

Mayor

Robert Houston

City Manager

Joseph Decker

Treasurer

RaeLene Johnson



KANAB
— UTAH —

City Council

Brent Chamberlain

Cheryl Brown

Kirt Carpenter

Joe B. Wright

Kent Burggraaf

KANAB CITY COUNCIL

May 12th, 2015

76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 12th day of May, 2015, in the Commission Chambers at the Kane County Courthouse at 76 North Main, Kanab, Utah. The Council Meeting will convene at 6:30 p.m., and the agenda will be as follows:

6:30 P.M. Work Meeting

- Discuss FY 15-16 Budget

Business Meeting

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of minutes of previous meeting
4. Approval of Accounts payable vouchers
5. Public Comment Period – Members of the public are invited to address the Council. Participants are asked keep their comments to 3 minutes and follow rules of civility outlined in Kanab Ordinance 3-601
6. Discuss Ordinance 5-1-15 O “An Ordinance amending Kanab City General Ordinance Section 1”
7. Discuss Ordinance 5-2-15 O “ An Ordinance amending Kanab City General Ordinance Section 2”
8. Discuss Ordinance 5-3-15 O “An Ordinance amending Kanab City Land Use Ordinance Chapter 20 Commercial/Residential Mix”
9. Discuss Ordinance 5-4-15 O “ An ordinance amending Kanab City Subdivision Ordinance Chapter 2 Notice Requirements”
10. Public Hearing on the proposed Nuisance Ordinance
11. Closed Session:
 - Discuss pending or reasonably imminent litigation.
 - Discuss the purchase, exchange, or lease of real property.
 - Discuss the character, professional competence, or physical or mental health of an individual.

Times listed for each item on the agenda may be accelerated as time permits. If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact RaeLene Johnson at the Kanab City offices.

– A Western Classic –

KANAB CITY COUNCIL MEETING

APRIL 28, 2015

KANE COUNTY COMMISSION CHAMBERS

PRESENT: Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Brent Chamberlain and Joe B. Wright, City Recorder Joe Decker, City Treasurer RaeLene Johnson and Attorney Jeff Stott. Council Member Kent Burggraaf excused.

WORK MEETING: Mayor Houston opened the work meeting at 6:30 p.m. There was a discussion of Chapter 1 and 2 of the General Ordinances. Mr. Stott stated that he had cut out things from the ordinance that were in the State Code. He also cut out things that were repetitive or out dated. Mr. Stott said that the ordinances will be on line and in the City Office as a hard copy. The signed hard copy will be the official ordinance. In Chapter 2 Section 2-410 Annexation will include Assessment of Cost which will eliminate the need for Section 2-241. The City Ordinances can be more restrictive than the state. An annexation fee of \$500 by those wanting annexation is included in the City's Ordinance, but not included in the State Code.

The Nuisance Ordinance was discussed. This Ordinance has been on the City's web site for three weeks. Council Member Chamberlain suggested putting under the noise section of the nuisance ordinance a sentence on barking dogs. There will be a public hearing on the Nuisance Ordinance before adoption.

The Fiscal Year 15-16 Budget was discussed. Mr. Decker reviewed the General Fund Revenue and expenditures. The Water & Sewer Fund Revenues and expenditures were discussed along with all of the other funds that the City has. On May 12, 2015 there will be another budget discussion at the regularly scheduled council meeting and on May 26, 2015 there will be a Public Hearing on the budget. A Tentative Budget will be adopted at that time. The final budget will be adopted at the meeting on June 9th.

Council Member Brown said that the Recreation Committee had met with the designer of Skate Parks. She said that the members of the Committee would like to close the road between the swimming pool and the proposed skate park then Main Street could be extended north. Council Member Brown passed out a drawing of the proposed K-Town Plaza which included the Skate Park. She wanted to get the Council approval of the road closure and expanding the proposed K-Town Plaza. Council Member Chamberlain felt the tennis courts needed to be refurbished or moved. It would be less expensive to repair them than to rebuild them. Council Member Wright was concerned that he had not heard about the expansion of the Skate Park and the K-Town Plaza. He felt it should have come to the Council for approval before it went into the newspaper. Mayor Houston expressed concern about the funding. He feels that the K-Town Plaza will cost

at least \$300,000. He said the City began with a Skate Park, and they need to do a Skate Park project. Council Member Brown felt that the Plaza could be done in phases. Mayor Houston wanted to get firmer on the financing numbers.

Mayor Houston called the regularly scheduled meeting to order and roll call was taken at 8:20 p.m.

APPROVAL OF AGENDA: A motion was made by Council Member Chamberlain and 2nd by Council Member Wright to approve the agenda of the April 28th meeting. Motion passed unanimously.

APPROVAL OF MINUTES: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the minutes of the April 14th meeting. Motion passed unanimously.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Brown to approve the check register for April 28, 2015 in the amount of \$58,155.33. Motion passed unanimously.

PUBLIC COMMENT PERIOD: Mr. Jeff Frey addressed the Council about fiber optics being installed in the Ranchos near his home. He said they are leaving holes and dirt. He doesn't feel they are restoring it back to his original condition. He doesn't feel they are doing a very good job.

A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to go into a closed session. Motion passed unanimously.

A motion to adjourn was made by Council Member Wright and 2nd by Council Member Chamberlain. Motion passed unanimously.

MAYOR

ROBERT D. HOUSTON

RECORDER

JOE DECKER

ORDINANCE NO. 5-1-15 O

AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 1

WHEREAS, the City Council of Kanab desires to amend and clarify section 1 of the Kanab City General Ordinance.

WHEREAS, The Kanab City Council and staff have evaluated current ordinance requirements and has found the need for clarification.

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City General Ordinance is hereby amended as reflected in the following 7 pages.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 12th day of, May 2015.

KANAB CITY

MAYOR

ATTEST:

RECORDER

Section 1: GENERAL PROVISIONS

Section 1-001	Name of Code
Section 1-002	Repeal of Existing Ordinances
Section 1-003	Effect of Repealing Ordinances
Section 1-004	Effective Date
Section 1-005	Definition and Rules of Construction
Section 1-006	Captions
Section 1-007	Severability
Section 1-008	Numbering of Ordinances
Section 1-009	Statutes or Codes Included and Excluded
Section 1-110	Introductory Provisions To Construction
	of Crimes Under This Code.
Section 1-111	Application of Code Offense Prior to Effective Date
Section 1-112	Purposes and Principles of Construction
Section 1-113	Crimes Abolished
Section 1-114	Strict Construction Rule not applicable
Section 1-115	Procedure Governed by State and Constitutional Provisions Liability for Civil Damages Not Affected
Section 1-120	Jurisdiction and Venue
Section 1-121	Jurisdiction of Offenses
Section 1-130	Limitation of Actions
Section 1-131	Embezzlement of Public Moneys Falsification of Public Records
Section 1-132	Misdemeanor Any Infraction Commencement of Prosecution
Section 1-133	Fraud or Breach of Fiduciary Obligation Misconduct by Public Officer or Employee
Section 1-134	Defendant Out of State
Section 1-135	Lesser Included Offense For Which Period of Limitations Has Run
Section 1-140	Multiple Prosecution and Double Jeopardy Criminal Joinder
Section 1-141	"Single Criminal Episode" Defined
Section 1-142	Incorporation by Reference of Provisions of State Criminal Code
Section 1-143	Joinder of Offenses and Defendants

Section 1: GENERAL PROVISIONS

Section 1-150	Burden of Proof
Section 1-151	Incorporation of State Code
Section 1-160	Definitions
Section 1-161	Incorporation of State Code
Section 1-200	Principles of Criminal Responsibility
Section 1-210	Culpability Generally
Section 1-211	Incorporation of State Code
Section 1-220	Criminal Responsibility For Conduct of Another
Section 1-221	Incorporation of State Code
Section 1-230	Defenses to Criminal Responsibility
Section 1-231	Incorporation of State Code
Section 1-240	Justification Excluding Criminal Responsibility
Section 1-241	Incorporation of State Code
Section 1-300	Punishments
Section 1-310	Classification of Offenses
Section 1-311	Sentencing in Accordance with Chapter
Section 1-312	Designation of Offenses
Section 1-313	Misdemeanors Classified
Section 1-314	Infractions
Section 1-315	Continuing Violation
Section 1-320	Sentencing
Section 1-321	Sentences or Combination of Sentences Allowed - Civil Penalties
Section 1-322	Misdemeanor Conviction - Term of Imprisonment
Section 1-323	Infraction Conviction - Fine, Forfeiture, and Disqualification
Section 1-330	Fines and Special Sanctions
Section 1-331	Fines of Persons
Section 1-332	Fines of Corporations, Associations, Partnerships, or Governmental Instrumentalities
Section 1-340	Limitations and Special Provisions on Sentences
Section 1-341	Incorporation of State Code
Section 1-400	Administrative Remedies
Section 1-410	Hearings
Section 1-411	Request
Section 1-412	Form of Request

Section 1: GENERAL PROVISIONS

~~Section 1-413 Procedure~~

~~Section 1-414 Not Additional Remedy~~

Section 1-001 Name of Code

The ordinances contained in this code and all ordinances of a general nature hereafter adopted and inserted herein and all amendments, additions and changes thereto shall be part of this code and shall be known and cited as the "Revised Ordinances of the City of Kanab."

~~Section 1-002 Repeal of Existing Ordinances~~

~~A. So far as the provisions of these Revised Ordinances are the same as those of previously existing ordinances, they shall be construed as continuations thereof. All ordinances and resolutions of this municipality heretofore in force, except such as are of a private, local or temporary nature including franchises, grants, dedications, bond issues, elections, and special levies for local assessments, hereby are repealed except as otherwise provided in subsection B of this section.~~

~~B. Those ordinances of this municipality which are of a general nature which are not repealed and which the recorder/clerk is hereby authorized and directed to insert in the appropriate place in this code and which shall be deemed part of this code are:~~

- ~~1. Zoning Ordinance~~
- ~~2. Subdivision Ordinance~~
- ~~3. Mobile Home & Recreational Coach Ordinance~~

Section 1-003 Effect of Repealing Ordinances

The repeal of the ordinances as provided in section 1-002, shall not affect any debt or fee which is accrued, any duty imposed any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

Section 1: GENERAL PROVISIONS

~~Section 1-004 Effective Date~~

~~These Revised Ordinances shall become effective January 1, 1996.~~

Section 1-005 Definition and Rules of Construction

~~In the construction of the ordinances of this municipality, the following rules and definitions shall be observed and applied unless such construction would be inconsistent with the manifest intent of these ordinances:~~

~~A. **General rule** - All words and phrases shall be construed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.~~

B. **Gender** - *singular and plural*. Unless otherwise indicated from the context of the ordinance, all words used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender.

C. **Person** - The term "person" includes all individuals both male and female, any governmental agency, corporation, partnership, association, company, and every other form of organization whether formed voluntarily or involuntarily.

D. **Tenses** - The use of any verb in the present tense shall include the future and past tense when applicable.

E. **Highway - Road** - The terms "highway" and "road" include public bridges, and may be equivalent to the words "county way," "county road," "common road," and "state road."

F. **Street** - The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.

G. **Business** - The term "business" includes any trade, profession, calling, activity, operation or enterprise for which a license is required by any ordinance of this municipality.

Section 1: GENERAL PROVISIONS

H. ***License*** - The term "license" includes any certificate or license issued by this municipality.

I. ***Property*** - The term "property" includes both real and personal property.

J. ***Owner*** - The term "owner" applied to a building or land shall include any part owner, joint owner, tenant of lessee of a whole or part of such building or land.

K. ***Tenant - Occupant*** - The term "tenant" or "occupant" applied to a building on land either alone or with others.

L. ***Reasonable time*** - In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditions performance of such duty or compliance with such notice.

M. ***Time - how computed*** - The time within an act is to be done as provided in any ordinance or in any resolution or order of this municipality, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday, Saturday, or a holiday, then the last day shall be ~~the next business day.~~~~the day next following such Sunday or holiday which is not a Sunday or holiday.~~ When time is expressed in hours, Sunday, Saturday, and all holidays shall be excluded^[JS1].

