KANAB CITY ORDINANCE NO. 6-3-13 O

AN ORDINANCE AMENDING LAND USE ORDINANCE TO CLARIFY SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES

WHEREAS, U.C.A. 10-9a-102 provides that Kanab City may enact and modify ordinances it considers necessary or appropriate for the use and development of land within the municipality; and,

WHEREAS, the Kanab City Planning Commission and staff has evaluated current site plan review requirements and procedures and has found the need for clarification; and,

WHEREAS, the Kanab City Planning Commission conducted the necessary Public Hearing on June 18, 2013 and recommended to the City Council that the Land Use Ordinance be amended:

NOW THEREFORE, BE IT ORDAINED that the Kanab City Land Use Ordinance is amended as reflected in the attached 43 pages.

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or parts thereof conflicting or inconsistent with provisions of this Ordinance or of the Code hereby adopted are hereby repealed.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

This ordinance shall be effective upon the required posting.

Passed and ordered posted this 25thday of June, 2013.

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 April 12, 2011

fixtures, trees, shrubs, other vegetation and equipment utilizing renewable energy resources may be allowed in open space areas.

Parking Lot - An open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

Planned District - A zoning district, the boundaries of which are to be shown on the Zoning Map, but the regulations for which shall be determined by a general development plan to be adopted by the governing body as part of the Kanab City Zoning Ordinance, after public hearing, as required for other zoning districts.

Plot Plan - A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing building or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Kanab City Planning Commission.

Recreational Vehicle - A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without ~~motive~~ motor power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

Recreational Vehicle Park - Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one (1) or more owners or users of recreational vehicles. Such park may also be designated as "Overnight Park".

Recreational Vehicle Space - A plot of ground within a recreational vehicle park designated and intended for the accommodation of one (1) recreational vehicle.

Residential Facility for Handicapped Persons - Means a single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and

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registered with the Building Inspector, the applicant must first obtain a stamp of approval on his plans from the appropriate association or board before a permit will be issued. If application is made for a building permit without approval (or after denial) of such plans by the association or board, the Building Inspector will cause to be mailed a written notice to the board or association. If the board or association does not file a civil action to restrain or enjoin construction of issuance of the permit after two calendar weeks have passed from the date the notice was sent by the City, then the permit shall be issued.

D. No homeowners association or control board shall be entitled to City cooperation under this ordinance unless registered as herein provided.

Section 1-8 Occupancy Permit Required

Land, buildings or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued by a Kanab City ~~—~~building inspector to the effect that the use, building or premises will conform to provisions of this and related ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy, or use of any land, except for permitted agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including nonconforming buildings and uses. A final inspection will not be performed, and an occupancy permit will not be issued, until after the approved requirements of the site plan are met.

Section 1-9 Site Plan~~s~~ Required

A site plan shall be submitted with any application for a building permit or a conditional use permit if the application is for a new building or for a modification to the square footage, use, or occupancy of an existing

Chapter 1

GENERAL PROVISIONS

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Adopted January 22, 2008
Revised April 12, 2011

building. The site plan shall meet the requirements of Chapter 9. A site plan is not required with applications for single-family dwellings and their accessory buildings. ~~Detailed site plan, with scale & sheet size determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, prior to request for a zoning permit shall be filed as part of any application. It shall show, where pertinent:~~

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~~Scale of plan, and direction of north point.~~

~~Lot lines, adjacent streets, roads, rights of ways.~~

~~Location of all existing structures on subject property and adjoining properties, with utility lines, poles, etc., fully dimensioned.~~

~~Location of proposed construction and improvements, with location and dimension of all signs.~~

~~Any parking lot to be built new or re-modeled must be built to plan, have proper drainage, and must have a building permit. Building permit fee shall be determined by the Kanab City Council.~~

~~Motor vehicle access, circulation patterns, with individual parking stalls, and curb, gutter, and sidewalk location.~~

~~Necessary explanatory notes.~~

~~Name, address, telephone number of builder and owner.~~

~~A landscaping plan, according to the requirements found in city code.~~

~~All other information required as determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized.~~

Section 1-10 Inspection

The Kanab City building inspector is authorized to inspect or to have inspected all buildings and structures in the course of their construction, modification or repair, and to inspect land uses to determine compliance with zoning ordinance provisions. The Kanab City building inspector or any authorized employee of the City of Kanab shall use the right to enter any building for the purpose of determining the use, or to enter premises for the purpose of determining compliance with the said

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

lots, either at the present or in the foreseeable future

2. An easement shall be recorded across the staff portion of the flag lot providing access for installation and maintenance of utility lines and services, emergency vehicle access and access of City or other public personnel or vehicles as may be required to carry out the responsibilities of the City and other governmental entities. Public services, such as garbage collection, will be at the Dedicated Street only.
3. The staff portion of a flag lot shall front on a dedicated public street. ~~The minimum width of the staff portion of the flag lot shall be twenty (20) feet.~~
4. No building or construction, except for drive-ways and/or fences shall be allowed on the staff portion of the flag lot.
5. The lot shall meet all size and setback requirements of the zone in which the lot is located.
6. The flag lot shall be for a single~~-~~ family dwelling only.
7. No part of the staff portion of the flag lot may serve more than two flag lots. In the event two such flag lots are served by a single staff, an agreement executed by all holding an interest in the property shall be recorded providing that each owner shall contribute one-half the cost of maintenance of the access road on the staff lot, which obligation shall be secured by a lien on the lots.
8. The staff portion of the lot shall be owned in fee simple by the lot owner or the lot owner shall own an irrevocable easement constituting the staff portion. If access is by means of an easement, the adjacent lot shall maintain the entire frontage required by the ordinance for the zone in which it is located, in addition to the width required for the flag lot access easement. Any easement on an

adjoining lot shall contain all provisions identified in (B2) above.

