

Mayor  
T. Colten Johnson  
City Manager  
Kyler Ludwig  
Treasurer  
Danielle Ramsay



City Council  
Arlon Chamberlain  
Scott Colson  
Chris Heaton  
Kerry Glover  
JD Wright

## KANAB CITY PLANNING COMMISSION

26 North 100 East  
Kanab, UT 84741

**June 6, 2023**

**NOTICE** is hereby given that the Kanab Planning Commission will hold its regular Commission Meeting on the 6<sup>th</sup> day of June 2023, in the City Council Chambers at the Kanab City Office located at 26 North 100 E in Kanab. The Planning Commission meeting will convene at 6:30 PM and the agenda will be as follows:

### **Agenda Items:**

1. Call to Order and Roll Call
2. Approval of minutes of previous meeting
3. Public Comment Period – Members of the public are invited to address the Planning Commission. Participants are asked to keep their comments to 3 minutes and follow rules of civility outlined in Kanab Ordinance 3-601

### **Administrative Decision Items:**

4. None

### **Legislative Decision Items:**

5. **Public Hearing** to discuss and recommend to City Council text amendments to Land Use Ordinance, Chapter 1 General Provisions
6. **Public Hearing** to discuss and recommend to City Council text amendment to Kanab City Land Use Ordinance Chapter 17 Single Family Zones
7. **Public Hearing** to discuss and recommend to City Council text amendment to Kanab City Land Use Ordinance Chapter 19 Manufactured Homes – KCR Zone

### **Work Meeting:**

8. Discussion on adding lot size averaging to the ordinance.

### **Staff Report:**

#### **Commission Member Report**

#### **Council Member Liaison Report**

Times listed for each item on the agenda may be accelerated as time permits or may be taken out of order as moved upon by the commission. If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact the Kanab City Offices.

– A Western Classic –

1 **Kanab City Planning and Zoning Commission Meeting**  
2 **May 16, 2023**  
3 **Kanab City Council Chambers**  
4 **26 North 100 East**  
5 **6:30 PM**  
6

7 **Present:** Chair Boyd Cory; Commission Members Russ Whitaker; Ben Clarkson 6:36 PM arrival;  
8 Heather Russell; Terry Edwards; Taylor Glover; Ben Aiken; Land Use/Building Administrator  
9 Janae Chatterley; Land Use Coordinator/Building Inspector Colton Porter; City Council Liaison  
10 Arlon Chamberlain; and City Attorney Kent Burggraaf.

11  
12 **Not Present:** City Planner Bob Nicholson, Taylor Glover, Casey Glover, Terry Edwards  
13

14 **Approval of Minutes:** Heather Russell made motion to approve the minutes from April 23,  
15 2023, Russ Whitaker seconded.

16 Boyd Cory: Yes

17 Taylor Glover: N/A (Not Present)

18 Terry Edwards: N/A (Not Present)

19 Ben Aiken: Yes

20 Russ Whitaker: Yes

21 Ben Clarkson: Yes

22 Heather Russell: Yes

23 Casey Glover: N/A (Not Present)  
24

25 Motion Carries.  
26  
27

28 **Public Comment:** None.  
29

30 Planning Commission welcomed Casey Glover in as Alternate Member.  
31

32 **5. Planning Commission review to approve or deny a Site Plan for the Kanab Center Building**  
33 **located at 20 N 100 E**  
34

35 Janae Chatterley Stated Kane County has applied for a Building Permit to add a 140 square foot  
36 vestibule to the south side of building B and renovate areas in the building. Due to the addition  
37 of square footage to the building and the renovation being more than 50%, the request for a  
38 Building Permit triggers Chapter 9 – Site Plan Review of the Land Use Ordinances. Renovations  
39 will include the gymnasiums, break out rooms and bathrooms.  
40

41 Planning Commission discussed briefly.

42 Russ Whitaker made motion to approve the conditional use permit based on staff's findings,  
43 Heather Russell second.

44 A roll call vote was taken.

45 Ben Aiken: Yes

46 Ben Clarkson: Yes

47 Heather Russell: Yes

48 Terry Edwards: N/A (Not Present)

49 Russ Whitaker: Yes

50 Taylor Glover: N/A (Not Present)

51 Boyd Cory: Yes

52 Casey Glover: N/A (Not Present)

53

54 Motion carries.

55

56 **6. Discuss and recommend to City Council a Development Agreement for parcel K-7-21-Annex**  
57 **and K-7-1-Annex**

58

59 Janae Chatterley stated Property Owner Jeff Yates and Dirk Clayson represented by Jeff  
60 Yates, requested a zone change to rezone parcel K-7-21-Annex and K-7-1-Annex from Rural  
61 Residential (RR-1) to Commercial Zone (C-3). City Council made a motion to approve  
62 Ordinance 3-1-23 O, An Ordinance Approving a Zone Change for Parcel K-7-21-ANNEX and K-  
63 7-1-ANNEX from RR-1 to C-3 (700 South and 900 East) with the conditions that a  
64 development agreement is agreed upon by June 13, 2023 between the City and the  
65 Applicant. Motion passed unanimously by roll call vote.

66 Applicant Dirk Cayson addressed and discussed the conditions and agreements with the  
67 Planning Commission

68 Ben Aiken made motion to send a negative recommendation based on staff's findings, with  
69 the condition of approval be that the plat amendment be approved, Russ Whitaker second

70 A roll call vote was taken.

71 Taylor Glover: N/A (Not Present)

72 Terry Edwards: N/A (Not Present)

73 Ben Aiken: Yes

74 Russ Whitaker: yes

75 Ben Clarkson: yes

76 Heather Russell: yes

77 Boyd Cory: Yes

78 Casey Glover: N/A (Not Present)

79

80 Motion Carries.

81

82 **7. Discuss and recommend to City Council text amendment to Kanab City Land Use**  
83 **Ordinance Chapter 4-16: Maximum Height of Fences, Walls, and Hedges**

84 Janae Chatterley stated that City Council has requested for the Planning Commission to  
85 review Chapter 4-16 Maximum Height of Fences, Walls, and Hedges. They have suggested  
86 that the following be reviewed:

- 87 • Create an intent or purpose for the section,
- 88 • Clean up and clarify the side and front yard fencing requirements for corner lots and  
89 interior lots,
- 90 • Discuss the setback requirement for a fence along the street side of a corner lot.

91 On March 21, 2023, we discussed the possible amendments in the Planning Commission  
92 meeting to direct staff on what amendments were needed to the section. Bob Nicholson,  
93 City Planner provided a presentation on the pros and cons of the setback for a fence. A  
94 public notice has been posted as required per the state code.

95 On April 18, 2023, the Planning Commission discussed the ordinance and the setbacks again.  
96 The Planning Commission requested additional amendments to clean up the text in the  
97 ordinance. There was no real direction on the setback or a consensus from the Planning  
98 Commission on the text amendments. Staff discussed the setback with Public Works  
99 Director, Jake Dutton who expressed concern if there is not a minimal setback for fences in  
100 areas where a sidewalk has been installed or a setback where a potential sidewalk would be  
101 installed in the future. The concern is maintaining, repairing, or replacing a sidewalk with a  
102 fence directly butting up to the back side of the sidewalk. Staff researched other city's  
103 fencing ordinances (Logan, UT; Mapleton, UT; Ivins, UT; Santa Clara, UT; Nephi, UT;) most  
104 ordinances required a setback from sidewalks or property line and had text discussing "clear  
105 sight areas" at intersections and driveways. Staff has provided a new amendment to the  
106 fencing ordinance for Planning Commission to review.

