

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
Revised May 12, 2015

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Section 2-1 Initial Application

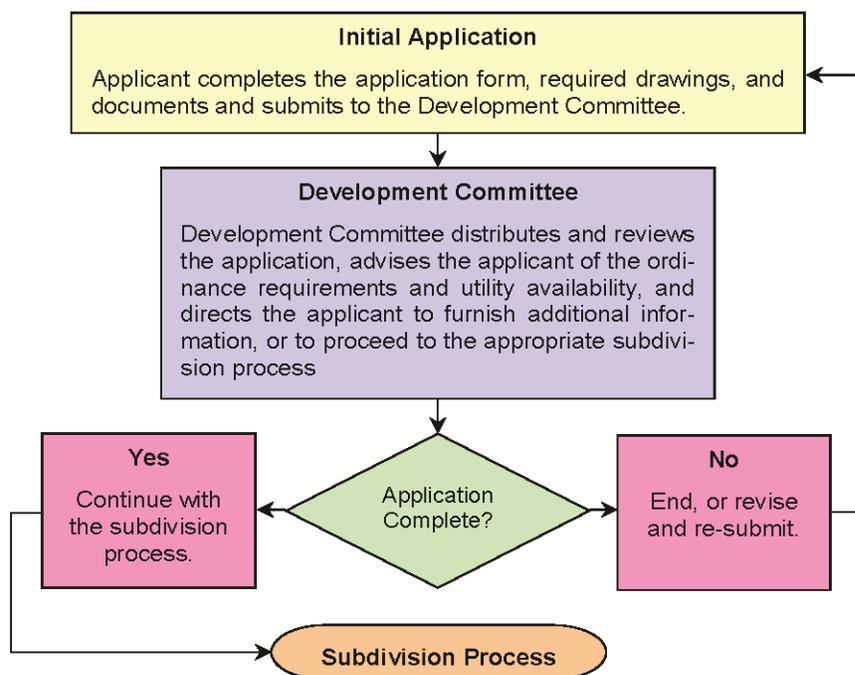


Figure 1 – Initial Application Process

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2-1.1. An applicant may subdivide property for a subdivision, condominium plat, plat amendment, lot-line adjustment or plat vacation through the process as outlined herein.

2-1.2. An applicant shall complete and submit an initial application form to the Kanab City Development Committee. The application shall be accompanied by the following:

2-1.2.1. Sketch Plan: The sketch plan shall include the following:

2-1.2.1.1. A vicinity map or recent aerial photograph showing the general location of the subdivision and the property boundary of the proposed area to be subdivided clearly shown, including a north arrow, map scale and designated public street access.

2-1.2.1.2. Significant natural and man-made features on the site and within one-half (1/2) mile of any portion of the proposed project boundary.

2-1.2.1.3. Acreage of the proposed project boundary, the number of lots, typical lot dimensions and the approximate area of each lot.

2-1.2.1.4. Approximate proposed phasing sequence, if project is planned to be completed in phases.

2-1.2.1.5. Mapped floodplains and sensitive land areas relative to the project boundary as outlined in the Kanab City Land Use Ordinance.

2-1.2.1.6. Proposed location of master planned streets as correlated with the Kanab City Transportation Master Plan. Exact locations are flexible, but proposed roads must satisfy the intent and purpose for each master planned roadway.

2-1.2.2. Narrative: The narrative shall be a brief written statement which clearly describes in detail the intent of the project request including public

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street access, connection to existing public utilities, and the type of wastewater disposal system proposed.

2-1.3. Development Committee Review:

The Development Committee will review the project application and advise the applicant of the ordinance requirements and utility availability, and will direct the applicant to furnish additional information, or to proceed with the appropriate subdivision process. The review may include input from municipal departments and/or utility providers. The review shall include, but not be limited to, the following:

- Does the application meet the requirements of this Ordinance?
- Are all the lots suitable for building?
- Have sensitive lands been identified in accordance with the Kanab City Land Use Ordinance, and if so, have the conditions been abated?
- Do all lots front public streets?
- Is the subdivision consistent with the General Plan?
- Do the streets conform to the guidelines found in the Transportation Master Plan?
- Will the development enhance the character and aesthetics of the community?

Section 2-2 Minor Subdivision

2-2.1. An applicant may subdivide property into less than 10 lots as a minor subdivision, provided that all proposed lots or parcels front a dedicated public street, comply with the applicable zone standards, and are approved through the process as outlined herein.

