

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
February 11th, 2014
76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 11th day of February, 2014, at the Kane County 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:

- 6:30P.M. Work Meeting
- 7:00 P.M. Call to Order and Roll Call
- 7:05 P.M. Approval of minutes of previous meeting and accounts payable vouchers
- 7:10 P.M. 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 3-606
- 7:20 P.M. Public Hearing - Changes to the Commercial zones in Chapter 20 and all subsequent chapters of the Land Use Ordinance including removal of the 40,000 sq ft Gross Floor Limitation.
- 7:25 P.M. Consider Adoption of Ordinance 2-3-14 O Amending Kanab City Land Use Ordinance concerning commercial zones
- 7:30 P.M. Consider appointing Jeff Yates to the Kanab City Planning Commission for a term expiring Dec. 2018
- 7:35P.M. Consider appointing Marlene Barnes to the Kanab City Library board for a term expiring Dec. 2018
- 7:40P.M. Consider Kanab Parks and Rec board supporting the Kanab Class
- 7:45P.M. Consider Adoption of Ordinance 2-1-14 O amending Kanab City General Ordinance Section 9-429 concerning public hearing required before written consent for a private club liquor license and before issuance of a beer license to private club
- 7:50P.M. Discussion to direct staff on consent for Beer and Wine License for Luo's Café and Fusion House
- 7:55P.M. Consider Adoption of Ordinance 2-2-14 O amending Kanab City General Ordinance section 15-517, and 15-527 concerning the duties and Responsibilities of the Arts Council, and Kanab Heritage Board
- 8:00P.M. Closed Session:
- i. Discuss the character, professional competence, or physical or mental health of an individual.
 - ii. Discuss pending or reasonably imminent litigation.
 - iii. Discuss the purchase, exchange, or lease of real property.

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
JANUARY 28, 2014
KANE COUNTY COMMISSION CHAMBERS**

PRESENT: Council Members Kirt Carpenter, Cheryl Brown, Joe B. Wright, Kent Burggraaf and Mayor Pro-Tem Brent Chamberlain, City Manager Joe Decker, City Treasurer RaeLene Johnson and Attorney Greg Hardman. Mayor Robert Houston was excused.

Prayer was offered by Kent Burggraaf. Pledge of Alliance was lead by Brent Chamberlain.

WORK MEETING: Mayor Pro-Tem Chamberlain opened the work meeting at 6:30 p.m. Mr. Jim Walls discussed the energy consumption at the swimming pool. He learned that evaporation uses a large percent of energy. He suggested building a wind break such as a row of evergreens. Mr. Bruce Davis suggested looking into the possibility of geo-thermal.

Mayor Pro-Tem Chamberlain opened the regularly scheduled meeting at 6:40 p.m. The meeting was called to order and roll call was taken.

APPROVAL OF MINUTES AND VOUCHERS: A motion was made by Council Member Carpenter and 2nd by Council Member Burggraaf to approve the minutes of January 14 with corrections and the vouchers. Motion passed unanimously. Council Member Wright absent.

PUBLIC COMMENT PERIOD: Mr. Jim Walls expressed concern about the sewer lagoons. He didn't want anyone to build a refining plant to convert the algae into a product. Mayor Pro-Tem Chamberlain said the Company dries the algae using a priority method with waste heat from anyone of a variety of sources. This would be done on site. Joan Thacher heard there were complications with the first algae harvest. Council Member Burggraaf explained that it was actually a success and was given more funding for their project. This Company has a very small foot print and does not pollute.

DISCUSSION FOR A LETTER OF INTEREST FROM KANAB CITY TO "COMPACT CONTRACTORS FOR AMERICA" TO BEGIN A FEASIBILITY STUDY ON THE SEWER LAGOONS FOR THE USE OF GROWING ALGAE: It was discussed that this algae can be used in jet fuel and the only by product is distilled water. It has a low-impact on the environment. Council Member Wright walked into the meeting at 6:55 p.m. A motion was made by Council Member Burggraaf to authorize the Mayor to write a letter of interest from Kanab City to "Compact Contractors for America" to begin a feasibility study on the use of the sewer lagoons for growing algae. Motion 2nd by Council Member Wright. Motion passed unanimously.

DISCUSSION ON DIRECTING STAFF ON A REQUEST FOR PROPOSAL (RFP) FOR THE DESIGN OF THE CITY SKATE PARK: Council Member Brown

reviewed with the Council an example of a request for proposal for a design services-concrete skate park. The site is a rectangular piece of ground approximately 90' x 150'. It has a steep hill on the north end and the elevation drops from north to the south end. She said that the City received a grant from the Tony Hawk Foundation that gives the City two years to complete the project. The City will have to come up with a 50% match. The youth have been working hard to help come up with the match. Council Member Burggraaf said there needs to be larger donors such as the Travel Council. The Travel Council won't commit any funds until there is a design and an estimate of costs. They want to see a specific proposal. Council Member Burggraaf said that a business in town, Mesa Design, wanted to offer an artistic rendering of the wave for the skate park design. Council Member Carpenter felt there needed to be a design/build firm. Council Member Burggraaf felt there needed to be a separate engineer to oversee the project.

A motion to go into a closed session to discuss personnel, pending litigation and the purchase, exchange or lease of real property was made by Council Member Wright and 2nd by Council Member Brown. Motion passed unanimously.

Mayor Pro-Tem Chamberlain opened the regular Council Meeting at 9:30 p.m. on January 28, 2014. All of the Council was present except Mayor Houston.

