

ORDINANCE NO. 4-1-11 O

AN ORDINANCE AMENDING THE KANAB CITY LAND USE ORDINANCE, CHAPTER 1 GENERAL PROVISIONS, CHAPTER 3 APPEALS OFFICER, CHAPTER 4 SUPPLEMENTARY REGULATIONS, CHAPTER 6 OFF-STREET PARKING REQUIREMENTS AND CHAPTER 20 COMMERCIAL ZONES.

**WHEREAS:** Kanab City has determined a need to amend the Land Use Regulations Ordinance of Kanab City, to comply with State Laws,

**AND WHEREAS:** They would like to provide better definitions, and further identify the Land Use provisions and regulations:

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KANAB CITY, COUNTY OF KANE, STATE OF UTAH AS FOLLOWS:** That the Kanab City Land Use Ordinance, is amended to state as follows:

PART ONE: The Kanab City Land Use Ordinance. (See attached copies of Kanab City Land Use Ordinance.)  
CHAPTER 1 GENERAL PROVISIONS,  
CHAPTER 3 APPEALS OFFICER  
CHAPTER 4 SUPPLEMENTARY REGULATIONS  
CHAPTER 6 OFF-STREET PARKING REQUIREMENTS and  
CHAPTER 20 COMMERCIAL ZONES.

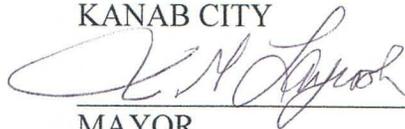
PART TWO Repealer: All former codes or parts thereof conflicting or inconsistent with provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

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

PART FOUR Effective Date: this ordinance shall be effective upon posting.

Passed and ordered posted this 12<sup>th</sup> day of April, 2011.

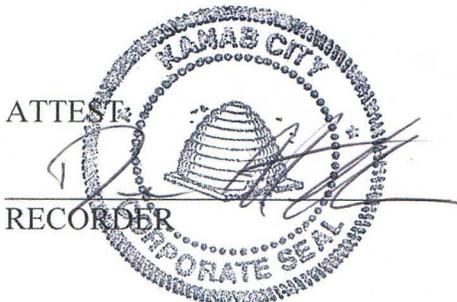
KANAB CITY



MAYOR

ATTEST

RECORDER



### 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 Sept. 28, 2010

story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

**Basement House** - A residential structure without a full story structure above grade.

**Bed and Breakfast Inn** - A building of residential design, in which the property owner personally resides on premises, in which ~~not~~ no fewer than one (1) but not more than (5) rooms are rented out by the day, for not more than four (4) guests per room, not to exceed fifteen (15) consecutive days per quest, offering overnight lodging and meal services to overnight guests.

**Beginning of Construction** - The placing of concrete footings for a building or structure.

**Block** - The land surrounded by streets or other rights-of-way, other than an alley, or land which is designed as a block on any recorded subdivision plat.

**Body and Fender Shop** - A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame, or fenders, and including rebuilding.

**Buildable Area** - The portion of a lot remaining after required yard setbacks have been established.

**Building and Sensitive Lands** - Any structure used or intended to be used for the shelter, or enclosure of persons, animals, or property.

**Building, Accessory** - A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

**Building Front** - means the primary front entrance of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

**Building, Height of** - The height of a building or structure is the vertical dimension measured from highest point on the exterior of the building or structure to the nearest point of finished grade.

**Building Inspector** - The official designated as the building inspector for the City of Kanab by the Kanab City Council. The Kanab City Building Inspector may also be the Kanab City Zoning Administrator, if so

# KANAB

## Land Use Ordinance

### Chapter 1

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dwelling or accessory buildings.

**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, ~~supervised by a person in charge at all hours.~~

**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 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

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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.

**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 dwelling with not more than ten (10) guest rooms where, for compensation, lodging is provided for at least three (3) but not more than fifteen (15) persons, but not including motels or hotels. 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 or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

**Lot, Corner** - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

**Lot, Depth** - The horizontal distance between the front and the rear lot lines measured in the main direction of

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the Kanab City Mobile Home Park Ordinance for mobile home park.

**Mobile Home Space** - A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

**Mobile Home Subdivision** - A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

**Motel** - a building or group of buildings providing five (5) or more guestrooms used for transient guests for a period of thirty days or less in which access to each guest room is provided directly through an exterior door or by an entrance connected to a covered hallway or walkway on the exterior/interior of the building.

