Mayor
Nina Laycook
City Manager
Joseph Decker
Treasurer
RaeLene Johnson

KANAB
UTAH

City Council
James G. Sorenson
Cheryl Brown
Kirt Carpenter
Joe B. Wright
Brent Chamberlain

PLANNING COMMISSION
September 3, 2013
76 NORTH MAIN, KANAB, UTAH

6:30 P.M.	Approval of minutes of previous meeting;
6:35 P.M.	Public Comment Period;
6:45 P.M. Public Hearing	Consideration to recommend Amendment to Subdivision ordinance to add provision for Conservation Parcels;
7:00 P.M. Public Hearing	Consideration to recommend Subdivision for Kane County Water Conservancy District Parcel Number K-13-7-Annex;
7:15 P.M. Public Hearing	Consideration to recommend Amendments to Land Use Ordinance; . Home Occupation in Residential Zones . Gas Station/Convenience Store in Commercial Zones
7:30 P.M. Public Hearing	Amending a Subdivision Plat Kanab Creek Ranchos 442 A William A Sage
7:55 P.M.	Work Meeting . Staff Report Spurs Grille. Adding deck above patio cover in front of restaurant. . Gallagher Variance. . Council Member Liaison Report

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 –

76 North Main No. 14 ◦ Kanab, Utah 84741 ◦ Phone 435-644-2534 ◦ Fax 435-644-2536 ◦ www.kanab.utah.gov

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KANAB
UTAH

KANAB CITY PLANNING COMMISSION STAFF REPORT- September 3, 2013

I. ITEM:Request to amend Subdivision Ordinance for Conservation Parcels

APPLICANT: Kane County Water Conservancy District

The Kane County Water Conservancy District (KCWCD) has submitted a request to create two parcels, which will have a recorded conservation easement to serve as archaeological preservation sites. The parcels are needed for archaeological mitigation for the construction of the Jackson Flat Reservoir.

In order for the proposed subdivision to be processed, the Kanab City Subdivision Ordinance must be amended to allow for this type of subdivision to occur.

II. STAFF ANALYSIS

Section 1-1.2.2 of the Kanab City Land Use Ordinance states the Ordinance is established to "guide the future growth and development of Kanab City, in accordance with the Land Use Ordinance and General Plan." For this reason, the standards and procedures established in the Subdivision Ordinance are intended to guide future development.

As mentioned above, KCWCD wishes to create conservation parcels, which will be preserved open space that will not be developed in the future. While the creation of the parcels is in accordance with Section 1-1.2.10 which states that the Ordinance is established to "provide for open spaces through most efficient design and layout of the land, while preserving the density of land as established in the Kanab City Land Use Ordinance," the design requirements and procedural requirements for a subdivision are not appropriate to parcels that are created to accommodate a conservation easement. Staff also believes that the subdivision of parcels for the purpose of essential public utilities, such as water tanks and wells is not appropriate to be subject to the same design standards and procedural requirements for typical subdivisions.

Specifically, the Subdivision Ordinance includes the following lot standards, which would be inappropriate to require for a parcel division that is created for a conservation easement:

> ***3-1.1.*** *The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.*

Because the parcels will consist of undeveloped land, the purpose of preserving of open space is retained, notwithstanding the size of the parcel.

3-1.2. *All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards hereinafter required. Private streets shall be permitted only as allowed by ordinance. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the area of such lots.*

Because the created parcels would not be developed, and are to be preserved, direct access on a dedicated street is unnecessary.

3-1.3. *All subdivisions shall result in the creation of lots that are developable and capable of being built upon.*

Because a conservation easement is to be preserved from any type of development, this requirement is unnecessary. However, in order to ensure the division should ensure that adjacent parcels will be developable.

3-1.4. *The side lines of all lots, so far as possible, should be at right angles to each street on which the lot faces, or approximately radial to the center of curvatures.*

Because the lots are not to be developed, this requirement is unnecessary.

Other design standards, such as the provision in Section 3-1.6, which states that a City boundary line shall not divide a lot may be appropriate to this type of development and the Planning Commission may consider such matters in their review to impose listed design requirements when needed.

Chapter 2 of The Subdivision Ordinance includes a procedural requirement to submit an initial application to be reviewed by the development Committee prior to being considered by the Planning Commission. Staff believes that this requirement is unnecessary for subdivisions which create parcels that are to include conservation easements or for public utilities. The questions that the Development Committee addresses, including suitability for building and street design do not need to be addressed with this type of subdivision and should not be required.

III. FINDINGS

1. Many of the requirements of the Subdivision Ordinance are not suitable for a subdivision that creates parcels for conservation easements.
2. Lot standards for the underlying zone, including minimum lot size should not apply to a subdivision that creates parcels for conservation easements.
3. Initial Application and Development Committee Review is unnecessary for a subdivision that creates parcels for conservation easements.

IV. STAFF RECOMMENDATION:

That the Kanab City Planning Commission recommend to the Kanab City Council to amend the Kanab City Subdivision Ordinance, including adding the following language and Section to the Kanab City Subdivision Ordinance:

Section 2-6 Recording of Conservation Parcels

The Planning Commission shall recommend approval, denial, or approval with conditions a subdivision to the City Council, which has the authority to approve, or deny, or approve with conditions a subdivision that is created for perpetual conservation easement that by recorded document removes the future development rights of the property.

2-6.1. The application for a subdivision, which is created for perpetual conservation easement, must include a letter of intent addressed to the City and a survey map to be recorded with the county recorder.

2-6.2. Subdivisions created for perpetual conservation easement are not subject to Development Committee Review, including the submission of an Initial Application.

2-6.3. The Planning Commission may recommend and the City Council may approve with conditions for the subdivision to ensure that the subdivision is in accordance with the purpose of the Subdivision Ordinance.

2-6.4. The Planning Commission may exempt applicants from design standards that do not appropriately apply to parcels created for perpetual conservation easement.

2-6.5. Uses in the created parcels may not be changed or expanded without approval granted via the standard subdivision process, specified in the Kanab City Subdivision Ordinance.

Chapter 2

Subdivision Process

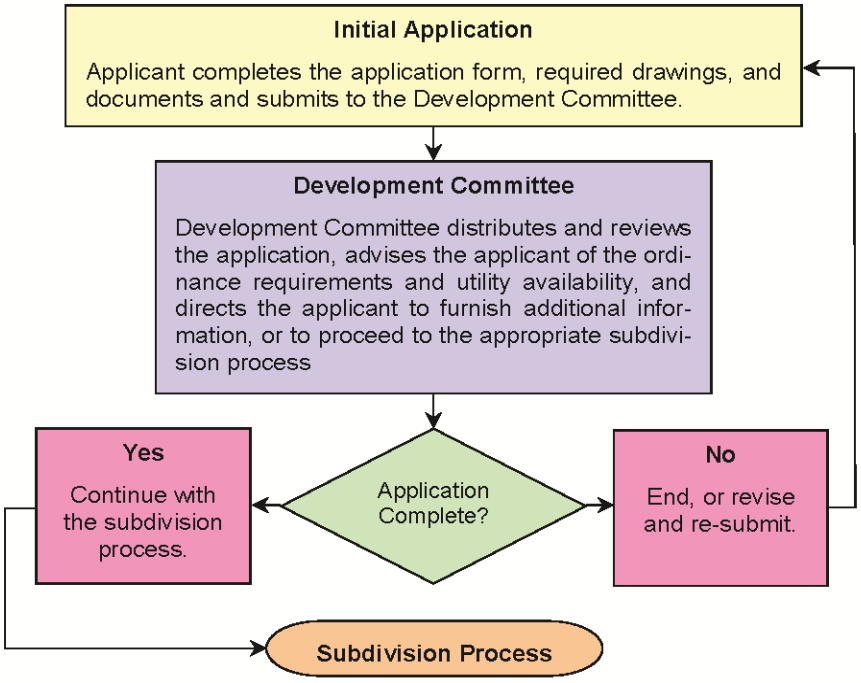
This Subdivision Ordinance defines and outlines the requirements for land division within Kanab City, including all subdivisions, condominium plats, plat amendments, plat vacations, and lot-line adjustments.

Adopted Feb 23, 2010

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 2-6 Recording of Conservation Parcels

Section 2-1 Initial 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.

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.

Section 2-6 Recording of Conservation Parcels

The Planning Commission shall recommend approval, denial, or approval with conditions a subdivision to the City Council, which has the authority to approve, or deny, or approve with conditions a subdivision that is created for perpetual conservation easement that by recorded document removes the future development rights of the property.

2-6.1. The application for a subdivision, which is created

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.

for perpetual conservation easement, must include a letter of intent addressed to the City and a survey map to be recorded with the county recorder.

2-6.2. Subdivisions created for perpetual conservation easement are not subject to Development Committee Review, including the submission of an Initial Application.

2-6.3. The Planning Commission may recommend and the City Council may approve with conditions for the subdivision to ensure that the subdivision is in accordance with the purpose of the Subdivision Ordinance.

2-6.4. The Planning Commission may exempt applicants from design standards that do not appropriately apply to parcels created for perpetual conservation easement.

2-6.5. Uses in the created parcels may not be changed or expanded without approval granted via the standard subdivision process, specified in the Kanab City Subdivision Ordinance.

Mayor
Nina Laycook
City Manager
Duane Huffman
Treasurer
RaeLene Johnson

City Council
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Joe B. Wright

KANAB
UTAH

KANAB CITY STAFF REPORT- August 20, 2013

I. ITEM: Request to create parcels 42-KA-6165 and 42-KA-6166 for conservation easements

APPLICANT: Kane County Water Conservancy District

The Kane County Water Conservancy District (KCWCD) has submitted a request to create two parcels for the purposes of establishing perpetual conservation easements. Parcels 42-KA-6165 (3.21 acres) and 42-KA-6166 (3.63 acres) are intended to be transferred by deed to the Archaeological Conservancy upon the creation of the new parcels. The approval of this subdivision request is contingent upon the approval of the City Council to amend the Subdivision Ordinance to provide for creating parcels for the purpose of establishing perpetual conservation easements. Staff has recommended language to the Planning Commission to recommend to the City Council, which accompanies this request.

II. STAFF ANALYSIS

The two parcels that are proposed to be created are both located near the Jackson Flat Reservoir. The proposed subdivision will divide the large, approximately 400 acre parcel, which KCWCD currently owns for the Reservoir. The proposed parcels are located in an Agricultural (RA-10) Zone. The Future Land Use Map identifies this area as a "Planned Park" area.

The proposed section 2-6 of the Kanab City Subdivision Ordinance states:

> *The Planning Commission may exempt applicants from design standards that do not appropriately apply to parcels created for perpetual conservation easement.*
>
> and that…
>
> *Lot requirements, including minimum lot size requirements shall not apply to a subdivision for the purposes listed in this section, unless the City Council imposes this requirement as a condition for approval.*

Staff believes that the applicant should be exempt from the following lot standards enumerated in Section 3-1 of the Subdivision Ordinance:

3-1.1. The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.