A motion was made by Council Member Brown and 2nd by Council Member Wright to let the County and the School District know that the City would like to have a seat on the feasibility study and also be a part of the discussion of using the old middle school as a community center. Motion passed unanimously.

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

Mayor Pro-Tem Chamberlain

Recorder Joe Decker

ORDINANCE NO. 2-1-14 O

**AN ORDINANCE AMENDING KANAB CITY LAND USE ORDINANCE CONCERNING
COMMERCIAL ZONES**

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 December 3, 2013- November 19, 2013 – and November 5, 2013 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 General Ordinance is hereby amended as reflected in the attached 25 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 11th day of, February 2014.

KANAB CITY

MAYOR

ATTEST:

RECORDER

Mayor

Nina Laycook

City Manager

Joe Decker

Treasurer

RaeLene Johnson



KANAB
— UTAH —

City Council

James G. Sorenson

Cheryl Brown

Kirt Carpenter

Brett Chamberlain

Joe B. Wright

KANAB CITY PLANNING COMMISSION STAFF REPORT- December 3, 2013

I. ITEM: Request to amend C-1 zone and create NC Neighborhood Commercial Zone

During recent public hearings and through the process of reviewing applications, a number of amendments to the current land use ordinance have been discussed regarding commercial zones.

II. STAFF ANALYSIS

A. C-1 zone amendment and creation of NC Neighborhood Commercial Zone

During the process of reviewing applications and the current Land Use Ordinance for the C-1 Zone, which currently covers the downtown area and is the underlying zone for the downtown overlay, staff has determined that the purpose of the zone does not currently reflect the goals of the General Plan for the downtown area. Section 20-2 of the current Land Use Ordinance lists the following description and regulations for the C-1 Zone:

1. *The C-1 commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the city, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods", such as groceries, drugs, personal services such as haircutting and hairdressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone. The maximum size of a C-1 zone shall not exceed five (5) acres.*
2. *Inasmuch as this zone is usually surrounded by dwellings, it is intended that the residential character of the surrounding neighborhood be maintained insofar as possible. Stores, shops or businesses shall be permitted only under the following conditions:*
 - a. *Such businesses shall be conducted wholly on private property except for the parking of automobiles and service to persons in automobiles.*
 - b. *All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.*

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Section 4.4 of the Kanab City General Plan claims “The revitalization of the community’s downtown is considered to be a priority economic objective of the City. Downtown Kanab is currently a functioning and valuable economic area, although it is recognized as needing continued support and improvement.” In addition, Chapter 3 notes “The downtown section of Highway 89 is the most important corridor to the community in terms of economics, historic heritage and community core. The character and success of a community is often defined by the urban design and economic vitality of the downtown area.”

Staff believes that the C-1 Zone, as currently codified, does not achieve the goals that are described above for the downtown area. This zone type is more suitable to be reserved for a “neighborhood commercial” zone that is imbedded within a residential neighborhood, but offers convenience goods and services for those living in the neighborhood. In addition to reviewing the General Plan to guide this revision, Staff has solicited feedback from the business community via the Kanab Chamber of Commerce and has incorporated their comments and concerns into the recommendations

In order to preserve the downtown area and work toward the goals of the General Plan, staff recommends amending the description and regulations for the C-1 Zone to include the following:

- 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).*

In addition to the C-1 zone amendment, staff recommends creating a reserved NC Neighborhood Commercial Zone, which would facilitate small-scale commercial development within residential neighborhoods, essentially established to achieving the goals that are included in the current ordinance for C-1 Zone. Staff recommends the following regulations for the NC Zone to be included in Chapter 20 of the Land Use Ordinance:

The NC commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the city, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods", such as groceries, drugs, personal services such as haircutting and hairdressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the NC zone. The maximum size of a NC zone shall not exceed five (5) acres.

Inasmuch as this zone is usually surrounded by dwellings, it is intended that the residential character of the surrounding neighborhood be maintained insofar as possible. Stores, shops or businesses shall be permitted only under the following conditions:

- Such businesses shall be conducted wholly on private property except for the parking of automobiles and service to persons in automobiles. Parking is required to be located in the rear or side of the building, and not in the front of the building, unless access to the side or rear is not feasible to be determined during the site plan approval process.*
- All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.*
- Gross Floor Area of businesses within the NC Zone shall not exceed 10,000 square feet.*
- Businesses located within the NC Zone shall provide landscaping according to the standards listed in Section 9-8.*

- *NC Commercial Zones shall only be established within areas designated by the Future Land Use Map as medium or high density residential or within a Planned Development Overlay.*

Staff recommends that the minimum setbacks in the NC zone mirror the building setbacks for commercial areas that abut a residential district, which are 0 Front, 10 Side and 10 Rear. These setbacks would provide a buffer from nearby residential properties while allowing for pedestrian scale development at the street level. The maximum building height would match the existing C1 Zone of “two story of 35 feet.”

To accompany this change for the C-1 Zone and the creation of the “NC Neighborhood Commercial” Zone, staff recommends amending the list of permitted and conditional uses to better reflect the goals of each respective zone. Staff recommends expanding the list of uses for the C1 Zone to include those uses that contribute to the high level of economic activity in downtown, while continuing to restrict those that detract from its walkable nature. In addition, Staff recommends excluding uses from the NC Zone which have a principal patronage that originates outside of the neighborhood. Included in this list is “group home” and “preschool.” There has been some confusion about the definition of these two uses. Therefore, staff has included definitions for these uses in Chapter 1, which were formulated through research of federal legal definitions. The entire list of amendments to use chart which lists permitted and conditional uses in commercial zones is attached to this report.

