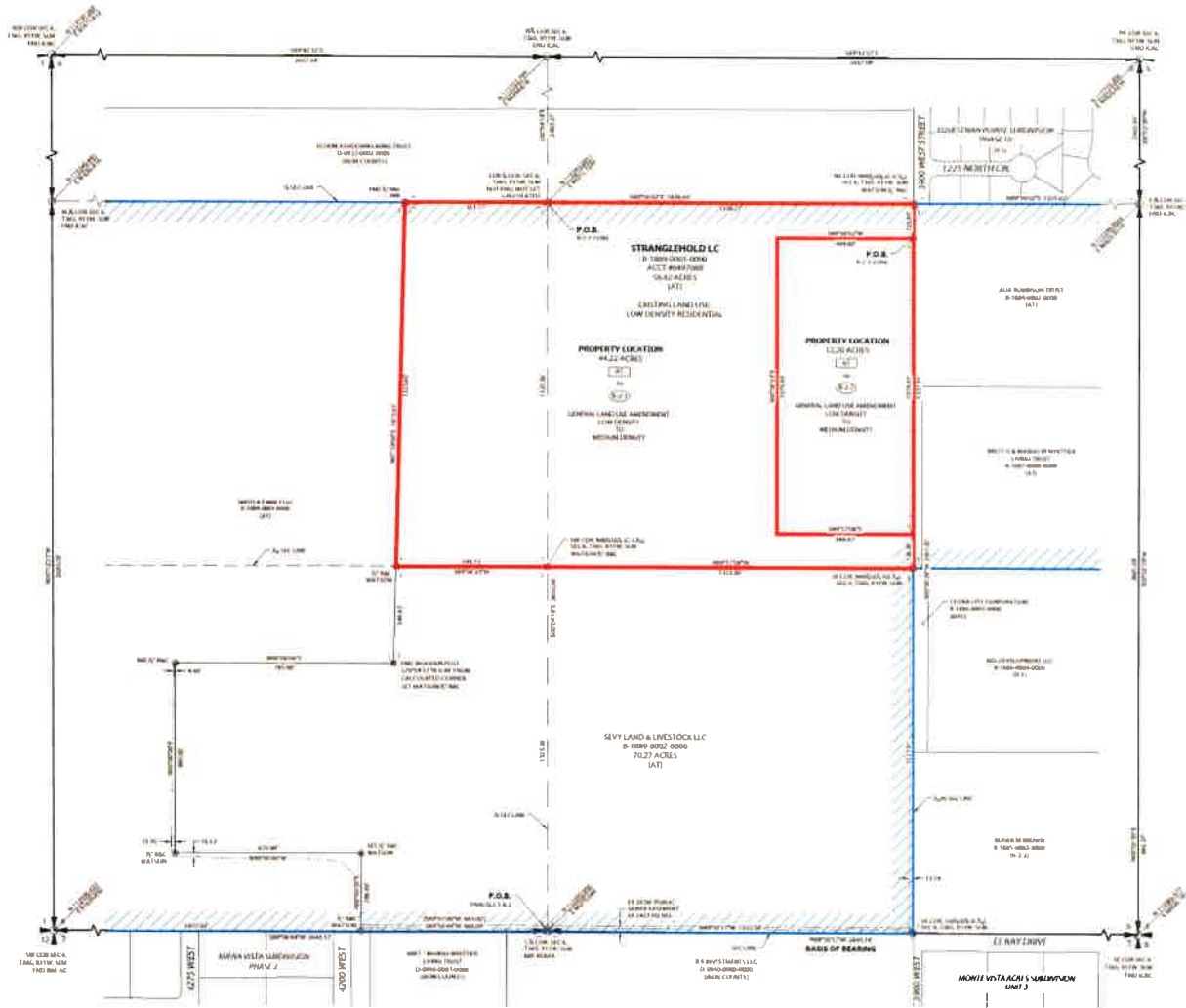
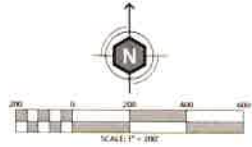
690 N. 800 W. CEDAR CITY, UT 84721
801.438.5886 WWW.GO-CIVIL.NET

VICINITY PLAN
ASHDOWN FOREST PUD, PHASE 8
FOR
FIDDLER'S CANYON, LLC

LOCATED IN SECTION SW1/4 OF SECTION 9, T36S, R17W, S18&M, CEDAR CITY, UTAH

DATE: 11/15/2024
SCALE: 1" = 200'

PROPERTY REZONE
PREMIER DEVELOPMENT
 WITHIN THE SE ¼ & SW ¼ OF SECTION 6, TOWNSHIP 36 SOUTH, RANGE 11 WEST,
 SALT LAKE MERIDIAN
 CEDAR CITY, IRON COUNTY, UTAH