The applicant has informed Staff that the perpetual conservation easement, which is to be placed upon the proposed parcel, will ensure that the property will not be developed at any future time. Although the proposed parcels will be less than 10 acres in area, which is the minimum lot size in the underlying zone, Staff believes that it is appropriate to exempt the applicant. The conservation easement will establish permanent open space and will not increase the developmental density in the area.

3-1.2. All lots or parcels created by a subdivision shall have direct access with frontage on a dedicated street improved to standards hereinafter required. Private streets shall be permitted only as allowed by ordinance. Land designated as public right-of-way shall be separate and distinct from lots adjoining such right-of-way and shall not be included in the area of such lots.

Because the created parcels would not be developed, and are to be preserved, direct access on a dedicated street is unnecessary.

3-1.3. All subdivisions shall result in the creation of lots that are developable and capable of being built upon. A subdivision shall not create lots and no building permit shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions, except where such lots are suitable and dedicated for a common open space, private utility or public purpose as determined by City ordinance.

Because the conservation easement is to be preserved from any type of development, this requirement is unnecessary for the created parcels. The adjoining parcels will remain developable.

3-1.4. The side lines of all lots, so far as possible, should be at right angles to each street on which the lot faces, or approximately radial to the center of curvatures.

The parcels do not front streets. As should not be required to meet the requirements of 3-1.2, 3-1.4 is also acceptable to be exempt.

According the staff's review, the proposed subdivision meets the remaining design requirements enumerated in Chapter 3. The parcels do not bi-sect any planned streets as mapped in the *Kanab City Transportation Master Plan* (see attached). Both proposed parcels abut a planned trail that is provided in the *Kanab City Parks and Trails Master Plan* (see attached). Section 3-2.4 of the Subdivision Ordinance states:

Access to and easements for public trails and open space abutting the property shall be provided in accordance with the Kanab City Master Trails Plan

Before officially recording the subdivision, the applicant should be required to provide a map to City Staff to ensure that the subdivision does not bi-sect the planned trail and that access will be maintained.

The proposed section 2-6 specifies that:

> *Uses in the created parcels may not be changed or expanded without approval granted via the standard subdivision process, specified in the Kanab City Subdivision Ordinance.*

Therefore, the owner of these parcels would be required to re-submit a standard subdivision application in the event that these parcels would be proposed for any other use than preserved open space.

III. FINDINGS:

1. The request to creation of parcels 42-KA-6165 and 42-KA-6166 meet the criteria of a parcel created for the establishment of a perpetual conservation easement as specified in the proposed section 2-6 of the Subdivision Ordinance.
2. The Design Standards enumerated in Section 3-1.1, 3-1.2, 3-1.3 and 3-1.4 are not appropriate to apply to this subdivision.
3. The planned trail is situated in very close proximity to the proposed parcels, which are to be conserved. The applicant should provide a map to City Staff to ensure that the subdivision does not bi-sect the planned trail and that access will be maintained.
4. The proposed section 2-6 provides that any change of use in the zone will be subject to the standard subdivision process before granting the change.

IV. STAFF RECOMMENDATION:

That the Kanab City Planning Commission recommend to the Kanab City Council approval with conditions the request of Kane County Water Conservancy District to create parcels 42-KA-6165 and 42-KA-6166, as delineated in the survey map provided, for the purpose of establishing a perpetual conservation easement on the parcels, contingent upon the approval of an amendment to the Subdivision Ordinance, which provides for this type of subdivision, excepting the applicant from the Design Standards listed in Section 3-1.1, 3-1.2, 3-1.3, and 3-1.4 of the Kanab City Subdivision Ordinance with the following condition:

- That the applicant provide a map to Kanab City Staff, which displays the location of the proposed parcels and the planned Jackson Flat Reservoir Trail which is delineated in the *Kanab Parks and Trails Master Plan* to ensure that the parcels do not bi-sect the planned trail prior to recording the subdivision.

KANE COUNTY
WATER CONSERVANCY DISTRICT
190 W. Center Street, Suite 200 • Kanab, UT 84741
(435) 644-3997 • Fax (435) 644-8679 • Email: kcwcd@kanab.net

July 22, 2013

To: Duane Huffman
Kanab City Manager

From: Dirk Clayson
Kane County Water Conservancy District

Re: Request to authorize creation of conservation parcels at Jackson Reservoir

BACKGROUND

The Kane County Water Conservancy District is finishing up with the Jackson Flat Reservoir archeology work. As part of the final efforts to close on this activity, two conservation easements will need to be created to ensure a perpetual protection on these lands. These two parcels are named: 42KA6165 containing 3.21 acres and 42KA6166 containing 3.63 acres, see attached site location and detailed survey maps. The creation of the conservation protection activities will also require that these parcels are split from the base agricultural property that the water district owns by deed to The Archaeological Conservancy thus creating two new parcels. These parcels will have a recorded conservation easement that will ensure the properties protection against other uses or any type of development in the future.

The fee simple ownership will be transferred by deed to The Archaeological Conservancy. They are a national non-profit organization dedicated to the acquisition and preservation of significant archaeological sites located on private land. Over the past 30 years they have established over 450 archaeological preserves in 43 states. See attached information about The Archaeological Conservancy. In addition a conservation easement will be recorded on the property with the stewardship of management of this conservation easement given jointly to the Kaibab Band of Paiute Indians and Virgin River Land Preservation Association Inc. out of St. George to ensure compliance and prevention of other uses on the land. See attached draft conservation easement.

The mineral rights owned by Utah State Trust Lands are currently in the process of being transferred off the property by signature of Governor Gary Herbert so that the fee simple deed given to The Archaeological Conservancy will include the base mineral rights, see attached mineral rights exchange.

These measures will ensure that the property will never be developed and no infrastructure or construction of any kind other than a perimeter fence will be permitted.

REQUEST

The request from the Kane County Water Conservancy District is to seek guidance and support in the actions needed to create the two additional conservation parcels. These parcels are within the Kanab City limits and therefore fall within the Kanab City approval process. The Kane County Water Conservancy District would urge Kanab City review this matter and provide a written response to support this critical effort.

ANALYSIS OF ORDINANCE

Kanab City ordinance seems to give no definition or outline for this type of process. The City ordinance has requirements for subdivision of parcels, but gives no definition for what constitutes a subdivision. The crux of this matter rests with the determination of this action falling under the interrupted definition of subdivision or otherwise not under these requirements. If it is determined that the action of creating the parcels for the purposes outlined above does not fall under the definition of subdivision, then the Water District can move forward with survey and deed transfers, see attached, of the property which when recorded will create the parcels under the new ownership of The Archaeological Conservancy and satisfy the needs of this process. If, on the other hand, Kanab City makes the determination that these actions fall within the jurisdiction of the Kanab City suddivision ordinance, then these actions would be regulated by the outcome of that process which currently within the ordinance has no process to allow an undeveloped parcel to be created.

POSSIBLE OPTIONS

In an effort to lay out the review elements of the matter the following options are presented.

Option 1, Preferred option:

As there is no definition of what the term subdivision means within the Kanab City ordinances, the definition would be determined by Utah State Municipal Land Use Code 10-9a-101. This definition 10-9a-103 52 Subdivision states:

"(52) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument; and

(ii) except as provided in Subsection (52)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes." See attached code references.

This property does not fall within the purpose of the defined purpose of "whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions." These conservation parcels will

not be developed now or in the future and will have a recorded conservation easement with monitoring organizations to ensure such.

There are many divisions of property such as land for utility power sub-stations and water tanks for example that have not been defined as a subdivision. The purposes of creating these parcels clearly is not for development or sale and seems to fall outside if the definition of subdivision.

Kanab City would approve the survey and transfer of property to The Archaeological Conservancy by deed creating the new parcels.

Option 2:
As another option, which may assist if there are problems with granting the process of option 1, The Utah State Municipal Land Use Code further states:

"(c) "Subdivision" does not include:

(v) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels."

This perhaps offers another solution to allow the process to move forward with the understanding that if there would ever be any other uses of the land outside the conservation easement, that there would need to be further land use approvals. Of course, because of the recorded irrevocable perpetual conservation easement, this action would never occur.

Kanab City would allow this process to move forward with written approval from the land use authority. Transfers of property via deed could then be recorded creating the parcels.

Option 3:
Kanab City determines that that this process triggers the need to comply within the structure of the Kanab City subdivision ordinance. This option is difficult to navigate through because uses like the conservation easements have not been anticipated within the structure of the existing ordinance. Utah State Code offers some Variance conditions that may apply, see Utah State Municipal Land Use Code 10-9a-702. This process would likely result in a need to change the Kanab City ordinances through the respective drafting, public hearings and adoption of such ordinances followed by the application and conformance to the ordinance and subsequent approvals by the land use authority and Kanab City Council. Because this process is cumbersome and will take several months to complete, the Kane County Water Conservancy is hopeful that the preferred option 1 will work.

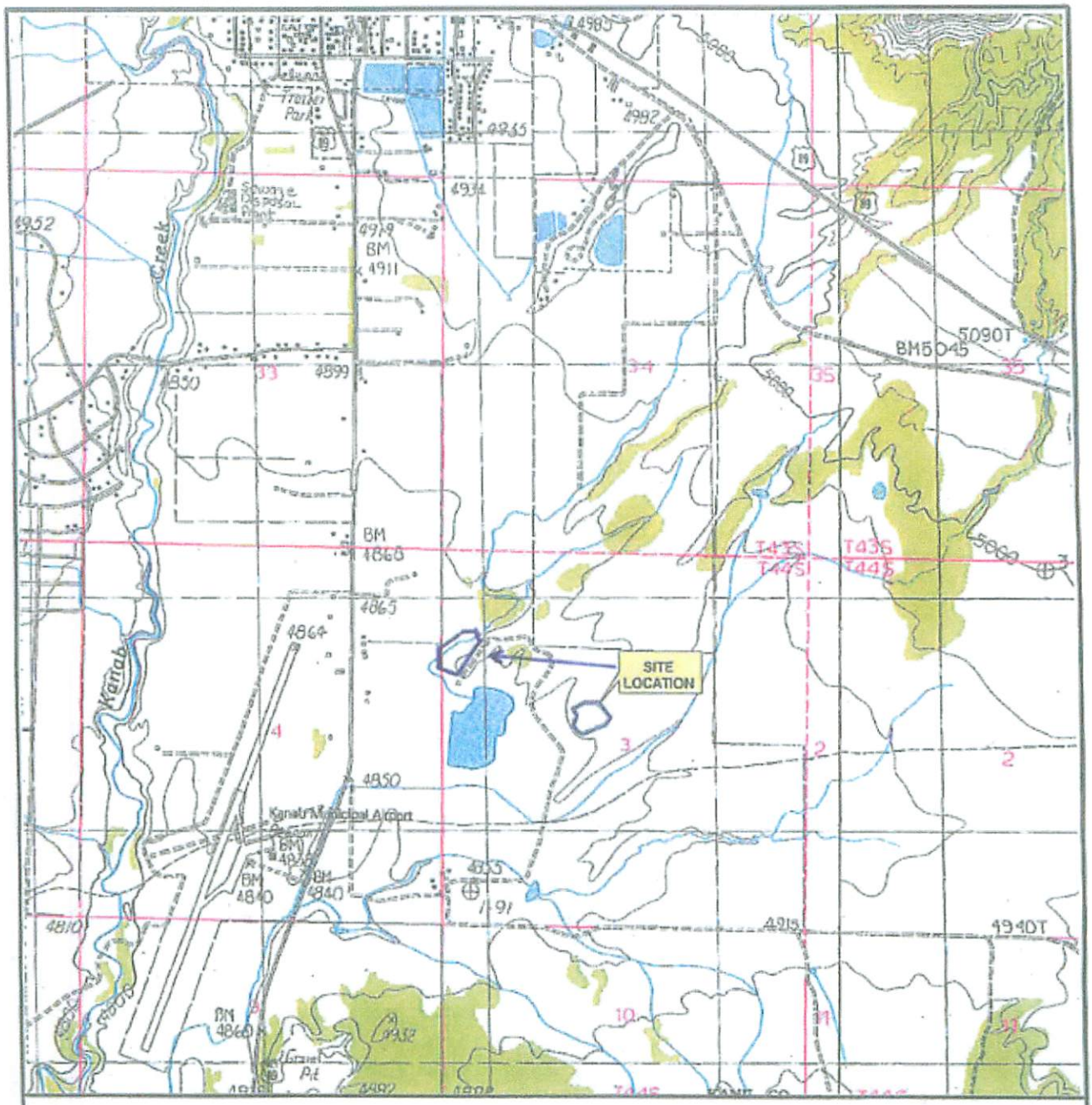
Please review the Water District's request to move forward with this process. Current plans to complete the archeology, fence the property and transfer ownership are set for mid August of this year. Your direction and response will assist in these efforts.