N. ***Week*** - ~~The word "week" shall be construed to mean any seven-day period.~~

O. ***Location*** - Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct, or offense prohibited or required shall be within the boundaries of this municipality.

P. ***Chief of police, city marshal, town marshal or marshal*** - The terms "chief of police," "city marshal," "town marshal" or "marshal" as used in this code all have the same meaning and may be used interchangeably.

Q. ***Municipality*** - The word "municipality" as used throughout this code means the City of Kanab.

Section 1: GENERAL PROVISIONS

R. ***Governing Body*** - The word "governing body" as used throughout this code means the city council of this municipality.

S. ***Offense*** - Offense means any act, action, or conduct prohibited by this code or the failure to perform any acts required in this code.

T. ***Officer or Officials*** - The terms "officer" or "official" as used in this code means any elected or appointed or employed-person employed^[JS2] by the municipality unless the context clearly indicates otherwise.

U. ***Recorder/Clerk*** - The term "recorder/clerk" means the individual appointed to act as the recorder of the municipality.

Section 1-006 Captions

The captions in this code immediately preceding each section are intended as mere captions to indicate the content of the section and shall not be deemed or taken to be part of the sections.

Section 1-007 Severability

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction such judgement shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this code.

Section 1-008 Numbering of Ordinances

A. The recorder/clerk shall, in so far as possible, assign all ordinances of a general nature adopted after these revised ordinances a number which shall conform to the numbering system used in this code and shall indicate upon the face of the ordinance the date adopted.

B. The recorder/clerk shall also keep the copy of all ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies, in a separate book of "Special Ordinances" properly indexed and organized according to date adopted. The first

Section 1: GENERAL PROVISIONS

number of such an ordinance shall be the last two digits of the year the ordinance is adopted, followed by sequential, ascending number indicating the order in which such ~~special~~ ordinance was adopted during the year. ^[JS3]

C. Failure to comply with this section shall not affect or render invalid any ordinance of this municipality.

Section 1-009 Statutes or Codes Included and Excluded

Any reference or citation to any statute shall not be interpreted or construed to include, incorporate or make the citation of statute part of this code unless the provisions of this code specifically include, incorporate, or make the citation or statute part of this code by reference or incorporation, and any such reference or citation not specifically included or incorporated may be changed, amended or deleted without publication on an order of the governing body.

~~Section 1-110 Introductory Provisions To Construction of Crimes Under This Code.~~

~~Section 1-111 Application of Code Offense Prior to Effective Date~~

~~A. The provisions of this code shall govern the construction of, the punishment for, and the defense against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.~~

~~B. Any offense committed prior to the effective date of this code shall be governed by the ordinances of this municipality existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under this code shall be deemed to have been committed prior to the effective date of this code if any of the elements of the offense occurred prior to the effective date.~~

~~Section 1-112 Purposes and Principles of Construction~~ _____

Section 1: GENERAL PROVISIONS

~~The provisions of this code shall be construed in accordance with these general purposes to:~~

- ~~A. Forbid and prevent the commission of offenses.~~
- ~~B. Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.~~
- ~~C. Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.~~
- ~~D. Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.~~

~~Section 1-113 Crimes Abolished~~ _____

~~No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.~~

~~Section 1-114 Strict Construction Rule not applicable~~ _____

~~The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this municipality. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes of section 1-112.~~

~~Section 1-115 Procedure Governed by State and Constitutional Provisions Liability for Civil Damages Not Affected~~

- ~~A. Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this code, but shall be in conformity with the laws of Utah and the Constitution of the United States.~~
- ~~B. This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy~~

Section 1: GENERAL PROVISIONS

~~authorized by law to be covered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.~~

~~Section 1-120 Jurisdiction and Venue~~

Section 1-121 Jurisdiction of Offenses

A. A person is subject to prosecution in this municipality for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:

1. The offense is committed either wholly or partly within the municipality; or
2. The conduct outside this municipality constitutes an attempt within this municipality; or
3. The conduct outside this municipality constitutes a conspiracy to commit an offense within this municipality and an act in furtherance of the conspiracy occurs in this municipality; or
4. The conduct within the municipality constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction.

B. An offense is committed partly within this municipality if either the conduct which is an element of the offense, or the result which is such an element, occurs within this municipality.

C. An offense which is based on an omission to perform a duty imposed by this code is committed within this municipality regardless of the location of the offender at the time of the omission.

~~Section 1-130 Limitation of Actions~~

~~Section 1-131 Embezzlement of Public Moneys – Falsification of Public Records~~

~~A prosecution for embezzlement of public moneys or the falsification of public records may be commenced at any time^[§4].~~

Section 1: GENERAL PROVISIONS

~~Section 1-132 Misdemeanor – Any Infraction – Commencement of Prosecution~~^[JS5]

~~A. Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:~~

- ~~1. A prosecution for a misdemeanor must be commenced within two years after it is committed.~~
- ~~2. A prosecution for any infraction must be commenced within one year after it is committed;~~

~~B. The prosecution is commenced on the filing of a complaint or information.~~

~~Section 1-133 Fraud or Breach of Fiduciary Obligation – Misconduct by Public Officer or Employee~~

~~If the period prescribed in Section 1-132-A has expired, a prosecution may nevertheless be commenced for:~~

~~A. Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years; and~~

~~B. Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his public employment or within two years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years.~~

~~Section 1-134 Defendant Out of State~~

Section 1: GENERAL PROVISIONS

~~The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.~~^[JS6]

~~Section 1-135 Lesser Included Offense For Which Period of Limitations Has Run~~

~~Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.~~

~~Section 1-140 Multiple Prosecution and Double Jeopardy—Criminal Joinder.~~

~~Section 1-141 "Single Criminal Episode" Defined~~ _____

~~In this code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective. Nothing in this part shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.~~

~~Section 1-142 Incorporation by Reference of Provisions of State Criminal Code~~

~~The provisions of Utah Code Annotated 76-1-402 through 76-1-405 are hereby adopted as part of this code and incorporated herein by reference.~~

~~Section 1-143 Joinder of Offenses and Defendants~~ _____

~~A. Two or more offenses under this code or the ordinances of this municipality may be charged in the same citation or complaint in a separate count for each offense if the offenses charged are of the same or similar character or are based on the same act or transgression or on two~~

Section 1: GENERAL PROVISIONS

~~or more acts or transactions connected together or constituting parts of a common scheme or plan.~~

~~B. Two or more defendants may be charged in the same citation or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.~~

~~Section 1-150 Burden of Proof~~ _____

~~Section 1-151 Incorporation of State Code~~

~~The provisions of Utah Code Annotated 76-1-501 through 76-1-504 are hereby adopted and incorporated herein by reference^[JS7].~~

~~Section 1-160 Definitions~~

~~Section 1-161 Incorporation of State Code~~

~~The provisions of Utah Code Annotated 76-1-601 are hereby adopted and incorporated herein by reference.~~

~~Section 1-200 Principles of Criminal Responsibility~~

~~Section 1-210 Culpability Generally~~

~~Section 1-211 Incorporation of State Code~~

~~The provisions of Utah Code Annotated 76-2-101 through 76-2-104 are hereby adopted and incorporated herein by reference.~~

~~Section 1-220 Criminal Responsibility For Conduct of Another~~

Section 1: GENERAL PROVISIONS

~~Section 1-221 Incorporation of State Code~~

~~The provisions of Utah Code Annotated 76-2-201 through 76-2-205 are hereby adopted as part of this code and incorporated herein by reference.~~

~~Section 1-230 Defenses to Criminal Responsibility~~

~~Section 1-231 Incorporation of State Code~~

~~The provisions of Utah Code Annotated 76-2-301 through 76-2-308 hereby are adopted as part of the code and incorporated herein by reference~~

~~Section 1-240 Justification Excluding Criminal Responsibility~~

~~Section 1-241 Incorporation of State Code~~

~~The provisions of Utah Code Annotated 76-2-401 through 76-2-406 are hereby adopted and incorporated herein by reference.~~

~~Section 1-300 Punishments~~

~~Section 1-310 Classification of Offenses~~

~~Section 1-311 Sentencing in Accordance with Chapter~~

~~A. A person adjudged guilty of an offense under this code or the ordinances of this municipality shall be sentenced in accordance with the provisions of this chapter.~~

~~B. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.~~

Section 1-312 Designation of Offenses

Section 1: GENERAL PROVISIONS

Offenses are designated as misdemeanors or infractions.

Section 1-313 Misdemeanors Classified

A. Misdemeanors are classified into two categories:

1. Class B Misdemeanors
2. Class C Misdemeanors

B. An offense designated as a misdemeanor in this code or in an ordinance of this municipality when no other specification as to punishment or category is made, is a Class B misdemeanor.

Section 1-314 Infractions

A. Infractions are not classified.

B. Any offense which is made an infraction in this code or other ordinances of this municipality and any offense designated by this code or other ordinances of this municipality which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

Section 1-315 Continuing Violation

In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

Section 1-320 Sentencing

Section 1-321 Sentences or Combination of Sentences Allowed - Civil Penalties

Section 1: GENERAL PROVISIONS

Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

- A. To pay a fine; or
- B. Reserved
- C. To probation; or
- D. To imprisonment

Section 1-322 Misdemeanor Conviction - Term of Imprisonment

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- A. In the case of a class B misdemeanor, for a term not exceeding six months;
- B. In the case of a class C misdemeanor, for a term not exceeding ninety days.

Section 1-323 Infraction Conviction - Fine, Forfeiture, and Disqualification

- A. A person convicted of an infraction may not be imprisoned but may be subject to fine, forfeiture or both.
- B. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined an amount not to exceed the Class C Misdemeanor fine under Utah Code Ann. 76-3-301.

~~Section 1-330 Fines and Special Sanctions~~

Section 1-331 Fines of Persons

A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed the maximum Class B Misdemeanor fine under Utah Code Ann. 76-3-301 if the offense is a Class B Misdemeanor, or the maximum Class C

Section 1: GENERAL PROVISIONS

Misdemeanor fine under Utah Code Ann. 76-3-301 if the offense is a Class C Misdemeanor.

Section 1-332 Fines of Corporations, Associations, Partnerships, or Governmental Instrumentalities

The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this code or the ordinances of the municipality or for any offense defined outside of this code over which this municipality has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount fixed by the court, not to exceed the maximum Class B misdemeanor fine under Utah Code Ann. 76-3-301 if the offense is a Class B Misdemeanor, or the maximum Class C Misdemeanor fine under Utah Code Ann. 76-3-301 if the offense is a Class C Misdemeanor.

~~Section 1-340 Limitations and Special Provisions on Sentences~~

~~Section 1-341 Incorporation of State Code~~

~~The provisions of Utah Code Annotated 76-3-401 through 76-3-405 are hereby adopted and incorporated herein by reference, as such limitations and special provisions on sentences apply to misdemeanors.~~

~~Section 1-400 Administrative Remedies~~

~~Section 1-410 Hearings~~

~~Section 1-411 Request~~

~~Unless otherwise specifically provided in any ordinance of the municipality or any code adopted by reference, a hearing before the governing body may be requested by any person:~~

~~A. Who is denied or refused a permit or license by any officer, agent or employee of this municipality.~~

~~B. Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued.~~

Section 1: GENERAL PROVISIONS

~~Section 1-412 Form of Request~~

~~The request for hearing must be made in writing to the mayor or recorder/clerk and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the license or permit is mailed by the municipality to the applicant or license holder at his address as it appears on the application or license.~~

~~Section 1-413 Procedure~~

~~A. Following receipt of a request for hearing, the governing body shall inform the person requesting a hearing of the time and place the hearing is to be held.~~

~~B. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the municipality may produce to support its decision and to present his own evidence in support of his contention.~~

~~C. The governing body shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the governing body.~~

~~Section 1-414 Not Additional Remedy~~

~~This part shall not be constructed so as to afford any aggrieved party more than one hearing before the governing body nor shall the hearing provided in this part apply to any criminal complaint or proceeding.~~

ORDINANCE NO. 5-2-15 O

AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 2

WHEREAS, the City Council of Kanab desires to amend and clarify section 2 of the Kanab City General Ordinance.