107 Public comment: Dirk Cayson made the point about property owners want to be able to use  
108 all the property that they own and it should be on the city to account for future  
109 maintenance.

110

111 The planning commission discussed briefly about property lines for fencing and clear line of  
112 sight wording and how to clear it up for the general public and weather or not they should  
113 require a setback for fencing.

114 Heather Russell made motion to send negative recommendation to city council based on the  
115 findings of staff, Russ Whitaker second.

116  
117 A roll call vote was taken.

118 Ben Aiken: Yes  
119 Ben Clarkson: Yes  
120 Heather Russell: Yes  
121 Terry Edwards: N/A (Not Present)  
122 Russ Whitaker: Yes  
123 Taylor Glover: N/A (Not Present)  
124 Boyd Cory: Yes  
125 Casey Glover: N/A (Not Present)

126  
127 Motion Carries.

128  
129  
130  
131  
132 **Staff Report:** Janae Chatterley stated that the meeting may only be once in June.

133  
134  
135 **Council Member Liaison Report:** they went over construction standards and an impact fee  
136 review.

137  
138 Ben Clarkson made a motion to adjourn; Ben Aiken seconded the motion.

139  
140 A roll call vote was taken.

141 Ben Aiken: Yes  
142 Ben Clarkson: Yes  
143 Heather Russell: Yes  
144 Terry Edwards: N/A (Not Present)  
145 Russ Whitaker: Yes  
146 Taylor Glover: N/A (Not Present)  
147 Boyd Cory: Yes  
148 Casey Glover: N/A (Not Present)

149 Motion Carries.  
150

151 Meeting adjourned.

152

153

DRAFT

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## Kanab City Planning Commission Staff Report File Number 20230606-1

<b>Date:</b>	June 2, 2023
<b>Meeting Date:</b>	June 6, 2023
<b>Agenda Item:</b>	Public Hearing on Chapter 1: General Provisions

### Attachments:

- **Exhibit A: Proposed Amendments**

### Summary:

Staff found language in Chapter 1 that is incorrect regarding zone changes and language about building permits that are addressed in the General Ordinance and not needed in this chapter. Staff, felt it would be a good opportunity to review other sections of the ordinance since it hasn't gone through a full review since 2008 and Mayor Johnson requested planning commission review the process of requesting multiple zone changes on one parcel within a year. There was an amendment to remove one of the definitions (animal) in 2022 but there was not a review of the whole chapter with this amendment.

### Recommended Motion:

I move to send a positive recommendation to City Council to adopt changes to City Code identified in exhibit A of the staff report for 20230606-1, with the following amendments: .

### Alternate Motion:

I move to send a positive recommendation to City Council to adopt changes to City Code identified in exhibit A of the staff report for 20230606-1.

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## **Exhibit A: Proposed Amendments**

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# Kanab

## Land Use Ordinance

### Chapter 01 – General Provisions

Adopted January 22, 2008; Amended December 13, 2022; Re-Formatted June 22, 2018

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Section 1-1	Short Title
Section 1-2	Purpose
Section 1-3	Interpretation
Section 1-4	Conflict
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Section 1-9	Site Plans Required
Section 1-10	Inspection
Section 1-11	Enforcement
Section 1-12	Nuisance and abatement
Section 1-13	Penalties
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Section 1-15	General Plan
Section 1-16	Effect of the General Plan on Public Uses
Section 1-17	Zoning Amendments
Section 1-18	Temporary Regulations
Section 1-19	Annexation
Section 1-20	Licensing
Section 1-21	Fees and Deposits

#### Section 1-1 Short Title

This Ordinance shall be known as the "Uniform Zoning Ordinance of the City of Kanab, Utah", and may be so cited and pleaded.

#### Section 1-2 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Kanab, Utah, including among other things, the controlling of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the rural atmosphere and other industries, and

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the protection of urban development.

#### Section 1-3 Interpretation

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

#### Section 1-4 Conflict

This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

#### Section 1-5 Effect on Previous Ordinances and Maps

The existing ordinance covering zoning, in their entirety and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached maps, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Ordinance, whether in the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings, or structures became conforming or nonconforming.

#### Section 1-6 Definitions

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used or occupied; the word "shall" is mandatory and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the word plot, or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

**Accessory Use** - A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

**Agriculture** - The tilling of the soil, the raising of crops, horticulture and gardening, commercial greenhouses; breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals, or similar uses.

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**Agricultural Industry or Business** - An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.

**Airport** - Any area of land designed and set aside for the landing and the taking off of aircraft plus aircraft storage and service.

**Alley** - A private access-way less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purposes of this ordinance.

**Architectural Projection** - Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building or structure, but not including signs.

**Area** - The area within a lot which is susceptible of use for construction, accessory or appurtenant use. The area to be considered as qualifying for lot area or minimum area shall not include (a) land which is separate from the area where the proposed building will occur by topographic division or physical boundary, (b) land which is not available for construction, accessory or appurtenant use by reason of slope, regular presence of water, geologic condition, soil conditions, or other such practical inhibitions to use, or (c) land which is not available for construction, accessory or appurtenant use by reason of legal restriction.

**Automatic Car Wash** - A facility for automatic or self-service washing and cleaning of automobiles and small trucks not exceeding one and one-half (1 1/2) tons capacity.

**Automobile Sales Area** - An open area used for display, sale, or rental of new or used motor vehicles, mobile homes, recreational coaches, or recreation vehicles in operable condition.

**Automobile Service Station** - A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and services are made directly to motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including garage-vehicle repair.

**Average Percent of Slope** - An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart, measured on a horizontal plane is a one hundred (100) percent slope.

**Basement** - A story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half (1/2) of its floor-to-ceiling heights is above the average contract level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purpose of side-yard determination.

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

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

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

**Biomedical Product Facility**- An establishment primarily engaged in research, development and manufacturing of pharmaceutical, biological, chemical, medical, and related sciences for the purpose of understanding diseases or improving health and does not include the disposal of materials.

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

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

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

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

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

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

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

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

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

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

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

**Cellar** - A room or rooms wholly under the surface of the ground or having more than fifty (50)

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percent of its floor to ceiling height under the average level of the adjoining ground.

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

**Chimney** - A primary vertical enclosure containing one or more passageways for conveying flue gases, from the products of combustion of fuel-burning appliances, to the outside atmosphere. Residential and commercial application is common as hot air, gas, steam or smoke from a furnace or fireplace is conveyed through a chimney.

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

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

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

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

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

**Commercial-Residential Mix** - The combination of commercial and/or residential uses where part of several buildings or within a single building. The main ground floor must be used as a commercial use.