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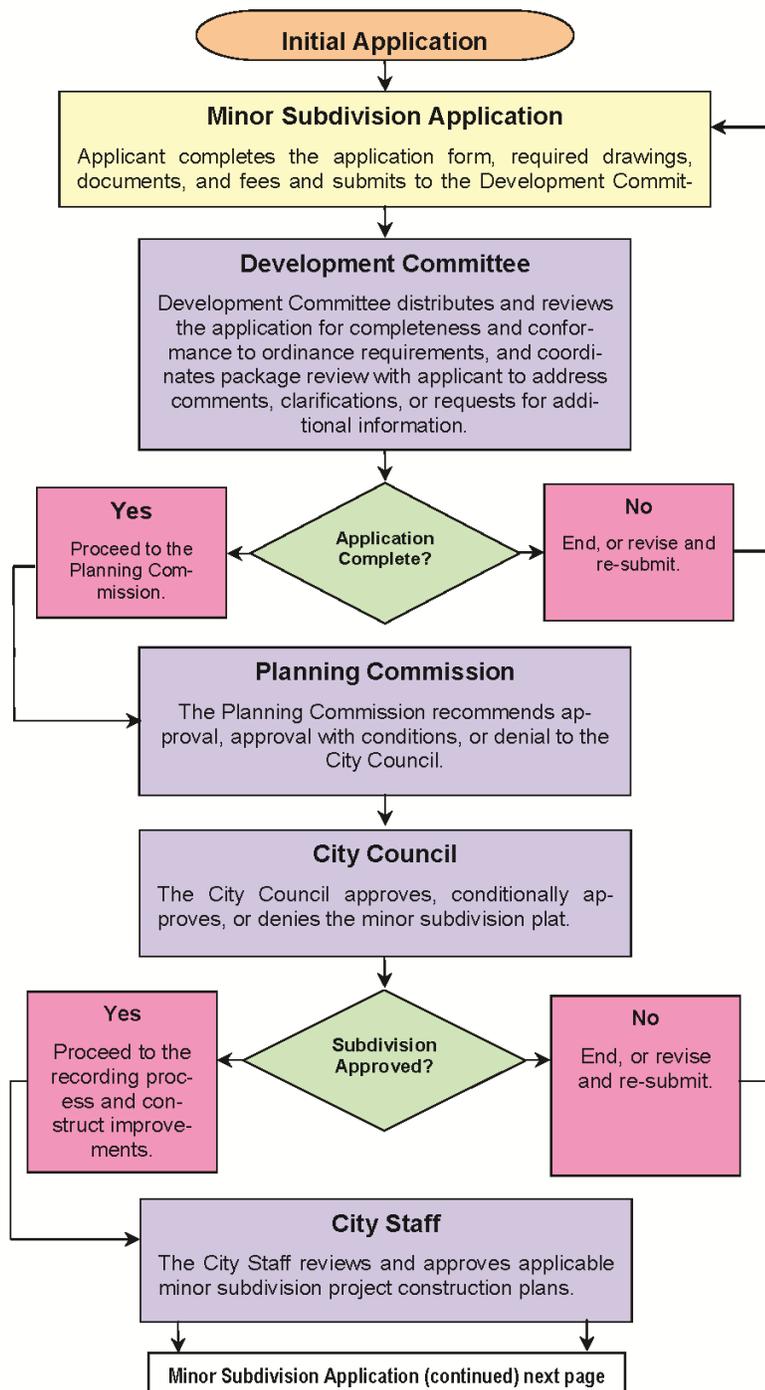


Figure 2 - Minor Subdivision Process

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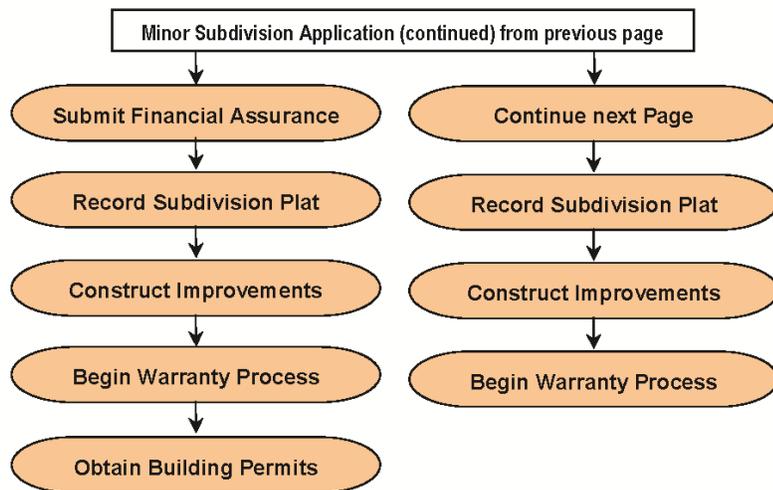


Figure 2 - Minor Subdivision Process cont.

2-2.2. Initial Application

An applicant shall complete the initial application process as outlined in Section 2-1.

2-2.3. Minor Subdivision Application

Following completion of the initial application process, an applicant shall complete and submit an application form for a minor subdivision to the Kanab City Development Committee. The application shall be accompanied by the following:

2-2.3.1. The name of applicant or authorized agent and contact information;

2-2.3.2. The subdivision name.