B. Move text to more appropriate chapters within ordinance

In addition to the aforementioned changes to Chapter 20 of the Land Use Ordinance, staff recommends moving some elements of Chapter 20 to other chapters in the ordinance in order to decrease confusion and redundancy and improve the logistical nature of the Ordinance. Specifically, Staff recommends moving all definitions listed in Section 20-7, Section E of the Land Use Ordinance to Section 1-6 thereby improving the continuity of the ordinance. In addition staff recommends moving Section 20-8 Restricted and Hazardous Vehicles to Chapter 10, which is better categorized with this type of regulation. These recommended changes are included in the attached documents.

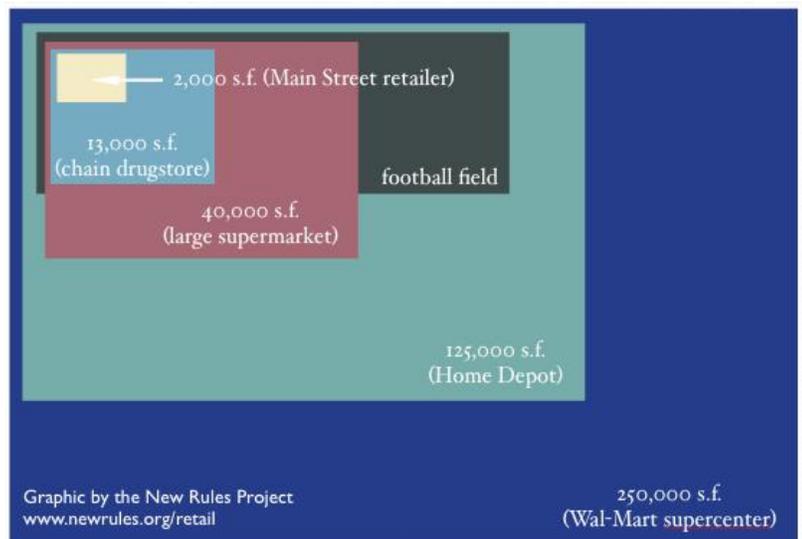
C. Revise Gross Floor Limitation for retail establishments

It has been brought to the attention of staff that the current Gross Floor Limitation may be inhibiting potential economic development that would benefit the City. Section 20-7, subsection D states:

Gross Floor Limitation. Retail establishments shall not exceed 40,000 square feet of Gross Floor Area within the Commercial District. No Retail Establishment shall be permitted to place any one Building or a Combination of Buildings that exceed 40,000 square feet within said Zone. In no event shall any Retail Establishment, corporation, business, or entity have one or more building on adjoining parcel, wherein the building or buildings would exceed a total of 40,000 square feet shall strictly be prohibited, except as allowed in the CPD Overlay.

To assist with the visualization of building square footage, the following graphic is provided:

This ordinance was originally enacted in order to preserve small businesses that characterize Kanab. Large retailers often absorb millions of dollars in retail sales in the local economy. This makes it difficult for many retailers to compete for



business in a limited market. Large stores often place other large burdens on communities, such as heavier traffic, and excessive land consumption. In addition, many designs of large retailers undermine the local character of a community.

Despite these possible negative impacts, a large retailer can bring benefits to a community. Some communities that have recently gained large retailers have noted increased tax revenue as locals choose to shop locally rather than travelling long distances to shop at retailers in other cities. In the recently conducted Kanab General Plan Survey, “WalMart/Target” was ranked as the second highest business that residents wished were in Kanab, while “Home Depot/Lowes/Ace Hardware” was listed fifth.

In addition, large retailers often draw visitors from surrounding communities. In the case of Kanab, if a large retailer was interested to locate in Kanab, they may decide to simply locate somewhere nearby, such as in unincorporated Kane County, if they were unable to locate in Kanab. In this case, Kanab would not receive added tax revenue and may not draw visitors to nearby local stores.

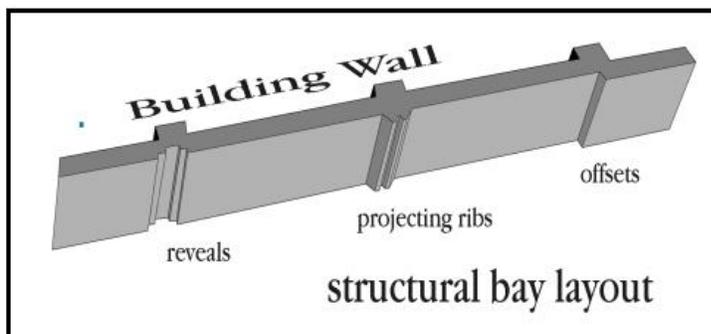
In place of the current gross floor limitation, staff recommends that the city enact a number of measures to provide for large retailers to locate in Kanab, while maintaining the character of certain districts in the city.

1. Add additional design standards in commercial overlays for large retailers to maintain architectural integrity of the community.