WHEREAS, The Kanab City Council and staff have evaluated current ordinance requirements and has found the need for clarification.

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City General Ordinance is hereby amended as reflected in the following 2 pages.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 12th day of, May 2015.

KANAB CITY

MAYOR

ATTEST:

RECORDER

Section 2: INCORPORATION, CLASSIFICATION, BOUNDARIES, CONSOLIDATION AND DISSOLUTION OF MUNICIPALITY

Section 2-100	Incorporation
Section 2-200	Municipal Wards
Section 2-300	Classification
Section 2-400	Extension of Municipal Limits
Section 2-410	Annexation-Assessment of Cost Procedure
Section 2-411	Assessment of Cost
Section 2-412	Petition Review
Section 2-413	Preparation of Policy Declaration
Section 2-500	Restriction of Municipal Limits
Section 2-600	Consolidation of Municipalities
Section 2-700	Dissolution of Municipality

~~Section 2-100 Incorporation~~
~~See U.C.A. 10-2-101 et seq.~~

~~Section 2-200 Municipal Wards~~
~~See U.C.A. 10-2-201 et seq.~~

~~Section 2-300 Classification~~
~~See U.C.A. 10-2-301 et seq.~~

Section 2-400 Extension of Municipal Limits

An ordinance providing procedures for annexation into the City of Kanab providing for an annexation fee for preparation of policy declaration, and for having the annexation petition reviewed by the planning commission

Section 2: INCORPORATION, CLASSIFICATION, BOUNDARIES, CONSOLIDATION AND DISSOLUTION OF MUNICIPALITY

and setting a time frame for the planning commission report and preparation of the policy declaration statement.

~~Be it ordained by the City Council of the City of Kanab, Utah:~~

~~Section 2-410 Annexation-Assessment of Cost~~^[JS1] ~~Procedure~~^[JS2]

~~Section 2-411 Assessment of Cost~~

A. The City Council finds that the cost of preparation of policy declarations with respect to annexation should be borne by petitioners for annexation and further finds that the expense of preparation of said policy declaration is, ~~at a minimum, of preparation of said policy declaration is,~~ at a minimum, \$500.00. At the time of filing every annexation petition submitted to the City Recorder, the petitioner shall deposit the sum of \$500.00. This sum shall apply to and satisfy the cost of preparation of the policy declaration statement, investigation of the annexation, and other expenses related to the annexation procedure, unless otherwise provided in the resolution accepting the petition for the purpose of preparing a policy declaration.

B. Notwithstanding the foregoing, in any annexation the City Council may provide in its resolution accepting the petition for preparation of a policy declaration relative to the annexation or in a later resolution that the costs of preparation of the policy declaration statement in excess of \$500.00 shall be borne by the petitioners and may be assessed by the City Council from time to time to the petitioners as the costs accrue.

Section 2: INCORPORATION, CLASSIFICATION, BOUNDARIES, CONSOLIDATION AND DISSOLUTION OF MUNICIPALITY

C. In the event the petition is not accepted by the City Council for purposes of preparation of declaration, any sums theretofore deposited shall be returned to the petitioner.

Section 2-412 Petition Review

A. Any annexation petition shall be reviewed by the Planning Commission at its next regular meeting following filing of the petition with the City Recorder.

B. The Planning Commission shall complete its initial review of the annexation petition and shall forward the annexation petition to the City

Council with its recommendations as to whether the petition should be accepted for purposes of preparing a policy declaration with respect to the annexation within 30 days from ~~the time~~ the time the annexation petition is filed.

Section 2-413 Preparation of Policy Declaration

A. In the event the City Council accepts the annexation petition for preparation of a policy declaration, the petition shall be referred to the planning commission for review prior to the preparation of the policy declaration statement. The Planning Commission shall within 90 days thereafter provide specific recommendations to the City Council for inclusion in the policy declaration statement relative to the proposed annexation.

B. The City Council shall thereafter direct preparation of the policy declaration statement with respect to the proposed annexation which

Section 2: INCORPORATION, CLASSIFICATION, BOUNDARIES, CONSOLIDATION AND DISSOLUTION OF MUNICIPALITY

shall be completed within 120 days thereafter or the annexation shall be deemed abandoned.

~~Section 2-500 Restriction of Municipal Limits~~

~~See U.C.A. 10-2-501 et seq.~~

~~Section 2-600 Consolidation of Municipalities~~

~~See U.C.A. 10-2-601 et seq.~~

~~Section 2-700 Dissolution of Municipality~~

~~See U.C.A. 10-2-701 et seq.~~

ORDINANCE NO. 5-3-15 O

**AN ORDINANCE AMENDING KANAB CITY LAND USE ORDINANCE CONCERNING
CHAPTER 20 COMMERCIAL/RESIDENTIAL MIX**

WHEREAS, the Kanab City Planning Commission and staff have evaluated current land use requirements and procedures and has found a need for clarification; and

WHEREAS, The Kanab City Planning Commission conducted the required Public Hearing on April 21st and recommended to the City Council that the Land Use Ordinance be amended;

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City Land Use Ordinance is hereby amended as reflected in the following 9 pages of Chapter 7 in the Land use Ordinance.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 12th day of, May 2015.

KANAB CITY

MAYOR

ATTEST:

RECORDER

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

Sections

- 20-1 Purpose
- 20-2 Commercial Zones
- 20-3 Permitted and Conditional Uses
- 20-4 Height Regulations
- 20-5 Temporary Events on Public Right-of-Way
- 20-6 Minimum Area, Width, and Yard Regulations
- 20-7 Special Regulations

Section 20-1 Purpose

The purpose is to provide various zones within the City of Kanab where a wide variety of goods and services can be provided.

Section 20-2 Commercial Zones

A. C-1 Commercial Zone

1. The C-1 Zone has been established to distinguish the historic downtown commercial area of Kanab. This zone is characterized by a variety of types of goods and services that complement one another and is intended to facilitate a high density of economic activity in a walkable atmosphere. The C-1 Zone encourages a mix of store front commercial retail, restaurants, hotels, mixed residential/commercial, and office space.
2. The C-1 zone is the underlying zone for the Downtown Overlay (DO).

B. C-2 Commercial Zone

1. The objective of the commercial zone is to provide space within the city where nearly all types of commercial goods and services may be provided. Since the zone permits such a wide variety of uses, the protective features which zoning normally affords to adjacent

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

properties are mostly nonexistent. Owners should develop and maintain their property in recognition thereof.

2. The C-2 commercial zone is located principally along major roadways for maximum visibility to the public. To maximize traffic safety, property owners should work together to provide access, parking, etc., to adjacent parcels and access should be provided in a manner that will minimize the hazard of traffic leaving and entering major roadways.
3. The C-2 zone is the underlying zone for the Transitional Commercial Overlay. (TCO)

C. C-3 Commercial Zone

1. The principal objective in establishing the C-3 commercial zone is to provide space within the city where facilities that serve the traveling public can be most appropriately located. Other purposes for establishing the C-3 commercial zone is to promote safety on the highways, to promote the convenience of the traveling public, to promote beauty in the appearance of roadsides and interchanges leading into the city and to prohibit uses which will tend to be contrary to the use of the land for its primary purposes or which would be unsightly to the traveling public.
2. The C-3 zone is the underlying zone for the Entry Corridor Protection Overlay (ECPO).

Section 20-3 Permitted and Conditional Uses

(See Land Use Chart at the end of this chapter)

Section 20-4 Height Regulations

No building shall be erected to a height greater than allowed by ordinance. No building shall be erected to a height lower than twelve (12) feet.

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

Section 20-5 Temporary Events on Public Right-of-Way

In no case shall business be conducted on public right-of-ways except as allowed by a special events permit.

Section 20-6 Minimum Area, Width, and Yard Regulations

Zone	Area	Width	Yard Setbacks in Feet		
			Front	Side	Rear
C-1	5,000 sq ft	0	0	0	2
C-2	5,000 sq ft	0	0	0	2
C-3	12,000 sq ft	0	20	20	2

Where a commercial zone abuts a residential district, building setbacks will be as follows:

Building Height	Yard Setbacks in Feet		
	Front	Side	Rear
Greater than 16 feet	0	20	20
Less than 16 feet	0	10	10

Section 20-7 Special Regulations

- A. All used materials and used merchandise that are not for decorative purpose, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six (6) feet in height and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall.
- B. No trash, rubbish, weeds or other combustible material shall be allowed to remain on any lot outside of approved containers in any Commercial District. No junk, debris, abandoned or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any Commercial District.

KANAB

Land Use Ordinance

Chapter 20

COMMERCIAL ZONES

**Ordinance
which provides
for various
commercial
uses in three
Kanab City
Commercial
Zones: C-1
C-2 and C-3**

- C. All solid waste storage facilities shall be located at the rear of the main building or else behind a sight-obscuring fence or wall which will prevent the facility from being seen from a public street.

Adopted January 22, 2008
Revised Feb 11, 2014

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Agricultural Crop Sales (Farm Only)	-	-	C	-
Airport Support Facility	-	-	C	C
Antique / Secondhand Store	P	P	P	P
Apparel / Accessory Store	P	P	P	P
Apartment(s)	-	P	P	€
Arcade (Games/Food)	P	C	P	C
Art Gallery	P	P	P	P
Auto / Boat Dealer	-	P	P	-
Auto Rental / Sales	-	C	P	C
Auto Service Station	-	P	P	C
Auto Supply Store	P	P	P	P
Beauty Salon	P	P	P	P
Bed and Breakfast / Guesthouse	P	P	P	-
Cemetery	-	-	C	-
Church	P	P	P	P
College / University	C	C	C	C
Commercial Marine Supply	-	P	P	C
Commercial / Residential Mix*	P	P	P	C
Communications Facility	-	-	C	C
Computer/Office Equipment	P	P	P	P
Conference / Convention Center	P	P	P	P
Construction / Trade	-	-	C	-
Convalescent Center / Nursing Home	P	-	P	-
Convenience Store	P	P	P	C
Day Care I (under 6 children)	-	P	P	C
Day Care II (over 6 children)	-	P	P	C
Department / Variety Store	P	P	P	P
Dry Cleaner	P	P	P	P
Drug Store	P	P	P	P
Duplex/Residential	-	€	€	-

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Elementary - Jr. High	-	-	P	-
Espresso Stand	P	P	P	P
Fabric Store	P	P	P	P
Fast Food Restaurant	C	P	P	C
Financial Institution	P	P	P	P
Florist Shop	P	P	P	P
Funeral Home/Crematory	-	C	P	-
Furniture/Fixtures	P	P	P	P
Garage/Vehicle Repair	-	C	P	C
Gas Station	-	P	P	C
Grocery Store	P	P	P	C
Group Home	-	C	C	C
Halfway House	-	C	C	C
Hardware / Garden Material	-	P	P	C
Health Club	P	P	P	P
High School	-	-	C	-
Hobby / Toy Store	P	P	P	P
Hospital	-	-	C	-
Hotel / Motel / Extended-Stay	P	P	P	C
Jewelry Store	P	P	P	P
Kennel / Public	-	-	C	-
Landscaping Business	-	-	P	-
Laundromat	P	P	P	P
Library	P	P	P	C
Liquor Store	C	C	C	C
Lodging House	C	P	P	C
Media Material	P	P	P	P
Medical / Dental Lab	C	P	P	P
Misc. Equipment Rental Facility	-	C	C	-
Miscellaneous Health	C	C	P	P

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Perm Permitted and Conditional Uses

¹

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Mobile / Park Model Home Park	-	-	C	-
Multi-family dwelling units*	P	P	P	P
Museum	P	P	P	P
Office Supply	P	P	P	P
Park	C	P	P	P
Pet Store	P	P	P	P
Photographic and Electronic Store	P	P	P	P
Police / Fire Facility	C	P	P	P
Preschool	-	P	P	P
Printing / Publishing	P	P	P	P
Professional Office	P	P	P	P
Public / Private Parking	C	C	C	C
Recreational Center	C	C	P	P
Restaurant	P	P	P	P
RV / Camp Park	P	P	P	-
Self-Service Storage	-	-	P	-
Single Detached Dwelling Unit	-	C	C	-
Single Attached Dwelling Unit	-	C	C	-
Social / Public Agency offices	P	P	P	P
Sporting Goods and Related Stores	P	P	P	P
Tavern	C	-	-	-
Theater	P	P	P	P
Towing Operation	-	C	P	-
Townhouses	-	C	C	-
Transitional Housing	-	C	C	-
Truck Stop	-	-	C	-
Two-family dwelling units	-	P	P	-
Veterinary Clinic large animal	-	-	C	-
Veterinary Clinic small animal	-	C	C	C

Adopted January 22, 2008
Revised Feb 11, 2014

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Youth Home	-	C	C	-
Wholesale / Bulk Store	-	C	P	-
Wireless Telecommunications retail	P	P	P	P
Wood Products	-	C	P	-
Zip Lines	-	-	C	-

*Commercial uses allowed for in "Commercial / Residential Mix" include those allowed in the specified zone. Residential uses for "Commercial / Residential Mix" may include one or more units. In the C1 zone, the main ground floor for any street front property along Highway 89, where pedestrian or vehicular access can be made from Highway 89, must only be used as commercial use.