9. The flag lot access driveway shall not be closer to an adjacent dwelling than ten (10) feet.
10. The staff portion of the flag lot shall be improved with a gravel driveway or better surface. The driving surface shall be well maintained and it shall be readily passable by a standard passenger car and emergency vehicles.
11. The proposal is compatible with the existing development, in terms of height, building materials and that the approval of the dwelling will not adversely affect the living environment of the surrounding area.
12. No deleterious objects or structures shall be constructed or maintained on the premises.
13. The proposed landscaping and fencing will adequately protect the privacy of adjacent properties.
14. Public safety issues, such as fire hydrants, have been adequately addressed.
15. Proposed access to the building site shall be at least twenty (20) feet wide and less than one hundred and twenty (120) feet long.
16. The proposed area of the building site shall ~~not~~ be ~~less than~~ at least twenty thousand (20,000) square feet, exclusive of the access way.
17. The setbacks from the property line shall meet the requirements of the underlying zone.
18. ~~14.~~ The setback from existing occupied structures on neighboring properties to any structure on the proposed flag lot shall be at least seventy (70) feet.
19. ~~15.~~ A site plan that complies with Chapter 9 shall be submitted for review to the Planning Commission. ~~Said site plan shall include:~~

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~~a. All existing and proposed structures on the building site and adjacent parcels, driveway and parking areas and the area on the site to be landscaped.~~

~~b. Proposed access to the building site along an access way which shall not be less than thirty (20) feet in width nor more than one hundred twenty (120) feet in length.~~

~~c. The proposed area of a building site, which shall not be less than twenty thousand (20,000) square feet, exclusive of the access way.~~

~~d. The setbacks from property line to the proposed structure, which shall meet the requirements of the underlying zone.~~

~~e. The setback from existing occupied structures on neighboring properties to any structure on the proposed flag lot, which shall be at least seventy (70) feet.~~

~~f. The existing height of buildings located on adjacent properties.~~

C. All construction shall be in accordance with the site plan as approved by the Planning Commission. An approval by the Planning Commission shall run with the owner and shall be valid only for a period of one (1) year from the date of approval. If the ownership of the parcel changes before the issuance of a building permit, or if said permit is not obtained and construction commenced within one (1) year from date of approval, said approval shall be null and void.

D. The front side of the flag lot shall be deemed to be the side nearest the street upon which the staff portion fronts.

E. The City shall have no maintenance responsibility for the roadway on the staff portion of the flag lot.

Chapter 4

SUPPLEMENTARY REGULATIONS

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

Adopted January 22, 2008
Revised Jan 10, 2012

the corrections required to bring the establishment into compliance with the provisions of this Chapter.

2. Bed and Breakfast Inn

A Bed and Breakfast Inn is a conditional use within certain zones as provided hereafter in this ordinance and must comply with the following requirements:

A. The owner of the premises must reside therein.

B. There must be a minimum of one guest room and not more than five guest rooms. No more than four guests may occupy any room. No guest may stay more than fifteen consecutive days.

C. One off-street parking stall must be provided per guest room with two off-street parking stalls provided per premise owner.

D. No cooking facility may be present in any guest room. No cooking may occur in any guest room. Meal services may be offered only to overnight guests.

E. Other than a sign permitted for a Bed and Breakfast Inn established by conditional use permit may have no advertising of any type.

F. Any permit granted is revocable upon notice and hearing if the use of the property creates traffic, noise, health, safety, parking, or other problems in the area.

G. A site plan that complies with Chapter 9 must be submitted.

H. Any hearing for the establishment of a Bed and Breakfast Inn conditional use permit shall be advertised as required by this ordinance.

3. Temporary Lodging used during construction

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

persons and against residential facilities for elderly persons is prohibited. The decision of Kanab City regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria, and may not be based on the age of the facility's residents.

D. Other Permitted Uses Not Limited - The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets existing zoning ordinances that allow a specified number of unrelated persons to live together.

Section 4-26 Residential Zones Design Standards

The following conditions apply to all single- and multiple-family structures within the residential zones~~In addition to any other requirements provided by law, any application for a building permit of a single or multiple family dwelling within residential zones shall be accompanied by a site plan and architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures and complying with the design criteria set forth as follows~~:

A. Each dwelling must be taxed as real property. If the dwelling is a manufactured home, affidavits as required by Utah Code Annotated Section 70D-2-40159-2-602 must be filed under that section and a copy thereof submitted to the city prior to receiving a Certificate of Occupancy.

B. Each dwelling shall have a code-approved site built concrete, masonry, steel or treated wood permanent foundation which meets the requirements of the City adopted building codes, Utah Code as set forth in Utah Code Annotated Section 15A-2-103 and ~~or~~ the International Code Council (ICC) guidelines for the manufactured housing installations, including any amendments or successors thereto, and must be capable of transferring design, dead loads and live loads and other design loads unique to local home sites due to

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SUPPLEMENTARY REGULATIONS

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Adopted January 22, 2008
Revised Jan 10, 2012

~~B. Development site plans must show the location of the development as part of a larger tract with a vicinity plan showing the relative location of the development to adjacent streets, trails and geographic features.~~

~~C.~~B. Continuation of master planned streets and trails: The arrangement of streets and trails shall provide for the continuation of master planned streets and trails between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities and where such continuation is in accordance with the city's general plan, transportation master plan and/or recreation master plan.

1. Temporary turn-around: If the adjacent property is undeveloped and the street must be a dead end street temporarily, the right of way shall be extended to the property line and a temporary turnaround shall be provided.

Section 4-31 Residential Facilities for Persons with Disability

A. Applicability: If any facility, residence or other circumstance meets the definition of a residential facility for persons with a disability as set forth herein, the requirements of this section shall govern the same notwithstanding any other provisions of this title:

B. Purpose: The purposes of this section are:

1. To comply with Utah Code Annotated section 10-9-605; and
2. To avoid discrimination in housing against persons with disabilities as provided in the Utah fair housing act and the fair housing amendments act as interpreted by courts having jurisdiction in Utah.

C. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

Chapter 8

CONDITIONAL USES

An ordinance ~~which~~ that provides for certain uses ~~which~~ that may be harmonious under special conditions and in specific locations to

Adopted January 22, 2008

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Section 8-1 Purpose of Conditional Use Provisions

~~Certain uses which may be harmonious under special conditions and in specific locations within a district; however improper under general conditions in other locations.~~ A conditional use is a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. These uses are classified as conditional uses within the various districts and require conditional use permits for approval.

Section 8-2 Permit Required

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate. No building permit or other permit or license shall be issued for a use requiring conditional use without first being approved by the Kanab City Planning Commission.

Section 8-3 Application

Chapter 8

CONDITIONAL USES

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Adopted January 22, 2008

A. A conditional use permit application shall be made to the Kanab City Planning Commission as provided in this Ordinance. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the Kanab City Planning Commission.

B. Notification of Planning Commission meeting may be mailed to all property owners appearing on the latest ownership plat in the Kane County Recorders Office within a 140 foot radius of any property for which an action of the Planning Commission is being requested. The applicant for this service shall pay an administrative fee.

Section 8-4 Fee

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Kanab City Council.