Sincerely,

Dirk Clayson

.cc Mike Noel, Joe B Wright, Mayor Nina Laycook

Attachments:
Site maps and survey for conservation parcels 42KA6165 and 42KA6166
Information about The Archaeological Conservancy
Conservation Easement draft document for conservation parcels
Utah State Trust Lands mineral rights exchange
Warranty deed with legal descriptions to The Archaeological Conservancy
State Code requirements for Land Use for Municipalities
Preliminary Title Report for conservation parcels
Phase 1 Environmental report



Section 3, T44S, R6W

From USGS Kanab and Thompson Point Quadrangles (1985 and 1987)

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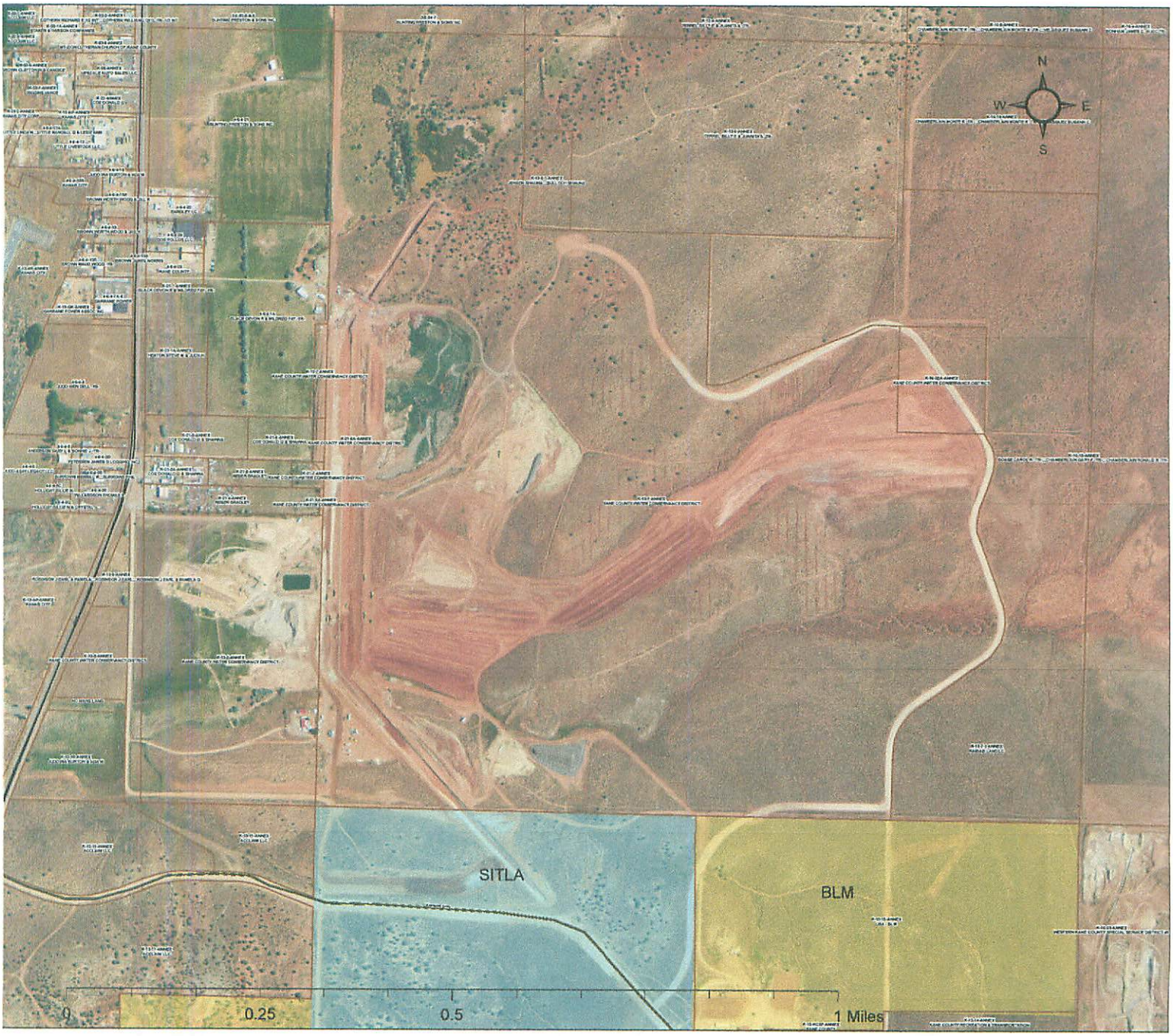
Approximate Scale
1 inch = 2,000 feet

JACKSON FLAT DAM - EASEMENT
KANAB, UTAH

2121209	ASAES	1985 USGS Topographic Map of Site	Figure 1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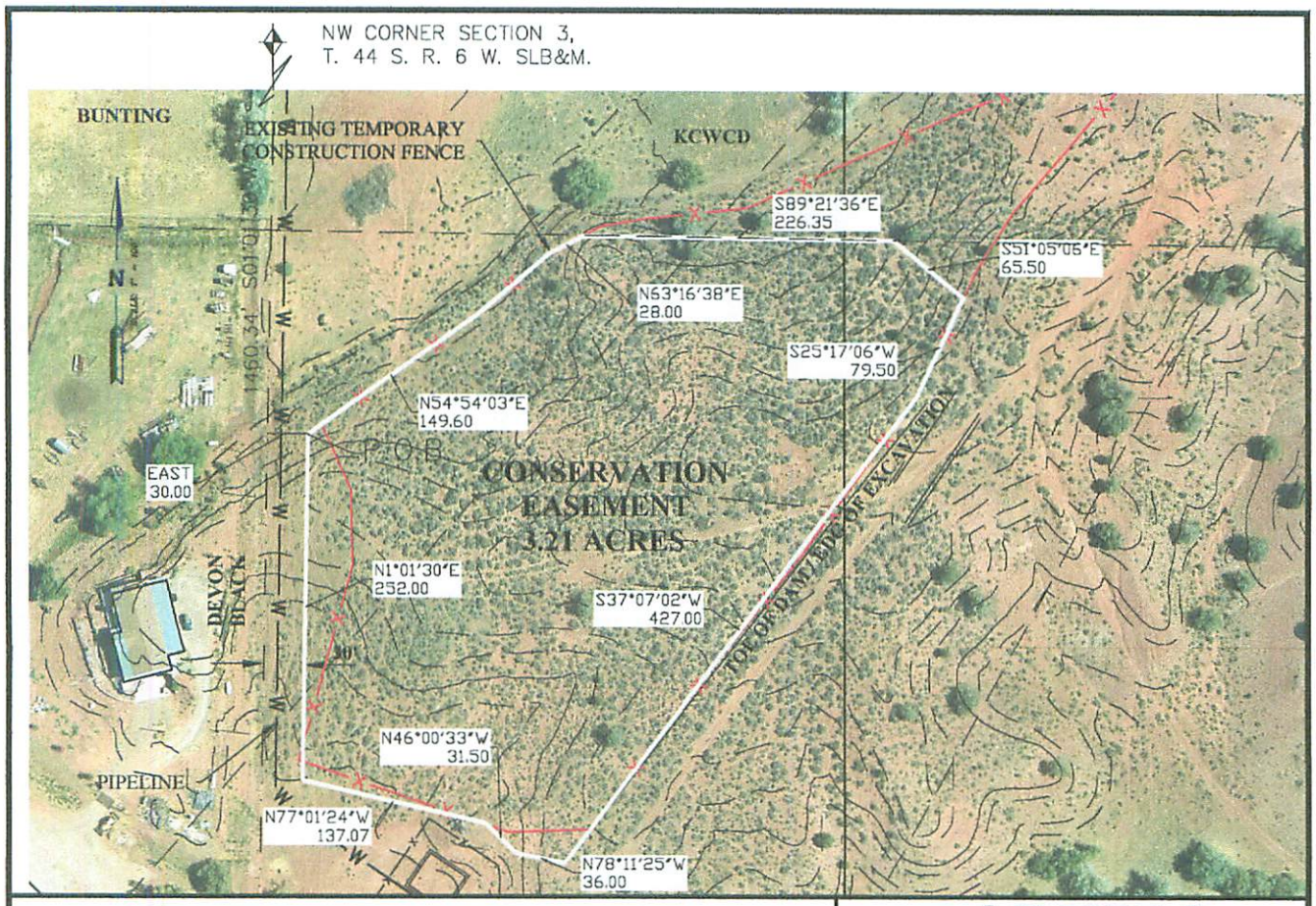