**Common Ownership of Management** - Owned, leased, possessed, managed or otherwise controlled, in any manner, directly or indirectly:

- A. by the same individual(s) or entity(ies) including but not limited to corporation(s) partnership(s) limited liability company(ies) or trust(s), or
- B. by different individuals or entities, including but not limited to corporations, partnership(s), limited liability companies or trusts where such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies) with respect to the Retail Businesses, or where the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent stockholder, director, member, officer or trustee of the entity(ies).

**Conditional Use** - A use of land for which a conditional use permit is required, pursuant to this Ordinance.

**Condominium** - An ownership structure established in accordance with the Utah Condominium Act.

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**Convenience Store** – Any retail establishment offering for sale a limited selection of food products, household items, and other related goods and does not include gasoline or fuel sales.

**Corrosive liquids** - Those acids, alkaline caustic liquids, and other corrosive liquids which when in contact with living tissue, will cause severe damage of such tissue by chemical action or are liable to cause fire when in contact with organic matter or with certain chemicals.

**Corral** - A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

**Court** - An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such building or buildings.

**Coverage, Building** - The percent of the total site area covered by buildings.

**Crosswalk or Walkway** - A right-of-way to facilitate pedestrian access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

**Day Care I-** supervision of and care for children or disabled adults that is provided during the day by a person or organization, limited to the care of six (6) or less individuals.

**Day Care II-** supervision of and care for children or disabled adults that is provided during the day by a person or organization, for the care of seven (7) or more individuals.

**District** - A portion of the territory of the City of Kanab, established as a zoning district by this Ordinance, various combinations thereof apply under the provisions of this Ordinance; also includes "overlay" and "zoning" districts.

**Driveway** - A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

**Dwelling** - Any building or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital, or nursing home.

**Dwelling, Mobile Home** - (See "Mobile Home".)

**Dwelling, Single-family** - A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

**Dwelling, Two-family** - A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**Dwelling, Three-family** - A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

**Dwelling, Four-family** - A building arranged or designed to be occupied by four (4) families, the structure having only four (4) dwelling units.

**Dwelling, Multiple-family** - A building arranged or designed to be occupied by more than four (4) families, the structure having more than four (4) dwelling units.

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**Dwelling, Group** - A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

**Dwelling, Unit** - One or more rooms in a dwelling, designed for or occupied by one (1) family for living or sleeping purposes and having one (1) but not more than one (1) kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

**Easement** - That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use under, on, or above said lot or lots.

**Elderly Person** - "Elderly person" means a person who is 60 years of age or older, desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

**Essential Facilities** - Utilities or sanitary and public safety facilities provided by a public utility or other governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty (50) KV or greater capacity, except by conditional use permit.

**Explosive** - Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.

**Extended Stay Motel-Hotel** - a facility specifically constructed, kept, used, maintained, advertised or made available to the public to offer temporary residence for up to 240 days.

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

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

**Flag Lot** - A lot which:

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

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

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

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

**Frontage Block** - All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

**Frontage, Lot** - The lineal measurement of the front lot line.

**Garage, Private** - A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, recreational coaches, boats, or other recreational vehicles, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1 1/2) tons, and not including space for more than a total of four (4) such vehicles for each dwelling unit on the premises.

**Garage, Vehicle Repair** - A structure or portion thereof, other than a private garage, used for the repair of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, recreational coaches, and minor collision service, but not including major body, frame or fender repairs or overall automobile or truck painting, except by conditional use permit. A vehicle repair garage may also include incidental storage, care, washing or sale of automobiles.

**Gas Station** - A retail establishment which includes gasoline or fuel sales.

**Geological Hazard** - A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements, due to the movement, failure, or shifting of the earth.

**Governing Body** - The elected legislative body of the City of Kanab.

**Grade, Existing** - Shall mean sites which have never been disturbed, existing grade is the same as the natural grade, which is the ground level before any human disturbances. For sites that have existing structures or other disturbances to the land, existing grade would be the ground level established when the structure or disturbance was created. Recent earthwork, particularly if the grading is done without permits, will not necessarily qualify as existing grade and often requires a determination from the Zoning Administrator.

**Grade, Finished** - Shall mean the highest grade directly adjacent to within five (5) feet of the structure or wall of the building, which has been set through an approved grading and/or drainage plan. The term "finished grade" may also mean natural grade when no terrain alteration is proposed, or where otherwise applicable. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the



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finished floor elevations(s) for any other purpose, shall not be considered finished grade.

**Grocery store** - means a retail business primarily engaged in retailing a general line of groceries in combination with general nonfood merchandise. They have centralized exit checkout stations and utilize shopping carts for customers. Where the total square footage does not exceed forty-thousand square feet.

**Gross Floor Area** - The sum of:

- A. the total horizontal area, in square feet, of all floors of a building, as measured at outside the exterior walls and including all interior courtyards, and
- B. the total horizontal area, in square feet, of all portions of the site outside of the exterior walls of buildings and used for the display, storage, or sale of any goods, wares or merchandise.

**Group Home** – housing occupied by groups of unrelated individuals with disabilities.

**Handicapped Person** - A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

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

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

**Home Occupation, Light** – a home occupation which does not include the existence of dangerous or objectionable objects as specified in Chapter 10 of the Land Use Ordinance as determined by the Zoning Administrator.

**Home Occupation, Heavy** - a home occupation which potentially includes the existence of dangerous or objectionable objects as specified in Chapter 10 of the Land Use Ordinance as determined by the Zoning Administrator.

**Hospital** - Institution for the diagnosis, treatment and care of human illness or infirmity, but not including sanitariums and clinics.

**Hotel** - any structure consisting of one or more buildings with five (5) or more guest rooms

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kept, used, maintained or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of thirty (30) days or less in which ingress and egress to and from all rooms is made through an inside lobby or office.

**Household Pets** - Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs as to constitute a kennel as defined in this Ordinance. Household pets shall not include the keeping of dangerous animals.

**Interior Courtyard** - A space bounded on three or more sides by walls but not a roof.

**Junk** - Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris or other waste or salvage materials; dismantled, junked, or wrecked automobiles or parts thereof; and old or scrap ferrous or non-ferrous metal materials.

**Junkyard** - The use of any lot, portion of a lot, or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

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

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

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

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

**Live or amplified music** - Unless otherwise permitted by city authority, any live music or sounds that, when measured from within a residentially zoned property, does not exceed 50 decibels. The music or sound cannot play after 10:30 P.M or before 8:30 A. M.

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

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

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

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

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

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**Local Jurisdiction** - The City of Kanab.

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

**Lot** - A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown as a lot or parcel on a recorded subdivision map or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into three (3) or more smaller units.

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

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

**Lot Lines** - The property lines bounding the lot.

**Lot Line, Front** - For an interior lot, the lot line adjoining the street; for a corner lot or through lot, the lot line adjoining either street, as elected by the lot owner.

**Lot Line, Rear** - Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the Kanab City Building Inspector shall designate the rear lot line.

**Lot Line, Side** - Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

**Lot, Right-of-way** - A strip of land of not less than sixteen (16) feet in width connecting a lot to a street for use as private access to that lot.