Chapter 20

COMMERCIAL ZONES

**Ordinance
which provides
for various
commercial
uses in three
Kanab City
Commercial
Zones: C-1
C-2 and C-3**

Adopted January 22, 2008
Revised Feb 11, 2014

ORDINANCE NO. 5-4-15 O

**AN ORDINANCE AMENDING KANAB CITY SUBDIVISION ORDINANCE CONCERNING
CHAPTER 2 NOTICE REQUIREMENTS**

WHEREAS, the Kanab City Planning Commission and staff have evaluated current land use requirements and procedures and has found a need for clarification; and

WHEREAS, The Kanab City Planning Commission conducted the required Public Hearing on April 21st and recommended to the City Council that the Subdivision Ordinance be amended;

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City Subdivision Ordinance is hereby amended as reflected in the following 24 pages of Chapter 2 in the Subdivision Ordinance.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 12th day of, May 2015.

KANAB CITY

MAYOR

ATTEST:

RECORDER

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

Chapter 2 Table of Contents

Section 2-1 Initial Application

Figure 1 – Initial Application Process

Section 2-2 Minor Subdivisions

Figure 2 - Minor Subdivision Process

Figure 2 - Minor Subdivision Process cont.

Section 2-3 Subdivisions (10 or More Lots)

Figure 3 - Preliminary Plat Application

Figure 4 - Final Plat Application

Figure 4 - Final Plat Application cont.

Section 2-4 Vacating or Changing a Subdivision Plat

Figure 5 – Plat Vacation or Amendment Process

Section 2-5 Record of Condominium Plat

Section 2-1 Initial Application

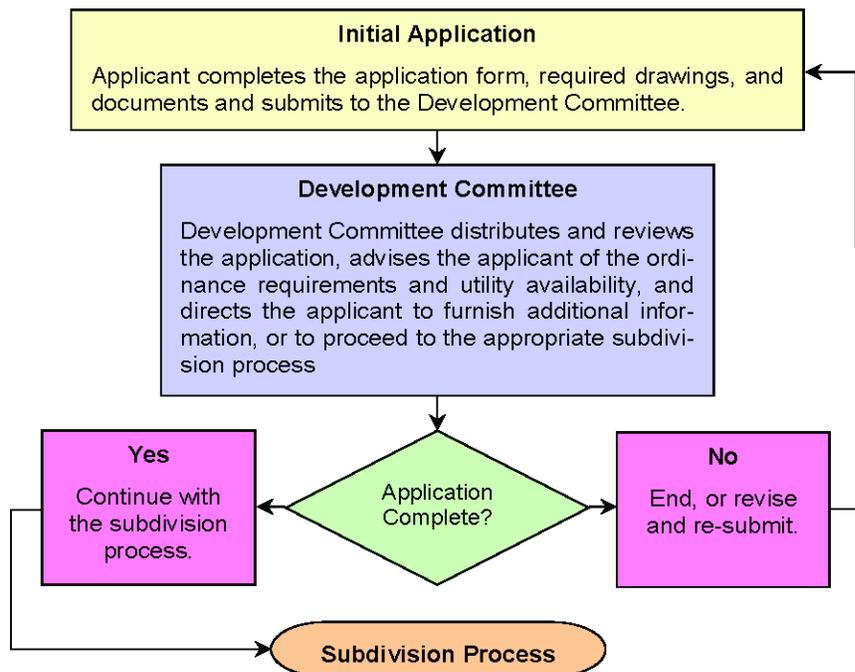


Figure 1 – Initial Application Process

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

2-1.1. An applicant may subdivide property for a subdivision, condominium plat, plat amendment, lot-line adjustment or plat vacation through the process as outlined herein.

2-1.2. An applicant shall complete and submit an initial application form to the Kanab City Development Committee. The application shall be accompanied by the following:

2-1.2.1. Sketch Plan: The sketch plan shall include the following:

2-1.2.1.1. A vicinity map or recent aerial photograph showing the general location of the subdivision and the property boundary of the proposed area to be subdivided clearly shown, including a north arrow, map scale and designated public street access.

2-1.2.1.2. Significant natural and man-made features on the site and within one-half (1/2) mile of any portion of the proposed project boundary.

2-1.2.1.3. Acreage of the proposed project boundary, the number of lots, typical lot dimensions and the approximate area of each lot.

2-1.2.1.4. Approximate proposed phasing sequence, if project is planned to be completed in phases.

2-1.2.1.5. Mapped floodplains and sensitive land areas relative to the project boundary as outlined in the Kanab City Land Use Ordinance.

2-1.2.1.6. Proposed location of master planned streets as correlated with the Kanab City Transportation Master Plan. Exact locations are flexible, but proposed roads must satisfy the intent and purpose for each master planned roadway.

2-1.2.2. Narrative: The narrative shall be a brief written statement which clearly describes in detail the intent of the project request including public

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

street access, connection to existing public utilities, and the type of wastewater disposal system proposed.

2-1.3. Development Committee Review:

The Development Committee will review the project application and advise the applicant of the ordinance requirements and utility availability, and will direct the applicant to furnish additional information, or to proceed with the appropriate subdivision process. The review may include input from municipal departments and/or utility providers. The review shall include, but not be limited to, the following:

- Does the application meet the requirements of this Ordinance?
- Are all the lots suitable for building?
- Have sensitive lands been identified in accordance with the Kanab City Land Use Ordinance, and if so, have the conditions been abated?
- Do all lots front public streets?
- Is the subdivision consistent with the General Plan?
- Do the streets conform to the guidelines found in the Transportation Master Plan?
- Will the development enhance the character and aesthetics of the community?

Section 2-2 Minor Subdivision

2-2.1. An applicant may subdivide property into less than 10 lots as a minor subdivision, provided that all proposed lots or parcels front a dedicated public street, comply with the applicable zone standards, and are approved through the process as outlined herein.

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

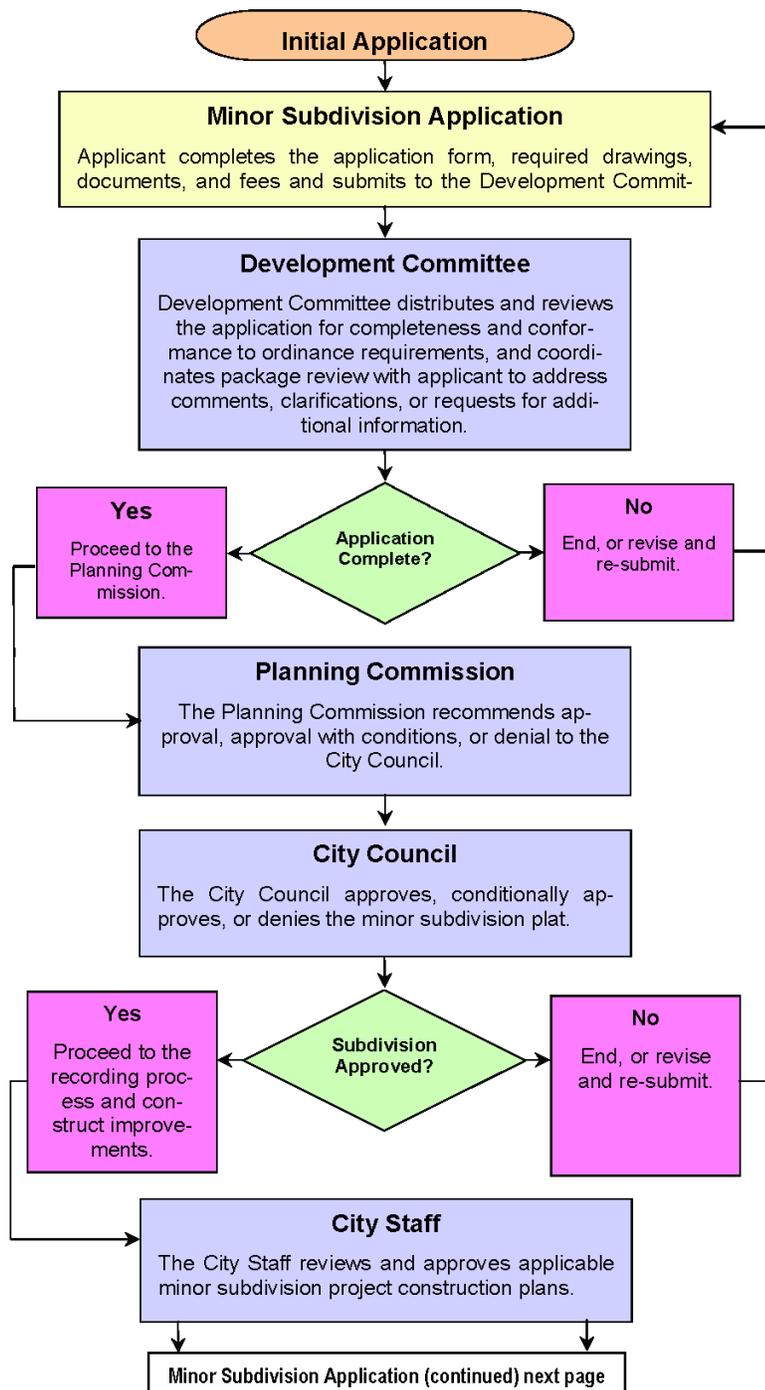


Figure 2 - Minor Subdivision Process

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

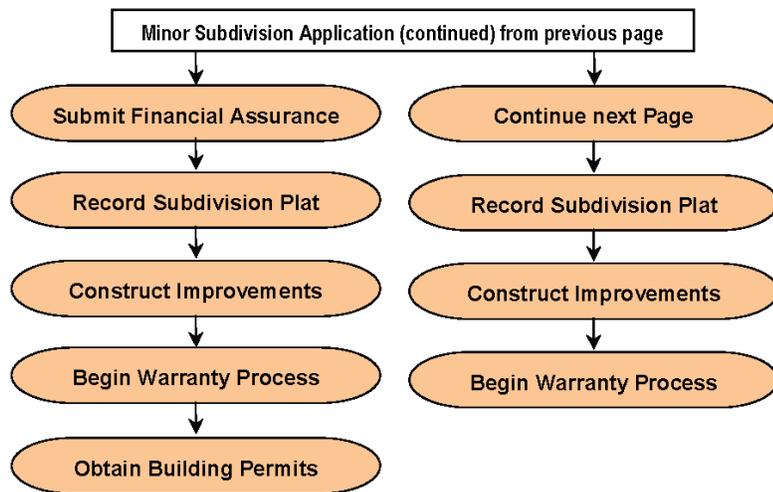


Figure 2 - Minor Subdivision Process cont.