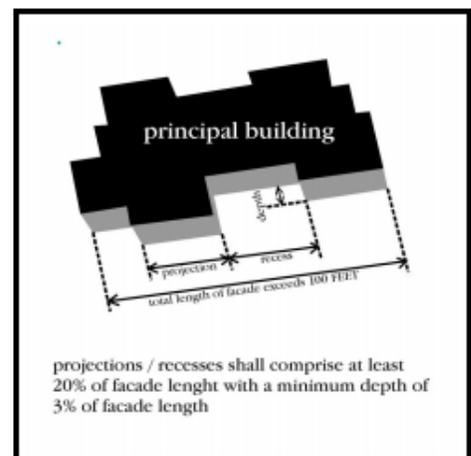
The commercial overlays described in exhibits A, B, and C of the Land Use Ordinance provide some guidance to maintain architectural integrity in commercial areas lining Highway 89 and 89A. Staff recommends some additional guidance for retailers with long facades to add architectural variety to buildings. Specifically, staff recommends adding the following language to the Building Front Design Standards of Exhibits A, B, and C:

Facades greater than 100 feet in length, shall incorporate wall plane projections or recesses having a depth of at least 3% of the facade and extending at least 20% of the length of the façade and shall include at least one of the elements listed below:

1. *Color Change*
2. *Texture Change*
3. *Material module change*
4. *Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.*



Expression of Architectural or Structural Bay.



2. Establish Gross Floor Area Limitation for NC Zone

As described above, the NC Zone is established for small scale commercial development that serves the neighborhood. As such, staff recommends that a 10,000 square foot gross floor limitation be established.

3. Establish Gross Floor Area Limitation for C-1 Zone

The C-1 Zone, as described above is established to provide a walkable atmosphere with a variety of economic activity. Large retailers most often detract from the walkability of an area due to a large footprint of the building and parking lot and heavy traffic generation. In order to preserve the walkable nature of the downtown area and preserve the historic nature of the neighborhood, staff recommends establishing a gross floor area limitation of 20,000 square feet in the C-1 Zone.

4. Add provision in downtown overlay and NC Zone for parking lots to be located in rear or side when feasible.

Large retailers often provide large parking lots in front which detract from a walkable street. This provision would assure that new construction adds to rather than detracting from the character of downtown and residential neighborhoods.

III. FINDINGS

1. The purpose and regulations for the current C-1 Zone are not consistent with the General Plan and may be inhibiting the possibility of the downtown area from achieving the goals of the Plan.
2. The purpose and regulations for the current C-1 Zone are more suitable for a Neighborhood Commercial Zone that is imbedded in a residential neighborhood.
3. The definitions included in Chapter 20 are more suitable to be included in Section 1-6, which is a general list of definitions for the entire Land Use Ordinance.
4. The regulations for Restricted and Hazardous Vehicles currently included in Chapter 20 are more suitable in Chapter 10, which includes similar regulations regarding dangerous and objectionable objects.
5. The current retail gross floor area limitation may be adversely affecting economic development in Kanab City and should be replaced with other regulations which provide for large retailers in Kanab City while maintaining the character of the existing and future commercial districts.

IV. STAFF RECOMMENDATION:

That the Planning Commission recommend to the City Council an amendment to the Land Use Ordinance with changes that are included in the attached documents, including:

- Revising the purpose and regulations for the C-1 Zone as defined above
- Creating a new reserved “NC Neighborhood Commercial” Zone
- Moving the definitions included in Chapter 20 to Chapter 1, which lists definitions for the entire ordinance
- Moving the regulations governing Restricted and Hazardous materials from Chapter 20 to Chapter 10.
- Replacing the existing retail gross floor area limitation with a gross floor area limitation in the C-1 and NC Zones, adding additional parking standards for the downtown overlay and NC Zone, and additional design standards for building facades of large retailers.

V. PLANNING COMMISSION RECOMMENDATION:

That the City Council amend the Land Use Ordinance with the changes proposed by staff with the following exceptions:

- Strike all the sections relating to the Neighborhood Commercial Zone,
- Strike the column in the Land Use Chart relating to the Neighborhood Commercial Zone.
- Strike all references to a square footage restriction for commercial buildings.

The Planning Commission makes the applicable findings that Staff has outlined to the appropriate chapter

KANAB

Land Use Ordinance

Chapter 1

GENERAL PROVISIONS

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Adopted January 22, 2008
Revised April 12, 2011

designated.

Campground - A public area designated by a public agency for camping, or a private area licensed by the City of Kanab for camping.

Camping - A temporary establishment of living facilities such as tents or recreational coaches as regulated by this City Ordinances.

Carport - A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage.

Cellar - A room or rooms wholly under the surface of the ground, or having more than fifty (50) percent of its floor to ceiling height under the average level of the adjoining ground.

Child Nursery - An establishment for the care and/or the instruction of six (6) or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

Church - A building, together with its accessory buildings and uses, maintained and controlled by a duly-recognized religious organization where persons regularly assemble for worship.

Clinic, Dental or Medical - A building in which a group of dentists, physicians, and allied professional assistants are associated for the conduct of their profession. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

Club, Social - Any organization, group, or association supported by its members where the sole purpose is to render a service to said members and their guests.

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 where part of several buildings or within a single building. The main ground

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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.

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.

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.

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.

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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.

Family - An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

Fence - A physical barrier to delineate, contain, or designate an area designed for a specific use i.e. an enclosure for a dwelling unit; and area for storage, (etc.).

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Flag Lot - A lot which:

- A. meets the size, set back and other requirements of the zone in which the lot is located,
- B. does not have the frontage required, and
- C. has an extension owned in fee simple from the lot to a dedicated street. The extension shall be referred to as the staff portion of the flag lot.

Flammable liquids- Any liquid having a flash point below one hundred degrees (100°) Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred degrees (100°) Fahrenheit.