2-2.3.3. The property address and parcel number;

2-2.3.4. Minor Subdivision Plat Drawing: Four (4) 24" x 36" size copy and twelve (12) 11" x 17" size copies of a Minor Subdivision Plat drawing. The plat shall include:

2-2.3.4.1. The proposed subdivision name;

2-2.3.4.2. The name and address of the

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applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided.

2-2.3.4.3. The boundary dimensions and legal description of the subdivision and each lot therein which is within 0.010' with the point of beginning clearly labeled;

2-2.3.4.4. A minimum scale of 1" = 50';

2-2.3.4.6. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes;

2-2.3.4.7. A north arrow facing the top of right margin;

2-2.3.4.8. The latest date on each sheet;

2-2.3.4.9. The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;

2-2.3.4.10. A legend of symbols;

2-2.3.4.11. All survey monuments;

2-2.3.4.12. The streets indicating numbers and/or names and lots numbered consecutively;

2-2.3.4.13. The location, width, centerline bearings and curve data (including delta angle, radius, length, tangent and the long cord on curves) and other dimensions of all existing proposed or platted streets and easements;

2-2.3.4.14. The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines;

2-2.3.4.15. The approval signature blocks for:

2-2.3.4.15.1. Owner's dedication and acknowledgment;

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2-2.3.4.15.2. Surveyor's stamped certificate with subdivision boundary legal description;

2-2.3.4.15.3. City Surveyor's approval;

2-2.3.4.15.4. City Engineer's approval;

2-2.3.4.15.5. City Attorney's approval as to form;

2-2.3.4.15.6. Director of Public Works' approval;

2-2.3.4.15.7. Planning Commission acceptance;

2-2.3.4.15.8. City Council approval;

2-2.3.4.15.9. County Recorder's certificate.

2-2.3.5. Utility Service Commitment Letters: A letter from the power, water, and sewer utility provider stating its commitment to provide service to the proposed project and to be operational prior to the issuance of any building permit. Include written approval from the Public Health Department if it is determined that the property is not serviced by the public sewer system.

2-2.3.6. Lot Addresses: A list of street addresses for each lot, numbered in accordance with the Kanab City address grid system.

2-2.3.7. Title Report: A title report prepared within the previous 30 days.

2-2.3.8. Any additional items that may be requested by the Development Committee during the initial application process.

2-2.3.9. Fee: The minor subdivision plat fee as outlined in the Kanab City Land Use Ordinance.

2-2.3.10. Signature and Acknowledgement: By signing the Minor Subdivision application form, the applicant acknowledges:

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2-2.3.10.1. That the applicant or agent of the applicant has read the Subdivision Ordinance;

2-2.3.10.2. That the applicant understands the provisions of the Subdivision Ordinance; and

2-2.3.10.3. That the applicant will fully and completely comply with the provisions and requirements contained therein.

2-2.4. Development Committee Review:

2-2.4.1. The Development Committee shall review the application and accompanying documentation for compliance with this ordinance.

2-2.4.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-2.4.3. Additional information such as a soils investigation, drainage study, deed restrictions, or other information deemed necessary to fulfill the purpose of this ordinance as described may be requested from the applicant by the Development Committee during the review.

2-2.4.4. Once all information requested has been furnished, evaluated, and addressed to the satisfaction of the Development Committee, the application will be forwarded to the Planning Commission and placed in the next available meeting agenda.

2-2.5. **Planning Commission Public Meeting:** The Kanab City Planning Commission shall hold a public meeting on the application and recommend its approval, denial, or modification to the City Council.

2-2.6. **City Council Public Meeting:** The Kanab City Council

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may hold a public meeting based on the Planning Commission recommendation on the application, and shall approve, deny, or approve with conditions.

2-2.7. Owner's Duty to Record: The owner(s) of the approved minor subdivision shall record the approved Minor Subdivision Plat in the Kane County Recorder's Office. An applicant's failure to record within one year of City Council approval shall render the subdivision void. In such case, the applicant must commence the subdivision process anew.

2-2.8. Improvement Requirements for Building Permits in Minor Subdivisions:

2-2.8.1. Building 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.

2-2.8.2. Street improvements such as curb, gutter and sidewalk, are required prior to the issuance of a building permit through one or both of the following means:

2-2.8.2.1. Construct street improvements to match existing conditions on adjacent or contiguous properties;

2-2.8.2.2. Sign a "non-opposition" waiver for a future special improvement district.

2-2.8.3. Sidewalks must be installed prior to an occupancy permit being issued, unless the requirement is waived by the Kanab City Council.

2-2.8.4. 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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Section 2-3 Subdivisions (10 or More Lots)

2-3.1. An applicant may subdivide property through the preliminary plat and final plat process as outlined herein, provided that all proposed lots or parcels comply with the applicable zone standards, and that all subdivision design standards and infrastructure requirements are met.

