

**ORDINANCE NO. 5-4-15 O**

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

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

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

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

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thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

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

This ordinance shall be effective upon the required posting.

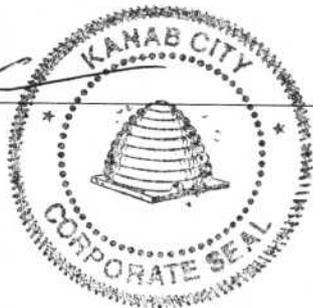
**PASSED AND ORDERED POSTED** this 12th day of, May 2015.

KANAB CITY

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
RECORDER



### Chapter 2

#### Subdivision Process

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

Adopted Feb 23, 2010

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

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

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

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

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

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

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

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

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

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

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

### Chapter 2

#### Subdivision Process

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

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

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

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

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

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

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

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

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

#### Section 2-5 Record of Condominium Plat

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