Flood Hazard - A hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

Floor Area - The lower surface in a story on which one normally walks in a building. The general terms, floor unless otherwise specifically mentioned shall not refer to mezzanine floor or garage area.

Frontage Block - All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, 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-

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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.

Grade, Finished - Shall mean the highest grade directly adjacent to within five (5) feet of the structure or wall of the building, which has been set through an approved 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.

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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.

Hazardous cargo vehicles - All vehicles carrying explosives or corrosive substances in excess of five (5) gallons (other than fuels carried in permanently attached tanks and used exclusively for propulsion of the vehicle to which attached).

Hazardous materials - Such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hyperbolic materials, and pyrophoric materials as defined in Article 9 of the Uniform Fire Code, and any substance or mixture of substances which is an irritant, a strong sensitizer, or which generates pressure through exposure to heat, decomposition, or other means.

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

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 April 12, 2011

include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

Kennel - Any premises where three (3) or more dogs or four (4) or more cats older than four (4) months old are kept.

Kennels, Private - Any kennel where three or more household pets are owned and kept by the owner on his/her private property.

Kennels, Public - Any kennel where household pets are boarded commercially.

Lane, Private - A thoroughfare upon land owned in fee simple or by way of an easement, upon which a lot has the frontage required by this Ordinance, which lane has been approved by the Planning Commission and City Council, as fulfilling the frontage requirements of this Ordinance.

Liquefied petroleum gas (LP gas)- Any material which is composed predominantly of the following hydrocarbons or mixtures of them; propane, propylene, butane (normal butane or isobutene), and butylenes.

Local Attorney - The attorney employed by or officially representing the City of Kanab.

Local Building Inspector - The Kanab City Building Inspector employed by or officially representing the City of Kanab.

Local Engineer - The engineer employed by or officially representing the City of Kanab.

Local Health Officer - The health officer or department employed by or officially representing the City of Kanab.

Local Jurisdiction - The City of Kanab.

Local Planner - The planner employed by or officially representing the City of Kanab.

Lodging House - A building designed for or occupied by fifteen (15) or less individuals who are lodged, with or without meals for less than 30 days for compensation.

Lot - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot

KANAB

Land Use Ordinance

Chapter 1

GENERAL PROVISIONS

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Adopted January 22, 2008
Revised April 12, 2011

Residential Facility For Persons With A Disability - A facility meeting the requirements of Utah Code Annotated section 10-9-605 et seq., and complying with section 4-31 of this title (see section 4-31 of this title for applicable standards, requirements and definitions).

Restricted vehicles - All vehicles or combinations of vehicle and load having a length of more than forty-five feet (45'), or a width of more than eight feet (8') with load, or a height of more than fourteen feet (14') with or without load, are restricted vehicles. Excepted here from are recreation vehicles and vehicles assigned "EX" license plates.

Retail Business - A business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be placed in inventory for resale. Retail Business does not include:

- A. health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or
- B. a business where retail sales are in incidental or accessory use to the primary use.

This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities, or other facilities owned by, or operated strictly for the benefit of, the public.

Retail Establishment - Retail business or businesses, conducted in two or more buildings, where the retail business or businesses:

- A. are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management, or
- B. share check stands, storage facilities, a warehouse, or a distribution facility, or
- C. otherwise operate as associated, integrated or cooperative business enterprises under common ownership or management.

Right-of-Way (Lot) - A strip of land not less than twenty (20) feet in width connecting a lot to a street for use as private access to that lot.

Semi Truck - "Semi Truck" is defined as any tractor trailer combination and is of the type commonly used for

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 April 12, 2011

interconnected and usually open onto a common parking lot.

Tank vehicle - Any vehicle, including those with a cargo tank mounted thereon or built as an integral part thereof, used for the transportation of flammable liquids, combustible liquids, LP gas, hazardous chemicals, explosives, or corrosive substances. Tank vehicles include self-propelled vehicles, full trailers, semi trailers, and railroad cars, with or without motive power and carrying part or the entire load.

Truck Stop - Is defined as a commercial business consisting of one or more of the following: service station, convenience store, garage-vehicle repair, restaurant or motel and has sufficient parking area to accommodate semi-trucks and other restricted vehicles.

Vicinity Plan - A map or drawing, to scale, showing the physical relationships of the proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage, and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

Yard - A required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

Yard, Front - A space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear - A space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side - A space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of

KANAB

Land Use Ordinance

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

An ordinance that provides necessary control methods for protection from hazards.

Adopted January 22, 2008

equivalent to those approved by such Department. No materials or wastes shall be deposited on any property by natural causes or forces, and any wastes which might be attractive to rodents or insects shall be stored outdoors only in closed containers.

Section 10-8 Restricted and Hazardous Vehicles

A. Restricted Vehicle Routes - All restricted vehicles other than those vehicles defined in Section 1-6, shall be driven or parked only upon those streets or parts of streets described in Schedule 1 below, deviating only when necessary to traverse another street or streets for the purpose of immediate loading or unloading and then only by such deviation from the nearest truck route as is reasonable and practical; provided that no such vehicle shall be loaded or unloaded upon any street or part of a street if there is usable off-street loading or unloading space available. If the loading or unloading requires the restricted vehicle to be located outside of the restricted vehicle routes for more than four (4) hours, the operator thereof shall obtain a permit from the Police Department. The time period granted by said permit cannot exceed twelve (12) hours.