Section 8-5 ~~Development Plan~~ Site Plan

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The applicant for a conditional use permit shall ~~prepare~~ submit a site plan that complies with the requirements of Chapter 9. ~~with elevations (as may be necessary) for the site being proposed for development. The plan shall be drawn to scale and show all existing and proposed buildings, roads, parking, and other information that the Kanab City Planning Commission may deem necessary.~~

Section 8-6 Planning Commission ~~and City Council~~ Action

A. The Planning Commission ~~or City Council~~ shall approve a Conditional Use Permit if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any Conditional Use Permit the Planning Commission ~~or City Council~~ may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and

public facilities is minimized. These conditions may include the following:

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. All required public facilities have adequate capacity to serve the proposed conditional use;
3. Limiting the hours, days, place and/or manner of operation;
4. Requiring larger setback areas, lot area, and/or lot depth or width;
5. Limiting the building height size or lot coverage, and/or location on the site;
6. Designating the size, number, location and/or design of vehicle access points or parking areas;
7. Requiring street right-of-way to be dedicated streets, sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:
    a. an essential link exists between a legitimate governmental interest and each exaction; and
    b. each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;
8. Requiring landscaping, screening, drainage, water quality facilities and/or improvements of parking and loading areas;
9. Limiting the number, size, location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and/or materials for fences;
12. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;
13. Requiring the protection and preservation of groundwater recharge areas;
14. Limiting noise generation;
15. Minimizing environmental impacts to identified wetlands;

15. Turn-lane improvements at street intersections when:
    a. an unsafe condition would be created by the development without the improvements; or
    b. The projected increase in traffic generated by the new or expanded use will lower the level of service;
16. Providing for emergency access;
17. Requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;
18. Requiring approval of septic and of water systems;
19. Requiring buildings to be built to specific requirements.

B. In approving or recommending approval of a conditional use permit, the Kanab City Planning Commission ~~or City Council~~ shall find:

1. That the proposed use is necessary or desirable and will contribute to the general well-being of the community.
2. That the use will not be detrimental to the health, safety, or welfare of persons residing, or working in the vicinity, or injurious to property or improvements

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CONDITIONAL USES

An ordinance ~~which~~ that provides for certain uses ~~which~~ that may be harmonious under special conditions and in specific locations to

Adopted January 22, 2008

in the vicinity.

3. That the proposed use will comply with the regulations of this Ordinance.
4. That the proposed use is in harmony with the intent and purpose of the Kanab City Master Plan or that the plan shall have first been amended through public hearing.

Section 8-7 Expansion of a Conditional Use

No use or structure in which a conditional use is located may expand without the approval of the Kanab City Planning Commission ~~or the Kanab City Council~~. Before expanding, the applicant shall present to the Kanab City Planning Commission a Development Plan meeting the requirements of 8-5 above. No public hearing need be held. However, the Kanab City Planning Commission may deem a hearing necessary.

Section 8-8 Inspection

Following the issuance of a conditional use permit by the Kanab City Planning Commission, the Kanab City Building Inspector shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with said conditional use and building permit.

Section 8-9 Revocation

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and the applicant shall be so notified of revocation by the City of Kanab. The permit may be reinstated upon determination by the Kanab City Planning Commission that the cause for revocation has been corrected and that the applicant intends to proceed according to the plans approved by the Kanab City Planning Commission at the time the permit was originally issued, or as they might have been properly amended by the Kanab City Planning Commission from time to time during the period of the conditional use. Revocation or reinstatement of a conditional use permit for a Planned Development, Mobile Home Subdivision,

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CONDITIONAL USES

An ordinance ~~which~~ that provides for certain uses ~~which~~ that may be harmonious under special conditions and in specific locations to

Adopted January 22, 2008

Mobile Home Park, or Recreational Coach Park is the responsibility of the Kanab City ~~City Council~~Planning Commission.

Chapter 9

~~DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS~~ SITE PLAN REVIEW

This ordinance ~~insures~~ promotes the orderly and harmonious appearance of buildings and structures and the development

Adopted January 22, 2008

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Section 9-1 Purpose

The purpose and intent of ~~design~~ site plan review is to secure the general purposes of this Ordinance and the Kanab City General Plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in the occupation of the neighborhood.

Section 9-2 Application and Review

A site plan shall be submitted with any application for a building permit or a conditional use permit if the application is for a new building or for a modification to the square footage, use, or occupancy of an existing building. The site plan shall comply with the

Chapter 9

~~DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS~~ SITE PLAN REVIEW

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requirements of Chapter 9. A site plan is not required with applications for single-family dwellings and their accessory buildings. A building permit may not be issued unless the accompanying site plan has been approved.~~All applications for building permits for all buildings and structures, except for single family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, clear view triangle for streets and driveways, fences, off street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Kanab City Planning Commission, except that the review and approval of such permits by the Kanab City Zoning Administrator may be authorized by the Kanab City Planning Commission when the application meets all requirements of this Ordinance. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuance of a building permit~~.

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Section 9-3 Site Plan Requirements

A site plan, drawn to scale, shall show, as applicable by the Land Use Ordinance:

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A. Scale of plan, and direction of north point.

B. Lot lines, adjacent streets, roads, trails, and rights-of-way.

C. Location of all existing structures on subject property and adjoining properties, with utility lines, poles, and other equipment, fully dimensioned.

D. Location of proposed construction and improvements, with location and dimension of all signs.

~~A.~~E. Any new or re-modeled parking lot to be built.

F. Proposed motor vehicle access, circulation patterns,

Chapter 9

~~DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS~~ SITE PLAN REVIEW

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Adopted January 22, 2008

with individual parking stalls, trails, and curb, gutter, and sidewalk location.

G. ~~Necessary e~~Explanatory notes as necessary.

H. Name, address, and telephone number of the builder and owner.

I. A landscaping plan, according to the requirements found in this Ordinance.

~~B.~~J. All other information related to the site plan and reasonably required as determined by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized.

Section 9-4 Additional Site Plan Requirements by Application

9-4.1. Mobile and Park Model Home Parks

Mobile and Park Model Home Parks shall meet the requirements of Chapter 12 for an overall plan for development, in conjunction with site plan requirements listed in Section 9-3.

9-4.2.- Recreational Vehicle Parks

Recreational Vehicle Parks shall meet the requirements of Chapter 13 for an overall plan for development, in conjunction with site plan requirements listed in Section 9-3.

9-4.3~~10~~ Planned Development Overlay

A preliminary and a final site plan shall be required for approval of a Planned Development Overlay as defined in Chapter 23: Planned Development Overlay.