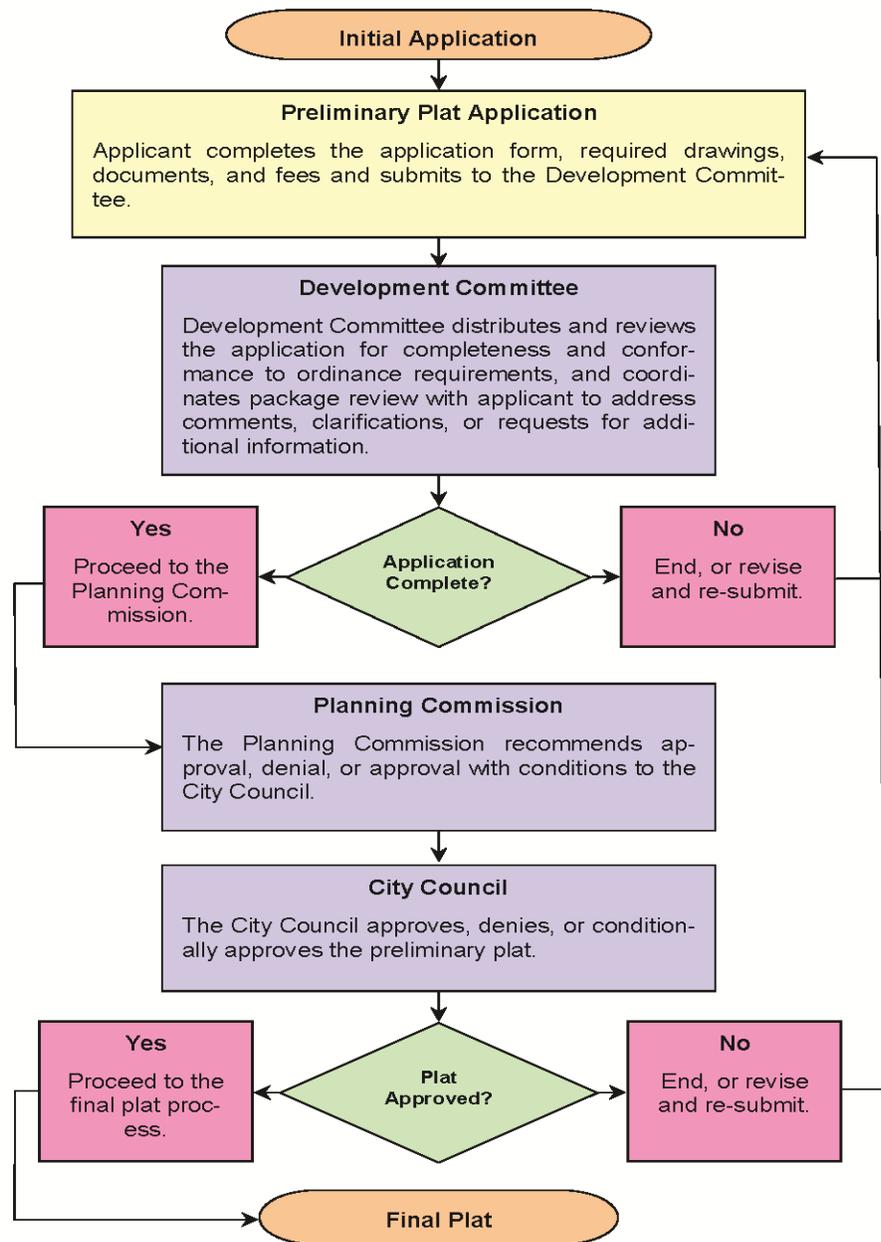


Figure 3 - Preliminary Plat Application

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2-3.2. **Initial Application:** An applicant shall complete the initial application process as outlined in Section 2-1.

2-3.3. **Preliminary Plat:** Following completion of the initial application process, an applicant shall complete and submit an application form for a preliminary plat to the Kanab City Development Committee. The application shall be accompanied by the following:

2-3.3.1. Preliminary Plat Drawing: One (1) 24" x 36" size copy and twelve (12) 11" x 17" size copies of a preliminary plat drawing of the proposed subdivision. The preliminary plat drawing shall include:

2-3.3.1.1. The proposed subdivision name;

2-3.3.1.2. The name and address of the applicant, engineer or surveyor for the subdivision and the owners of the land to be subdivided.

2-3.3.1.3. The boundary dimensions and legal description of the subdivision;

2-3.3.1.4. A minimum scale of 1" = 50';

2-3.3.1.5. The proposed streets, parks, open spaces and other offers of public dedications showing widths and pertinent dimensions of each;

2-3.3.1.6. Existing rights-of way and easement grants of record for streets, underground utilities and other public purposes;

2-3.3.1.7. A north arrow facing the top of right margin;

2-3.3.1.8. Topography at minimum two foot contour intervals indicating existing terrain conditions;

2-3.3.1.9. The latest date on each sheet;

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and

2-3.3.1.10. The location, width, and other dimensions of all existing or platted streets and other important features such as utility lines, and exceptional topography and structures within the proposed subdivision and within a two hundred foot (200') perimeter of the subdivision.