KANE COUNTY WATER CONSERVANCY DISTRICT
JACKSON FLAT CONSERVATION EASEMENT
EXHIBIT A

FILE: 357-08/CONSTRUCTION DRAWINGS/357-08 SVY-LEGALS.DWG

ALPHA
ENGINEERING COMPANY
43 SOUTH 100 EAST, ST. GEORGE, UT 84770
TEL: 435-628-6500 FAX: 435-628-6553

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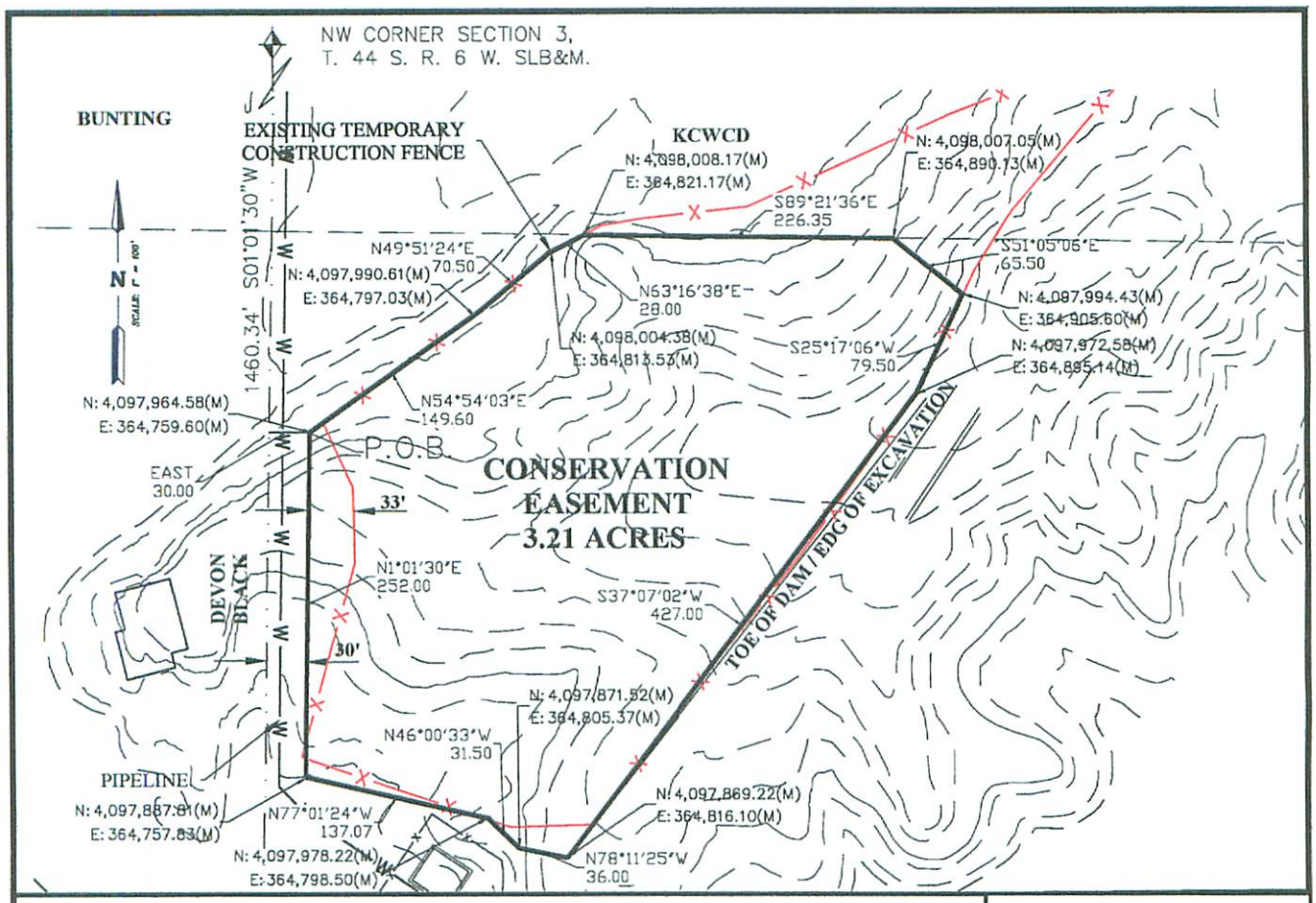

KANE COUNTY WATER CONSERVANCY DISTRICT
JACKSON FLAT CONSERVATION EASEMENT
(UTM ZONE 12 IN METERS)

FILE: 357-08/CONSTRUCTION DRAWINGS/357-08 SVY-LEGALS.DWG

ALPHA ENGINEERING
43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

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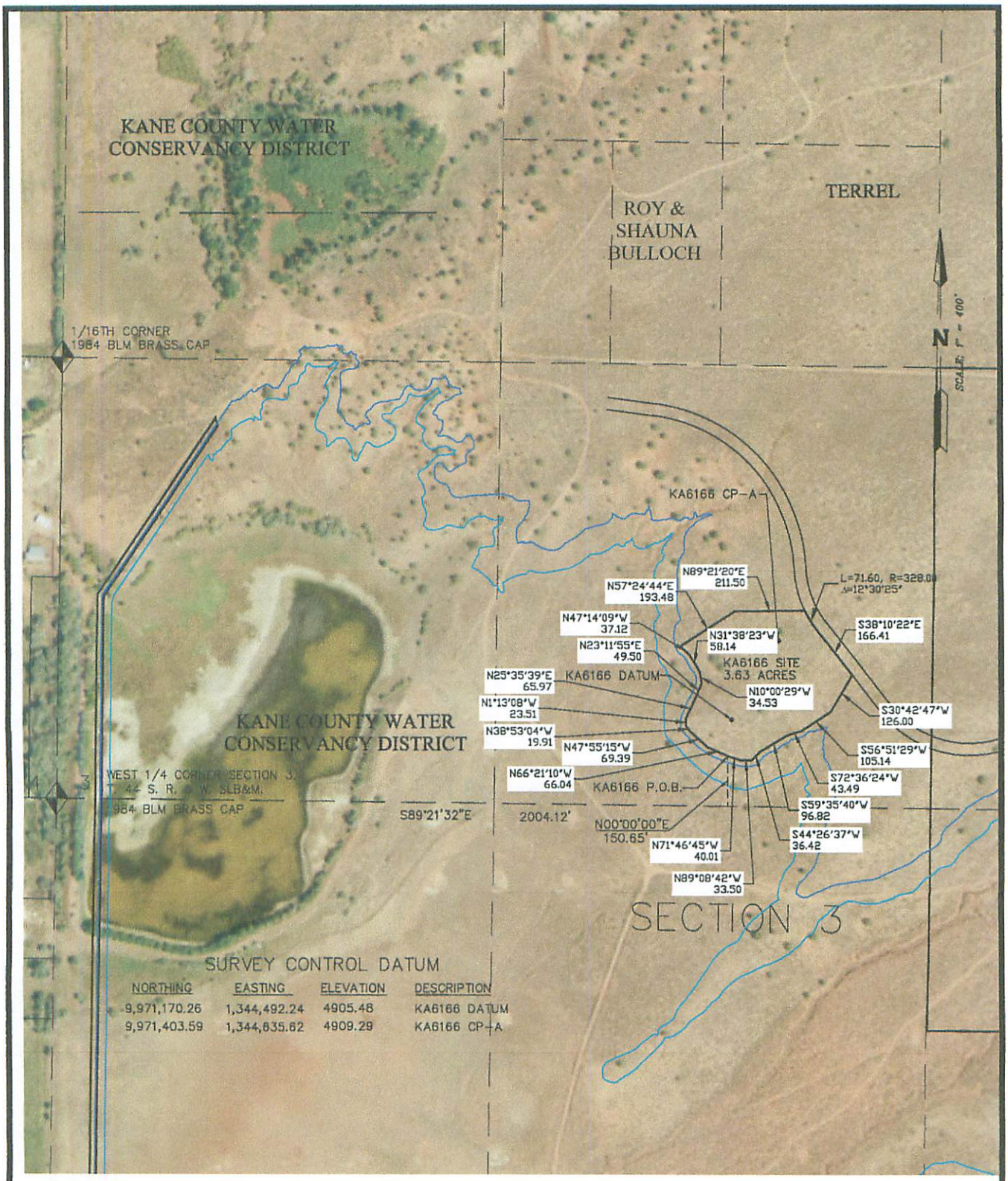

CONSERVATION EASEMENT
KA6166
EXHIBIT "B"

FILE:

ALPHA ENGINEERING COMPANY
43 SOUTH 100 EAST, ST. GEORGE, UT 84770
TEL: 435-628-6500 FAX: 435-628-6553

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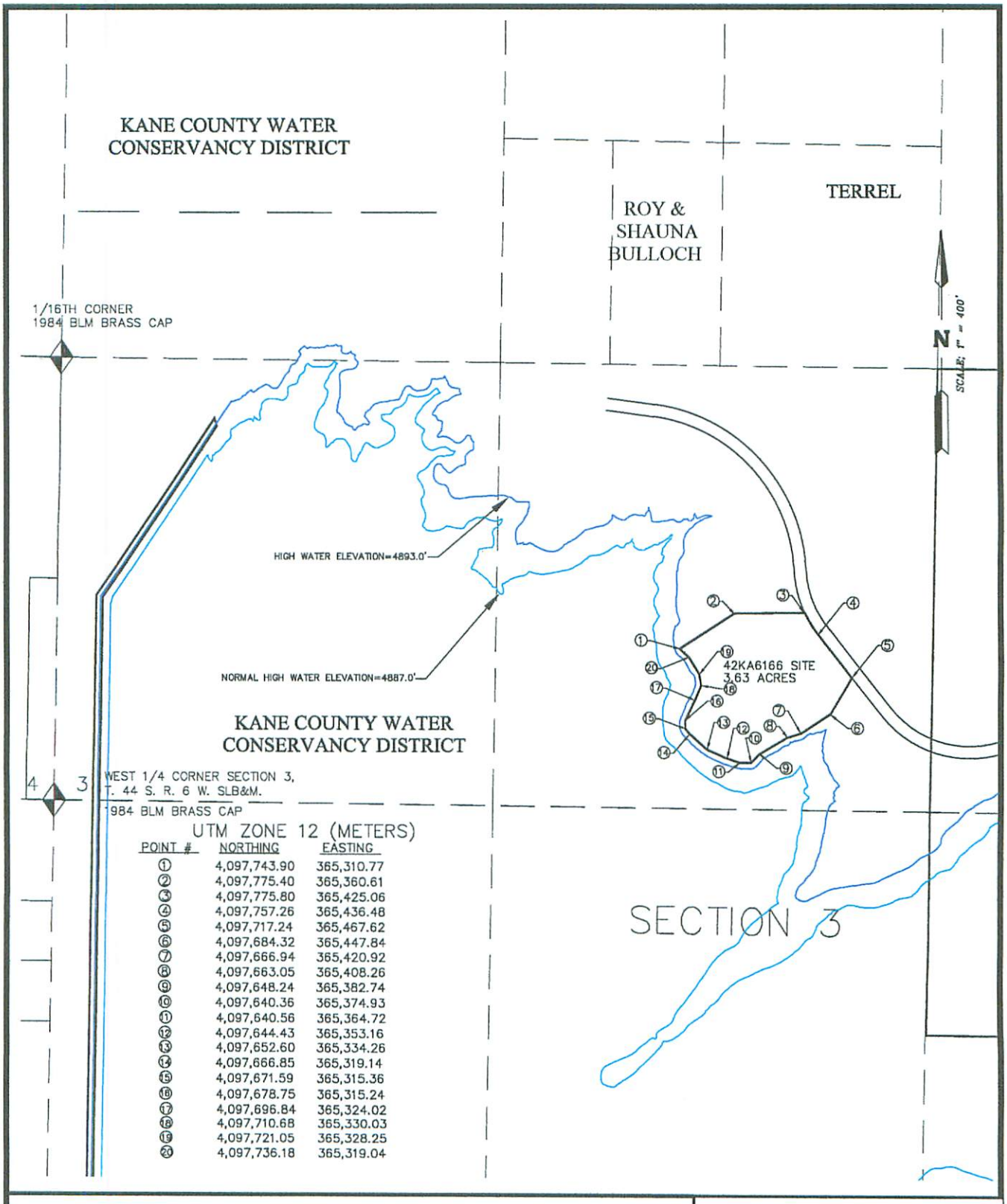