9-4.4 Downtown Overlay

All ~~S~~site ~~P~~plans submitted for developments within the Downtown Overlay shall be accompanied by architectural design plans~~, which~~ that meet the requirements of Exhibit A.

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Chapter 9

~~DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS~~
SITE PLAN REVIEW

This ordinance ~~Insures~~ promotes the orderly and harmonious appearance of buildings and structures and the development

Adopted January 22, 2008

9-4.5 Transitional Commercial Overlay

All ~~S~~site ~~P~~plans submitted for developments within the Transitional Commercial Overlay shall be accompanied by architectural design plans~~,~~ ~~which~~ that meet the requirements of Exhibit B.

9-4.6 Entry Corridor Protection Overlay

All ~~S~~site ~~P~~plans submitted for developments within the Entry Corridor Protection Overlay shall be accompanied by architectural design plans~~,~~ ~~which~~ that meet the requirements of Exhibit C.

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Section 9-~~5~~3 Exceptions

For buildings and uses covered by conditional use permits and Planned Development, ~~design~~ site plan review shall be incorporated within such conditional use permit and Planned Development and need not be a separate application, provided the requirements of this Chapter are met.

Section 9-~~6~~4 Planning Commission Approval

The Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized by the Commission, shall determine whether ~~the~~ a proposed ~~architectural and~~ site ~~development~~ plan~~s submitted are~~ is consistent with this Chapter and with the ~~general objectives~~requirements of this Ordinance, and shall give or withhold approval accordingly. Denial or approval by the Kanab City Planning Commission or the Zoning Administrator may be appealed to the Kanab City Council, as provided for in the appeals section of this Ordinance.

Section 9-~~7~~5 Consideration in Review of Applications

The Kanab City Planning Commission, ~~and~~ or the Kanab City Zoning Administrator~~,~~ when authorized by the Commission, shall consider the following matters~~, and others when applicable,~~ in ~~their review of~~reviewing applications:

Chapter 9

~~DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS~~ SITE PLAN REVIEW

This ordinance ~~Insures~~ promotes the orderly and harmonious appearance of buildings and structures and the development

A. Considerations relating to traffic safety and traffic congestion.

1. The effect of the site development plan on traffic conditions on abutting streets.
2. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
3. The arrangement and adequacy of off-street parking facilities, including the requirements listed in Chapter 6 of this Ordinance.
4. The location, arrangement, and dimensions of truck loading and unloading facilities.
5. The circulation patterns within the boundaries of the development.
6. ~~5.~~ Connectivity of streets and trails as defined in Section 4-30.
7. ~~6.~~ The surfacing and lighting of off-street parking facilities.

B. Consideration relating to outdoor advertising. The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development, including requirements listed in Chapter 7 of this Ordinance. ~~.~~

Considerations relating to dangerous or objectionable elements.

~~B.~~ C. Performance standards for industrial and other uses for dangerous and objectionable elements enumerated in Chapter 10 of this ordinance shall apply.

~~C.~~ D. Considerations relating to buildings and site layout.

1. Consideration of the general silhouette and mass, including location on the site, elevation, and relation to natural plant coverage, all in relationship to the neighborhood.
2. Consideration of exterior design in relation to

adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.

~~2.~~ Development standards enumerated in this Ordinance for the applicable zone and/or development type shall apply.

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3.

~~3.~~ Landscaping shall meet the requirements of this Ordinance.

4.

Section 9-~~8~~6 Landscaping Requirements

A. Public Right Of Way: The public right of way shall be landscaped with two inch (2") caliper trees and approved landscaping as described in Section 9-~~6(8)~~. Landscaping is only required where curb, gutter, and sidewalk improvements are required. See Section 4-18 for curb, gutter, and sidewalk requirements.

B. Street Frontage Landscaping: In addition to the landscaping required in the public right of way, a minimum six foot (6') wide landscaped area shall be installed along the entire frontage of the parcel. Driveways and sidewalks shall be allowed to cross this six foot (6') wide landscaped area. The Planning Commission may revise the landscaping plan to ensure the purposes of this chapter are substantively met.

C. Landscape Plan Required: A landscape plan including a mix of landscape elements is required for all developments in which landscaping is required. The front, side, and rear yards of lots shall be landscaped and properly maintained with:

1. Living plant materials (e.g., lawn, ground cover, annual and perennial flowering plants, desert plants, vines, shrubs, trees and other plant materials.) planted directly on the property and kept free from all hard surfaces.
2. Use of water (e.g., pools fountains, falls and

Chapter 9

~~DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS~~ SITE PLAN REVIEW

This ordinance ~~Insures~~ promotes the orderly and harmonious appearance of buildings and structures and the development

7. Property owners shall keep landscaped areas free of weeds and trash.

   Also see Exhibit J & K

Section 9-~~9~~7 Conditions

The Kanab City Planning Commission, or the Kanab City Zoning Administrator when authorized, shall decide all applications for site plan ~~design~~ review. Site plan ~~Design~~ approval may include such conditions consistent with the consideration of this Chapter as the Kanab City Planning Commission or Kanab City Zoning Administrator deem reasonable and necessary under the circumstances to carry out the intent of this Chapter.

Section 9-~~10~~8 Findings and Decisions

Upon a finding by the Kanab City Planning Commission, or the Kanab City Zoning Administrator~~,~~ when authorized, that the application meets the ~~intent~~ requirements of this Chapter, the site plan ~~design~~ approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

Section 9-~~11~~9 Notification of Approval or Denial

Upon the granting of site plan ~~design~~ approval, the secretary of the Kanab City Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereof, or the fact of denial and the reasons therefore.

Section 9-~~12~~10 Time Limitations on Approval

If construction in harmony with the permit for any development for which site plan ~~design~~ approval has been granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Kanab City Planning Commission, or the Kanab City

Chapter 9

~~DESIGN REVIEW AND SITE DEVELOPMENT STANDARDS~~ SITE PLAN REVIEW

This ordinance ~~Insures~~ promotes the orderly and harmonious appearance of buildings and structures and the development

Adopted January 22, 2008

Zoning Administrator, when authorized.

Section 9-13~~11~~ Transfer of Approval upon Change in Use

Site plan ~~Design~~ approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the Kanab City Planning Commission, or the Kanab City Zoning Administrator, when authorized to do so. If the transfer is not approved, a new application must be filed.

Section 9-14~~12~~ Conformances of Approval

Development for which site plan ~~design~~ approval has been granted shall conform to the approval and any conditions attached thereto.