2-3.3.2. Utility Service Commitment Letters: A letter from the power, water, and sewer utility provider stating its commitment to provide service to the proposed project and to be operational prior to the issuance of any building permit. Include written approval from the Public Health Department if it is determined that the property is not serviced by the public sewer system.

2-3.3.3. Soils investigation report prepared by a professional engineer proficient in geotechnical engineering, licensed in the State of Utah, unless specifically waived by the City Engineer.

2-3.3.4. Drainage report prepared by a professional engineer licensed in the State of Utah, unless specifically waived by the City Engineer.

2-3.3.5. Any additional items that may be requested by the Development Committee during the initial application process.

2-3.3.6. Mailing Labels: Two (2) sets of type written address labels to all property owners within three hundred (300) feet of the proposed subdivision. Such notice shall be mailed by the City at least seven (7) days prior to the Planning Commission consideration of the preliminary plat. Notice of subdivisions for multi residential, commercial, or industrial development shall be provided to affected entities as required under this section.

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2-3.3.7. Fee: The preliminary plat fee as outlined in the Kanab City Land Use Ordinance.

2-3.3.8. Signature and Acknowledgement: By signing the Preliminary Plat application form, the applicant acknowledges:

2-3.3.8.1. That the applicant or agent of the applicant has read the Subdivision Ordinance;

2-3.3.8.2. That the applicant understands the provisions of the Subdivision Ordinance; and

2-3.3.8.3. That the applicant will fully and completely comply with the provisions and requirements contained therein.

2-3.4. Development Committee Review:

2-3.4.1. The Development Committee shall review the Preliminary Plat application and accompanying documentation for compliance with this Ordinance.

2-3.4.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-3.4.3. Additional information may be requested from the applicant by the Development Committee during the review.

2-3.4.4. Once all information requested has been furnished, evaluated, and addressed to the satisfaction of the Development Committee, the application will be forwarded to the Planning Commission and placed in the next available meeting agenda.

2-3.5. Planning Commission Consideration:

2-3.5.1. The Planning Commission shall hold a

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public hearing on the preliminary plat by providing reasonable notice of the public hearing at least 10 days before the date of the public hearing.

2-3.5.2. Upon review and consideration of the preliminary plat, at a meeting called for such purpose, the Planning Commission shall recommend its approval, denial, or approval with conditions to the City Council. Such decision shall be made within 45 days of said meeting. In the event the Planning Commission fails to make a recommendation within said 45-day period, the preliminary plat shall be deemed denied.

2-3.6. **Preliminary Plat City Council Consideration:** The City Council may hold a public hearing within forty-five (45) days of the Planning Commission's recommendation and shall approve, deny or conditionally approve the preliminary plat.

2-3.7. **Failure to Record and Preliminary Plat Time Extension:** Failure to record a final plat within eighteen months of approval of the preliminary plat by the Kanab City Council shall render the preliminary plat null and void, unless:

2-3.7.1. Applicant requests an extension of time from the Kanab City Council.

2-3.7.2. Such extension, if granted, will be permitted in six-month increments.

2-3.7.3. If no extension is requested with the eighteen month time frame and the applicant desires to record the final plat, the applicant must commence the subdivision process anew.

2-3.8. **Final Plat:** Upon Planning Commission recommendation and City Council approval of the preliminary plat, the applicant shall prepare and submit an application form for a final plat to the Kanab City Development Committee. The application shall be accompanied by the following minimum documentation:

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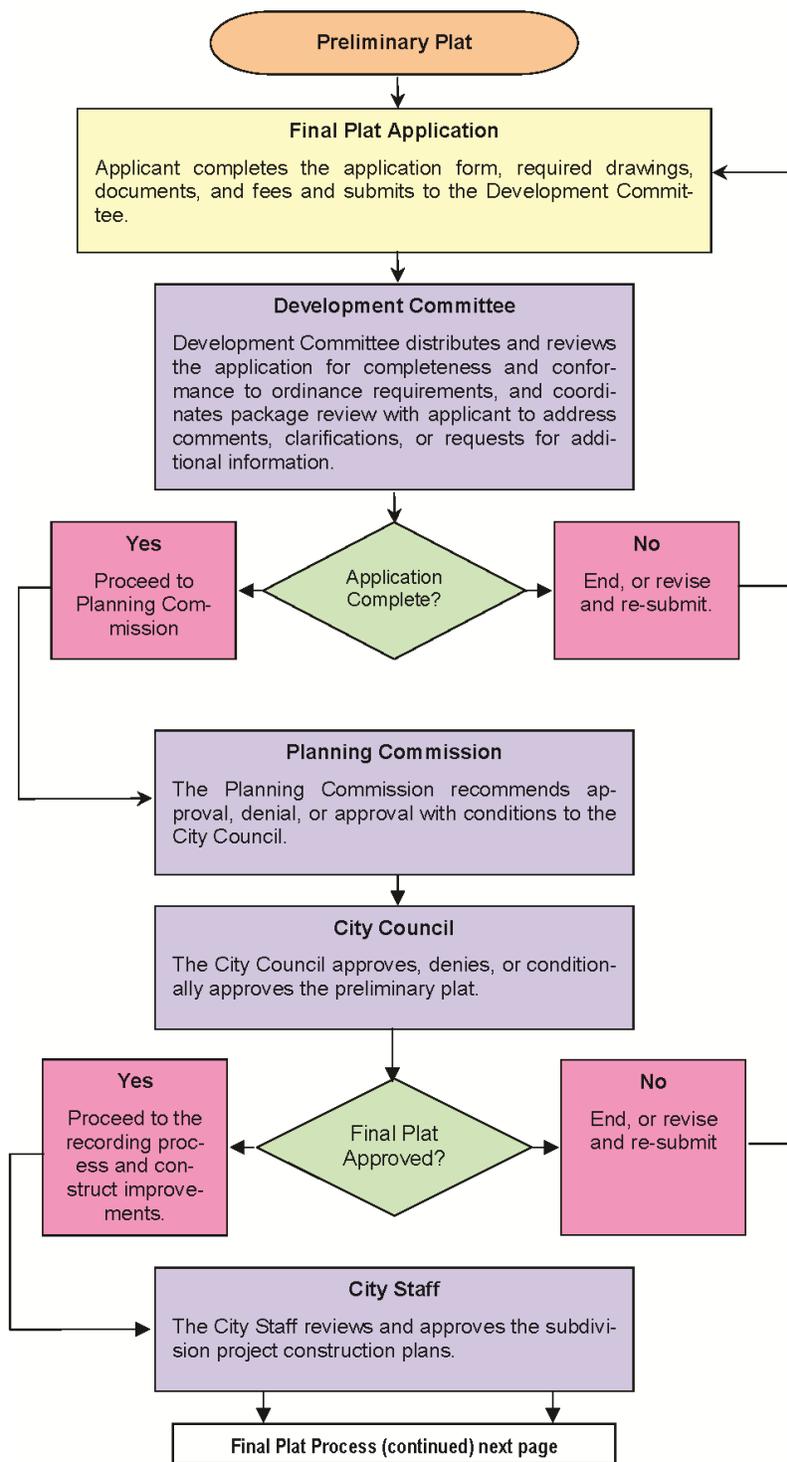


Figure 4 - Final Plat Application

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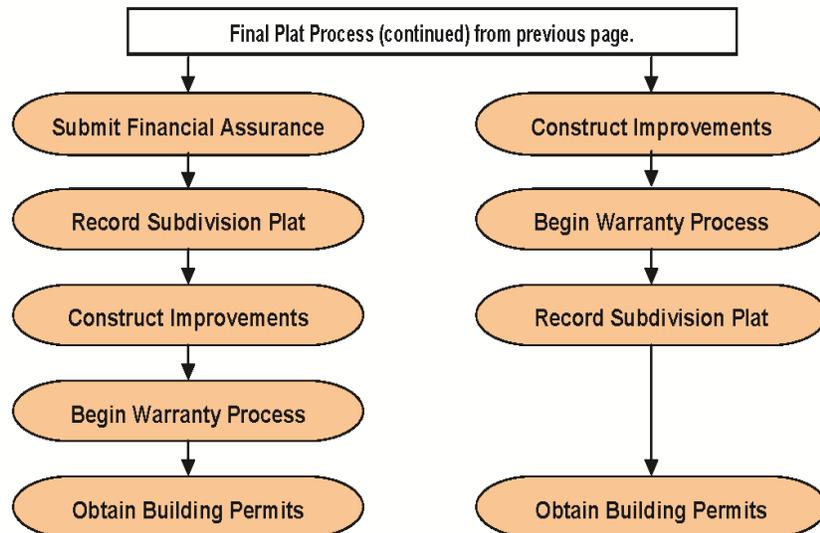


Figure 4 - Final Plat Application cont.

2-3.8.1. Final Plat Drawing: Four (4) 24" x 36" size copy and twelve (12) 11" x 17" size copies of a final plat drawing. The final plat shall include:

2-3.8.1.1. The proposed subdivision name;

2-3.8.1.2. The name and address of the applicant, engineer, or surveyor for the subdivision and owners of the land to be subdivided.