SCHEDULE 1

Restricted Vehicle Routes

Along US 89 from 600 East to 300 North

Along US 89A from 1055 South to 300 South

B. Hazardous Cargo Routes - Hazardous cargo vehicles shall be driven or parked only upon those streets or parts of streets described in Schedule below, and none other unless as authorized by a permit issued therefore by the Chief of the Fire Department of this City.

SCHEDULE 2

Hazardous Cargo Routes

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KANAB

Land Use Ordinance

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

An ordinance that provides necessary control methods for protection from hazards.

US-89

US-89A

C. Tank Vehicle Restrictions - A tank vehicle and hazardous cargo vehicles carrying explosives, corrosive, or flammable substances shall not be left unattended on any residential street; nor parked in or within five hundred feet (500') of any residential area, apartment or hotel complex, educational, hospital or care facility at any time; or at any other place that could, in the opinion of the Fire Chief, present an extreme life hazard. In locations other than those specified above, a driver shall not leave a tank vehicle unattended on any street, highway, avenue or alley. Exceptions to these restrictions include: when, in case of accident or other emergency, the operator must leave to obtain assistance.

D. Towing away of vehicles - In addition to any other legal remedy, any vehicle in violation of this Section may be towed at the discretion of the investigating public safety officer.

E. Penalty - Any violation of this Section shall constitute a class "C" misdemeanor and shall be punishable as such.

F. Exceptions - The provisions of this Chapter shall not apply to passenger buses operating under the authority of the public service commission of this state, nor to authorized emergency vehicles.

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Adopted January 22, 2008

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 28, 2012

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
- ~~20-8 Restricted and Hazardous Vehicles~~

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).~~
- ~~1. The C-1 commercial zone has been established for the purpose of providing shopping facilities within the various neighborhoods of the city, primarily for the convenience of people living in the neighborhood. The types of goods and services which may be offered for sale have~~

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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 28, 2012

~~been limited to "convenience goods", such as groceries, drugs, personal services such as haircutting and hairdressing, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, automobiles, furniture, appliances and other stores, the principal patronage of which originates outside the surrounding neighborhood, have been excluded from the C-1 zone. The maximum size of a C-1 zone shall not exceed five (5) acres.~~

- ~~2. Inasmuch as this zone is usually surrounded by dwellings, it is intended that residential amenities be maintained insofar as possible. Stores, shops or businesses shall be retail establishments only and shall be permitted only under the following conditions:~~
 - ~~a. Such businesses shall be conducted wholly on private property except for the parking of automobiles and service to persons in automobiles.~~
 - ~~b. All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other similar offensive nuisances to adjacent neighborhood areas.~~

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 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

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 28, 2012

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.

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

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 28, 2012

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

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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.
- 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.

~~D. Gross Floor Limitation. Retail establishments shall not exceed 40,000 square feet of Gross Floor Area within the Commercial District. No Retail~~

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 28, 2012

~~Establishment shall be permitted to place any one Building or a Combination of Buildings that exceed 40,000 square feet within said Zone. In no event shall any Retail Establishment, corporation, business, or entity have one or more building on adjoining parcel, wherein the building or buildings would exceed a total of 40,000 square feet shall strictly be prohibited, except as allowed in the CPD Overlay.~~

~~E. Definitions. The following definitions shall apply to this section.~~

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

~~Commercial Residential Mix — 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.~~

~~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).~~

~~Gross Floor Area — the sum of:~~

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 28, 2012

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

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

~~For the purpose of this section an interior courtyard means a space bounded on three or more sides by walls but not a roof.~~

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~~Retail Business Business engaged in the sale of goods to individual consumers, usually in small quantities, and not to be place in inventory for resale.~~

~~A. A Retail Business does not include:~~

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~~B. health centers, governmental uses, community centers, theaters, or religious or fraternal uses, or~~

~~C. business where retail sales are an incidental or accessory use to the primary use. This definition shall not include churches, public schools, hospitals, public civic centers or public recreational facilities or other facilities owned by, or operated strictly for the benefit of the public.~~

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~~Retail Establishment A retail business or businesses, conducted in two or more buildings, where the retail business or businesses;~~

~~A. Are engaged in the selling of similar or related goods, wares or merchandise, and operate under Common Ownership or Management, or~~

~~B. Share check stands, storage facilities, a warehouse, or a distribution facility, or~~

~~C. Otherwise operate as associated, integrated~~

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 28, 2012

~~or cooperative business enterprises under Common Ownership or Management.~~

~~Section 22-8 Restricted and Hazardous Vehicles 22.8.010 — Definitions~~

~~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.~~

~~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.~~

~~Flammable liquids Any liquid having a flash point below one hundred degrees (100°) Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred degrees (100°) Fahrenheit.~~

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

~~Liquefied petroleum gas (LP gas) Any material which is composed predominantly of the following hydrocarbons or mixtures of them; propane, propylene, butane (normal butane or isobutene), and butylenes.~~

~~Hazardous materials Such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hyperbolic materials, and pyrophoric materials as defined in Article 9 of the Uniform Fire Code, and any substance or mixture of substances which is an irritant, a strong~~

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 28, 2012

~~sensitizer, or which generates pressure through exposure to heat, decomposition, or other means.~~

~~Tank vehicle Any vehicle, including those with a cargo tank mounted thereon or built as an integral part thereof, used for the transportation of flammable liquids, combustible liquids, LP gas, hazardous chemicals, explosives, or corrosive substances. Tank vehicles include self-propelled vehicles, full trailers, semi-trailers, and railroad cars, with or without motive power and carrying part or the entire load.~~