Section 9-15~~13~~ Modifications

Upon request of the applicant, modifications in the approved plan may be made by the Kanab City Planning Commission or the Kanab City Zoning Administrator when authorized to do so, if it is found that the modifications will meet the requirements of this Chapter. The Kanab City Planning Commission may revoke or modify a site plan ~~design~~ approval which does not conform to any requirements of the approved permit.

Section 9-16~~14~~ Performance Guarantees

A. Application. Wherever a performance guarantee is required under the terms of this development code, said guarantee shall be submitted in conformance with this chapter.

B. Type and Amount of Guarantee. All performance guarantees shall be posted in the form of a performance bond, an escrow account or an irrevocable letter of credit. Whichever form of

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

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

Adopted January 22, 2008

Sections

10-1 Purpose
10-2 General Provisions
10-3 Performance Standards Procedure
10-4 Enforcement Provisions Applicable to All Uses
10-5 Nonconforming Uses
10-6 Determinations for Enforcement of Performance Standards
10-7 Dangerous and Objectionable Elements

Section 10-1 Purpose

~~To permit potential nuisances from industrial or other uses to be measured factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.~~ The purpose of this Chapter is to prevent potential hazards caused by industrial or other uses, to ensure that all uses implement modern processes of control and hazard elimination where necessary, and to protect legitimate uses from arbitrary exclusion.

Section 10-2 General Provisions

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, electrical or other disturbances; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements." No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

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

Adopted January 22, 2008

Section 10-3 Performance Standards Procedure

The Kanab City Planning Commission, or the Kanab City Zoning Administrator~~,~~ when authorized, ~~may require~~ shall perform a performance standards review for any use in any district in conjunction with site plan review, as applicable. Refer to Chapter 9 for site plan review requirements. Additional reviews and/or inspections may be required at the cost of the developer. Designated professionals performing required reviews and inspections shall be approved by the City Engineer. ~~when he has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards of this Chapter.~~

Section 10-4 Enforcement Provisions Applicable to All Uses

Initial and continued compliance with performance standards is required of every use; and provisions for enforcement of continued compliance with said standards shall be invoked by the Kanab City Planning Commission or the Kanab City Zoning Administrator, when authorized, against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

Section 10-5 Nonconforming Uses

For purposes of this Ordinance, any use established before the effective date of this Ordinance and nonconforming as to performance standards shall have five (5) years in which to conform therewith.

Section 10-6 Determinations for Enforcement of Performance Standards

The determination of the existence of dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be most apparent; provided, however, that the measurements having to do with noise, odors, vibration, or glare shall be taken at the following points of measurement:

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

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

Adopted January 22, 2008

A. In any district, except a Manufacturing District, at the lot-line of the establishment or use.

B. In a Manufacturing District at one or more points five hundred (500) feet from the establishment or use, or at the boundary or boundaries of the District, if closer to the establishment or use, or at the closest point within an adjacent district other than a Manufacturing District.

Section 10-7 Dangerous and Objectionable Elements

A. Odors - No emission of odorous gases or other matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) of clean air at the point of greatest concentration. Any process involving creation or emission of any odors shall be provided with a secondary safeguard system, so control will be maintained if primary safeguard system should fail.

B. Glare - No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs or lighting of buildings or grounds for protection as otherwise permitted by the provisions of this Ordinance.

C. Fire and Explosion Hazards - All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate safety devices against the hazard of fire and explosion.

D. Radioactivity or Electronic Disturbances - No activities shall be permitted which emit dangerous radio-activity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

E. Smoke - No emission shall be permitted from any chimney or other source, of smoke or gases except in accordance with state and federal air quality regulations. ~~air pollution provisions of the Utah State Board of Health~~.

Chapter 10

PERFORMANCE STANDARDS FOR INDUSTRIAL AND OTHER USES

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

Adopted January 22, 2008

F. Fly Ash, Dust, Fumes, Vapors, Gases, and Other forms of Air Pollution - No emission shall be permitted except in accordance with state and federal air quality regulations.~~air pollution provisions of the Utah State Board of Health.~~

G. Liquid or Solid Wastes - No discharge at any point into public sewer, private sewage system, or stream, or into the ground shall be permitted, except in accordance with the standards approved by the State Department of Health or standards 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.

Chapter 12

MOBILE AND PARK MODEL HOME PARKS

Ordinance that provides for the regulation and development of mobile home parks

Adopted January 22, 2008

Sections

12-1 Purpose
12-2 Location and Use
12-3 Approval
12-4 Application

Section 12-1 Purpose

To require that mobile home developments will be of such character as to promote the objectives and purposes of this ordinance; to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks are located; and to protect other use values contiguous to or near mobile home park uses.

Section 12-2 Location and Use

A. No mobile home shall be located, placed, used, or occupied in any district other than within an approved mobile home park where allowed within the zoning district.

B. Park model homes are permitted where allowed in a mobile home park.

Section 12-3 Approval

Mobile home parks may not be constructed unless first approved by the Kanab City Council, after site plan review of the ~~review of plans for~~ said mobile home park by the Kanab City Planning Commission. The Planning Commission and the Kanab City Council shall approve a proposed mobile home park if ~~which insure that the said development~~it will:

A. Be in keeping with the general character of the district within which the development is to be located.

B. Be located on a parcel of land containing not less than two (2) acres.

C. Have a least ten (10) spaces completed and ready

Chapter 12

MOBILE AND PARK MODEL HOME PARKS

Ordinance that provides for the regulation and development of mobile home parks

Adopted January 22, 2008

for occupancy before first occupancy is permitted.

D. Shall be connected to the municipal facilities of the City of Kanab.

E. Be developed according to plans prepared by a professional team. In all cases it is recommended that professional design and other assistance be obtained early in the program including (as needed) a geologist or soils engineer, an urban planner, a lawyer, a financial expert, or others. It is the intent of the City of Kanab that the developer solves problems associated with the development before approval is given and construction begins. Determination of qualifications of required professional individuals or firms shall be made by the Kanab City Planning Commission. In a Mobile home park, the number of Mobile homes shall be limited to seven (7) units per acre. The Mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking, shall be set aside and developed as parks, playground, and service areas for common use and enjoyment of occupants of the development and of the visitors thereto.

Section 12-4 Application

A. In conjunction with site plan review, as defined in Chapter 9, a~~A~~n overall plan for development of a mobile home park shall be submitted to the Kanab City Planning Commission for review. The plan shall be drawn to a scale no smaller than one (1) inch to fifty (50) feet. At least six (6) copies of the plan shall be submitted. The plan shall show:

1. The topography of the site represented by contours, shown at not greater intervals than two (2) feet when required by the Kanab City Planning Commission.
2. The proposed street and Mobile home space layout.