UTM ZONE 12 (METERS)

POINT #	NORTHING	EASTING
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2	4,097,775.40	365,360.61
3	4,097,775.80	365,425.06
4	4,097,757.26	365,436.48
5	4,097,717.24	365,467.62
6	4,097,684.32	365,447.84
7	4,097,666.94	365,420.92
8	4,097,663.05	365,408.26
9	4,097,648.24	365,382.74
10	4,097,640.36	365,374.93
11	4,097,640.56	365,364.72
12	4,097,644.43	365,353.16
13	4,097,652.60	365,334.26
14	4,097,666.85	365,319.14
15	4,097,671.59	365,315.36
16	4,097,678.75	365,315.24
17	4,097,696.84	365,324.02
18	4,097,710.68	365,330.03
19	4,097,721.05	365,328.25
20	4,097,736.18	365,319.04

MINERAL RIGHTS EXCHANGE PARCEL
42KA6166 (UTM ZONE 12 METERS)

FILE:

ALPHA ENGINEERING
43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

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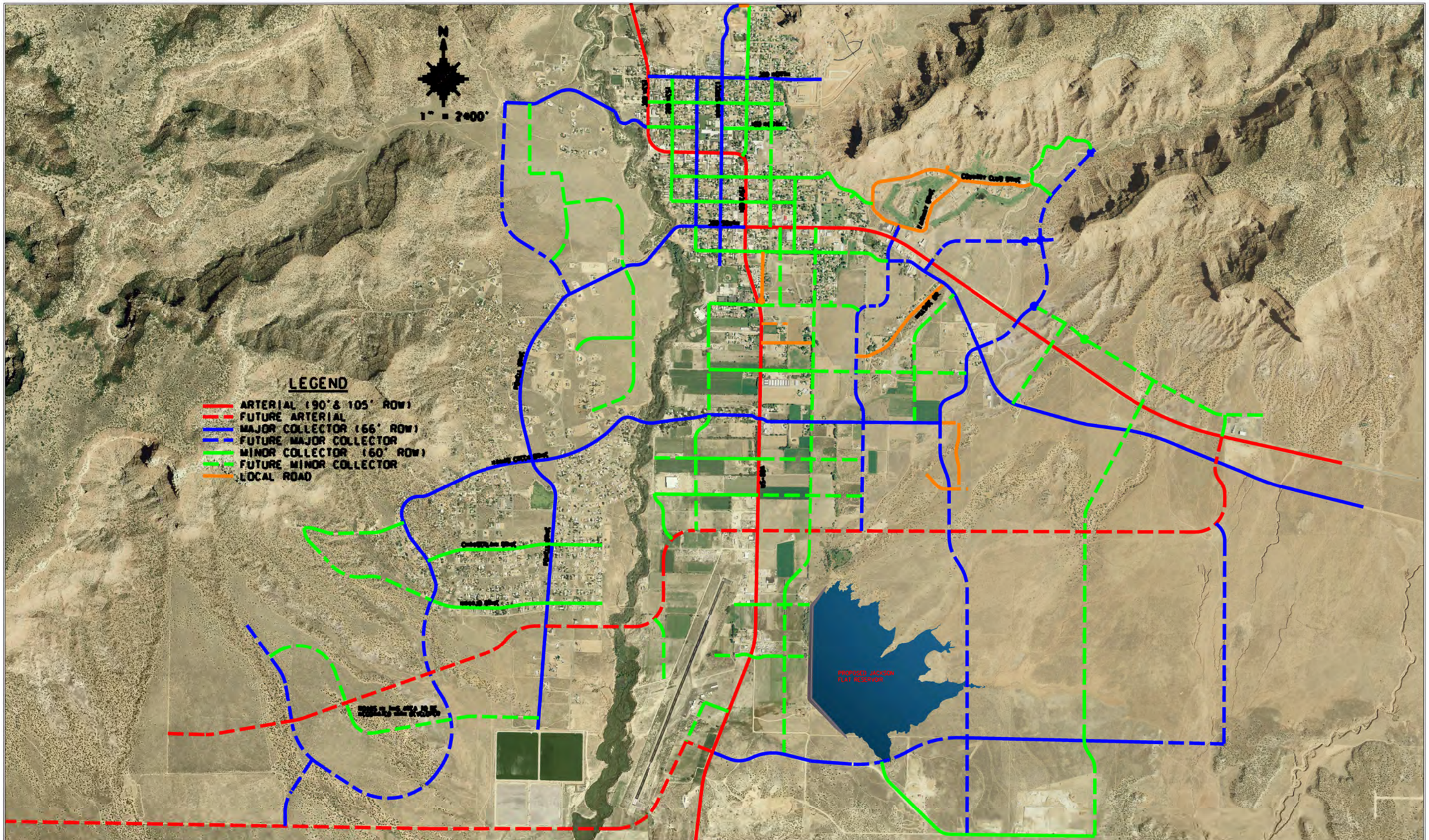

FIGURE

11

HOSKINS ENGINEERING DEVELOPMENT
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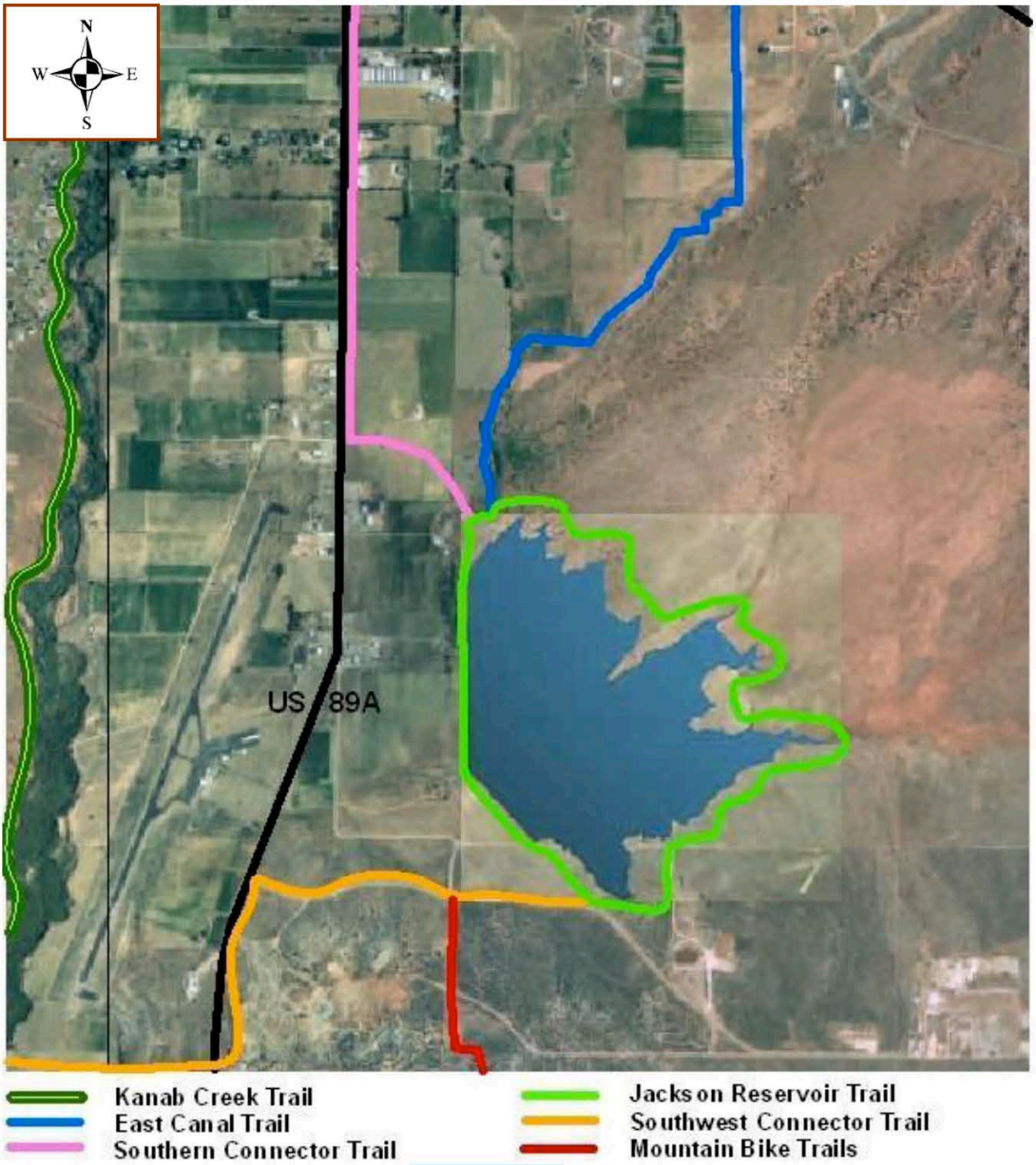
KANAB CITY TRANSPORTATION MASTER PLAN

KANAB UTAH

PROJECT NO.	7010
DRAWN BY	TGH
APPROVED BY	TGH
DATE	APR. 14, 2008

Exhibit 12

Jackson Reservoir Area Trails Map



Adopted January 13, 2009

Mayor
Nina Laycook
City Manager
Duane Huffman
Treasurer
RaeLene Johnson

City Council
James G. Sorenson
Cheryl Brown
Kirt Carpenter
Brett Chamberlain
Joe B. Wright

KANAB
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KANAB CITY PLANNING COMMISSION STAFF REPORT- August 20, 2013

I. ITEM: Consider amendment to Kanab City Land Use Ordinance: Chapters 1, 4, 16, 17, 18, 19, 20

Staff is recommending that the Planning Commission consider a recommendation to the City Council an amendment to the Land Use Ordinance chart of allowed uses in Chapters 1, 4, 16, 17, 19, 19, and 20. The amendment regards two items which have been discussed during recent Planning Commission meetings, and have been items of concern with applicants. These items include home occupation in residential zones and gas station/convenience store in commercial zones.

II. STAFF ANALYSIS

Home Occupation in residential zones

Chapter 1 of the Kanab City Land Use Ordinance defines a home occupation as:

> *"Any use conducted entirely within a dwelling and carried on by solely persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation may use any accessory building and shall not use any yard space outside the main dwelling or accessory buildings."*

Home Occupations are currently listed in all residential zones as a conditional use. In order to operate a small business in their home, which would constitute a home occupation, an applicant must obtain a conditional use permit with approval from the Planning Commission, a home occupation permit administered by City Staff, and a Business License. Many have expressed and Staff agrees that this process is burdensome to applicants and unnecessary for a use that, most often, has a minimal impact upon neighbors and the character of the neighborhood. In addition, Section 4-28 of the Land Use Ordinance includes regulations for home occupations, including parking, signage, and maximum area, which Staff believes the Zoning Administrator has the ability to administer when reviewing a home occupation permit. The exception to this rule would be home occupations that potentially result in the presence of hazardous materials or other dangerous or objectionable objects. In this case, applicants may be required to meet certain conditions to mitigate these potentially negative effects of the use through the conditional use permit process.