~~Restricted vehicles All vehicles or combinations of vehicle and load having a length of more than forty-five feet (45'), or a width of more than eight feet (8') with load, or a height of more than fourteen feet (14') with or without load, are restricted vehicles. Excepted here from are recreation vehicles and vehicles assigned "EX" license plates.~~

~~Hazardous cargo vehicles All vehicles carrying explosives or corrosive substances in excess of five (5) gallons (other than fuels carried in permanently attached tanks and used exclusively for propulsion of the vehicle to which attached).~~

20.8.020 — Restricted vehicle routes

~~All restricted vehicles other than those vehicles defined in Section 22.8.030, shall be driven or parked only upon those streets or parts of streets described in Schedule 1 below, deviating only when necessary to traverse another street or streets for the purpose of immediate loading or unloading and then only by such deviation from the nearest truck route as is reasonable and practical; provided that no such vehicle shall be loaded or unloaded upon any street or part of a street if there is usable off-street loading or unloading space available. If the loading or unloading requires the restricted vehicle to be located outside of the restricted vehicle routes for more than four (4) hours, the operator thereof shall obtain a permit from the Police Department. The time period granted by said permit cannot exceed twelve (12) hours.~~

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 28, 2012

~~SCHEDULE 1~~

~~Restricted Vehicle Routes~~

~~Along US 89 from 600 East to 300 North~~

~~Along US 89A from 1055 South to 300 South~~

~~20.8.030 — Hazardous cargo routes~~

~~Hazardous cargo vehicles shall be driven or parked only upon those streets or parts of streets described in Schedule below, and none other unless as authorized by a permit issued therefore by the Chief of the Fire Department of this City.~~

~~SCHEDULE 2~~

~~Hazardous Cargo Routes~~

~~US 89~~

~~US 89A~~

~~20.8.040 — Tank vehicle restrictions~~

~~A. A tank vehicle and hazardous cargo vehicles carrying explosives, corrosive, or flammable substances shall not be left unattended on any residential street; nor parked in or within five hundred feet (500') of any residential area, apartment or hotel complex, educational, hospital or care facility at any time; or at any other place that could, in the opinion of the Fire Chief, present an extreme life hazard.~~

~~B. In locations other than those specified in Subsection (1) above, a driver shall not leave a tank vehicle unattended on any street, highway, avenue or alley.~~

~~C. Exceptions to Subsections (A) and (A) above:~~

- ~~1. When, in case of accident or other emergency, the operator must leave to obtain assistance.~~

~~20.8.050 — Exemptions~~

KANAB

Land Use Ordinance

Chapter 20

COMMERCIAL ZONES

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

Adopted January 22, 2008
Revised Feb 28, 2012

~~The provisions of this Chapter shall not apply to passenger buses operating under the authority of the public service commission of this state, nor to authorized emergency vehicles.~~

~~20.8.060 — Towing away of vehicles~~

~~In addition to any other legal remedy, any vehicle in violation of this Chapter may be towed at the discretion of the investigating public safety officer.~~

~~20.8.070 — Penalty~~

~~Any violation of this Chapter shall constitute a class "C" misdemeanor and shall be punishable as such.~~

Permitted and Conditional Uses

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

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	EP	P	P	P
Apartment(s)	-	P	P	C
Arcade (Games/Food)	EP	C	P	C
<u>Art Gallery</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
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	EP	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)	-	PE	PE	C
Day Care II (over 6 children)	-	PE	PE	C
Department / Variety Store	P	P	P	P
Dry Cleaner	P	EP	P	P
Drug Store	P	P	P	P
Duplex /Residential	-	C	C	-
Elementary – Jr. High	-	-	PE	-

Adopted January 22, 2008
Revised Feb 28, 2012

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

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	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
<u>Group Home</u>	-	<u>C</u>	<u>C</u>	<u>C</u>
Halfway House	-	<u>C-</u>	C	<u>C-</u>
Hardware / Garden Material	-	P	P	C
<u>-Preschool</u>	-	<u>P</u>	<u>P</u>	<u>P</u>
Health Club	P	P	P	P
High School	-	-	C	-
Hobby / Toy Store	P	P	P	P
Hospital	-	-	C	-
Hotel / Motel / Extended-Stay	<u>CP</u>	P	P	C
Jewelry Store	P	P	P	P
Kennel / Public	-	-	C	-
Landscaping Business	-	-	P	-
Laundromat	P	P	P	P
Library	P	<u>CP</u>	<u>CP</u>	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	-
Museum	P	P	P	P

Adopted January 22, 2008
Revised Feb 28, 2012

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

LAND USE CHART COMMERCIAL	ZONES			
	C1	C2	C3	CPD
Office Supply	P	P	P	P
Park	C	P	P	P
Pet Store	EP	P	P	P
Photographic and Electronic Store	P	P	P	P
Police / Fire Facility	C	P	P	P
Printing / Publishing	EP	P	P	P
Professional Office	P	P	P	P
Public / Private Parking	C	C	C	C
Recreational Center	C	C	P	P
Residential Incidental to the Primary Use of the Business	E	E	E	E
Restaurant	P	P	P	P
RV / Camp Park	P	P	P	-
Self-Service Storage	-	-	PE	-
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	-
Veterinary Clinic large animal	-	-	C	-
Veterinary Clinic small animal	-	C	C	C
Vocational School	-	C	C	C
Youth Home	-	C	C	-
Wholesale / Bulk Store	-	C	P	-
Wireless Telecommunications retail	P	P	P	P

Adopted January 22, 2008
Revised Feb 28, 2012

ORDINANCE NO. 2-2-14 O

AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 9-429 REPEALING THE REQUIREMENT OF A PUBLIC HEARING BEFORE WRITTEN CONSENT FOR A PRIVATE CLUB LIQUOR LICENSE AND BEFORE ISSUANCE OF A BEER LICENSE TO PRIVATE CLUB

WHEREAS, Utah’s Alcoholic Beverage Control Act, Title 32B of the Utah Code, requires an applicant for a state license to obtain local consent.