Chapter 24

COMMERCIAL PLANNED DEVELOPMENT OVERLAY

Ordinance providing for multiple uses within a unified development that is attractively designed and exceptionally functional

Adopted January 22, 2008
Revised July 28, 2009

2" and "C-3" Commercial Zones when specifically authorized by the City Council upon recommendation of the Planning Commission.

B. Commercial Planned Developments will be considered in "C-2" and "C-3" Zones and in the Transitional and Entry Corridor Protection Overlay Zones.

C. Residential/Commercial uses by conditional use permit.

Section 24-4 Development Requirements

A. Site Plan – A site plan shall be required for all Commercial Planned Developments, which shall address all applicable development standards, including those listed in Section 24-4. The site plan must comply with Chapter 9.

B. Minimum Lot Size - Any site for a CPD Overlay shall not be less than three acres in size. This requirement may be waived by the Planning Commission when the site under consideration can be shown to meet the intent and objectives of this Chapter.

C. Lot Width - The lot width and public or private road frontage requirements shall be determined by the Planning Commission in its review of the CPD site plan. When determining these requirements, the Planning Commission shall analyze the following but not limited to:

1. The nature of existing and planned land uses adjacent to and near the site,
2. Compatibility of all building setbacks with adjacent land uses,
3. The location of natural features on the site,
4. Existing and proposed site topography,
5. The location of public utilities,
6. Public safety and emergency vehicle access,
7. The design of the master street plan – intersections,

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for the site

2. The location and arrangement of all buildings
3. The type, number and size of all buildings
4. Data resulting from a professional traffic study
5. Data submitted by the developer and approved by the City Engineer
6. Where deemed feasible by the Planning Commission, no more than 60% of the site's off-street parking shall be located between the front façade and the corresponding primary street frontage. Parking areas should be placed at the side and rear of buildings wherever possible to allow the building's architecture and onsite landscaping to be the predominate view from the street.
7. Delivery-Shipping areas must be located in the rear of buildings.
8. Overlay design standards and guidelines.

G. Signs - Signs within a CPD shall comply with the regulations for the proposed uses contained in the specific Overlay and Chapter 7 of the Kanab City Land Use ~~Zoning~~ Ordinance. The developer must submit a signage plan for all site signage at the time of Preliminary Development Plan review by the Planning Commission.

H. Landscaping - A landscaping plan shall be submitted at the time of Preliminary Development Plan review. The landscaping plan shall illustrate the type, size, location and number of all proposed plantings. The landscaping proposal must substantially comply with the requirements of the current Kanab City landscaping policy and/or zoning ordinance.

1. Landscaping plans should incorporate a "tree-lined street" design along all roadways and

Exhibit A

Design Standards & Guidelines

Downtown Overlay

Adopted January 22, 2008
Revised July 28,2009

Section 1-2 Uses

All uses must be consistent with the underlying Zoning District. Any structures or use within the Downtown Overlay (DO) are also subject to specific review criteria, including ~~Conditional use Permit review, as stated in this section, and~~ Corridor Protection criteria as stated in the following sections.

Section 1-3 Lot and Site Requirements

Lot and Site Requirements and Building heights for all Development Activities and uses must be consistent with the underlying Zoning District and are subject to the following additional requirements:

A. A façade improvement~~s~~ shall meet the requirements of Section 1-17 in Exhibit A and the site plan review requirements of Chapter 9. A façade improvement~~s~~ that requires a building permit within the Downtown Overlay needs approval from the Planning Commission. A façade improvement that does not require a building permit needs approval from the Zoning Administrator.

B. Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the Downtown Overlay shall require a conditional use permit with approval by the Planning Commission.

C. To minimize curb cuts, driveways, and access to Kanab City's primary highways and streets, access to property in the Downtown Overlay shall be from existing City streets when possible, rather than direct highway access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

D. The Planning commission shall review all proposals for pedestrian, bicycle paths and trails through the Downtown Overlay.

E. New construction projects within the Downtown

Exhibit A

Design Standards & Guidelines

Downtown Overlay

Adopted January 22, 2008
Revised July 28,2009

Overlay shall include ~~design~~ site plan review criteria as described in this ordinance.

Section 1-4 Applicability to Property within Existing Kanab City Limits

The regulations contained in this overlay zone shall apply to all lots adjacent to or within three hundred feet (300') of the nearest right-of-way of corridor highways as described below:

Along Highway 89 (a.k.a. Center Street, 100 East & 300 West) from 100 South to 100 North

Section 1-5 Street Trees

Street Trees shall be planted in the right of way as part of the site landscaping requirements and shall be maintained according to City landscape ordinance.

Section 1-6 Access / Traffic

Access points and driveways connecting directly to the corridor roadways shall be minimized. Common driveways between adjoining properties shall be encouraged. When direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

Section 1-7 Setbacks

A setback in the Downtown Overlay shall be established by the Planning Commission based upon a visual assessment of the property. However, unless otherwise allowed for in this section the setback shall be a minimum of the underlying zone requirements from the property line and may require additional setback to accommodate adequate parking, seating and/or landscaping. Businesses requesting street front seating/dining should consider a greater setback in their design and site plan to accommodate for use.

Exhibit A

Design Standards & Guidelines

Downtown Overlay

Adopted January 22, 2008
Revised July 28,2009

occupy setback areas.

Section 1-13 Landscaping / Vegetation Protection

A landscaping plan shall be required for all Downtown Overlay developments as specified in this ordinance.

Section 1-14 Design Standards

All development within the Downtown Overlay shall comply with the specified design standards.

Section 1-15 Outdoor Display of Art

The permanent installation of an outdoor display of art that requires a fixed, impervious location on or above the ground, a structure is allowed as a Conditional use if within thirty feet (30') of the Utah Department of Transportation (UDOT) right-of-way.

Section 1-16 Public Park Facilities

A. The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground, a structure is allowed as a Conditional Use within thirty feet (30') of the Utah Department of Transportation (UDOT) right-of-way.

Section 1-17 Building Front Design

In conjunction with a required site plan, architectural designs for new construction and refurbishing the exterior of an existing commercial building are required, addressing the design standards in this section. Site plans in the Downtown Overlay that require a building permit need approval from the Kanab City Planning Commission. All other construction or refurbishments that do not require a building permit need approval from the Zoning Administrator.