**Manufactured Home** - A manufactured home shall be a dwelling designed and manufactured by a recognizable fabricator of manufactured homes and be certified under the National Manufactured Housing Construction and Safety Standards Act of 1976, meet the HUD Code and must have been issued an insignia approved by HUD and must not have been altered in violation of such codes. It shall be a single-family dwelling unit designed to be transported on its own wheels, on a trailer or on detachable wheels and shall include the plumbing, heating, air conditioning and electrical systems and be ready for occupancy except for connections to utilities, location on a permanent foundation and other minor work.

**Mobile Home** - A manufactured dwelling built to be moved on its own wheels built prior to 1976 and not intended to be placed on a permanent foundation.

**Mobile Home Park** - A space designed and approved by the City of Kanab for occupancy by mobile homes, to be under a single ownership or management, and meeting all requirements of the Kanab City Zoning Ordinance and the Kanab City Mobile Home Park Ordinance for mobile home park.

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

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

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

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

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

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

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

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

**Open Space** - The area reserved in parks, courts, playgrounds, golf courses, and other similar open areas to meet the density requirements of Planned Developments.

**Open Space, Usable** - The area of a lot which is completely free and unobstructed from any structure constructed on, over or below grade. Walkways, uncovered patio areas, light poles, other ornamental 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

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abutting streets, and such other information as may be required by the Kanab City Planning Commission.

**Preschool** – Childhood education facility which is provided to children at ages prior to the commencement of statutory and obligatory education. Types of pre - schools include:

- A. Private Preschools- operate for profits, independent nonprofits, and programs sponsored by religious organizations.
- B. Head Start – A federal preschool program which provides free education for young children in low income families.

**Private Lane** – A thoroughfare upon land not owned by the City and which does not amount to a private street but does meet the requirements for private lane as set forth in this ordinance.

**Recreational Vehicle** - A vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without 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.

**Research and Development** – work directed toward innovation, introduction, and improvement of products and processes. Research and development activities shall only be allowed to support other allowed uses for each zone.

**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 is operated by or operated under contract with that department.

**Residential Facility for Elderly Persons** - Means a single-family or multiple-family dwelling unit that is:

- A. not operated as a business, and that is owned by one of the residents or by an immediate family member of one of the residents, or by an eleemosynary, charitable, or beneficial organization. For purposes of this definition, a facility for which the title has been placed in trust for a resident shall be considered to be owned by that resident.
- B. consistent with existing zoning of the desired location;
- C. occupied on a 24-hour per day basis by eight or fewer elderly persons in a family-type arrangement;

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- D. in conformance with applicable standards of the Department of Social Services, and is licensed and inspected by that department; and
- E. a facility meeting the requirements of Utah Code Annotated section 10-9-501 et seq., and conforming with the applicable standards of the Utah department of human services, including licensure and inspection.

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

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

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

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

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

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

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

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

**Semi-Truck** - "Semi Truck" is defined as any tractor trailer combination and is of the type commonly used for commercial transport purposes; "trailer", as used herein, refers to a carrier used for cargo or commercial purposes and intended to be used in tandem with a tractor. Semi Tractors have two front wheels, and each of the two rear "drive" axles having a pair of "dual" (double) wheels on each side. Thus, the most common configuration of tractor has ten wheels. The cargo trailer usually has two "tandem" axles at the rear, each of which has dual wheels or eight wheels on the trailer and the overall lengths often range from 50 to 70 feet.

**Sign** - A presentation or representation of words, letters, figures, designs, picture or colors,

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publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

**Sign, Animated** - A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

**Sign Area** - The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface. Should the sign have more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one (1) direction at one (1) time.

**Sign, Free-standing** - A sign which is supported by one (1) or more upright columns, poles, or braces, in or upon the ground.

**Sign, Identification and Information** - A sign displayed to indicate the name or nature of a building, or of a use.

**Sign, Illuminated** - A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

**Sign, Marquee** - Any sign attached to or made an integral part of a marquee.

**Sign Ordinance** - The sign ordinance of the City of Kanab.

**Sign, Projecting Wall** - A sign which is affixed to an exterior wall or building or structure and which projects more than eighteen (18) inches from the building or structure wall, and which does not extend above the parapet, eaves, or building facade of the building upon which it is placed.

**Site Plan** - A plan required by providing the information required by, ordinance.

**Smokestack** - Any pipe, flue or funnel through which smoke or gases deriving from a manufacturing or industrial process are discharged.

**Stable, Public** - Any stable where horses are boarded and/or kept for hire.

**Story, Half** - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls do not extend more than four (4) feet above the floor of such story, and the ceiling area of which does not exceed two-thirds (2/3) of the floor area of the same half story.

**Structure** - Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building".

**Street, Dedicated** - A street which has been dedicated to public use and accepted by the appropriate authority, according to law.

**Street, Private** - A thoroughfare within a subdivision which has been reserved by dedication unto the sub divider or lot owners to be used as private access to serve the lots platted within

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the subdivision and complying with the adopted design standards of Kanab City and maintained by the landowners within the subdivision by assessments authorized by recorded covenant.

**Street, Publicly Approved** – A street in a subdivision where a dedication is technically not complete, but approval by the City has been given to the recording of the subdivision plat. This is the case in a subdivision in which improvements are not completed but in which a developer has posted a bond to ensure the completion of street improvements.

**Strip Mall** - A shopping complex containing a row of various stores, businesses, and restaurants that are interconnected and usually open onto a common parking lot.

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

**Tavern** - an on-premise beer retailer in which customers may order beer without ordering food. Examples of a tavern include a beer bar, a parlor or a lounge, but do not include a night club, cabaret, or other use with a separately named license from the Department of Alcoholic Beverage Control.

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

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

**Wood Products Sales** – An establishment primarily engaged in the sale of wood products (e.g. lumber, fencing, cabinetry)

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

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

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

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

**Zone** - (See "District")



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**Zoning Ordinance** - The Kanab City Zoning Ordinance.

**Zoning Administrator** - The local official designated by the Kanab City Council to enforce the regulations of this Ordinance; the Kanab City Zoning Administrator may also be the Kanab City Building Inspector.

#### ~~Section 1-7 Building Permit Required~~ Restrictive Covenants and Home Owner Association

~~A. The construction, alteration, repair, or removal of any building, structure, or part thereof as provided or as restricted in this Ordinance shall not be commenced or continued except after the issuance of a building permit by the Kanab City Zoning Administrator and a written permit from the Kanab City Building Inspector. Work not started within six (6) months will require a new permit.~~

~~B.A.~~ Subdivision restrictive covenants for architectural control shall be enforced on a private basis by those entities having the proper enforcement powers. The City will, cooperate with private homeowners' associations and architectural control boards to allow for their review of plans before building permits are issued.

~~B.B.~~ A homeowners' association or architectural review board with powers established by restrictive covenant shall provide the name of a representative and the representative's address to the Building Inspector, together with certified copies of the recorded restrictive covenants and the subdivision plat. When an application for building permit is made within a subdivision area which is thus 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.

~~B.C.~~ 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

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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 Plans Required

All applications for building permits and/or conditional use permits, for new buildings and modifications to the square footage, use, or occupancy of an existing building, except for single-family dwellings and their accessory buildings, shall be accompanied by a site plan. Refer to Chapter 9 for site plan review requirements.