**Nonconforming Building or Structure** - A building or a structure which does not conform to the regulations for height, coverage, or yards of the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its erection.

**Nonconforming Use** - The use of a building or structure or land which does not conform to use regulations for the district in which it is situated, but which was in conformity with applicable regulations, if any, at the time of its establishment.

**Nursing Home** - An institution, other than a hospital, for the care of human illness or infirmity in which care, rather than diagnosis or treatment, constitutes the principal function. The term "nursing home" shall also include "rest home" and "convalescent home".

**Official Map** - A map which has been adopted as the official map of the City of Kanab, showing existing public streets, streets on plats of subdivisions which have been approved by the Kanab City Planning Commission, and/or other street extensions, widening, narrowing, or variations which have been accurately surveyed and definitely located.

**Off-street Parking Space** - The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Ordinance.

**Open Space** - The area reserved in parks, courts,

### Chapter 3

#### APPEALS OFFICER

This ordinance provides for the powers and duties of the Kanab City Appeals Officer.

Adopted January 22, 2008

#### Sections

- 3-1 Appointment, Term and Removal**
- 3-2 Appeals**
- 3-3 Variances**
- 3-4 Meetings**
- 3-5 Minutes**
- 3-6 Action to be Taken**
- 3-7 Decision on Appeal**
- 3-8 Rules**

#### Section 3-1 Appointment, Term and Removal

The Kanab City Appeals Officer shall be appointed by the legislative body for the term of three (3) years provided and until a successor has been appointed. The Appeals Officer may be removed for cause by a majority vote of the City Council following a public hearing.

#### Section 3-2 Appeals

Appeal may be made to the Appeals Officer of the City, by the applicant, or any other person or entity adversely affected by the administering of a zoning decision administering and/or interpreting an interpretation of a zoning ordinance.

The standard of review shall be limited to the record to determine only whether or not the original decision, ordinance, or regulation is arbitrary, capricious, or illegal.

All appeals shall be made as follows:

- A. The appeal shall be made within 10 days of the action or decision being appealed from by filing a notice of appeal with the Appeals Officer at the Kanab City Office. The applicant of the appeal shall pay a fee of \$150 when the notice of appeal is filed.
- B. The notice of appeal shall specify the grounds for

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## Land Use Ordinance

### Chapter 3

#### APPEALS OFFICER

#### Section 3-8 Rules

The Kanab City Appeals Officer shall adopt rules for the regulation of procedure and the conduct of duties not inconsistent with the provisions of this Ordinance or of State law. Such rules, to become effective, shall be first approved by the Kanab City Council. ~~of Kanab.~~

This ordinance provides for the powers and duties of the Kanab City Appeals Officer.

Adopted January 22, 2008

### Chapter 4

#### SUPPLEMENTARY REGULATIONS

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

Adopted January 22, 2008  
Revised Sept. 28, 2010

within the rear/side enclosure area of the lot.

3. All portions of the enclosure above a height of eight feet (8') shall be non sight obscuring.
4. The enclosure shall be set back from the property line of adjoining properties and also the main building upon the lot to which it is appurtenant for a distance of not less than twenty feet (20').
5. On corner lots, the enclosure shall be set back not less than ten feet (10') from the street.

#### Section 4-17 Water and Sewer Requirements

All proposed building or proposed use shall be connected to a public water system within the city limits of Kanab. Sewer hookups are required in areas served by the Kanab City Sewer System.

#### Section 4-18 Curbs, Gutters and Sidewalks

##### 4-18-1. Improvement Requirements for Building Permits for Commercial lots or parcels

4-18-1.1. The installation of curb, gutter and sidewalks of a type approved by the Kanab City Council shall be required on any existing or proposed street adjoining a lot on which a commercial or industrial building is to be constructed or remodeled, or on which a new use is to be established. Such curbs, gutters, and sidewalks shall be required as a condition of building or use permit approval.

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#### 4-18-2. Improvement Requirements for Building Permits for Individual Residential lots or parcels

This section does not apply to lots or parcels being created through the Subdivision process. Refer to the Kanab City Subdivision Ordinance for specific requirements.