2-2.2. Initial Application

An applicant shall complete the initial application process as outlined in Section 2-1.

2-2.3. Minor Subdivision Application

Following completion of the initial application process, an applicant shall complete and submit an application form for a minor subdivision to the Kanab City Development Committee. The application shall be accompanied by the following:

2-2.3.1. The name of applicant or authorized agent and contact information;

2-2.3.2. The subdivision name.

2-2.3.3. The property address and parcel number;

2-2.3.4. Minor Subdivision Plat Drawing: Four (4) 24" x 36" size copy and twelve (12) 11" x 17" size copies of a Minor Subdivision Plat drawing. The plat shall include:

2-2.3.4.1. The proposed subdivision name;

2-2.3.4.2. The name and address of the

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided.

2-2.3.4.3. The boundary dimensions and legal description of the subdivision and each lot therein which is within 0.010' with the point of beginning clearly labeled;

2-2.3.4.4. A minimum scale of 1" = 50';

2-2.3.4.6. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes;

2-2.3.4.7. A north arrow facing the top of right margin;

2-2.3.4.8. The latest date on each sheet;

2-2.3.4.9. The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;

2-2.3.4.10. A legend of symbols;

2-2.3.4.11. All survey monuments;

2-2.3.4.12. The streets indicating numbers and/or names and lots numbered consecutively;

2-2.3.4.13. The location, width, centerline bearings and curve data (including delta angle, radius, length, tangent and the long cord on curves) and other dimensions of all existing proposed or platted streets and easements;

2-2.3.4.14. The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines;

2-2.3.4.15. The approval signature blocks for:

2-2.3.4.15.1. Owner's dedication and acknowledgment;

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

2-2.3.4.15.2. Surveyor's stamped certificate with subdivision boundary legal description;

2-2.3.4.15.3. City Surveyor's approval;

2-2.3.4.15.4. City Engineer's approval;

2-2.3.4.15.5. City Attorney's approval as to form;

2-2.3.4.15.6. Director of Public Works' approval;

2-2.3.4.15.7. Planning Commission acceptance;

2-2.3.4.15.8. City Council approval;

2-2.3.4.15.9. County Recorder's certificate.

2-2.3.5. Utility Service Commitment Letters: A letter from the power, water, and sewer utility provider stating its commitment to provide service to the proposed project and to be operational prior to the issuance of any building permit. Include written approval from the Public Health Department if it is determined that the property is not serviced by the public sewer system.

2-2.3.6. Lot Addresses: A list of street addresses for each lot, numbered in accordance with the Kanab City address grid system.

2-2.3.7. Title Report: A title report prepared within the previous 30 days.

2-2.3.8. Any additional items that may be requested by the Development Committee during the initial application process.

2-2.3.9. Fee: The minor subdivision plat fee as outlined in the Kanab City Land Use Ordinance.

2-2.3.10. Signature and Acknowledgement: By signing the Minor Subdivision application form, the applicant acknowledges:

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

2-2.3.10.1. That the applicant or agent of the applicant has read the Subdivision Ordinance;

2-2.3.10.2. That the applicant understands the provisions of the Subdivision Ordinance; and

2-2.3.10.3. That the applicant will fully and completely comply with the provisions and requirements contained therein.

2-2.4. Development Committee Review:

2-2.4.1. The Development Committee shall review the application and accompanying documentation for compliance with this ordinance.

2-2.4.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-2.4.3. Additional information such as a soils investigation, drainage study, deed restrictions, or other information deemed necessary to fulfill the purpose of this ordinance as described may be requested from the applicant by the Development Committee during the review.

2-2.4.4. Once all information requested has been furnished, evaluated, and addressed to the satisfaction of the Development Committee, the application will be forwarded to the Planning Commission and placed in the next available meeting agenda.

2-2.5. **Planning Commission Public Meeting:** The Kanab City Planning Commission shall hold a public meeting on the application and recommend its approval, denial, or modification to the City Council.

2-2.6. **City Council Public Meeting:** The Kanab City Council

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

may hold a public meeting based on the Planning Commission recommendation on the application, and shall approve, deny, or approve with conditions.

2-2.7. Owner's Duty to Record: The owner(s) of the approved minor subdivision shall record the approved Minor Subdivision Plat in the Kane County Recorder's Office. An applicant's failure to record within one year of City Council approval shall render the subdivision void. In such case, the applicant must commence the subdivision process anew.

2-2.8. Improvement Requirements for Building Permits in Minor Subdivisions:

2-2.8.1. Building permits shall not be issued until utilities are available for connection and adequate fire protection is in place to the lot or parcel proposed for construction, in accordance with City requirements. A utility plan may be required by the utility provider as part of this process.

2-2.8.2. Street improvements such as curb, gutter and sidewalk, are required prior to the issuance of a building permit through one or both of the following means:

2-2.8.2.1. Construct street improvements to match existing conditions on adjacent or contiguous properties;

2-2.8.2.2. Sign a "non-opposition" waiver for a future special improvement district.

2-2.8.3. Sidewalks must be installed prior to an occupancy permit being issued, unless the requirement is waived by the Kanab City Council.

2-2.8.4. Certain improvement requirements set forth in this ordinance may be waived by the City Council in a public meeting, upon recommendation from the Development Committee and Planning Commission.

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

Section 2-3 Subdivisions (10 or More Lots)

2-3.1. An applicant may subdivide property through the preliminary plat and final plat process as outlined herein, provided that all proposed lots or parcels comply with the applicable zone standards, and that all subdivision design standards and infrastructure requirements are met.

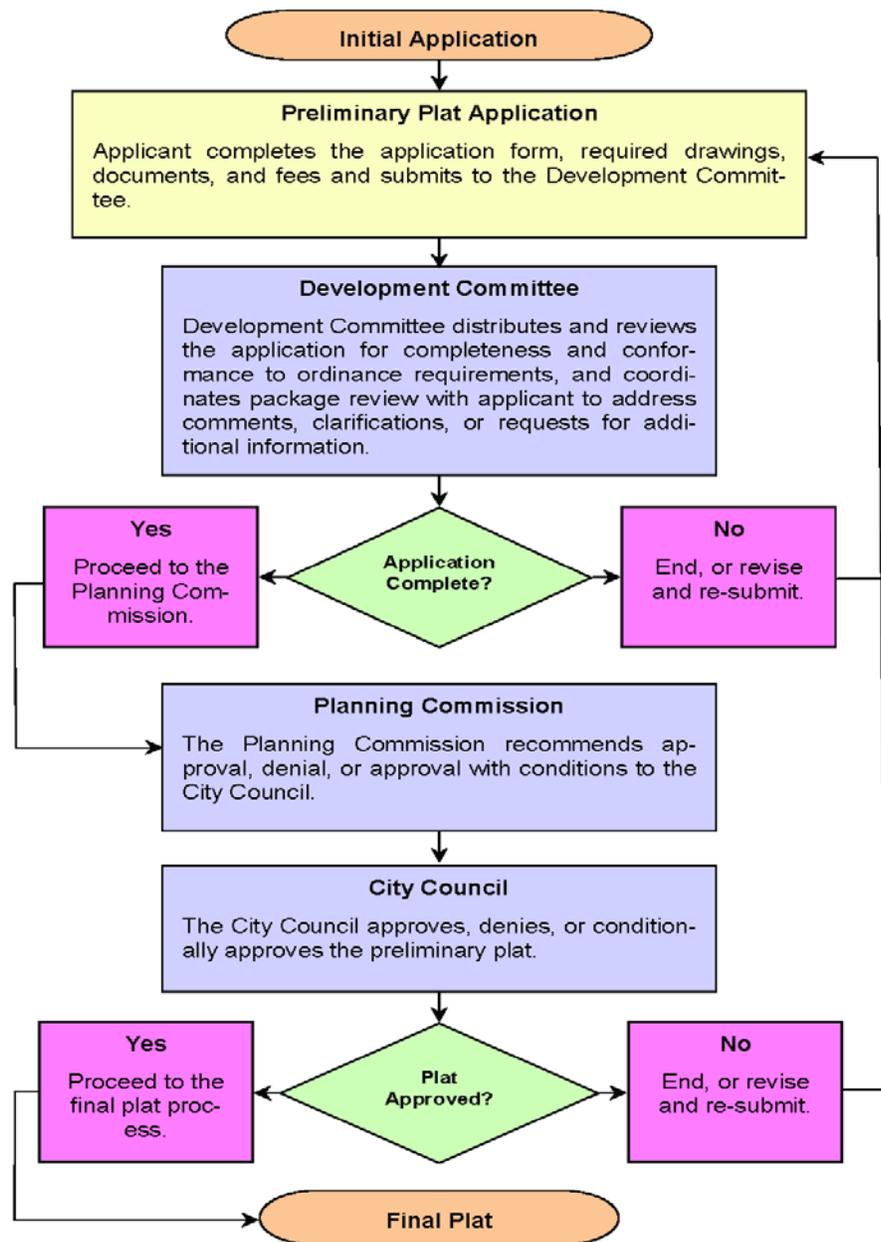


Figure 3 - Preliminary Plat Application

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

2-3.2. **Initial Application:** An applicant shall complete the initial application process as outlined in Section 2-1.

2-3.3. **Preliminary Plat:** Following completion of the initial application process, an applicant shall complete and submit an application form for a preliminary plat to the Kanab City Development Committee. The application shall be accompanied by the following:

2-3.3.1. **Preliminary Plat Drawing:** One (1) 24" x 36" size copy and twelve (12) 11" x 17" size copies of a preliminary plat drawing of the proposed subdivision. The preliminary plat drawing shall include:

2-3.3.1.1. The proposed subdivision name;

2-3.3.1.2. The name and address of the applicant, engineer or surveyor for the subdivision and the owners of the land to be subdivided.

2-3.3.1.3. The boundary dimensions and legal description of the subdivision;

2-3.3.1.4. A minimum scale of 1" = 50';

2-3.3.1.5. The proposed streets, parks, open spaces and other offers of public dedications showing widths and pertinent dimensions of each;

2-3.3.1.6. Existing rights-of way and easement grants of record for streets, underground utilities and other public purposes;

2-3.3.1.7. A north arrow facing the top of right margin;

2-3.3.1.8. Topography at minimum two foot contour intervals indicating existing terrain conditions;

2-3.3.1.9. The latest date on each sheet;

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

and

2-3.3.1.10. The location, width, and other dimensions of all existing or platted streets and other important features such as utility lines, and exceptional topography and structures within the proposed subdivision and within a two hundred foot (200') perimeter of the subdivision.

2-3.3.2. Utility Service Commitment Letters: A letter from the power, water, and sewer utility provider stating its commitment to provide service to the proposed project and to be operational prior to the issuance of any building permit. Include written approval from the Public Health Department if it is determined that the property is not serviced by the public sewer system.

2-3.3.3. Soils investigation report prepared by a professional engineer proficient in geotechnical engineering, licensed in the State of Utah, unless specifically waived by the City Engineer.

2-3.3.4. Drainage report prepared by a professional engineer licensed in the State of Utah, unless specifically waived by the City Engineer.

2-3.3.5. Any additional items that may be requested by the Development Committee during the initial application process.

2-3.3.6. Mailing Labels: Two (2) sets of type written address labels to all property owners within three hundred (300) feet of the proposed subdivision. Such notice shall be mailed by the City at least seven (7) days prior to the Planning Commission consideration of the preliminary plat. Notice of subdivisions for multi residential, commercial, or industrial development shall be provided to affected entities as required under this section.

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

2-3.3.7. Fee: The preliminary plat fee as outlined in the Kanab City Land Use Ordinance.

2-3.3.8. Signature and Acknowledgement: By signing the Preliminary Plat application form, the applicant acknowledges:

2-3.3.8.1. That the applicant or agent of the applicant has read the Subdivision Ordinance;

2-3.3.8.2. That the applicant understands the provisions of the Subdivision Ordinance; and

2-3.3.8.3. That the applicant will fully and completely comply with the provisions and requirements contained therein.