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#### 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 ordinance, provided that such right of entry is to be used only at reasonable hours. In no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of an owner, or written order of a court of competent jurisdiction. *(General Ordinance, Section 10-600 Building Regulation Administrative Code).*

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#### Section 1-11 Enforcement

The Kanab City Zoning Administrator is authorized as the enforcing officer for this Ordinance, and shall enforce all provisions, entering actions in court if necessary, and his failure to do so shall not legalize any violations of such provisions. The Kanab City Council may, by resolution or ordinance, from time to time entrust administration of this Ordinance, in whole or in part, to another officer of the City of Kanab, without amendment to this Ordinance.

#### Section 1-12 Nuisance and abatement

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this ordinance shall be, and the same hereby is, declared to be unlawful and a public nuisance; and the local attorney shall, upon request of the governing body, at once commence action or proceedings for abatement and removal or injunction thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain or enjoin any person, firm, or corporation from erecting, building, maintaining, or using said building or structure or property contrary to the provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

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#### Section 1-13 Penalties

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and punishable as provided by law. Such person, firm, or corporation intentionally violating this Ordinance shall be deemed to be guilty of a separate offense for each day during which any portion of any violation of this Ordinance is permitted or continued by such person, firm, or corporation, shall be punishable as herein provided.

#### Section 1-14 Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such holding shall not affect the validity of the remaining portion of this Ordinance.

#### Section 1-15 General Plan

The document entitled "Kanab General Plan," as adopted on March, 13, 2007 and subsequently amended, is hereby adopted as the General Plan for the City.

- A. Plan Preparation: It shall be the duty of the Planning Commission to formulate, prepare and adopt a General Plan for the physical development and beautification of the City, pursuant to Utah Code Annotated. Before recommending to the City Council the General Plan, the commission shall hold public hearings on the plan within the City in conformance with Utah Code Annotated.
- B. Submission to City Council: The commission, after completing the General Plan, shall submit said plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, together with the detailed recommendations of the commission for the carrying out of the General Plan, to the City Council for its approval.
- C. Amendment of Plan: The City Council may amend the General Plan, including land use maps, by following the procedures required by Utah Code Annotated.

#### Section 1-16 Effect of the General Plan on Public Uses

Any structure, park or other public way, ground, place, or space, publicly owned building or structure, public utility, whether publicly or privately owned, shall:

Conform to the General Plan; and

Be considered by the Planning Commission and after receiving the advice of the Planning Commission; be approved by the City Council as an amendment to the General Plan.

Before accepting widening, removing, extending, relocating, narrowing, vacating, abandoning,

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changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the City Council shall submit the proposal to the Planning Commission for its review and recommendations. If the City Council approved any of the items in this subsection, it shall also amend the General Plan to reflect the change.

#### Section 1-17 Zoning Amendments

The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district (i.e., zone change), or any regulation of or within any zoning district or any other provisions of the zoning ordinances. ~~Any such proposed amendments shall first be submitted to the Planning Commission for recommendations. Zoning amendments approved or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.~~ A property owner or their applicant may submit a zone change application to be approved or denied by City Council after Planning Commission recommendation. Required notices and at least one public hearing will be held before a final decision is made.

~~Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council may hold a public hearing.~~

~~The City Council shall provide reasonable notice before the date of the hearing.~~

The City Council, ~~after upon hearing and~~ review of the recommendation of the Planning Commission, may:

- ~~Adopt the zoning ordinance~~ zone change or ordinance as proposed; or
- ~~Amend the zoning ordinance and adopt or reject the zoning ordinance as recommended by the Planning Commission.~~ Amend and then adopt the zone change or ordinance; or
- Reject the zone change or ordinance.

~~Any zoning amendments disapproved by the Planning Commission may be considered by the City Council upon a filing, in writing, by the applicant, of a Notice of Application with the City Recorder within 10 days after the final decision denying the zoning amendments is made by the Planning Commission. Such notice shall set forth in detail the action and grounds upon which the applicant is aggrieved by the decision of the Planning Commission. After receiving the notice, a date for a hearing shall be set and notice given pursuant to the provisions of this Section.~~

Disapproval of a zoning amendment application shall preclude the filing of another application to rezone the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final disapproval of the application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within one-year time period. If the Applicant feels there has been substantial change in circumstances, or

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# Kanab

## Land Use Ordinance

### Chapter 01 – General Provisions

Adopted January 22, 2008; Amended December 13, 2022; Re-Formatted June 22, 2018

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sufficient new evidence, a letter requesting reconsideration of the application must be submitted to the Planning Commission setting forth the basis for the request. No appeal may be taken from a Planning Commission decision rendered pursuant to this subsection.

**Commented [MC1]:** Planning Commission to discuss if an applicant should be able to submit a new zoning application within a year if requesting a different zoning classification or there is sufficient new evidence or if only one zone request may be done within a year for the same parcel.

#### Section 1-18 Temporary Regulations

The City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the areas within the City if the City Council makes a finding of compelling, countervailing public interest.

The temporary zoning regulation may prohibit, or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

The City Council shall establish a period of limited effect for the ordinance not to exceed six months.

#### Section 1-19 Annexation

The City Council may assign a zoning designation to territory annexed to the City at the time the territory is annexed, upon recommendation of the planning commission.

If the City Council does not assign a zone to a territory at the time it is annexed, the territory annexed to the City shall be a zone of the City with which it has the longest common boundary.

#### Section 1-20 Licensing

All departments and public employees of the City of Kanab which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

#### Section 1-21 Fees and Deposits

Fees and deposits will be charged to applicants for items such as building, zoning, and conditional use permits, and Planned Development approval, Kanab City Planning Commission and Kanab City Appeals Officer hearing, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the City of Kanab and be in amounts reasonably needed to defray costs to the public. See Fee Schedule (~~Exhibit I~~) for a complete list of fees. Additional deposits will be required when initial deposits are fully expended. Any unused portion of deposits will be refunded to applicant upon completion of the project.

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Kerry Glover**  
**JD Wright**

**Kanab City Planning Commission Staff Report**  
**File Number 2023606-2**

<b>Date:</b>	<b>June 2, 2023</b>
<b>Meeting Date:</b>	<b>June 6, 2023</b>
<b>Agenda Item:</b>	<b>Public Hearing on Chapter 17: Single-Family Zones</b>

**Attachments:**

- **Exhibit A: Proposed Amendments**

**Summary:**

Planning Commission Chair requested this be reviewed with the recommendation to remove the requirement for Planning Commission review and allow staff to approve two-family dwellings based on the requirements in the Chapter. While preparing the proposed amendments staff identified a contradiction to a new legislative law that was passed regarding bonding that needs to be updated.

**Recommended Motion:**

I move to send a positive recommendation to City Council to adopt changes to City Code identified in exhibit A of the staff report for 20230606-2.

**Alternate Motion:**

I move to send a positive recommendation to City Council to adopt changes to City Code identified in exhibit A of the staff report for 20230606-2, with the following amendments: .