4-18-2.1. Occupancy permits shall not be issued until utilities are available for connection and adequate fire protection is in place to the lot or parcel proposed for construction, in accordance with City requirements. A utility plan may be required by the utility provider as part of this process.

4-18-2.2. Street improvements such as curb, gutter and sidewalk, are required prior to the issuance of a occupancy permit through one or both of the following means:

4-18-2.2.1. Construct street improvements to match existing conditions on adjacent or contiguous properties;

4-18-2.2.2. Sign a "non-opposition" waiver for a future special improvement district if not contiguous.

4-18-2.3. Sidewalks must be installed prior to an occupancy permit being issued, unless the requirement is deferred by the Kanab City Council with a non-opposition agreement.

4-18-2.4. Certain improvement requirements set forth in this ordinance may be waived by the City Council in a public meeting, upon recommendation from the Development Committee and Planning Commission.

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year, whichever is shorter.

- C. The time limits provided herein shall not be extended without approval of the Planning Commission.

#### 4. Lodging House Establishments

Are conditional uses and permitted uses within certain zones as provided hereafter in this ordinance and must comply with the following requirements:

##### A. Purpose

This ordinance will help promote the Health, safety and welfare of the general public that utilizes the establishments listed in this section.

##### B. General Provisions

Refer to Chapter 6 Parking for specific parking requirements.

##### C. Definitions

Lodging House:

Refer to definitions in Chapter 1 of the Kanab City LUO for a description of a Lodging House.

##### D. Permits

(a) The City of Kanab shall issue a Business License to the Owner of all establishments upon application and compliance with the provisions of this Chapter.

(b) Every Owner that operates a establishment within the City of Kanab shall apply for a renewal of the Establishment's Business License. No Business License shall be issued to the Owner unless the following documents are provided to the City

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Adopted January 22, 2008  
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with the application for renewal:

(1) A copy of the current inspection report for the Premises from the local fire inspector.

(2) A copy of the current inspection report for the Premises from the Zoning Administrator.

(3) A letter designating the responsible person at the Establishment to whom a Notice of Violation(s) can be delivered and accepted, and the person or persons that have authority to act on behalf of the Owner in the Owner's absence or unavailability.

Note: The above three items are valid for a period of 60 days from inspection date to license issue or renewal

#### E. Fees

The Owner shall pay an annual Business License Fee.

#### F. Inspections

(a) The Zoning Administrator shall inspect all establishments within its jurisdiction referenced in this section once a year to determine if the establishment is in compliance with all applicable provisions of the City's Ordinances, including the receipt of a Business License from the City.

(b) The Owner of an Establishment in the City shall allow the Zoning Administrator to inspect the establishment at any reasonable

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#### SUPPLEMENTARY REGULATIONS

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time. The Owner of the establishment shall provide the Zoning Administrator access to all areas of the Premises at all reasonable times for the purpose of such inspections. Every guest of an establishment shall provide the Owner or manager thereof with access to their guest room for the purpose of inspection and compliance with the City's Ordinances.

#### G. Staffing

Every Lodging House establishment operating within the City of Kanab shall be adequately staffed to maintain the establishment in a safe and sanitary condition.

#### H. Appeals

Any Owner of a Lodging House establishment may appeal the denial of a Business License to the City's Appeals Officer within ten (10) days of notification that a Business License has been denied.

#### I. Transfer of Ownership

It shall be unlawful for the Owner of any Lodging House establishment who has received a Notice of Violation or order and who is not in compliance with the notice or order, to sell, transfer, or lease the establishment until it has been brought into compliance with this Chapter; provided, that the Owner may sell, transfer or lease the establishment if the Owner furnishes the buyer, transferee or lessee with a true copy of the Notice of Violation or order, and

### Chapter 4

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provides to the Zoning Administrator a signed and notarized statement from the buyer, transferee or lessee acknowledging receipt of such Notice of Violation or order and fully accepting responsibility without condition for making the corrections required to bring the establishment into compliance with the provisions of this Chapter.