2-3.4. Development Committee Review:

2-3.4.1. The Development Committee shall review the Preliminary Plat application and accompanying documentation for compliance with this Ordinance.

2-3.4.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-3.4.3. Additional information may be requested from the applicant by the Development Committee during the review.

2-3.4.4. Once all information requested has been furnished, evaluated, and addressed to the satisfaction of the Development Committee, the application will be forwarded to the Planning Commission and placed in the next available meeting agenda.

2-3.5. Planning Commission Consideration:

2-3.5.1. The Planning Commission shall hold a

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

public hearing on the preliminary plat by providing reasonable notice of the public hearing at least 10 days before the date of the public hearing.

2-3.5.2. Upon review and consideration of the preliminary plat, at a meeting called for such purpose, the Planning Commission shall recommend its approval, denial, or approval with conditions to the City Council. Such decision shall be made within 45 days of said meeting. In the event the Planning Commission fails to make a recommendation within said 45-day period, the preliminary plat shall be deemed denied.

2-3.6. **Preliminary Plat City Council Consideration:** The City Council may hold a public hearing within forty-five (45) days of the Planning Commission's recommendation and shall approve, deny or conditionally approve the preliminary plat.

2-3.7. **Failure to Record and Preliminary Plat Time Extension:** Failure to record a final plat within eighteen months of approval of the preliminary plat by the Kanab City Council shall render the preliminary plat null and void, unless:

2-3.7.1. Applicant requests an extension of time from the Kanab City Council.

2-3.7.2. Such extension, if granted, will be permitted in six-month increments.

2-3.7.3. If no extension is requested with the eighteen month time frame and the applicant desires to record the final plat, the applicant must commence the subdivision process anew.

2-3.8. **Final Plat:** Upon Planning Commission recommendation and City Council approval of the preliminary plat, the applicant shall prepare and submit an application form for a final plat to the Kanab City Development Committee. The application shall be accompanied by the following minimum documentation:

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

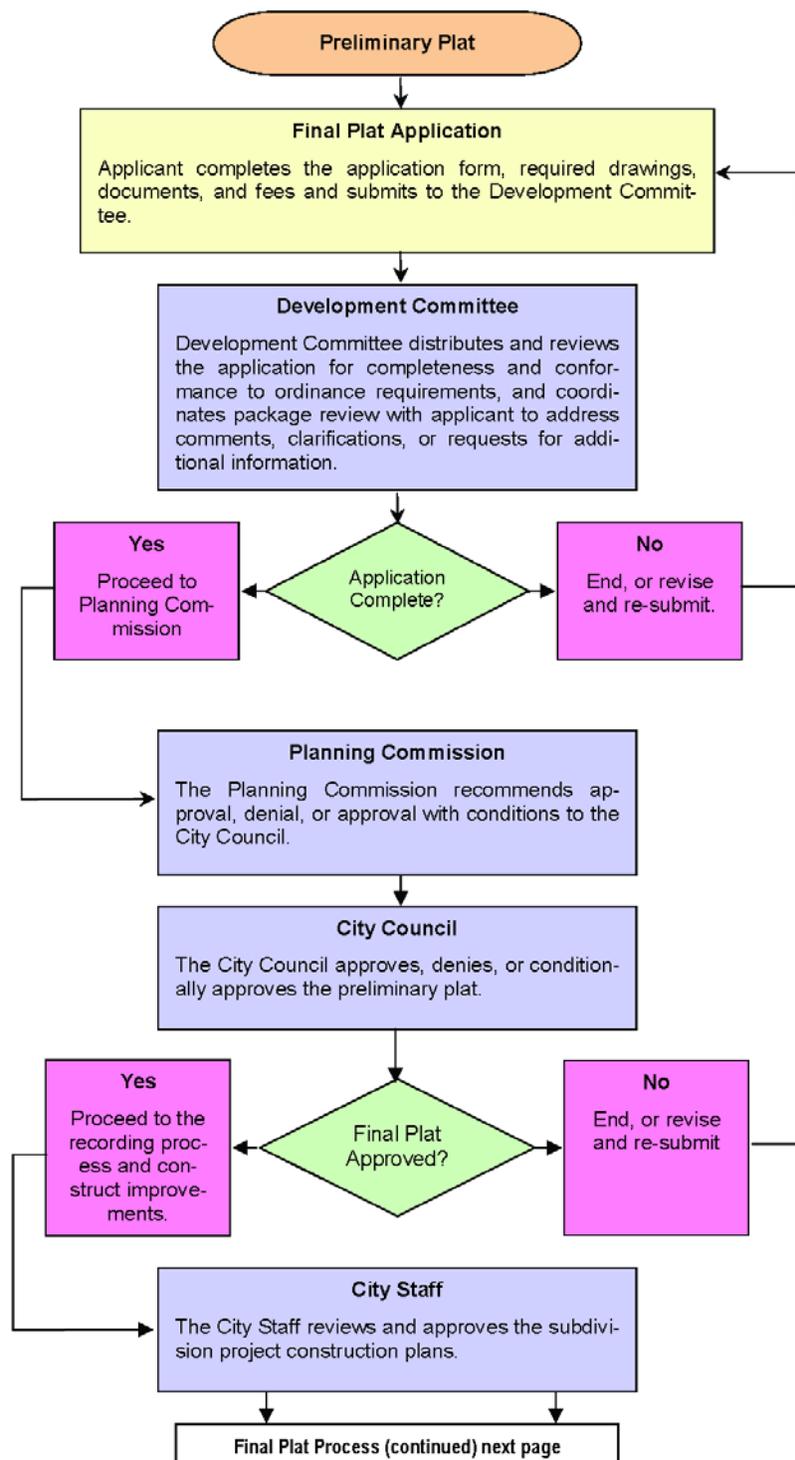


Figure 4 - Final Plat Application

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

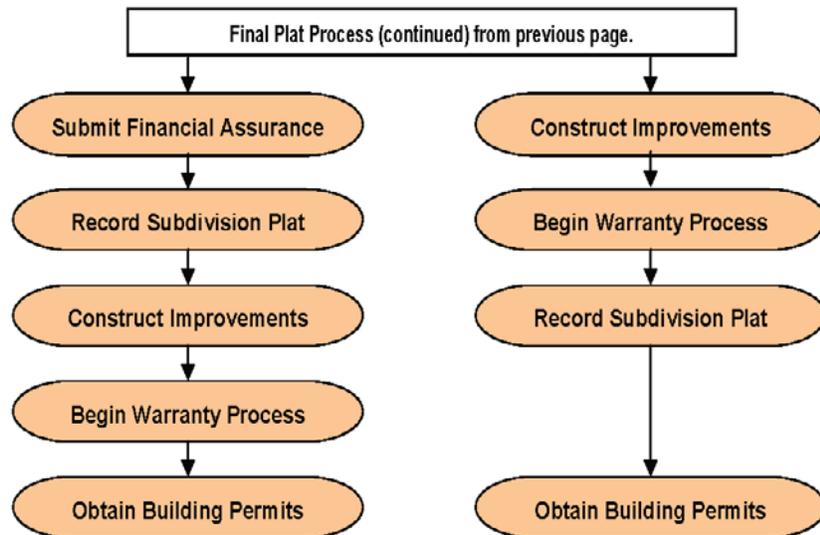


Figure 4 - Final Plat Application cont.

2-3.8.1. Final Plat Drawing: Four (4) 24" x 36" size copy and twelve (12) 11" x 17" size copies of a final plat drawing. The final plat shall include:

2-3.8.1.1. The proposed subdivision name;

2-3.8.1.2. The name and address of the applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided.

2-3.8.1.3. The boundary dimensions and legal description of the subdivision and each lot therein which is within 0.010' with the point of beginning clearly labeled;

2-3.8.1.4. A minimum scale of 1" = 50';

2-3.8.1.5. The proposed streets, parks, open spaces and other offers of public dedications, showing widths and pertinent dimensions as well as points of intersection of each;

2-3.8.1.6. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes;

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

2-3.8.1.7. A north arrow facing the top of right margin;

2-3.8.1.8. The latest date on each sheet;

2-3.8.1.9. The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;

2-3.8.1.10. A legend of symbols;

2-3.8.1.11. All survey monuments;

2-3.8.1.12. The streets indicating numbers and/or names and lots numbered consecutively;

2-3.8.1.13. The location, width, centerline bearings and curve data (including delta angle, radius, length, tangent and the long cord on curves) and other dimensions of all existing proposed or platted streets and easements;

2-3.8.1.14. The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines;

2-3.8.1.15. The approval signature blocks for:

2-3.8.1.15.1. Owner's dedication and acknowledgment;

2-3.8.1.15.2. Surveyor's stamped certificate with subdivision boundary legal description;

2-3.8.1.15.3. City Surveyor's approval;

2-3.8.1.15.4. City Engineer's approval;

2-3.8.1.15.5. City Attorney's approval as to form;

2-3.8.1.15.6. Director of Public Works' approval;

2-3.8.1.15.7. Planning Commission

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

acceptance;

2-3.8.1.15.8. City Council approval;

2-3.8.1.15.9. County Recorder's certificate.

2-3.8.2. Subdivision Lot Addresses: A list of street addresses for each lot shown on the final plat, numbered in accordance with the Kanab City address grid system.

2-3.8.3. Subdivision Improvement Plans: Subdivision construction improvement plans for grading, drainage, streets, and utility infrastructure as required herein and in accordance with the Kanab City Uniform Standards for Design and Construction.

2-3.8.4. Title Report: A title report prepared within the previous 30 days.

2-3.8.5. Any additional items that may be requested during the preliminary plat review and approval process.

2-3.8.6. Fee: The final plat fee as outlined in the Kanab City Land Use Ordinance.

2-3.9. Final Plat Development Committee Review:

2-3.9.1. The Development Committee shall review the Final Plat application and accompanying documentation for compliance with this Ordinance.

2-3.9.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-3.9.3. Additional information may be requested from the applicant by the Development Committee during the review.

2-3.9.4. Once all information requested has been

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

furnished, evaluated, and addressed to the satisfaction of the Development Committee, and upon receipt of the owners' tax clearance, the application will be forwarded to the City Council and placed in the next available meeting agenda.

2-3.10. Adoption of Final Plat: Upon a determination that the proposed plat is consistent with the General Plan and upon receipt of a recommendation from the Planning Commission, the City Council may approve a final subdivision plat as provided above.

2-3.11. Owner's Duty to Record: The owner(s) of an acknowledged, certified and approved plat shall furnish a mylar drawing of the Final Plat and record the plat in the Kane County Recorder's office. An applicant's failure to record a final plat within one year of City Council approval shall render the plat void. In such case, the applicant must commence the subdivision process anew.

2-3.12. Subdivision Improvements: Subdivision improvements must be completed within one (1) year of recordation of the final subdivision plat, unless such time is extended by the Kanab City Council.

2-3.13. Financial Assurance: The subdivision owner shall furnish financial assurance for the review, inspection, construction, and one-year guarantee of completed subdivision improvements as outlined in Chapter 4 of this ordinance.

Section 2-4 Vacating or Amending a Subdivision Plat

2-4.1. The City Council by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street or lot contained in a subdivision at a public hearing.