Gas Station/ Convenience Store in Commercial Zones

Currently, "Convenience Store" is listed as a permitted use within the C2 and C3 zones and conditional in a CPD. Convenience Store is not allowed in the C1 zone. In addition, "gas station" is not currently listed as a use in the Land Use Ordinance. Staff believes that a gas station and a convenience store, although similar have elements that are sufficiently distinguishable to establish "gas station" as a separate use.

A gas station would be appropriately allowed in a C2 zone, in which "nearly all types of commercial goods and services may be provided" and the C3 zone, "where facilities that serve the travelling public can be mostly appropriately located," and should be conditional use in the CPD zone, as it may not compatible under certain conditions, depending upon the development. Gas station is probably inappropriate for the C1 zone which is established "primarily for the convenience of people living in the neighborhood" and currently comprises a walkable atmosphere that a gas station would most likely not contribute to, due to high volumes of traffic, large setbacks, and wide driveways.

A convenience store, on the other hand, would be appropriately placed in the C1 zone, as it can serve the convenience of people living in the neighborhood. Section 20-2 lists "groceries" as an example of use that would be appropriate in this zone. Staff believes that convenience store should remain a permitted use in the C2 and C3 zones, as well, and continue to be a conditional use in the CPD zone, for the same reasons as a gas station, listed above.

III. FINDINGS

1. The process to obtain the required documentation to operate a home business is burdensome to many and may deter individuals from doing so and/or encourage them to proceed with the operation of a business illegally.

2. Home Occupations that potentially contain dangerous or objectionable objects should continue to be subject to the conditional use permit process, so that conditions may be imposed to mitigate possible negative effects, unique to the use.
3. The zoning administrator has the ability to sufficiently interpret and administer the ordinance for most home occupations
4. Gas stations and convenience stores are sufficiently distinguishable to establish separate uses.
5. "Convenience store" is compatible with other uses within C1 zone, while "gas station" is not.
6. "Convenience store" and "gas station" are compatible with other uses in C2 and C3 zones.
7. "Convenience store" and "gas station" may not be compatible in some Commercial Planned Developments and may be compatible only if certain conditions are met to mitigate detrimental impacts.

IV. STAFF RECOMMENDATION:

That the Planning Commission recommends to the City Council an amendment to the Land Use Ordinance, with the following changes:

1. Establish "Home Occupation, light" as a permitted use within all residential zones. Include the definition of Home Occupation light as "a home occupation which does not include the existence dangerous or objectionable objects as specified in Chapter 10 of the Land Use Ordinance as determined by the Zoning Administrator"
2. Establish "Home Occupation, heavy" as a conditional use in all residential zones. Include the definition

of Home Occupation, heavy as “a home occupation which potentially includes the existence dangerous or objectionable objects as specified in Chapter 10 of the Land Use Ordinance as determined by the Zoning Administrator.”

3. Revise the regulations in Section 4-28 to allow the Zoning Administrator to administer the regulatory provisions for Home Occupations.
4. Establish “gas station” as a permitted use in the C2 and C3 zones and a conditional use in the CPD zone.
5. Establish “convenience store” as a permitted use in the C1 zone.

Specific recommended changes to the Land Use Ordinance are attached to this document.

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.

grading and/or drainage plan. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevations(s) for any other purpose, shall not be considered finished grade.

Grocery store - means a retail business primarily engaged in retailing a general line of groceries in combination with general nonfood merchandise. They have centralized exit checkout stations, and utilize shopping carts for customers. Where the total square footage does not exceed forty-thousand square feet.

Gross Floor Area - The sum of:

A. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and

B. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings and used for the display, storage, or sale of any goods, wares or merchandise.

Handicapped Person - A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

Home Occupation - Any use conducted entirely within a dwelling and carried on by solely persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The home occupation may use any accessory building and shall not use any yard space outside the main

Chapter 1

GENERAL PROVISIONS

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dwelling or accessory buildings.

Home Occupation, light- a home occupation which does not include the existence dangerous or objectionable objects as specified in Chapter 10 of the Land Use Ordinance as determined by the Zoning Administrator.

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Home Occupation, heavy- a home occupation which potentially includes the existence dangerous or objectionable objects as specified in Chapter 10 of the Land Use Ordinance as determined by the Zoning Administrator.

Hospital - Institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums and clinics.

Hotel - any structure consisting of one or more buildings with five (5) or more guest rooms kept, used, maintained or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less in which ingress and egress to and from all rooms is made through an inside lobby or office.

Household Pets - Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

Interior Courtyard - A space bounded on three or more sides by walls but not a roof.

Junk - Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

Junkyard - The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the

Chapter 4

SUPPLEMENTARY REGULATIONS

This ordinance provides various development regulations that impact most uses and zones.

50. Footings are of proper size and construction for soil conditions.
51. Spacing of piers is in accordance with the manufacturer's guidelines.
52. Footing depth is below frost line.
53. Foundation walls, if required, meet local codes, ordinances, or covenants.
54. Pier construction meets manufacturer's specifications.
55. Anchoring. Check to ensure that.
56. Approved anchors are used.
57. Correct numbers of anchors, straps, or both are used according to the manufacturer's instructions.
58. Anchors are installed at correct angles and in accordance with the anchor manufacturer's listing for approval.
59. Miscellaneous. Check to ensure that:
60. The smoke detector(s) is operating correctly.
61. Construction seals (the "HUD Label") have not been damaged, removed, or covered by skirting.
62. Installation/anchoring certificates, seals, or both have been issued and installed if required.
63. Data plate is intact and legible.
64. Low-hanging tree branches and bushes have been trimmed.

All transit and installation damage is required to be reported to the manufacturer if the home is a new unit. Check with local authorities having jurisdiction prior to installation for code requirements and permits/inspections required.

Section 4-28 Home Occupations

~~A Conditional Use within certain zones as provided within this ordinance and~~ Home Occupations, as defined

Chapter 4

SUPPLEMENTARY REGULATIONS

This ordinance provides various development regulations that impact most uses and zones.

Adopted January 22, 2008
Revised June 25, 2013

by this Ordinance, must comply with the following requirements:

A. The Zoning Administrator shall determine whether the home occupation is classified as "Home Occupation- light" or "Home Occupation- heavy" as defined by this Ordinance.

~~A.~~B. The Home Occupation shall not occupy a total area greater than twenty-five (25) percent of the improved portions of the dwelling and shall not change the character thereof.

~~B.~~C. Accessory buildings may be used, but outside storage or activities are not permitted except for nursery schools, in which case, it is presumed that rear yard space is utilized and the rear yard space must be completely fenced with at least a six foot (6) high fence.

~~C.~~D. Any signs or other outside displays shall not be allowed. Any employee that does not reside at the residence shall not be allowed

~~D.~~E. Off-Street Parking will be provided which will, in the opinion of the Zoning Administrator~~ Planning Commission~~, be adequate to accommodate all vehicles which will be parked on or about the premises by customers, clients or occupants of the dwelling. Said off-street parking will be provided so that it will not decrease residential amenities in the area surrounding the dwelling.

~~E.~~F. Prohibited Home Occupation Uses - The following list presents examples that are not incidental to nor compatible with residential activities and are prohibited:

1. Businesses which entail the harboring, breeding, and raising of dogs, cats or other large or small animals on the premises;
2. Primary Medical and Dental offices, clinics and laboratories;
3. Mini storage;
4. Vehicle repair (body or mechanical), and vehicle painting;
5. Any other use determined by the Zoning

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Chapter 4

SUPPLEMENTARY REGULATIONS

This ordinance provides various development regulations that impact most uses and zones.

Administrator ~~Planning Commission~~ to be neither incidental nor compatible with residential activities.

F. Revocation - A ~~Conditional Use Permit covering~~ home occupation permit shall be revoked ~~or modified~~ by the Zoning Administrator ~~Planning Commission~~ if any one of the following findings can be made:

1. That the use has become detrimental to the public health, safety, traffic or constitutes a nuisance;
2. That the permit was obtained by misrepresentation or fraud;
3. That the use for which the permit was granted has ceased or was suspended for six or more consecutive calendar months;
4. That the condition of the premises, or the area of which it is a part has changed so that the use is no longer justified under the meaning and intent of this Chapter;
5. ~~That one or more of the conditions of the Conditional Use Permit have not been met;~~
6. ~~6.~~5. That the use is in violation of any statute, ordinance, law or regulation.
7. ~~That the use meets requirements in Chapter 8 of this ordinance.~~

Section 4-29 Underground Utilities

All utilities, including cable TV conduits, shall be provided through underground service in properly recorded easements or rights of way. All existing aboveground utility lines which are within the boundary of the project or are on adjoining collector streets which are to be widened with the development shall be buried within appropriate easements. Utility lines in projects which the City Engineer determines should be buried with future road reconstruction or widening shall pay a cash escrow equal to the current cost of burying the lines. All underground utilities specified in this section shall be installed prior to the installation of road base,

Chapter 16

AGRICULTURAL AND RURAL RESIDENTIAL ZONES

LAND USES AGRICULTURAL / RURAL RESIDENTIAL	ZONES	
	RA	RR-1
Accessory structures[1]	P	P
Agricultural products retail sales	P	-
Church	C	C
Guest house	P	P
Home Occupation, light[6]	P	P
Home Occupation, heavy[7]	C	C
Household pets	P	P
Manufactured / modular home	P	P
Nursery or greenhouse including retail sales[2]	P	C
Park or playground	C	C
Poultry coops for public food production	C	-
Private kennels[5]	C	C
Private stable, corral, chicken coop or pen[3]	P	P
Public buildings	C	C
Public riding stables	C	-
Public utilities	C	C
Raising crops, horticulture, gardening[4]	P	P
Stabling of livestock	P	-
Single family dwelling unit	P	P
School	C	C
Zip Lines	C	-

1 Refer to Section 16-5-2
2 This excludes any building or structure used for retail, separate from the greenhouse growing facility.
3 Animals and fowl for recreation or for family food production for the primary use of persons residing on the premises.
4 Tilling of the soil, the raising of crops, horticulture, and gardening for personal use.
5 A Private Kennel Permit may be approved in the R-R-1 (Rural Residential Zone) (a) if the parcel is two acres or larger; and (b) if adjacent to no less than one (1) two acre parcel; and (c) meets all city regulations, ordinances and conditions as part of the approval.
6 Home Occupation, light does not include dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.
7 Home Occupation, heavy potentially includes dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

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Adopted January 22, 2008
Revised July 28, 2009

KANAB

Land Use Ordinance

Chapter 17

SINGLE FAMILY RESIDENTIAL ZONES

Ordinance which provides for low density, single-family neighborhoods

Adopted January 22, 2008
Revised January 10, 2012

Sections

17-1 Purpose
17-2 Permitted and Conditional Uses
17-3 Height Regulations
17-4 Minimum Area, Width, and Yard Requirements
17-5 Modifying Regulations
17-6 Keeping of Chickens in Residential Zones
17-7 Supplementary Regulations

Section 17-1 Purpose

Single Family Residential Zones (R-1-20, R-1-15, R-1-10, R-1-8): To provide and protect areas for low-density, single-family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

Section 17-2 Permitted and Conditional Uses

LAND USE CHART SINGLE FAMILY RESIDENTIAL	ZONES			
	R-1-20	R-1-15	R-1-10	R-1-8
Bed and breakfast	C	C	C	C
Cemetery	C	C	C	C
Child day care or nursery	C	C	C	C
Church	C	C	C	C
Golf course	C	C	C	C
Guest house	P	P	P	P
Home Occupation, light[3]	P	P	P	P
Home occupation, heavy[4]	C	C	C	C
Horticulture and gardening[1]	P	P	P	P
Household pets	P	P	P	P
Park or playground	C	C	C	C
Public buildings	C	C	C	C
Public utilities, essential services	C	C	C	C
School	C	C	C	C
Shed / garage[2]	P	P	P	P
Single family dwelling unit	P	P	P	P

1 For personal use

Chapter 17

SINGLE FAMILY RESIDENTIAL ZONES

Ordinance which provides for low density, single-family neighborhoods

Adopted January 22, 2008
Revised January 10, 2012

[2] Refer to Section 17-5-2

[3] Home Occupation, light does not include dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

[4] Home Occupation, heavy potentially includes dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

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Section 17-3 Height Regulations

No building may exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height.