~~A.~~ The following guidelines apply to new construction and refurbishing the exterior of an existing commercial building in the Downtown Overlay. ~~The following guidelines apply to new construction and~~

Exhibit A

Design Standards
&
Guidelines

Downtown
Overlay

Adopted January 22, 2008
Revised July 28,2009

~~refurbishing the exterior of an existing commercial building. Plans must be approved by Kanab City Planning and Zoning.~~

~~B. Prior to presenting plans to P&Z for their consideration, it is advised that the developer consider the following design standards while designing the architecture of a commercial building.~~

~~C.~~A. No corrugated sheet metal products or high maintenance materials shall be permitted on the building front wall surface. The building front area shall consist of a combination of City approved materials. The glazing system used shall cover a minimum of 10% of the building front area of each floor. City approved materials include stucco, rock and brick. Wood materials are considered a high maintenance material which may be approved in a site plan review. Colors will also be considered and approved as part of the site plan review and must be compatible with the color scheme of businesses in the downtown overlay district. Natural earth tone colors are preferable.

~~D.~~B. The primary pedestrian entry of the building should face the street and be identified, defined and reinforced by significant architectural elements of mass. The appearance of the building front shall present a three dimensional effect through the utilization of such architectural features as pop outs, vertical relief overbuilds, recesses, canopies or porticos supported by columns or protrusions, significant variations in the roof or parapet, etc.

~~E.~~C. The design standards for building fronts described above shall wrap around the building sides adjacent to the primary front. A minimum footage shall be determined with the site plan review.

~~F.~~D. The site plan (including the building architectural design) shall be submitted for ~~P&Z~~ review by the Planning Commission five (5) days prior to being put on the agenda.

~~G.~~E. During the site review, the Final Site Plan will be amended as needed to finalize landscaping and building design and will be signed by the Planning Commission Chair and developer. The building

Exhibit B

Design Standards & Guidelines

Transitional Commercial Overlay

Adopted January 22, 2008
Revised July 28, 2009

Commercial Overlay (TCO) are also subject to specific review criteria, including Conditional use Permit review, as stated in this section, and Corridor Protection criteria as stated in the following sections.

Section 1-3 Lot and Site Requirements

Lot and Site Requirements and Building heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the ~~under laying~~underlying Zoning District and are subject to the following additional requirements:

A. A façade improvement~~s~~ shall meet the requirements of Section 1-17 in Exhibit B and the site plan review requirements of Chapter 9. A façade improvement that requires a building permit within the Transitional Commercial Overlay needs approval from the Planning Commission. A facade improvement that does not require a building permit needs approval from the Zoning Administrator.~~Remodels and facade improvement for existing structures within the Transitional Commercial Overlay shall require a Conditional use permit with approval by the Planning Commission~~

B. Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the Transitional Commercial Overlay shall require a conditional use permit with approval by the Planning Commission.

C. To minimize curb cuts, driveways, and access to Kanab City's primary highways and streets, access to property in the Transitional Commercial Overlay shall be from existing City streets when possible, rather than direct highway access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

D. The Planning commission shall review all proposals for pedestrian, bicycle paths and trails through the Transitional Commercial Overlay.

E. Review of project within the Transitional

Exhibit B

Design Standards
&
Guidelines

Transitional
Commercial
Overlay

Adopted January 22, 2008
Revised July 28, 2009

Commercial Overlay shall include ~~design~~ site plan review criteria, as described in this ordinance.

Section 1-4 Applicability to Property within Existing Kanab City Limits

The regulations contained in this overlay zone shall apply to all lots adjacent to or within three hundred feet (300') of the nearest right-of-way of corridor highways as described below:

North along 300 West from 100 to 300 North

East along US 89 (a.k.a. 300 South) from 100 East to 600 East

South along 100 East from 100 South to US 89A

South along US 89A to Kanab Creek Drive

Section 1-5 Street Trees

Street Trees shall be planted in the right of way as part of the site landscaping requirements and shall be maintained according to City ordinance.

Section 1-6 Access / Traffic

Access points and driveways connecting directly to the corridor roadways shall be minimized. Common driveways between adjoining properties shall be encouraged. When direct driveway access is necessary, it shall be located in such a manner to minimize interference with through traffic on the corridor roadway.

Section 1-7 Setbacks

A setback in the Transitional Commercial Overlay shall be established by the Planning Commission based upon a visual assessment of the property. However, unless otherwise allowed for in this section the setback shall be a minimum of the underlying zone requirements from

Exhibit B

Design Standards
&
Guidelines

Transitional Commercial Overlay

Adopted January 22, 2008
Revised July 28, 2009

All development within the Transitional Commercial Overlay shall comply with the specified design standards.

Section 1-15 Outdoor Display of Art

The permanent installation of an outdoor display of art that requires a fixed, impervious location on or above the ground, a structure is allowed as Conditional use within the setback area but at least thirty feet (30') outside of the Utah Department of Transportation (UDOT) right-of-way.

Section 1-16 Public Park Facilities

A. The permanent installation of outdoor recreational equipment that requires a fixed, impervious location on or above the ground, a structure is allowed as a Conditional Use within the setback area but at least thirty feet (30') outside the Utah Department of Transportation (UDOT) right-of-way.

B. Public park accessory building less than twenty feet (20') in height and six hundred square feet (600 sq. ft.) in size are allowed as a Conditional Use within the setback area but at least thirty feet (30') outside the Utah Department of Transportation (UDOT) right-of-way.

Section 1-17 Building Front Design

In conjunction with a required site plan, architectural designs for new construction and refurbishing the exterior of an existing commercial building are required, addressing the design standards in this section. Site Plans in the Transitional Commercial Overlay that require a building permit need approval from the Kanab City Planning Commission. All other construction or refurbishments that do not require a building permit need approval from the Zoning Administrator.

~~A.~~ The following guidelines apply to new construction and refurbishing the exterior of an existing commercial building in the Transitional Commercial Overlay. ~~The following guidelines apply to new~~

Exhibit B

Design Standards
&
Guidelines

Transitional Commercial Overlay

Adopted January 22, 2008
Revised July 28, 2009

~~construction and refurbishing the exterior of an existing commercial building. Plans must be approved by Kanab City Planning and Zoning.~~

~~B. Prior to presenting plans to P&Z for their consideration, it is advised that the developer consider the following design standards while designing the architecture of a commercial building.~~

~~C.~~A. No corrugated sheet metal products or high maintenance materials shall be permitted on the building front wall surface. The building front area shall consist of a combination of City approved materials. The glazing system used shall cover a minimum of 10% of the building front area of each floor. City approved materials include stucco, rock and brick. Wood materials are considered a high maintenance material which may be approved in a site plan review. Colors will also be considered and approved as part of the site plan review and must be compatible with the color scheme of businesses in the downtown overlay district. Natural earth tone colors are preferable.