2-3.8.1.3. The boundary dimensions and legal description of the subdivision and each lot therein which is within 0.010' with the point of beginning clearly labeled;

2-3.8.1.4. A minimum scale of 1" = 50';

2-3.8.1.5. The proposed streets, parks, open spaces and other offers of public dedications, showing widths and pertinent dimensions as well as points of intersection of each;

2-3.8.1.6. Existing rights-of-way and easement grants of record for streets, underground utilities and other public purposes;

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2-3.8.1.7. A north arrow facing the top of right margin;

2-3.8.1.8. The latest date on each sheet;

2-3.8.1.9. The acreage or square footage for all parcels or lots and the length and width of the blocks and lots intended for sale;

2-3.8.1.10. A legend of symbols;

2-3.8.1.11. All survey monuments;

2-3.8.1.12. The streets indicating numbers and/or names and lots numbered consecutively;

2-3.8.1.13. The location, width, centerline bearings and curve data (including delta angle, radius, length, tangent and the long cord on curves) and other dimensions of all existing proposed or platted streets and easements;

2-3.8.1.14. The streets, lots, and properties within two hundred feet (200') surrounding the subdivision shown in ghost lines;

2-3.8.1.15. The approval signature blocks for:

2-3.8.1.15.1. Owner's dedication and acknowledgment;

2-3.8.1.15.2. Surveyor's stamped certificate with subdivision boundary legal description;

2-3.8.1.15.3. City Surveyor's approval;

2-3.8.1.15.4. City Engineer's approval;

2-3.8.1.15.5. City Attorney's approval as to form;

2-3.8.1.15.6. Director of Public Works' approval;

2-3.8.1.15.7. Planning Commission

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acceptance;

2-3.8.1.15.8. City Council approval;

2-3.8.1.15.9. County Recorder's certificate.

2-3.8.2. Subdivision Lot Addresses: A list of street addresses for each lot shown on the final plat, numbered in accordance with the Kanab City address grid system.

2-3.8.3. Subdivision Improvement Plans: Subdivision construction improvement plans for grading, drainage, streets, and utility infrastructure as required herein and in accordance with the Kanab City Uniform Standards for Design and Construction.

2-3.8.4. Title Report: A title report prepared within the previous 30 days.

2-3.8.5. Any additional items that may be requested during the preliminary plat review and approval process.

2-3.8.6. Fee: The final plat fee as outlined in the Kanab City Land Use Ordinance.

2-3.9. Final Plat Development Committee Review:

2-3.9.1. The Development Committee shall review the Final Plat application and accompanying documentation for compliance with this Ordinance.

2-3.9.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-3.9.3. Additional information may be requested from the applicant by the Development Committee during the review.

2-3.9.4. Once all information requested has been

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furnished, evaluated, and addressed to the satisfaction of the Development Committee, and upon receipt of the owners' tax clearance, the application will be forwarded to the City Council and placed in the next available meeting agenda.

2-3.10. Adoption of Final Plat: Upon a determination that the proposed plat is consistent with the General Plan and upon receipt of a recommendation from the Planning Commission, the City Council may approve a final subdivision plat as provided above.

2-3.11. Owner's Duty to Record: The owner(s) of an acknowledged, certified and approved plat shall furnish a mylar drawing of the Final Plat and record the plat in the Kane County Recorder's office. An applicant's failure to record a final plat within one year of City Council approval shall render the plat void. In such case, the applicant must commence the subdivision process anew.

2-3.12. Subdivision Improvements: Subdivision improvements must be completed within one (1) year of recordation of the final subdivision plat, unless such time is extended by the Kanab City Council.

2-3.13. Financial Assurance: The subdivision owner shall furnish financial assurance for the review, inspection, construction, and one-year guarantee of completed subdivision improvements as outlined in Chapter 4 of this ordinance.

Section 2-4 Vacating or Amending a Subdivision Plat

2-4.1. The City Council by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street or lot contained in a subdivision at a public hearing.

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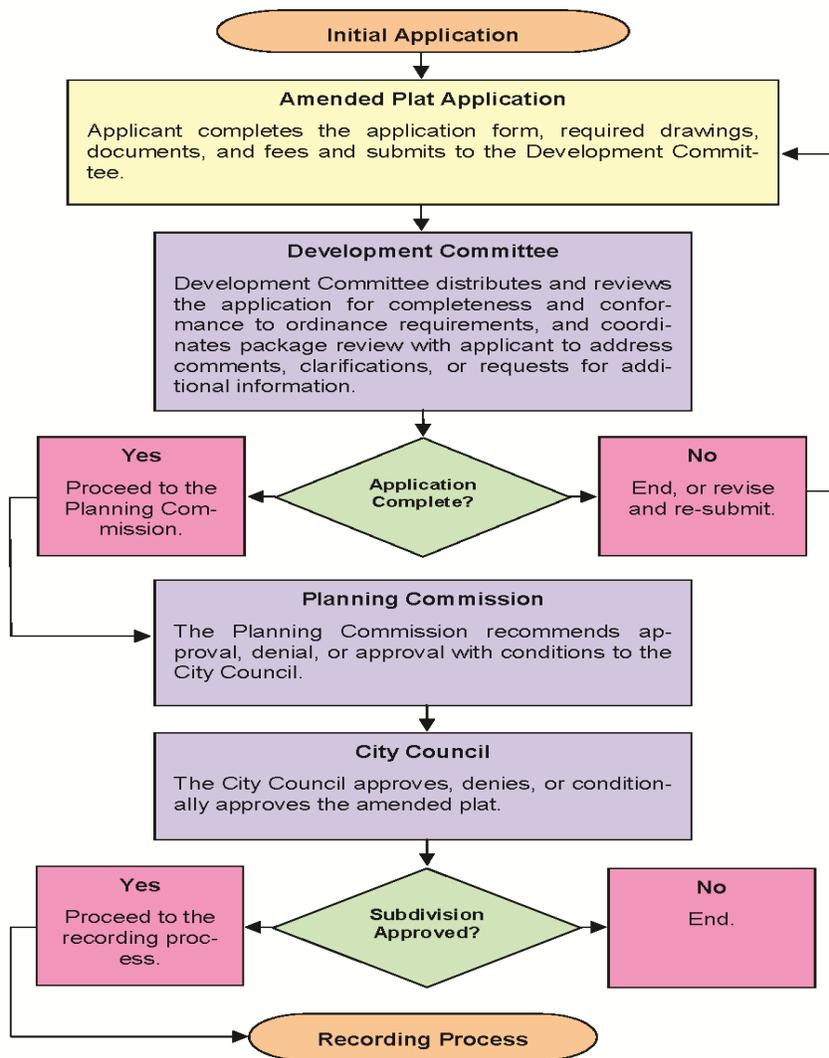