Section 17-4 Minimum Area, Width and Yard Requirements

			Yard Setbacks in Feet		
District	Area	Width	Front	Side	Rear
R-1-20	20,000 sq ft	120	25	10	10
R-1-15	15,000 sq ft	100	25	10	10
R-1-10	10,000 sq ft	80	25	10	10
R-1-8	8,000 sq ft	60	25	8	10

Section 17-5 Modifying Regulations

A. Side yards - On corner lots the side yard setback shall be the same as the front yard setback.

B. Accessory Buildings - All accessory buildings shall be located at the rear of and at least ten (10) feet from the main building and may have a rear yard and side yard of two (2) feet except on the street side of a corner lot.

Section 17-6 Keeping of Chickens in Residential Zones

In order to reasonably further the health, safety, and general welfare of the citizens of Kanab City, this section authorizes the keeping of chickens in residential zones, subject to certain requirements as set forth below.

A. Fifteen (15) hen chickens (and no roosters) may be kept on a lot or parcel of land in a residential zone for the primary purpose of

KANAB

Land Use Ordinance

Chapter 18

MULTI-FAMILY RESIDENTIAL ZONES

Ordinance which provides for medium to high density residential areas, from seven (7) to fifteen (15) units per acre

Sections

18-1 Purpose
18-2 Permitted and Conditional Uses
18-3 Height Regulations
18-4 Density Regulations
18-5 Area, Width, and Yard Requirements
18-6 Modifying Regulations
18-7 Supplementary Regulations

Section 18-1 Purpose

Multi-Family Zones: (RM-7, RM-9, RM-11, RM-13, RM-15) To provide and protect areas for medium to high density, from seven (7) to fifteen (15) units per acre, residential while permitting limited establishment of the public and quasi-public uses which serve the requirements of the neighborhood.

Section 18-2 Permitted and Conditional Uses

LAND USES MULTI-FAMILY RESIDENTIAL	ZONES				
	RM-7	RM-9	RM-11	RM-13	RM-15
Accessory uses and structures[1]	P	P	P	P	P
Child day care or nursery	C	C	C	C	C
Church	C	C	C	C	C
Home occupation, light[3]	P	P	P	P	P
Home occupation, heavy[4]	C	C	C	C	C
Horticulture and gardening [2]	P	P	P	P	P
Household pets	P	P	P	P	P
Multi-family dwelling units	C	C	P	P	P
Park or playground	C	C	C	C	C
Private recreation grounds and facilities	C	C	C	C	C
Public utilities, essential services	C	C	C	C	C
School	C	C	C	C	C
Single family dwelling unit	P	P	P	P	P
Two-family dwelling units	P	P	P	P	P

Chapter 18

MULTI-FAMILY RESIDENTIAL ZONES

Ordinance which provides for medium to high density residential areas, from seven (7) to fifteen (15) units per acre

Adopted January 22, 2008

Footnotes:

1. Premises in the RM zones may be used for accessory uses, provided such uses are established after the existence of the primary residence and on the same lot or parcel of land as the primary residence; accessory uses should not substantially alter the character of any permitted principal use; accessory buildings or structures may include but not be limited to:

   A. Housing or confinement of animals.

   B. Private garages, carports and children's playhouses.

   C. Tool houses and greenhouses.

   Refer also to Section 18-6-3

2. for personal use

3. Home Occupation, light does not include dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

4. Home Occupation, heavy potentially includes dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

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Section 18-3 Height Regulations

No main building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling structure shall be less than one (1) story.

BUILDING HEIGHT	RM-7	RM-9	RM-11	RM-13	RM-15
Maximum feet	35	35	35	35	35
Maximum stories	2½	2½	2 1/2	2 ½	2 ½
Minimum stories (dwellings)	1	1	1	1	1

Section 18-4 Density Regulations

The density shall not exceed the densities given in the following table.

KANAB

Land Use Ordinance

Chapter 19

KANAB CREEK RANCHOS KCR-720 ZONE

Ordinance which provides for low-density, single family home neighborhoods of a rural character

Adopted January 22, 2008
Revised July 28, 2009

Sections

19-1 Purpose
19-2 Permitted Uses
19-3 Height Regulations
19-4 Minimum Area, Width, and Yard Requirements
19-5 Modifying Regulations
19-6 Supplementary Regulations

Section 19-1 Purpose

To provide and protect areas of low-density, single family neighborhoods of a rural character and to provide for zoning for the Kanab Creek Ranchos Subdivision.

Section 19-2 Permitted and Conditional Uses

LAND USE CHART KCR-720 HOMES	KCR ZONE
Cemetery	C
Child day care or nursery	C
Church	C
Golf course	C
Guest house	P
Home occupation, light[3]	P
Home occupation, heavy[4]	C
Horticulture and gardening[1]	P
Household pets	P
Park or playground	C
Public buildings	C
Public utilities, essential services	C
School	C
Shed / garage[2]	P

1 For personal Use

2 Refer to Section 19-5-B

Chapter 19

KANAB CREEK RANCHOS KCR-720 ZONE

Ordinance which provides for low-density, single family home neighborhoods of a rural character

Adopted January 22, 2008
Revised July 28, 2009

[3] Home Occupation, light does not include dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

[4] Home Occupation, heavy potentially includes dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

Section 19-3 Height Regulations

No building may exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height.

Section 19-4 Minimum Area, Width, and Yard Requirements

			Yard Setbacks in Feet		
District	Area	Width	Front	Side	Rear
KCR-720	13,000 sq ft	80	25	10	10

Section 19-5 Modifying Regulations

A. On corner lots, the side yard setback shall be the same as the front yard setback.

B. A detached private garage or accessory building with a wall height equal to or less than eight (8) feet in height and located at the rear of and ten (10) feet away from the main dwelling may have a side yard and rear yard of two (2) feet, except on the street side of a corner lot.

C. All homes in the KCR-720 zone shall be on a permanent foundation.

D. Each dwelling shall have a minimum floor area of 720 square feet of floor space on the main floor, exclusive of garages.

E. The width of the dwelling shall not be less than fourteen feet (14) feet at the narrowest point of its first floor exclusive of any garages, bay windows, room additions or other similar appendages. The width shall be considered as the lesser of the two primary dimensions.

F. A basement shall not be considered as a first floor.

G. All manufactured homes shall be anchored to and

Chapter 1

GENERAL PROVISIONS

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Adopted January 22, 2008
Revised June 25, 2013

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 ~~relatively~~ limited selection of ~~prepackaged~~ food products, household items, and other related goods and ~~may~~ does not include gasoline or fuel sales. ~~and is characterized by a rapid turnover of customers and high traffic generation and does not include a store which is solely or primarily a restaurant.~~

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

Chapter 1

GENERAL PROVISIONS

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measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Frontage, Lot - The lineal measurement of the front lot line.

Garage, Private - A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises.

Garage, Vehicle Repair - A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A vehicle repair garage may also include incidental storage, care, washing or sale of automobiles.

Gas Station – A retail establishment which includes gasoline or fuel sales.

Geological Hazard - A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

Governing Body - The elected legislative body of the City of Kanab.

Grade, Existing – Shall mean sites which have never been disturbed, existing grade is the same as the natural grade, which is the ground level before any human disturbances. For sites that have existing structures or other disturbances to the land, existing grade would be the ground level established when the structure or disturbance was created. Recent earthwork, particularly if the grading is done without permits, will not necessarily qualify as existing grade and often requires a determination from the Zoning Administrator.

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 28, 2012

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	C	P	P	P
Apartment(s)	-	P	P	C
Arcade (Games/Food)	C	C	P	C
Auto / Boat Dealer	-	P	P	-
Auto Rental / Sales	-	C	P	C
Auto Service Station	-	P	P	C
Auto Supply Store	-	P	P	P
Beauty Salon	P	P	P	P
Bed and Breakfast / Guesthouse	C	P	P	-
Cemetery	-	-	C	-
Church	P	P	P	P
College / University	-	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	-
Convenience Store	P–	P	P	C
Day Care I (under 6 children)	-	C	C	C
Day Care II (over 6 children)	-	C	C	C
Department / Variety Store	P	P	P	P
Dry Cleaner	-	C	P	P
Drug Store	P	P	P	P
Duplex /Residential	-	C	C	-
Elementary – Jr. High	-	-	C	-

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 28, 2012

Permitted and Conditional Uses

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Espresso Stand	P	P	P	P
Fabric Store	P	P	P	P
Fast Food/Restaurant	C	P	P	C
Financial Institution	-	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	C
Halfway House	-	-	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	C	P	P	C
Jewelry Store	P	P	P	P
Kennel / Public	-	-	C	-
Landscaping Business	-	-	P	-
Laundromat	-	P	P	P
Library	-	C	C	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
Mobile / Park Model Home Park	-	-	C	-

Chapter 17

SINGLE FAMILY RESIDENTIAL ZONES

Ordinance which provides for low density, single-family neighborhoods

Adopted January 22, 2008
Revised January 10, 2012

[2] Refer to Section 17-5-2

[3] Home Occupation, light does not include dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

[4] Home Occupation, heavy potentially includes dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

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Section 17-3 Height Regulations

No building may exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height.

Section 17-4 Minimum Area, Width and Yard Requirements

			Yard Setbacks in Feet		
District	Area	Width	Front	Side	Rear
R-1-20	20,000 sq ft	120	25	10	10
R-1-15	15,000 sq ft	100	25	10	10
R-1-10	10,000 sq ft	80	25	10	10
R-1-8	8,000 sq ft	60	25	8	10

Section 17-5 Modifying Regulations

A. Side yards - On corner lots the side yard setback shall be the same as the front yard setback.

B. Accessory Buildings - All accessory buildings shall be located at the rear of and at least ten (10) feet from the main building and may have a rear yard and side yard of two (2) feet except on the street side of a corner lot.

Section 17-6 Keeping of Chickens in Residential Zones

In order to reasonably further the health, safety, and general welfare of the citizens of Kanab City, this section authorizes the keeping of chickens in residential zones, subject to certain requirements as set forth below.