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

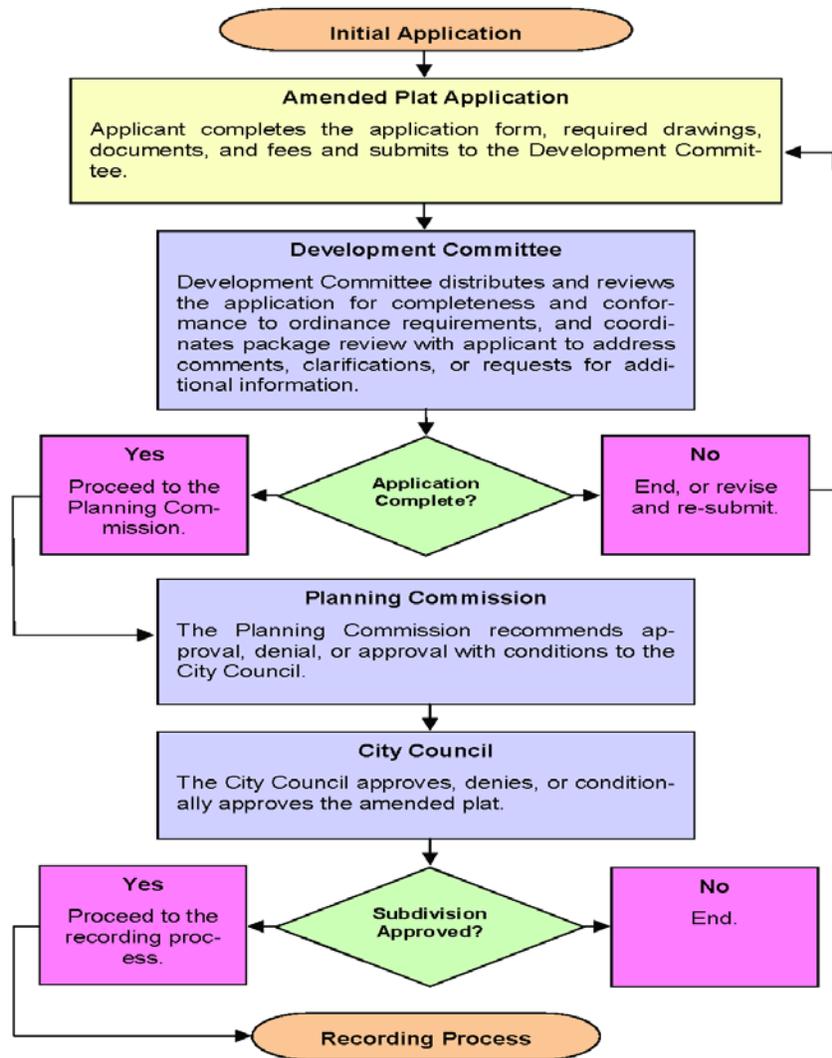


Figure 5 – Plat Vacation or Amendment Process

2-4.2. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

2-4.3. **Initial Application:** An applicant petitioning to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained therein shall complete the initial application process as outlined in Section 2-1.

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

2-4.4. **Plat Amendment Application:** Following completion of the initial application process, an applicant shall complete and submit an application form for a plat amendment to the Kanab City Development Committee. The application shall include:

2-4.4.1. The name of applicant(s) or authorized agent and contact information;

2-4.4.2. The subdivision name.

2-4.4.3. An amended final plat prepared in accordance with the applicable final plat requirements outlined in Section 2-3, or other document for recording as requested by the City.

2-4.4.4. Subdivision Lot Addresses: A list of street addresses for each lot shown on the amended final plat, numbered in accordance with the Kanab City address grid system.

2-4.4.5. Owners of Record: Provide the following:

2-4.4.5.1. The name and address of all owners of record of the land contained in the entire plat.

2-4.4.5.2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended.

2-4.4.5.3. The signature of each of these owners who consents to the petition.

2-4.4.6. Mailing Labels: If a public hearing notice is required under this ordinance, furnish two (2) sets of type written address labels to all property owners within three hundred (300) feet of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the rolls of the Kane County Assessor.

2-4.4.7. Subdivision Improvement Plans: Subdivision construction improvement plans for grading, drainage, streets, and utility infrastructure as modified by the proposed amendment, as required herein and in accordance with the Kanab City

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

Uniform Standards for Design and Construction.

2-4.4.8. Title Report: A title report prepared within the previous 30 days.

2-4.4.9. Any additional items that may be requested during the initial application process.

2-4.4.10. Fee: The amended final plat fee as outlined in the Kanab City Land Use Ordinance.

2-4.4.11. Signature and Acknowledgement: By signing the Plat Amendment application form, the applicant acknowledges:

2-4.4.11.1. That the applicant or agent of the applicant has read the Subdivision Ordinance;

2-4.4.11.2. That the applicant understands the provisions of the Subdivision Ordinance; and

2-4.4.11.3. That the applicant will fully and completely comply with the provisions and requirements contained therein.

2-4.5. **Plat Amendment Development Committee Review:**

2-4.5.1. The Development Committee shall review the plat amendment application and accompanying documentation for compliance with this ordinance.

2-4.5.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-4.5.3. Additional information may be requested from the applicant by the Development Committee during the review.

2-4.5.4. Once all information requested has been furnished, evaluated, and addressed to the satisfaction of the Development Committee, the

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

application will be forwarded to the Planning Commission and placed in the next available meeting agenda.

2-4.6. Plat Amendment Planning Commission Consideration: After holding a public meeting. The Planning Commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.

2-4.7. Need for Public Hearing: The City Council shall hold the public hearing within 45 days after receipt of the Planning Commission's recommendation under any of the following conditions:

2-4.7.1. The plat change includes the vacation of a public street.

2-4.7.2. Any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification.

2-4.7.3. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.

2-4.8. Required Notice: The City shall give notice of the date, time, and place of the public meeting regarding the proposed plat amendment at least 10 calendar days prior to the public meeting. ~~the proposed plat change. The notice shall be:~~

a. mailed and addressed to the record owner of each parcel within 300 feet of that property; and

b. posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by. ~~by publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the Kanab City area; and by mailing notices to the property owners whose mailing labels are furnished by the applicant. The notice shall include:~~

~~2-4.8.1. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice.~~

~~2-4.8.2. A statement that if no written objections~~

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

~~are received by the Kanab City Council within the time limit, no public hearing will be held.~~

~~2-4.8.3. The date, place and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners.~~

2-4.9. **Grounds for Vacating or Changing a Plat:** Within 30 days after the public hearing, the City Council shall consider the petition. The City Council may approve a petition to vacate or change a plat if it finds:

2-4.9.1. Neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment.

2-4.9.2. There is good cause for the vacation, alteration or amendment.

2-4.10. The City Council may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the City Council;

2-4.11. **Document Recording:** The City shall ensure that the vacation, alteration, or amendment is recorded in the Kane County Recorder's office.

2-4.12. **Appeal of City Council Decision:** An aggrieved party may appeal the City Council's decision to the District Court.

Section 2-5 Record of Condominium Plat

Each application for condominium shall also comply with the provisions of the Condominium Act as set forth in U.C.A. 57-8-10, as amended.

Mayor
Robert Houston
City Manager
Joe Decker
Treasurer
RaeLene Johnson



City Council
Kent Burggraaf
Cheryl Brown
Kirt Carpenter
Brent Chamberlain
Joe B. Wright

KANAB
— UTAH —

KANAB CITY COUNCIL STAFF REPORT- April 21, 2015

I. PROPOSAL – Expand opportunities to provide housing within the C1 zone.

II. STAFF ANALYSIS

It has come to the attention of Staff and the Planning Commission that an applicant would like to re-use a structure in the C1 zone for a mix of residential and commercial uses. Currently apartment(s) are not a permitted use within the C1 zone, although they are permitted within the C2 and C3 zones. In addition, the definition for “commercial-residential mix” in the Land Use Ordinance restricts the applicant from utilizing the particular building for both uses.

All of the commercial zones in the city were established to provide for commercial amenities of various scales. The C-1 zone was established “to distinguish the historic downtown commercial area of Kanab.” The C-2 zone was established to “provide space within the city where nearly all types of commercial goods and services may be provided.” The C-3 zone was established to “provide space within the city where facilities that serve the travelling public can be most appropriately located.”

Providing space for commercial uses is important for the local economy. However, Staff anticipates that allowing for higher density residential uses will complement these commercial uses, reduce parking demand for businesses, and increase pedestrian activity. This is particularly important in the downtown area, which Chapter 3 of the General Plan has specified to encourage activities that: increase business and pedestrian activity. In Chapter 6 of the General Plan, Section 6.2- Housing Density Mix, it states:

It is the City’s desire to preserve existing areas of low-density housing, while at the same time allow for increased quality medium to high-density housing, in designated areas. The Downtown District, and some areas adjacent to downtown, is where such housing opportunities will be most likely and encouraged.

Goal 2 of The *Kanab City Affordable Housing Plan* is to “increase affordable rental opportunities to provide housing choice for very low and extremely low income earning households.” One of the strategies to accomplish this goal is to “consider revising the zoning code to allow multi-family housing within and/or near downtown to allow more low income households to locate in close proximity to goods and services.” One of the major findings of the Affordable Housing Plan is that there are currently not sufficient affordable housing opportunities for those earning less than a moderate income. Much of

this stems from the fact that the wages provided at a variety of jobs in Kanab do not always support the prevalent housing type (single-family homes) in Kanab. Allowing for higher density housing in areas that minimize potential additional transportation costs, such as in the downtown area, is expected to increase housing choice for an income group that is currently underserved.

Currently, the only permitted residential use within the downtown area is “Commercial-Residential Mix.” Section 1-6 of the Kanab City Land Use Ordinance defines “Commercial-Residential Mix” as “the combination of commercial and/or residential uses where part of several buildings or within a single building. The main ground floor must be used as a commercial use.” This provision provides for residential uses in limited circumstances, in which there are ground floor commercial uses with residential above. The current building stock in the C1 zone includes buildings which are suitable for accommodating both commercial and residential uses on the ground floor. Although it may be preferred to provide commercial uses on the ground floor, the City should be careful about mandating that all buildings have only commercial uses on the first floor, given the limited potential for commercial enterprises to thrive on the first floor in all circumstances. In addition, providing for residential uses is expected to complement, rather than detract from surrounding commercial uses.

There has been some concern expressed that allowing for both uses on the first floor may lead to nuisances. For example, there may be more demand for parking than is provided on site. Although parking demand may be an issue in some circumstances, this potential problem is not limited to sites in which commercial and residential uses are mixed. For example, a restaurant may occupy a space in which a furniture store was located previously and has higher parking demand per square foot than the furniture store. The City currently amended Chapter 6 of the Land Use Ordinance, so that parking requirements are only applied “at the time any building is erected or enlarged” at greater than 30% of the square footage of the building. This amendment acknowledged that uses change frequently, while buildings are permanent structures that can be adaptively re-used. Additionally, the City should consider that a “parking problem” is often a side effect of a vibrant, downtown area. The City should consider providing more opportunities to utilize existing buildings economically to further revitalization efforts of the downtown.

In order to foster a more viable downtown and support the goals of the general plan, staff recommends amending the definition of “commercial/residential mix” to allow for both commercial and residential uses on the ground floor. The following amended definition of commercial-residential mix is provided: “the combination of commercial and residential uses, located on the same lot or parcel.” In addition, staff recommends adding a footnote that commercial uses may only include those allowed in the specified zone, while residential may include one or more units.

In addition to allowing for commercial/residential mixed use in the downtown area, it should be considered to allow other high-density housing to conform to the City’s General Plan, allow for greater housing choice, and further encourage pedestrian activity in the area. Because development within the C-1 zone is subject to design standards and guidelines of the Downtown Overlay, their presence is not expected to significantly detract from the design of the downtown area.

The land use chart in Chapter 20 for commercial zones lists a variety of multi-family dwelling types, including “apartment(s),” “duplex/residential,” and “townhouses.” The designation for multi-family dwellings is different in Chapter 18 of Land-Use Ordinance, listing “two-family dwelling units” and “multi-family dwelling units.” None of the designations are defined within the ordinance. In addition, within commercial zones, density requirements are not included. In order to improve consistency within the Ordinance, staff proposes amending the designations within Chapter 20 and adopting those designations included in Chapter 18. Within all commercial zones, staff recommends to list “multi-family dwelling units” as a permitted use. Staff recommends listing “two-family dwelling units” as a permitted use within C2 and C3 zones; currently both “townhouse” and “duplex/residential” are listed as conditional uses in both zones. The definition of “dwelling, multiple family” in Section 1-6 of the Land Use Ordinance should also be amended specifying that “multi-family dwelling units” means a building with three or more dwelling units to distinguish from “two-family dwelling units,” but providing for all housing types with three or more units.