VICINITY MAP
N 12

BOUNDARY DESCRIPTIONS

B-2-ZONE BOUNDARY
 BEGINNING AT THE CENTER QUARTER CORNER OF SECTION 6, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE MERIDIAN, THENCE ALONG THE EAST WEST QUARTER SECTION LINE OF SAID SECTION NPP52079W 1262.77 TO THE CENTER EAST SATELEITH CORNER OF SAID SECTION, THENCE ALONG THE EAST SATELEITH LINE OF SAID SECTION NPP52079W 165.52, THENCE DEPARTING SAID SATELEITH LINE NPP52079W 49.80, THENCE NPP52079W 1073.93, THENCE NPP52079W 486.47 TO A POINT ON SAID SATELEITH LINE, THENCE ALONG SAID SATELEITH LINE SPP52079W 125.52 TO SAID EAST SATELEITH CORNER OF SAID SECTION, THENCE ALONG SAID SATELEITH LINE NPP52079W 132.80 TO THE CENTER SOUTH SATELEITH CORNER OF SAID SECTION, THENCE ALONG SAID SOUTH SATELEITH LINE NPP52079W 544.12, THENCE NPP52079W 1325.80 TO A POINT ON SAID EAST WEST QUARTER SECTION LINE OF SAID SECTION, THENCE ALONG SAID EAST WEST QUARTER SECTION LINE NPP52079W 511.77 TO THE POINT OF BEGINNING (P.O.B.) AND CONTAINS 44.22 ACRES.

B-2-ZONE BOUNDARY
 BEGINNING AT POINT NPP52079W 1262.77 ALONG THE EAST WEST QUARTER SECTION LINE, AND SPP52079W 1265.57 ALONG THE EAST SATELEITH LINE FROM THE CENTER QUARTER CORNER OF SECTION 6, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE MERIDIAN, THENCE DEPARTING SAID SATELEITH LINE NPP52079W 49.80, THENCE NPP52079W 1073.93, THENCE SPP52079W 1074.97 TO A POINT ON SAID SATELEITH LINE, THENCE ALONG SAID SATELEITH LINE NPP52079W 125.52 TO SAID EAST SATELEITH CORNER OF SAID SECTION, THENCE ALONG SAID SATELEITH LINE NPP52079W 132.80 TO THE POINT OF BEGINNING (P.O.B.) AND CONTAINS 12.90 ACRES.

BASIS OF BEARING

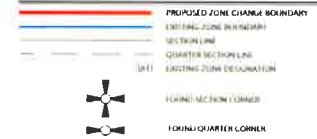
THE BASIS OF BEARING IS NPP52079W ALONG THE SECTION LINE FROM THE SOUTHWEST CORNER (UNDER IRON COUNTY BRASS CAP) TO THE SEAST QUARTER CORNER (UNDER BEAR & LIPS) OF SECTION 6, TOWNSHIP 36 SOUTH, RANGE 11 WEST, SALT LAKE MERIDIAN.

COORDINATES SHOWN HEREON ARE ON THE CEDAR CITY ENGINEERS CONTROL NETWORK USING THE CITY GPS BASE STATION AND CALCULATION.

NOTES

1. THE PURPOSE OF THIS PLAT IS TO REZONE THE SUBJECT PROPERTY FROM ANNUX TRANSFORM (A1) TO RESIDENTIAL 2 (R 2) AND RESIDENTIAL 2 (R 2) AND TO AMEND THE GENERAL LAND USE FROM LOW DENSITY RESIDENTIAL TO THE FROM DENSITY.
2. THIS IS NOT A RECORD OF SURVEY PLAT. NO PROPERTY CORNERS WERE SET BY WATSON ENGINEERING AS A PART OF THIS REZONING.
3. THE BOUNDARY DESCRIPTION IS BASED UPON A MINOR LOT SURVEY AND COMPLETE FILED BY WATSON ENGINEERING AND FILED WITH IRON COUNTY AS PLAT 8-3084.

LEGEND



**WATSON
ENGINEERING
COMPANY, INC.**

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www.wecinc.com

**PROPERTY REZONE
 PREMIER DEVELOPMENT**

WITHIN SEC 6, T.36 S, R.11 W, S.L.M.
 CEDAR CITY, IRON COUNTY, UTAH

DRAWN BY
 O. T. BROWN
 CHECKED BY
 T. G. WATSON
 DATE
 February 5, 2021
 SHEET
 1/20
 WATSON PLAT NO.
 21-4771
 FILE
 800-HIGHWAY-BUILDING

SECTION 26-III-13. CC Central Commercial Zone.