A. Fifteen (15) hen chickens (and no roosters) may be kept on a lot or parcel of land in a residential zone for the primary purpose of

KANAB

Land Use Ordinance

Chapter 18

MULTI-FAMILY RESIDENTIAL ZONES

Ordinance which provides for medium to high density residential areas, from seven (7) to fifteen (15) units per acre

Sections

18-1 Purpose
18-2 Permitted and Conditional Uses
18-3 Height Regulations
18-4 Density Regulations
18-5 Area, Width, and Yard Requirements
18-6 Modifying Regulations
18-7 Supplementary Regulations

Section 18-1 Purpose

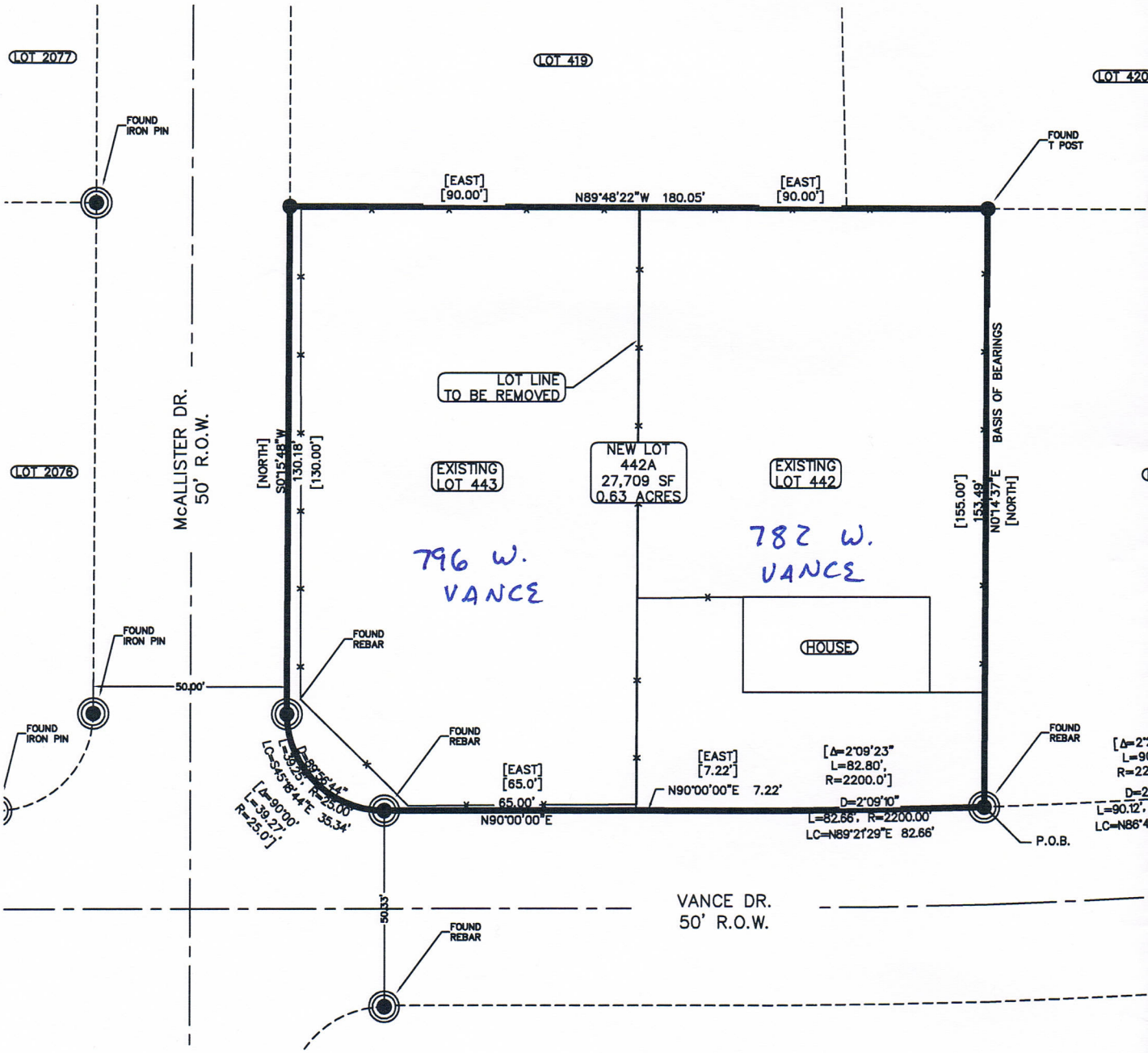
Multi-Family Zones: (RM-7, RM-9, RM-11, RM-13, RM-15) To provide and protect areas for medium to high density, from seven (7) to fifteen (15) units per acre, residential while permitting limited establishment of the public and quasi-public uses which serve the requirements of the neighborhood.

Section 18-2 Permitted and Conditional Uses

LAND USES MULTI-FAMILY RESIDENTIAL	ZONES				
	RM-7	RM-9	RM-11	RM-13	RM-15
Accessory uses and structures[1]	P	P	P	P	P
Child day care or nursery	C	C	C	C	C
Church	C	C	C	C	C
Home occupation, light[3]	P	P	P	P	P
Home occupation, heavy[4]	C	C	C	C	C
Horticulture and gardening [2]	P	P	P	P	P
Household pets	P	P	P	P	P
Multi-family dwelling units	C	C	P	P	P
Park or playground	C	C	C	C	C
Private recreation grounds and facilities	C	C	C	C	C
Public utilities, essential services	C	C	C	C	C
School	C	C	C	C	C
Single family dwelling unit	P	P	P	P	P
Two-family dwelling units	P	P	P	P	P

LEGEND

- SET 5/8" x 36" REBAR WITH PLASTIC CAP MARKED TC ENG. PLS 5561917
- FOUND REBAR AND CAP MONUMENT AS NOTED
- STREET CENTER LINE
- PROPERTY LINE
- BUILDING LINE
- ADJACENT PROPERTY
- FENCE LINE
- SURVEY BOUNDARY
- [ ] RECORD BEARING AND DISTANCE



ACKNOWLEDGMENT

STATE OF UTAH,)
COUNTY OF) s.s.

On this _____ day of _____, 20___, personally appeared before me Michelle Soga, Trustee of the Lenore London see Revocable Trust, dated May 11,1998, who is personally know to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat.

_____
NOTARY PUBLIC

CITY PUBLIC WORKS DIRECTOR CERTIFICATE

I, _____, Kanab City public Works Director, do hereby certify that this office has examined the above Plat and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20___.

_____
KANAB CITY PUBLIC WORKS DIRECTOR

CITY ENGINEE

I, _____
hereby certify th
Plat and have d
accordance with
recommend it fo
_____ da
, 20___

KANAB CITY ENG
Kanab, Utah

KANAB UTAH

76 North Main
Kanab, Utah 84741
Phone: (435) 644-2534
Fax: (435) 644-2536
www.Kanab.Utah.Gov

Plat Vacation or Amendment Application

KCfrmPVAAv1.0.04

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 first complete the initial application process as outlined in Section 2-1 of the Kanab City Subdivision Ordinance before continuing with this application. Use the Subdivision Inital application form for either a minor or major subdivision.

Subdivision Name:

Kanab Creek Ranchos - Unit No. 4, Amended Lot 442 & 443

Property Location: Indicate property location using (East-West / North - South) street address

782 W. Vance Dr.

Desired Development Committee Meeting Date

Meeting Date Requested: _____ Date (mm-dd-yyyy)

NOTE: Development Committee Meetings are normally held on Wednesday(s) at 10:00am in the Kane County Commission Chambers. This application will need to be submitted a minimum of one week in advance of the date listed above.

Applicant Information:

Name William A Sage, Successor Trustee Phone (435) 899-0051

Address 3126 Oak Rd #105 P.O. Box _____

City Walnut Creek State California Zip Code 94597

Lots:

1 Quantity of Lots Parcel ID 72-442A

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 the Kanab City Subdivision Ordinance.

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Plat Vacation or Amendment Application

Amended Final Plat Drawing:

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

- The proposed subdivision name;
- The name and address of the applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided.
- 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;
- A minimum scale of 1" = 50';
- 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;
- Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes;
- A north arrow facing the top of right margin;
- The latest date on each sheet;
- The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;
- A legend of symbols;
- All survey monuments;
- The streets indicating numbers and/or names and lots numbered consecutively;
- The location, width, center-line 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;
- The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines;
- The approval signature blocks for:
  - Owner's dedication and acknowledgment;
  - Surveyor's stamped certificate with subdivision boundary legal description;
  - City Surveyor's approval;
  - City Engineer's approval;
  - City Attorney's approval as to form;
  - Director of Public Works' approval;
  - Planning Commission acceptance;
  - City Council approval;
  - County Recorder's certificate.

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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.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Attachments by email, mail or hand delivery to the Kanab City Office.

ON APPLICATION

Owners of Record:

Provide the following:
- The name and address of all owners of record of the land contained in the entire plat.
- The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended.
- The signature of each of these owners who consents to the petition.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Attachments by email, mail or hand delivery to the Kanab City Office.

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.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Attachments by email, mail or hand delivery to the Kanab City Office.

N/A

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 Uniform Standards for Design and Construction.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Attachments by email, mail or hand delivery to the Kanab City Office.

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Title Report:

Attach a title report prepared within the previous 30 days.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Attachments by email, mail or hand delivery to the Kanab City Office.

Initial Application Requested Items:

Attach any additional items that may be requested by the Development Committee during the initial application process.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Attachments by email, mail or hand delivery to the Kanab City Office.

Kanab City Engineer Review and Approval

This application is not considered complete until all required documents are submitted to the Kanab City Manager for review and approval by the Kanab City engineer. Typically 2 weeks is required for this process. The Kanab City engineer will provide a letter stating the that either the application is complete and approves the application or the Kanab City engineer will indicate in a letter format any missing or incomplete information which is required before approval will be granted.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Attachments by email, mail or hand delivery to the Kanab City Office.

Fees:

Fees Required	$0.00	Deposit Req'd	$260.00

Remit the deposit shown above as outlined in the Kanab City Land Use Ordinance. After submitting this form the applicant will have an opportunity to pay the required fees/deposits by either making payment on-line , by mail or by hand delivery to the Kanab City Office in the form of a check or money order.

NOTE: Additional deposits will be required when initial deposits are fully expended. Any unused portion of deposits will be refunded to applicant upon completion of the project.

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NOTE: Filling in Signature Name and Date and submitting form will serve as a valid signature. Form will be date and time stamped when submitted.

Warning - once form is submitted - Form information can not be changed.

By signing below, the Applicant acknowledges: 1) that he or she has read the Subdivision Ordinance, or that an agent of the Applicant has; 2) that he or she understands the provisions of the Subdivision Ordinance; and 3) that he or she will fully and completely comply with the provisions and requirements contained therein.

Signature Bill Sage Date (mm-dd-yyyy) 8/13/2013

Contact Information:

Applicant must provide at least one email address for correspondence with City Administrative Staff.

EMail tom@tc-eng.com EMail

For City USE ONLY

Accepted Date (mm-dd-yyyy)