**– A Western Classic –**

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Kerry Glover**  
**JD Wright**

## **Exhibit A: Proposed Amendments**

**— A Western Classic —**

# Kanab

## Land Use Ordinance

### Chapter 17 – Residential Zones

Adopted January 22, 2008; Revised December 13, 2022; Re-Formatted June 22, 2018

#### Section 17-1 Purpose

#### Section 17-2 Permitted and Conditional Uses

#### Section 17-3 Height Regulations

#### Section 17-4 Minimum Area, Width and Yard Requirements

#### Section 17-5 Modifying Regulations

#### Section 17-6 Reserved

#### Section 17-7 Supplementary Regulations

#### Section 17-8 Design Standards for A Two-Family Dwelling

#### Section 17-1 Purpose

Residential Zones (R-20, R-15, R-10, R-8): To provide and protect areas for low-density, one and two-family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

#### Section 17-2 Permitted and Conditional Uses

LAND USE CHART RESIDENTIAL	ZONES			
	R-20	R-15	R-10	R-8
Bed and breakfast	C	C	C	C
Cemetery	C	C	C	C
Child day care or nursery	C	C	C	C
Church	C	C	C	C
Golf course	C	C	C	C
Guest house	P	P	P	P
Home occupation – light <sup>3</sup>	P	P	P	P
Home occupation – heavy <sup>4</sup>	C	C	C	C
Horticulture and gardening <sup>1</sup>	P	P	P	P
Household pets	P	P	P	P
Park or playground	C	C	C	C
Public buildings	C	C	C	C
Public utilities, essential services	C	C	C	C
School	C	C	C	C
Shed / garage <sup>2</sup>	P	P	P	P
Single family dwelling unit	P	P	P	P



# Kanab

## Land Use Ordinance

### Chapter 17 – Residential Zones

Adopted January 22, 2008; Revised December 13, 2022; Re-Formatted June 22, 2018

Two family dwellings	P	P	P	P
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<sup>1</sup> For personal use

<sup>2</sup> Refer to Section 17-5-2

<sup>3</sup> Home Occupation, light does not include dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

<sup>4</sup> Home Occupation, heavy potentially includes dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.

#### Section 17-3 Height Regulations

No building may exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height.

#### Section 17-4 Minimum Area, Width and Yard Requirements

District	Area	Width	Yard Setbacks in Feet		
			Front	Side	Rear
R-20	20,000 sq ft	120	25	10	10
R-15	15,000 sq ft	100	25	10	10
R-10	10,000 sq ft	80	25	10	10
R-8	8,000 sq ft	60	25	8	10

#### Section 17-5 Modifying Regulations

- A. Side yards - On corner lots the side yard setback shall be the same as the front yard setback.
- B. Accessory Buildings - See Chapter 4, Section 4-10

#### Section 17-6 Reserved

#### Section 17-7 Supplementary Regulations

Supplementary regulations are provided in Chapter 4 of this Ordinance.

#### Section 17-8 Design Standards for A Two-Family Dwelling

A two-family dwelling is one building with two residential units under a single continuous roof line. It may be constructed in the Residential Zones subject to compliance with the following standards. These standards are intended to promote a residential design which provides architectural interest for a two-family dwelling to blend harmoniously in R zones. Design approaches that accomplish the same objective can be considered by the Planning Commission for approval.

# Kanab

## Land Use Ordinance

### Chapter 17 – Residential Zones

Adopted January 22, 2008; Revised December 13, 2022; Re-Formatted June 22, 2018

1. Units located side by side shall be offset by at least 5 feet difference in their front setback, unless the units share an elevated common front porch with roof overhang, or similar design scheme to provide a front entry with greater architectural interest than plain, uncovered front entries on adjacent units. In addition to the primary exterior wall material there shall be additional accent materials included such as stone, brick, or metal to provide architectural character to the dwelling.
2. A two-family dwelling is encouraged to have an appearance similar to a large single-family home with varying roof lines, and building articulations with such things as decks, balconies, or other exterior features which provide design interest.
3. Except for the driveway area and walkways, the front yard setback area shall be landscaped. At the time of occupancy, the front yard area shall be fully landscaped. ~~of the applicant for the Certificate of Occupancy shall post a financial guarantee (bond, cashiers check, etc) ensuring that front yard landscaping will be completed within 6 months of occupancy.~~
4. The minimum lot size for a two-family dwelling is 10,000 sq ft, and the minimum street frontage is 80 feet.
5. Land coverage of all buildings shall not exceed 50% of the lot or parcel acreage.
6. Each two-family dwelling shall have four (4) off-street parking spaces (2 per unit). Driveways to the garage and areas used for off-street parking shall be hard-surfaced with either concrete or asphalt.
7. Each unit in a two-family dwelling shall be independently connected to the city's culinary water and sewer system,
8. Prior to issuance of a building permit, ~~the Planning Commission shall review and approve the proposed exterior building elevations and design in order to promote neighborhood design compatibility, in accordance with Chapter 9 Site Plan Review~~ all provisions for two-family dwellings shall be met through site plans submitted with the building permit application and the plan review building permit process.

**Commented [MC1]:** New legislative law prevents jurisdictions from requiring bonds on landscaping for private properties

**Effective 5/3/2023**

**10-9a-509 Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.**

- (1)
  - (a)
    - (i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
      - (A) in effect on the date that the application is complete; and
      - (B) applicable to the application or to the information shown on the application.
    - (ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:
      - (A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
      - (B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.
  - (b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:
    - (i) 180 days have passed since the municipality initiated the proceedings; and
    - (ii)
      - (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or
      - (B) during the 12 months prior to the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-9a-504.
  - (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
  - (d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.
  - (e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.
  - (f) A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:
    - (i) this chapter;
    - (ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-9a-509(1)(a)(ii); or
    - (iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.
  - (g) A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:
    - (i) in a land use permit;

- (ii) on the subdivision plat;
  - (iii) in a document on which the land use permit or subdivision plat is based;
  - (iv) in the written record evidencing approval of the land use permit or subdivision plat;
  - (v) in this chapter;
  - (vi) in a municipal ordinance; or
  - (vii) in a municipal specification for residential roadways in effect at the time a residential subdivision was approved.
- (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:
- (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
  - (ii) in this chapter or the municipality's ordinances.
- (i) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:
- (i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or
  - (ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.
- (2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.
- (3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
- (4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.
- (5)
- (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:
    - (i) to the local clerk as defined in Section 20A-7-101; and
    - (ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).
  - (b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are of no further force or effect:
    - (i) the relevant land use approval; and
    - (ii) any land use regulation enacted specifically in relation to the land use approval.

Amended by Chapter 478, 2023 General Session

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Kerry Glover**  
**JD Wright**

**Kanab City Planning Commission Staff Report**  
**File Number 2023606-3**

<b>Date:</b>	<b>June 2, 2023</b>
<b>Meeting Date:</b>	<b>June 6, 2023</b>
<b>Agenda Item:</b>	<b>Public Hearing on Chapter 19: Manufacturing homes – KCR Zone</b>

**Attachments:**

- **Exhibit A: Proposed Amendments**

**Summary:**

Planning Commission Chair requested this be reviewed with the recommendation to remove the requirement for Planning Commission review and allow staff to approve two-family dwellings based on the requirements in the Chapter. While preparing the proposed amendments staff identified a contradiction to a new legislative law that was passed regarding bonding that needs to be updated.