#### Section 4-23 Handicapped Residential Facilities

- A. Permitted Use - Multiple Family Zone - A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for handicapped persons, a permit must be obtained by application to the Planning Commission and thereafter to the City Council, which shall be issued if the applicant can show that:
1. the facility meets all Kanab City building, safety, zoning and health ordinances applicable to similar dwellings;
  2. the residents of the facility will be properly supervised on a 24-hours basis;
  3. a community advisory committee will be established through which all complaints and concerns of neighbors may be addressed;
  4. adequate off-street parking space is provided;
  5. the facility is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
  6. no person being treated for alcoholism or drug abuse may be placed in the residential facility for handicapped persons;
  7. no person who is violent will be placed in a

### Chapter 4

#### SUPPLEMENTARY REGULATIONS

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

Adopted January 22, 2008  
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residential facility for handicapped persons;

8. Placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, a facility that conforms to these ordinances shall be granted a permit. If the Planning Commission and City Council determine that the residential facility for handicapped persons is in compliance with those ordinances, the City shall grant the requested permit to that facility.

The use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for handicapped persons or, if the structure fails to comply with the City ordinances.

- B. Conditional Use - Single-Family Zones - Subject to the granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in an municipal zoning district which is zoned to permit exclusively single-family dwelling use, if that facility:
  1. Conforms to all applicable health, safety, zoning, and building codes;
  2. is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
  3. conforms to Kanab City's criteria adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings;
  4. no person being treated for alcoholism or drug abuse may be placed in the residential

### Chapter 4

#### SUPPLEMENTARY REGULATIONS

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facility for handicapped persons;

5. no person who is violent shall be placed in a residential facility for handicapped persons;
  6. placement in the residential facility for handicapped persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
  7. meets conditions stated in Chapter 8 of this ordinance;
  8. the use granted and permitted by this subsection is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.
- C. Discrimination – Discrimination against handicapped persons and against residential facilities for handicapped persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria, and may not be based on the handicapping conditions of the facility's residents.

#### Section 4-24 Elderly Residential Facilities

- A. Permitted Use - Multiple Family Zone - A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings. Prior to establishing a residential facility for elderly persons, a permit must be obtained by application to the Planning Commission and thereafter to the City Council which shall be issued if the applicant can show that:
1. the facility meets all Kanab City building, safety, zoning and health ordinances applicable to similar dwellings;
  2. adequate off-street parking space is provided;

# Chapter 6

## OFF-STREET PARKING REQUIREMENTS

### Uniform Zoning Ordinance

**Section 6-4 Number of Parking Spaces**

[TOP]

The number of off-street parking spaces required shall be as follows:

A professional parking study may be required by the Planning Commission.

#	Type of Use	Parking Spaces Requirement
1.	Business or professional offices	1 per 300 sq. ft. of floor area
2.	Churches, sports arenas, auditoriums, theaters, assembly halls, meeting rooms	1 per each 3.5 seats of maximum seating capacity
3.	Commercial properties fronting Highway 89/SR11	Parking may be modified by a conditional use permit
4.	Dwellings, single-family, two-family, multi-family and cluster (townhouse and condominium)	2.25 per dwelling unit
5.	Furniture and appliance stores	1 per 600 sq. ft. of floor area
6.	Handicapped and motorcycle parking spaces	1 handicapped per 25 spaces, plus 1 per each additional 50 spaces, & 1 motorcycle stall per 25 spaces
7.	Hospitals	2 per each bed
8.	Hotels, motels, motor hotels	1 per each sleeping unit, plus parking for all accessory uses as herein specified.
9.	Lodging House	1 space per each 2 persons.
10.	Nursing homes	4, plus 1 per each 5 beds
11.	Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments	1 per each 3.5 seats or 1 per each 300 sq. ft. (excluding kitchen, storage, etc.), whichever is greater
12.	Retail stores, shops	1 per each 300 sq. ft. of retail floor space.
13.	Shopping centers or other groups of uses not listed above	As determined by conditional use permit or Planned development procedure, if applicable, or by the Kanab City Planning Commission.
14.	Storage units (commercial)	1 per each 30 ft of building frontage storage space
15.	Wholesale establishments, warehouses, manufacturing establishments, and all industrial uses	As determined by conditional use permit or by planned development requirements, if applicable, or by the Kanab City Planning Commission, but in no case fewer than 1 space for each employee projected for the highest employment shift.
16.	All other uses not listed above	As determined by the Kanab City Planning Commission, based on the nearest comparable use standards.

# 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 Sept. 28, 2010

#### 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
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	-
Museum	P	P	P	P