Figure 5 – Plat Vacation or Amendment Process

2-4.2. Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

2-4.3. **Initial Application:** An applicant petitioning to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained therein shall complete the initial application process as outlined in Section 2-1.

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2-4.4. **Plat Amendment Application:** Following completion of the initial application process, an applicant shall complete and submit an application form for a plat amendment to the Kanab City Development Committee. The application shall include:

2-4.4.1. The name of applicant(s) or authorized agent and contact information;

2-4.4.2. The subdivision name.

2-4.4.3. An amended final plat prepared in accordance with the applicable final plat requirements outlined in Section 2-3, or other document for recording as requested by the City.

2-4.4.4. Subdivision Lot Addresses: A list of street addresses for each lot shown on the amended final plat, numbered in accordance with the Kanab City address grid system.

2-4.4.5. Owners of Record: Provide the following:

2-4.4.5.1. The name and address of all owners of record of the land contained in the entire plat.

2-4.4.5.2. The name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended.

2-4.4.5.3. The signature of each of these owners who consents to the petition.

2-4.4.6. Mailing Labels: If a public hearing notice is required under this ordinance, furnish two (2) sets of type written address labels to all property owners within three hundred (300) feet of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the rolls of the Kane County Assessor.

2-4.4.7. Subdivision Improvement Plans: Subdivision construction improvement plans for grading, drainage, streets, and utility infrastructure as modified by the proposed amendment, as required herein and in accordance with the Kanab City

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Uniform Standards for Design and Construction.

2-4.4.8. Title Report: A title report prepared within the previous 30 days.

2-4.4.9. Any additional items that may be requested during the initial application process.

2-4.4.10. Fee: The amended final plat fee as outlined in the Kanab City Land Use Ordinance.

2-4.4.11. Signature and Acknowledgement: By signing the Plat Amendment application form, the applicant acknowledges:

2-4.4.11.1. That the applicant or agent of the applicant has read the Subdivision Ordinance;

2-4.4.11.2. That the applicant understands the provisions of the Subdivision Ordinance; and

2-4.4.11.3. That the applicant will fully and completely comply with the provisions and requirements contained therein.

2-4.5. **Plat Amendment Development Committee Review:**

2-4.5.1. The Development Committee shall review the plat amendment application and accompanying documentation for compliance with this ordinance.

2-4.5.2. Copies of the application and accompanying documentation may be furnished to the City Attorney, City Engineer, Public Works Department, or other interested parties, who will review the documentation and make recommendation back to the Development Committee.

2-4.5.3. Additional information may be requested from the applicant by the Development Committee during the review.

2-4.5.4. Once all information requested has been furnished, evaluated, and addressed to the satisfaction of the Development Committee, the

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Subdivision Process

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

2-4.6. Plat Amendment Planning Commission Consideration: 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 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.

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.

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

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

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

Section 2-5 Record of Condominium Plat

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

Section 2-6 Recording of Conservation Parcels

The Planning Commission shall recommend approval, denial, or approval with conditions a subdivision to the City Council, which has the authority to approve, or deny, or approve with conditions a subdivision that is created for conservation easement/parcel as defined in Utah State Code Section 57-18-2.

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

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

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

2-6.4. The Planning Commission may recommend

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exemption and the City Council may exempt applicants from design requirements enumerated in Chapter 3 of the Subdivision Ordinance that do not appropriately apply to conservation parcels/easements.

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

2-6.6. Nothing in this ordinance shall exempt applicants from the minimum requirements for a subdivision as defined by Utah State Code.