**Recommended Motion:**

I move to send a positive recommendation to City Council to adopt changes to City Code identified in exhibit A of the staff report for 20230606-3.

**Alternate Motion:**

I move to send a positive recommendation to City Council to adopt changes to City Code identified in exhibit A of the staff report for 20230606-3, with the following amendments: .

**– A Western Classic –**

**Mayor**  
**T. Colten Johnson**  
**City Manager**  
**Kyler Ludwig**  
**Treasurer**  
**Danielle Ramsay**



**City Council**  
**Arlon Chamberlain**  
**Chris Heaton**  
**Scott Colson**  
**Kerry Glover**  
**JD Wright**

## **Exhibit A: Proposed Amendments**

**— A Western Classic —**

# Kanab

## Land Use Ordinance

### Chapter 19 – Kanab Creek Ranchos KCR-720 Zone

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#### Section 19-1 Purpose

#### Section 19-2 Permitted and Conditional Uses

#### Section 19-3 Height Regulations

#### Section 19-4 Minimum Area, Width, and Yard Requirements

#### Section 19-5 Modifying Regulations

#### Section 19-6 Supplementary Regulations

#### Section 19-1 Purpose

To provide and protect areas of low-density, single-family neighborhoods of a rural character and to provide for zoning for the Kanab Creek Ranchos Subdivision.

#### Section 19-2 Permitted and Conditional Uses

LAND USE CHART KCR-720 HOMES	KCR ZONE
Bed and Breakfast Inn <sup>5</sup>	P
Cemetery	C
Day Care I	P
Day Care II	C
Church	C
Golf course	P
Guest house	P
Home occupation - light <sup>3</sup>	P
Home occupation - heavy <sup>4</sup>	C
Horticulture and gardening <sup>1</sup>	P
Household pets	P
Park or playground	P
Public buildings	P
Public utilities, essential services	P
School	P
Shed / garage <sup>2</sup>	P
Single-family dwelling unit	P
Two-Family Dwelling	P

Adopted January 22, 2008; Amended January 25, 2022

# Kanab

## Land Use Ordinance

### Chapter 19 – Kanab Creek Ranchos KCR-720 Zone

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- 1 For personal Use
- 2 Refer to Section 19-5-B
- 3 Home Occupation-light does not include dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.
- 4 Home Occupation-heavy potentially includes dangerous or objectionable objects. See definitions in Section 1-6 and additional regulations in Section 4-28.
- 5 Regulations in Section 4-22 shall apply to all Bed and Breakfast establishments

#### Section 19-3 Height Regulations

No building may exceed two and one-half (2½) stories or thirty-five (35) feet in height. No dwelling shall be less than one (1) story in height.

#### Section 19-4 Minimum Area, Width, and Yard Requirements

District	Area	Width	Yard Setbacks in Feet		
			Front	Side	Rear
KCR-720	13,000 sq ft	80	25	10	10

#### Section 19-5 Modifying Regulations

- A. On corner lots, the side yard setback shall be the same as the front yard setback.
- B. A detached private garage or accessory building see Chapter 4, Section 4-10.
- C. All homes in the KCR-720 zone shall be on a permanent foundation.
- D. Each dwelling shall have a minimum floor area of 720 square feet of floor space on the main floor, exclusive of garages.
- E. The width of the dwelling shall not be less than fourteen feet (14) feet at the narrowest point of its first floor exclusive of any garages, bay windows, room additions or other similar appendages. The width shall be considered as the lesser of the two primary dimensions.
- F. A basement shall not be considered as a first floor.
- G. All manufactured homes shall be anchored to and supported by an approved method of the manufacture.
- H. Each dwelling shall have a double sloped gabled roof.
- I. A maximum of two units on single family residential zoned lot.

#### Section 19-6 Supplementary Regulations

Supplementary regulations are provided in Chapter 4 of this Ordinance.

Adopted January 22, 2008; Amended January 25, 2022



# Kanab

## Land Use Ordinance

### Chapter 19 – Kanab Creek Ranchos KCR-720 Zone

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#### Section 19-7 Design Standards for a Two-Family Dwelling

A two-family dwelling is one building with two residential units under a single continuous roof line. It may be constructed in the Residential Zones subject to compliance with the following standards. These standards are intended to promote a residential design which provides architectural interest for a two-family dwelling to blend harmoniously in MH-KCR zones. Design approaches that accomplish the same objective can be considered by the Planning Commission for approval.

- A. Units located side by side shall be offset by at least 5 feet difference in their front setback, unless the units share an elevated common front porch with roof overhang, or similar design scheme to provide a front entry with greater architectural interest the plain, uncovered front entries on adjacent units. In addition to the primary exterior wall material there shall be additional accent materials included such as stone, brick, or metal to provide architectural character to the dwelling. The two-family dwelling must be of new construction.
- B. A two-family dwelling is encouraged to have an appearance similar to a large single-family home with varying roof lines, and building articulations with such things as decks, balconies, or other exterior features which provide design interest.
- C. Except for the driveway area and walkways, the front yard setback area shall be landscaped. At the time of occupancy, or within 6 months of occupancy, the front yard area shall be fully landscaped. ~~or the applicant for the Certificate of Occupancy shall post a financial guarantee (bond, cashier's check, etc) ensuring that front yard landscaping will be completed within 6 months of occupancy.~~
- D. The minimum lot size for a two-family dwelling is 10,000 (103,000) sq.ft. and the minimum street frontage is 80 feet.
- E. Land coverage of all buildings shall not exceed 50-% of the lot or parcel acreage.
- F. Each two-family dwelling shall have four (4) off-street parking spaces (2 per unit). Driveways to the garage and areas used for off-street parking shall be hard-surfaced with either concrete or asphalt.
- G. Each unit in a two-family dwelling shall be independently connected to the city's culinary water and sewer system.
- H. Prior to issuance of a building permit, ~~the Planning Commission shall review and approve the proposed exterior building elevations and design in order to promote neighborhood design compatibility in accordance with Chapter 9 Site Plan Review all provisions for two-family dwellings shall be met through site plans submitted with the building permit application and the plan review building permit process.~~

**Commented [MC1]:** New legislative law prevents jurisdictions from requiring bonds on landscaping for private properties

**Work Meeting**  
**Discussion on Lot Size Averaging**

**Proposed amendment to the Kanab City Land Use Ordinance to allow for lot-size averaging for single family dwellings in the One and Two Family Residential Zones; Chapter 17, R-1-20, R-1-15, R-1-10 and R-1-8.**

Proposed addition to section 17-5 Modifying Regulations (new wording is underlined, draft #1, 2/28/2023)

C. Lot-size averaging allows for a mix of lot sizes within a subdivision, and while the overall density of the zoning district remains the same flexibility is provided in the mix of lot sizes. Provisions for Lot-size averaging for single family dwellings with or without an internal accessory dwelling unit are as follows;

1. Lot averaging formula; the total combined square footage of all lots divided by the number of lots shall be equal to or greater than base zone minimum lot size.
2. Minimum lot size; no lot or lot frontage shall be less than 70% of the minimum lot size or minimum frontage of the base zone.
3. Mix of lot sizes; a maximum of 35% of the total lots may be less than the minimum allowed lot size of the zone.