~~D.~~B. The primary pedestrian entry of the building should face the street and be identified, defined and reinforced by significant architectural elements of mass. The appearance of the building front shall present a three dimensional effect through the utilization of such architectural features as pop outs, vertical relief overbuilds, recesses, canopies or porticos supported by columns or protrusions, significant variations in the roof or parapet, etc.

~~E.~~C. The design standards for building fronts described above shall wrap around the building sides adjacent to the primary front. A minimum footage shall be determined with the site plan review.

~~F.~~D. The site plan (including the building architectural design) shall be submitted for ~~P&Z~~ review by the Kanab Planning Commission five (5) days prior to being put on the agenda.

~~G.~~E. During the site review, the Final Site Plan will be amended as needed to finalize landscaping and building design and will be signed by the Planning Commission Chair and developer. The building

as stated in this section, and Entry Corridor Protection criteria as stated in the following sections.

Section 1-3 Lot and Site Requirements

Lot and Site Requirements and Building heights for all Development Activities and uses within the Frontage Protection Zone must be consistent with the under laying Zoning District and are subject to the following additional requirements:

A. A façade improvement shall meet the Building front design requirements of Section 1-17 in Exhibit C and the site plan review requirements of ~~—~~Chapter 9. A façade improvement that requires a building permit within the Entry Corridor Protection Overlay needs approval from the Planning Commission. A façade improvement~~s~~ that does not require a building permit needs approval from the Zoning Administrator.~~Remodels and facade improvement for existing structures within the Entry Corridor Protection Overlay shall require a Conditional use permit with approval by the Planning Commission~~

B. Essential public facilities such as bus shelters, bus lanes, highways, directional signs, and utility installations within the Entry Corridor Protection Overlay shall require a conditional use permit with approval by the Planning Commission.

C. To minimize curb cuts, driveways, and access to Kanab City's primary highways and streets, access to property in the Entry Corridor Protection Overlay shall be from existing City streets when possible, rather than direct highway access. Common driveways between adjoining projects shall be used when possible. Driveways must be placed where they create the least interference with through traffic on highways.

D. The Planning commission shall review all proposals for pedestrian, bicycle paths and trails through the Entry Corridor Protection Overlay.

E. Review of project within the Entry Corridor Protection Overlay shall include ~~design~~ site plan review criteria, as described in this ordinance.

Adopted January 22, 2008
Revised July 28, 2009

Transportation (UDOT) right-of-way.

B. Public park accessory building less than twenty feet (20') in height and six hundred square feet (600 sq. ft.) in size are allowed as a Conditional Use within the setback area but at least thirty feet (30') outside the Utah Department of Transportation (UDOT) right-of-way.

Section 1-17 Building Front Design

~~The following guidelines apply to new construction and refurbishing the exterior of an existing commercial building.~~ In conjunction with a required site plan, architectural designs for new construction and refurbishing the exterior of an existing commercial building are required, addressing the design standards in this section. ~~Plans~~ Site ~~P~~plans ~~–~~ in the Entry Corridor Protection Overlay that require a building permit ~~must be~~need approval from ~~approved by~~ the Kanab City Planning Commission ~~and Zoning~~. All other construction or refurbishments that do not require a building permit need approval from the Zoning Administrator.

~~A.~~ The following guidelines apply to new construction and refurbishing the exterior of an existing commercial building in the Entry Corridor Protection Overlay. ~~Prior to presenting plans to P&Z for their consideration, it is advised that the developer consider the following design standards while designing the architecture of a commercial building.~~

~~B.~~A. No corrugated sheet metal products or high maintenance materials shall be permitted on the building front wall surface. The building front area shall consist of a combination of City approved materials. The glazing system used shall cover a minimum of 10% of the building front area of each floor. City approved materials include stucco, rock and brick. Wood materials are considered a high maintenance material which may be approved in a site plan review. Colors will also be considered and approved as part of the site plan review and must be compatible with the color scheme of businesses in the downtown overlay district. Natural earth tone colors are preferable.

Exhibit C

Design Standards
&
Guidelines

Entry Corridor Protection Overlay

Adopted January 22, 2008
Revised July 28, 2009

~~C.~~B. The primary pedestrian entry of the building should face the street and be identified, defined and reinforced by significant architectural elements of mass. The appearance of the building front shall present a three dimensional effect through the utilization of such architectural features as pop outs, vertical relief overbuilds, recesses, canopies or porticos supported by columns or protrusions, significant variations in the roof or parapet, etc.

~~D.~~C. The design standards for building fronts described above shall wrap around the building sides adjacent to the primary front. A minimum footage shall be determined with the site plan review.

~~E.~~D. The site plan (including the building architectural design) shall be submitted for ~~P&Z~~ review by the Kanab Planning Commission five (5) days prior to being put on the agenda.

~~F.~~E. During the site review, the Final Site Plan will be amended as needed to finalize landscaping and building design and will be signed by the Planning Commission Chair and developer. The building inspector shall retain an original signed copy to be used for inspection.

Exhibit I

Illustration 1

1. Acreage Charge – This charge (deposit) is a sliding scale charge. Where the follow apply:
   1-100 ac. = $50.00 per ac.
   101-500 ac. = $25.00 per ac.
   501 - + = $10.00 per ac.
   (Note: acreage to be zoned as open space, no charge if open space is over 10 acres)
   Note1: <1 ac. No acreage charge

2. Open Space includes parks, golf courses, flood plains, hillsides and similar natural areas, but not required recreation areas and setback areas.

3. Site Plan Review - A site plan shall be submitted with any application for a building permit or a conditional use permit if the application is for a new building or for a modification to the square footage, use, or occupancy of an existing building. The site plan shall meet the requirements of Chapter 9. A site plan is not required with applications for single-family dwellings and their accessory buildings. ~~is used for commercial, industrial, public, and institutional developments, site plans that must go to the Planning Commission, and residential with 5 or more du/lot; Exceptions are public schools, Four Plex or less per lot, and minor additions to an existing development.~~

4. (Note: Amendments to existing PD Overlays are $500 + acreage charge for additional acres added to the original PD Overlay)

5. Conditional use permit fee shall be waived with home occupation permit application.

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Adopted January 22, 2008
Revised May 11 2010