(A) Objective and Characteristics: The CC Central Commercial Zone has been established as a district in which the primary use of the land is for business purposes. The area covered by this zone is now and is intended that it shall continue to be the dominant shopping and financial center of the City and surrounding territory. For this reason, the zone has been located where the street pattern makes the business buildings readily accessible to all parts of the City and surrounding region where business and shopping activities can be carried on with maximum convenience. The CC Zone is characterized by wide, clean, well-lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Attractive, inviting and well-maintained shops, stores, offices and other buildings are also characteristic of this zone. Representative of the uses in this zone are banks, hotels, office buildings, theaters, and a wide variety of retail outlets. Conversely, uses which tend to create business dead spots, cause undue scattering of business and generally tend to thwart the use of the land for its primary purpose have been excluded from this zone. In order to accomplish the objectives and purposes of this ordinance and to promote the characteristics of this zone, the following regulation shall apply in the CC Zone, Central Commercial Zone:

(B) Use Regulations: See Section 26-III-21.

(C) Lot Area Requirements: There shall be no minimum lot area requirements for commercial lots used for a commercial use permitted in the zone except for gas pumps and off-street parking area requirements. For buildings arranged, intended, or designed exclusively for residential use, the minimum lot area requirements shall be the same as for dwellings in the R-3 zone, except that no lot area requirements shall apply when the dwellings are located above the ground floor and said ground floor is devoted exclusively to a commercial use permitted in the zone.

(D) Lot Width Requirements: There shall be no minimum lot width requirements for commercial lots used for a commercial use permitted in the zone except for gas pumps and off-street parking area requirements. For buildings arranged, intended, or designed exclusively for residential use, the minimum lot width requirements shall be the same as for dwellings in the R-3 zone, except that no lot width requirements shall apply when the dwellings are located above the ground floor and said ground floor is devoted exclusively to a commercial use permitted in the zone.

(E) Building Setback Requirements:

(1) **Side Setback:** Any commercial building adjacent to a street right-of-way shall be set back 20 feet therefrom. No other side setback shall be required for buildings having fire resistive walls in compliance with the Building Code except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(2) Front Setback: The front setback shall be twenty (20) feet from the front lot line.

(3) Rear Setback: No rear setback shall be required for commercial buildings having fire resistant walls in compliance with the building code, except that all buildings adjacent to a lot zoned residential shall be set back at least twenty (20) feet from the lot line of the adjacent residential property.

(4) Non Fire Resistant Building Setbacks: For non-fire resistant buildings, regulations as contained in the Building Code shall apply, except all buildings and structures, including but not limited to gasoline pumps, shall be set back at least twenty (20) feet from the street right-of-way line.

(5) Residential Use Building Setbacks: For buildings arranged, intended, or designed exclusively for residential use, the setback requirements shall be the same as for dwellings in the R-3 zone.

6) Accessory Structures: Accessory structures shall be permitted in the zone when adjacent to residential zones under the following conditions:

- a. Accessory buildings which are located within a required 20-foot setback shall not directly involve any business, trade, occupation, profession and shall be ancillary to the primary use.
- b. Any accessory building shall be a minimum of 10 feet behind the front of the primary structure.
- c. The minimum setback for any accessory structure shall be 10 feet to a residentially zoned property. In no case shall an accessory building be constructed within 16 feet of a residential home.
- d. Accessory structures may be constructed during or after the primary structure.
- e. The maximum height of structure shall be 13 feet to ridge line.
- f. No accessory structure shall be rented, leased or sold separately from the rental, sale or lease of the primary building.
- g. Permitted uses shall include open covered parking spaces and storage buildings for purposes ancillary to the primary use.

(F) Building Height Requirements: The maximum height of any building with a commercial use shall be fifty (50) feet except buildings arranged, intended, or designed exclusively for residential use, the maximum height requirement shall be the same as for dwellings in the R-3 zone.

(G) Building Size Requirements: No requirements.

(H) Special Provisions:

(1) All off-street parking space shall be hard surfaced.

(2) All merchandise, equipment, and other materials (except for vehicles in running order) shall be stored within an enclosed building or within a sight obscuring enclosure.

(3) No dust, odor, smoke, vibrations, or intermittent light, glare, or noise shall be emitted which is discernible beyond the premises.

(4) Landscaping - See Article VII, Landscaping

(I) Supplementary Regulations: See Article IV, Supplementary Regulations to all zones.

(J) Special Provisions:

(1) Residential type uses that are permitted within this zone (i.e. "Apartments," "Dwelling Units," "Nursing Homes," "Residential," "Residential facility for persons with a disability," and "Rest Homes") are only permitted in the following situations:

- A. In conjunction with a commercial development where the residential use is located above the ground floor and, except for access to the residential units, said ground floor is devoted exclusively to a commercial use permitted in the zone, and/or;
- B. In conjunction with a unified mixed use project where any exclusively residential portion of the project (that part of the project that does not contain a commercial use or associated parking) comprises no more than fifty (50) percent of the overall development site.