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.

Section 9-429 Repealed

~~Section 9-429 Public Hearing Required Before Written Consent For A Private Club Liquor License and Before Issuance Of Beer License To Private Club~~

~~A. A public hearing shall be held upon application to the Kanab City Council for the Counsel's written consent for a private club liquor license to the Department of Alcoholic Beverage Control as required by Utah Code Ann. 32A-5-5(1)(c). A public hearing shall also be held upon application for a beer license for a private club.~~

~~B. The City shall mail, at the expense of the applicant, notice of the place, date and time of the public hearing, at least ten (10) days prior to the hearing date to each household or business within one block of the existing or proposed private club applying for consent and/or a beer license. Failure to give or receive this notice shall not invalidate a license or consent.~~

~~C. Notice of the time and place of the public hearing shall be given to the general public by at least one (1) publication in a newspaper of general circulation in the City of Kanab at least ten (10) days prior to the hearing.~~

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 11th day of, February 2014.

KANAB CITY

MAYOR

ATTEST:

RECORDER

ORDINANCE NO. 2-3-14 O

AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTIONS 15-517 AND 15-527 CONCERNING THE DUTIES AND RESPONSIBILITIES OF THE ARTS COUNCIL AND KANAB HERITAGE BOARD

WHEREAS, the Kanab Arts Council, Kanab Heritage Board, 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.

Section 15-517 Duties and Responsibilities

The duties and responsibilities of the Arts Council are as follows:

1. Identify and recommend to the city manager rules and procedures it feels are necessary to conduct its business. Rules and procedures so adopted may not conflict with Kanab City Ordinances or policies and procedures adopted by the Kanab City Council.
2. Keep records of Kanab Arts Council proceedings. Such records shall be open to inspection by the public at all reasonable times.
3. Identify the collaborative cultural arts needs of Kanab City and implement strategies to address these needs.
4. Adopt and periodically review and update a Kanab City Arts Plan.
5. Facilitate the presentation of a variety of arts-related events in Kanab.
6. Partner with selected community arts organizations to pursue funding to support the arts in Kanab
7. Assist in the dissemination of news to recognize and promote arts in the community.
8. Oversee the operation, maintenance, and budget of the Juniper Arts Gallery located in the west room of the lower level of the Kanab Heritage Museum under the direction of the Kanab City Manager.
9. Representative over the visual arts will act as a liaison to the Juniper Arts Gallery and insure that there is a current inventory of items in the Gallery.
10. As needed, the fee schedule for the Juniper Arts Gallery shall be updated by the City Council with recommendation from the Kanab Arts Council.

Section 15-527 Duties and Responsibilities

- A. Research, document, and compile information, pictures and artifacts of historical significance to Kanab and adjacent areas.

- B. Survey and inventory historic resources.
- C. Promote awareness of and concern for areas of historical significance.
- D. Provide historical information.
- E. Conduct the operation of the Kanab Heritage House. Prepare and maintain an inventory of all items in the Heritage House with a clear designation of their ownership. All items on loan, and any conditions of the loan shall be clearly documented.
- F. Conduct the operation of the Kanab Heritage Museum. Prepare and maintain an inventory of all items in the Heritage Museum with a clear designation of their ownership. All items on loan and any condition of the loan shall be clearly documented.
- ~~Conduct the operation of the Juniper Fine Arts Gallery located in the west room in the lower level of the Kanab Heritage Museum. Prepare and maintain an inventory of items designated to the gallery.~~
- G. Oversee the maintenance and upkeep of the Kanab Heritage House and the Kanab Heritage Museum ~~and the Juniper Fine Arts Gallery~~ in cooperation with the City Manager.
- H. Advise the City Manager when the Heritage Advisory Board feel that local and state historic laws and regulations are not being enforced.
- I. Affiliate with the Utah Historical Society and the Utah Heritage Foundation in order to best serve the community.
- J. Develop an annual budget in cooperation with the City Manager.
- K. The City Manager will provide the format and due dates concerning the preparation and submission of the Heritage Advisory Board's budget.
- L. Solicit and receive donations and generate funds which are deposited pursuant to city procedures in designated Kanab City account(s).
- M. As needed, the fee schedule for the Heritage House and the Heritage Museum, ~~and the Juniper Fine Arts Gallery~~ shall be updated by the City Council with recommendation from the Heritage Advisory Board. ~~The fee schedule is found in Appendix A.~~
- N. The Heritage Advisory Board will also function as the Kanab Historic Preservation board.
- O. The Heritage Advisory Board shall have no authority to act on behalf of or bind the City except as stated in resolutions or ordinances of the City.

These changes will not create disharmony with other sections of the Kanab City Code. However, the Heritage Advisory Board has the power to create rules, regulations, and bylaws that are approved by the City Council and those may need to be revised to reflect this change and then re-approved by the council.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 11th day of, February 2014.

KANAB CITY

MAYOR

ATTEST:

RECORDER