**Proposed amendment to the Subdivision ordinance, section 3-1.1 Lot Standards, to reference the Land Use Ordinance provisions for lot-size averaging found in section 17-5.C . (new wording is underlined)**

**Subdivision Ordinance**

Section 3-1.1;\_The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located. The exception to this requirement is for new subdivisions which are approved with Lot-size averaging as set forth in the Kanab City Land Use Ordinance, section 17-5.C, which provides for lot-size averaging in the R-1 zones which include R-1-8, R-1-10, R-1-15 and R-1-20.

**Option B: Lot size averaging similar to St George City’s code**

Chapter 17: One and Two Family Residential Zones

17-5 Modifying Regulations

**17-5.C Lot Size Averaging: (new section)**

1. *Purpose:* Lot size averaging is an alternative to traditional minimum lot size standards and encourages a mix of lot sizes within a subdivision. The overall density of the zoning district remains approximately the same, but flexibility is provided in the mix of lot sizes.

2. *Standards:*

a. Lot size averaging is a permitted use within the R-1-8, R-1-10, R-1-15, and R-1-20 zones.

Project density shall not exceed the following:

R-1-8	3.7 du/acre
R-1-10	3.2 du/acre
R-1-15	2.2 du/acre
R-1-20	1.8 du/acre

b. No lot size or lot frontage (width) shall be reduced to less than seventy percent (70%) of the required lot size or lot frontage for the applicable zoning district, except that in the R-1-8 zone no lot size shall be reduced to less than eighty percent (80%) of standard lot size and no lot width shall be less than sixty feet (60').

c. Exterior or perimeter lots shall be consistent with abutting developed lots when platting a new subdivision.

d. Lot size averaging shall apply to new subdivisions and not to existing recorded plats.

e. Smaller lots shall be dispersed throughout the subdivision rather than congregated together.

f. Subject to approval of the planning commission and city council, open space and/or trail easements may be included in the subdivision density calculations for the purpose of complying with subsection 2a of this section.

g. Not more than half of the proposed lots within the subdivision may be less than the zone's standard lot size, unless approved by the city council after considering the recommendation from the planning commission.

## **Other Lot Size Averaging ideas:**

### **Purpose of lot size averaging provisions**

- The city finds that lot size averaging is an appropriate regulatory approach to help protect critical areas and allow for greater flexibility in design so irregular parcels can be used more efficiently.
- Lot size averaging is an approach to dividing land that allows a parcel to be divided such that some of the resulting lots are smaller than the minimum lot size required in the applicable zone, as long as the average of all of the lot sizes remains equal to or above the minimum lot size.
- The total number of lots in a development implementing lot size averaging cannot exceed the maximum number of lots allowed on the subject property per the applicable zone.
- Lot size averaging does not assure that the number of lots available to a developer on a particular parcel will be the same as the number available if the property were not encumbered by critical area exclusions.

### **Applicability of lot size averaging**

- Lot size averaging provisions of this chapter apply to, and may be used by, developers of land who are dividing land in conformance with the provisions of this title, and who meet the provisions set out in subsection (B) of this section.
- Lot size averaging provisions of this chapter apply to and may be used by developers of land in the following zones:

### **Limitations on implementation of lot size averaging**

- Lot size averaging only applies to creation of lots for single-family residences, including detached, duplexes, triplexes and townhomes.
- Lot size averaging shall not be used to create lots for multifamily dwellings as defined by SMC [16.04.040](#).
- No lot shall be reduced to less than 80 percent of the minimum lot size required in the applicable zone, and each lot shall be at least 3,000 square feet in area.
- No lot shall be reduced in width to less than 40 feet (regardless of lot depth).
- This section shall not be implemented in conjunction with any provisions of the Sultan Municipal Code that allow density credits or cluster development.
- Developments utilizing lot size averaging shall not receive preliminary or final approval as phased developments unless each phase meets the lot size averaging standards for the total land area included in that phase

### **Lot size averaging calculation**

- The following calculation shall be used to determine the maximum number of lots available to a given development:
  1. Add together all areas where proposed:

- a. Area in lots;
  - b. Areas designated as open space or recreational uses;
  - c. Surface detention/retention facilities meeting the standards of subsection (A)(5) of this section.
2. Divide the total area of subsection (A)(1) of this section by the total number of proposed lots.
  3. If the average lot size as computed under subsection (A)(2) of this section equals or exceeds the minimum lot area requirement of the zone in which the property is located, the minimum lot area requirement will be satisfied for the purposes of lot size averaging.
  4. Critical areas and their buffers permanently protected under Chapter [17.10](#) SMC may not count toward calculations for lot size averaging.
  5. Surface detention/retention facilities may count toward calculations for lot size averaging only if the detention/retention facility:
    - a. Is designed to not require security fencing under the EDDS standards; and
    - b. The facility is either:
      - i. Designed to appear as a natural wetland system; or
      - ii. Provides active or passive recreational benefits in a natural landscaped setting

#### **Development standards utilizing lot size averaging.**

- Road standards required for development of land divisions by this title are required in developments without regard to their implementation of lot size averaging standards of this chapter.
- All standard utility improvements required for land divisions by this title are required in developments without regard to their implementation of lot size averaging standards of this chapter.
- All standards for lot layout, setbacks, access, easements, and any other development standard for individual lots required for land divisions by this title are required in developments without regard to their implementation of lot size averaging standards, unless otherwise explicitly addressed within this chapter.

#### **Density Calculation and Lot Size Averaging.**

(a) The density calculation for new residential developments and subdivisions shall be based on an adjusted gross density as follows, unless otherwise defined in this title:

1. Subtract the actual percentage of the area devoted to infrastructure and other encumbrances including but not limited to streets and stormwater, existing easements, utility corridors, etc., from the gross development area up to 25 percent of the gross development area to determine the net buildable area.
2. Divide the net buildable area by the minimum lot size of the underlying zoning district to determine the maximum adjusted gross density.

3. For the multifamily residential zoning district, the minimum density is 15 units per acre. The maximum density will be limited by bulk standards, maximum height, required open space, parking and other zoning standards of this title.
4. Limitations. Nothing contained within this chapter guarantees the maximum adjusted gross density will be attained. The adjusted gross density may not always be achievable due to unique site considerations including, but not limited to, critical areas, topography, right-of-way dedications, utility easements, open space requirements and stormwater requirements.
5. When the adjusted gross density is determined, if the calculation for lots or units results in a fraction of 0.5 or greater the number shall be rounded up to the next whole number.

(b) Lot Size Averaging. After calculating the adjusted gross density, the proponent may apply limited lot size averaging provisions up to the amount necessary to achieve the adjusted gross density. The proponent may use one of the following methods, unless dimensional standards are modified by other sections of this title, including but not limited to planned residential developments, cluster subdivisions and infill development:

1. The proponent may reduce lot sizes by 10 percent within the residential development and/or subdivision provided no other dimensional reductions are applied; or
2. The proponent may reduce lot widths within the residential development and/or subdivision by 10 percent. In no case shall lots be less than 40 feet wide provided no lot size reductions are applied.