III. FINDINGS

- 1. The General Plan and the Affordable Housing Plan support the provision of allowing multi-family housing within the downtown zone.**
- 2. There is a demand to provide multi-family housing in the C1 zone with varying applications of mixed-use.**
- 3. The Land Use Ordinance does not consistently delineate or define various types of multi-family housing.**

IV. STAFF RECOMMENDATION:

That the Kanab City Planning Commission recommend to the Kanab City Council, amendments to the Kanab City Land Use Ordinance regarding residential uses in commercial zones, as specified in the attached documents.

V. PLANNING COMMISSION RECOMMENDATION:

That the Kanab City Council amends the Kanab City Land Use Ordinance regarding residential uses in commercial zones, as recommended by Staff, with the following exception:

- In Chapter 20 of the Land Use Ordinance, for “Commercial / Residential Mix” and “Multi-Family Dwelling Units,” add the following footnote: “In C1, the main ground floor for any street front property along Highway 89, where pedestrian or vehicular access can be made from Highway 89, must only be used as commercial use.”**

The Planning Commission adopts the findings of Staff.

KANAB

Land Use Ordinance

Chapter 1

GENERAL PROVISIONS

The Uniform Zoning Ordinance is designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah.

Adopted January 22, 2008
Revised Feb 11, 2014

Combination of Buildings - Two or more buildings that are on adjoining parcels as measured from the outside exterior walls of two of the buildings.

Combustible liquids - Any liquid having a flash point at or above one hundred degrees (100°) Fahrenheit.

Commercial/~~Residential~~ Mix - The combination of commercial and/~~or~~ residential uses, located on the same lot or parcel. ~~where part of several buildings or within a single building. The main ground floor must be used as a commercial use.~~

Common Ownership of Management - Owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly:

- A. by the same individual(s) or entity(ies) including but not limited to corporation(s) partnership(s) limited liability company(ies) or trust(s), or
- B. by different individuals or entities, including but not limited to corporations, partnership(s), limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent stockholder, director, member, officer or trustee of the entity(ies).

Conditional Use - A use of land for which a conditional use permit is required, pursuant to this Ordinance.

Condominium - An ownership structure established in accordance with the Utah Condominium Act.

Convenience Store - Any retail establishment offering for sale a limited selection of food products, household items, and other related goods and does not include gasoline or fuel sales.

Corrosive liquids - Those acids, alkaline caustic liquids, and other corrosive liquids which when in contact with living tissue, will cause severe damage of such tissue by chemical action or are liable to cause fire when in contact with organic matter or with certain chemicals.

Corral - A space, other than a building, less than one (1)

KANAB

Land Use Ordinance

Chapter 1

GENERAL PROVISIONS

The Uniform Zoning Ordinance is designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah.

Adopted January 22, 2008
Revised Feb 11, 2014

acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

Court - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

Coverage, Building - The percent of the total site area covered by buildings.

Crosswalk or Walkway - A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

District - A portion of the territory of the City of Kanab, established as a zoning district by this Ordinance, various combinations thereof apply under the provisions of this Ordinance; also includes "overlay" and "zoning" districts.

Driveway - A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

Dwelling - Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital, or nursing home.

Dwelling, Mobile Home - (See "Mobile Home".)

Dwelling, Single-family - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-family - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

~~**Dwelling, Three-family** - A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.~~

~~**Dwelling, Four-family** - A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.~~

KANAB

Land Use Ordinance

Chapter 1

GENERAL PROVISIONS

The Uniform Zoning Ordinance is designed to promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah.

Adopted January 22, 2008
Revised Feb 11, 2014

Dwelling, Multiple-family or Dwelling, Multi-family - A building arranged or designed to be occupied by more than ~~threefour~~ (34) families, the structure having more than ~~threefour~~ (34) dwelling units.

Dwelling, Group - A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

Dwelling, Unit - One or more rooms in a dwelling, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

Easement - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

Elderly Person - "Elderly person" means a person who is 60 years of age or older, desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Essential Facilities - Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

Explosive - Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.

Extended Stay Motel-Hotel - a facility specifically constructed, kept, used, maintained, advertised or made available to the public to offer temporary residence for up to 240 days.

Formatted: Font: Bold

KANAB

Land Use Ordinance

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Agricultural Crop Sales (Farm Only)	-	-	C	-
Airport Support Facility	-	-	C	C
Antique / Secondhand Store	P	P	P	P
Apparel / Accessory Store	P	P	P	P
Apartment(s)	-	P	P	€
Arcade (Games/Food)	P	C	P	C
Art Gallery	P	P	P	P
Auto / Boat Dealer	-	P	P	-
Auto Rental / Sales	-	C	P	C
Auto Service Station	-	P	P	C
Auto Supply Store	P	P	P	P
Beauty Salon	P	P	P	P
Bed and Breakfast / Guesthouse	P	P	P	-
Cemetery	-	-	C	-
Church	P	P	P	P
College / University	C	C	C	C
Commercial Marine Supply	-	P	P	C
Commercial / Residential Mix*	P	P	P	C
Communications Facility	-	-	C	C
Computer/Office Equipment	P	P	P	P
Conference / Convention Center	P	P	P	P
Construction / Trade	-	-	C	-
Convalescent Center / Nursing Home	P	-	P	-
Convenience Store	P	P	P	C
Day Care I (under 6 children)	-	P	P	C
Day Care II (over 6 children)	-	P	P	C
Department / Variety Store	P	P	P	P
Dry Cleaner	P	P	P	P
Drug Store	P	P	P	P
Duplex/Residential	-	€	€	-

KANAB

Land Use Ordinance

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Perm Permitted and Conditional Uses

1

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Mobile / Park Model Home Park	-	-	C	-
<u>Multi-family dwelling units*</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Museum	P	P	P	P
Office Supply	P	P	P	P
Park	C	P	P	P
Pet Store	P	P	P	P
Photographic and Electronic Store	P	P	P	P
Police / Fire Facility	C	P	P	P
Preschool	-	P	P	P
Printing / Publishing	P	P	P	P
Professional Office	P	P	P	P
Public / Private Parking	C	C	C	C
Recreational Center	C	C	P	P
Restaurant	P	P	P	P
RV / Camp Park	P	P	P	-
Self-Service Storage	-	-	P	-
Single Detached Dwelling Unit	-	C	C	-
Single Attached Dwelling Unit	-	C	C	-
Social / Public Agency offices	P	P	P	P
Sporting Goods and Related Stores	P	P	P	P
Tavern	C	-	-	-
Theater	P	P	P	P
Towing Operation	-	C	P	-
<u>Townhouses</u>	<u>-</u>	<u>C</u>	<u>C</u>	<u>-</u>
Transitional Housing	-	C	C	-
Truck Stop	-	-	C	-
<u>Two-family dwelling units</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>-</u>
Veterinary Clinic large animal	-	-	C	-
Veterinary Clinic small animal	-	C	C	C

Adopted January 22, 2008
Revised Feb 11, 2014

KANAB

Land Use Ordinance

Chapter 20

COMMERCIAL ZONES

Ordinance which provides for various commercial uses in three Kanab City Commercial Zones: C-1 C-2 and C-3

Adopted January 22, 2008
Revised Feb 11, 2014

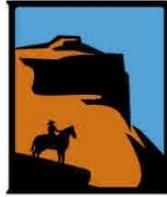
Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Youth Home	-	C	C	-
Wholesale / Bulk Store	-	C	P	-
Wireless Telecommunications retail	P	P	P	P
Wood Products	-	C	P	-
Zip Lines	-	-	C	-

*Commercial uses allowed for in "Commercial / Residential Mix" include those allowed in the specified zone. Residential uses for "Commercial / Residential Mix" may include one or more units. In the C1 zone, the main ground floor for any street front property along Highway 89, where pedestrian or vehicular access can be made from Highway 89, must only be used as commercial use.

Formatted: Indent: Left: 2.5", No bullets or numbering

Mayor
Robert Houston
City Manager
Joe Decker
Treasurer
RaeLene Johnson



City Council
Kent Burggraaf
Cheryl Brown
Kirt Carpenter
Brent Chamberlain
Joe B. Wright

KANAB
— UTAH —

KANAB CITY PLANNING COMMISSION STAFF REPORT- April 21, 2015

I. PROPOSAL- Amendment to Subdivision Ordinance, notice requirements

II. STAFF ANALYSIS

It has come to the attention of Staff that the notice requirements for a plat amendment are overly restrictive, requiring four consecutive weeks of notice prior to a meeting. Specifically, Section 2-4.8. provides that “the city shall give notice of the proposed plat change by publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the Kanab City area; and by mailing notices to the property owners whose mailing labels are furnished by the applicant.” This notice requirement is much more stringent than State Code and places an unnecessary burden upon applicants and City Staff. Section 10-9a-207 of Utah State Code provides notice requirements for an amendment to a subdivision as follows:

- (1)
- (a) *For an amendment to a subdivision, each municipality shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).*
 - (b) *At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:*
 - (i) *mailed and addressed to the record owner of each parcel within specified parameters of that property;*
 - or*
 - (ii) *posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by. Staff believes that this notice is reasonable and that*

Staff believes that the notice requirement for amendments to a subdivision are reasonable and that it is unnecessary for the City to require greater notice.

III. FINDINGS

1. Notice requirements in the current Subdivision Ordinance are unreasonable.
2. Utah State Code provides a reasonable notice requirement with which the City may align its Subdivision Ordinance.

— A Western Classic —

IV. STAFF RECOMMENDATION:

That the Kanab City Planning Commission recommend to the Kanab City Council, an amendment to Section 2-4.8 of the Kanab City Subdivision Ordinance, as provided in the attached document.

V. PLANNING COMMISSION RECOMMENDATION

That the Kanab City Council amends Section 2-4.8 of the Kanab City Subdivision Ordinance, as provided in the attached document, making the findings of Staff.

KANAB

Subdivision Ordinance

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

application will be forwarded to the Planning Commission and placed in the next available meeting agenda.

2-4.6. Plat Amendment Planning Commission Consideration: After holding a public meeting. The Planning Commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.

2-4.7. Need for Public Hearing: The City Council shall hold the public hearing within 45 days after receipt of the Planning Commission's recommendation under any of the following conditions:

2-4.7.1. The plat change includes the vacation of a public street.

2-4.7.2. Any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification.

2-4.7.3. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.

2-4.8. Required Notice: The City shall give notice of the date, time, and place of the public meeting regarding the proposed plat amendment at least 10 calendar days prior to the public meeting. ~~the proposed plat change. The notice shall be:~~

a. mailed and addressed to the record owner of each parcel within 300 feet of that property; and

b. posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by, by publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the Kanab City area; and by mailing notices to the property owners whose mailing labels are furnished by the applicant. The notice shall include:

~~2-4.8.1. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice.~~

~~2-4.8.2. A statement that if no written objections~~

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 3" + Indent at:
3.25"

KANAB

Subdivision Ordinance

Chapter 2

Subdivision Process

This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

~~are received by the Kanab City Council within the time limit, no public hearing will be held.~~

~~2-4.8.3. The date, place and time when a hearing will be held, if one is required, to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all land owners.~~

2-4.9. **Grounds for Vacating or Changing a Plat:** Within 30 days after the public hearing, the City Council shall consider the petition. The City Council may approve a petition to vacate or change a plat if it finds:

2-4.9.1. Neither the public nor any person will be materially injured by the proposed vacation, alteration or amendment.

2-4.9.2. There is good cause for the vacation, alteration or amendment.

2-4.10. The City Council may approve the vacation, alteration, or amendment by ordinance, amended plat, administrative order, or deed containing a stamp or mark indicating approval by the City Council;

2-4.11. **Document Recording:** The City shall ensure that the vacation, alteration, or amendment is recorded in the Kane County Recorder's office.

2-4.12. **Appeal of City Council Decision:** An aggrieved party may appeal the City Council's decision to the District Court.

Section 2-5 Record of Condominium Plat

Each application for condominium shall also comply with the provisions of the Condominium Act as set forth in U.C.A. 57-8-10, as amended.