CHAPTER 1. GENERAL PROVISIONS

SECTION:

9-1-1: Short Title
9-1-2: Kane County Land Use Philosophy
9-1-3: Intent and Purpose
9-1-4: Interpretation
9-1-5: Conflict
9-1-6: Effect upon Previous Ordinance and Maps
9-1-7: Definitions
9-1-8: Inspection
9-1-9: Enforcement
9-1-10: Nuisance and Abatement
9-1-11: Amendments to Land Use Ordinance
9-1-12: Publication and Notice of Hearings
9-1-13: Issuance of Permits and Licenses
9-1-14: Fees
9-1-15: Severability
9-1-16: Penalties

9-1-1: Short Title.

This Ordinance shall be known as the Land Use Ordinance of Kane County, Utah.

9-1-2: Kane County Land Use Philosophy

There has been, in the United States over the last several decades, a strong trend of increasing governmental control over private property rights and uses. This trend has resulted in the loss of property rights in favor of governmental oversight, regulation and planning concepts. The overall purpose of this trend is to increase orderly growth. However, this end is accomplished overwhelmingly by the use of restrictive laws and ordinances that effectively seize property rights from property owners. Kane County believes that this trend encroaches severely on the inalienable right of property ownership. This Land Use Ordinance and other county ordinances are purposefully kept in many ways as lenient as State Statute will allow. Other tougher restrictions are kept as minimal as possible to ensure a balance between the individual's property rights and the property rights of the

neighbors. To this end, property owners of Kane County should realize that by retaining as much of their rights as possible, they also retain the associated responsibilities.

In addition to preserving individual property rights, Kane County believes that the individual, not the tax payers collectively, should be responsible for the individual's own living conditions. We hold it to be a violation of principle to use general public funds for spot improvements that only benefit localized areas. As such, it is Kane County policy to refuse to participate in spot infrastructure improvements which benefit only a localized area yet burden the tax payers at large. If property owner's collectively desire, they can petition the county to assist in the creation of a special improvement district which places the financial burden of the improvements on the area being improved. In this way the County reduces both the regulation and the taxes placed on the property owners. Kane County property taxes collected and deposited in the general fund are designated among other things to maintain public infrastructure not to improve it. To that end, Kane County will continue to focus on the wise use of the general fund in maintaining current improvements and future improvements once they have met county standards.

Kane County has sought to keep this land use ordinance within the spirit of the Deceleration of Independence and recognizes that one of the hallmark benefits of a free society is the retained rights of private property to their owner. To that end, we include this quote from the Declaration of Independence in our ordinance as a governing principle that we seek to follow.
"We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. --That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed..."

9-1-3: Intent and Purpose.

It is the intent and purpose of the Board of County Commissioners of Kane County, State of Utah, to avail itself of the powers granted under Utah State Code § 17-27a-101 et.al., the County Land Use, Development, and Management Act, (CLUDMA) as amended, only in a manner that will promote the health, safety, morals, convenience, order, prosperity, and general welfare of the present and

future inhabitants of Kane County as seems appropriate in a rural setting, to this end:

A. To implement the General Plan and to guide the future growth of the county in compliance with the General Plan.
B. To regulate land use in a manner that will encourage and facilitate orderly growth and development in the County.
C. To provide land use regulations for the unincorporated areas of the County.
D. To enable economy in government expenditures in the process of development.
E. To promote the efficient and economical utilization, conservation, and production of land, water, and other resources and facilities.
F. To foster the County's agricultural, commercial and industrial development.
G. To facilitate adequate provisions for transportation, water, sewer, schools, parks, and other public requirements.
H. To reduce the waste of physical, financial, and human resources.
I. To lessen congested streets.
J. To avoid or lessen the hazards to persons or damage to property.
K. To stabilize and improve property values.
L. To protect the tax base.
M. To promote a more attractive and wholesome environment.
N. To promote conditions favorable to prosperity, recreational activities, educational, and cultural opportunities.
O. To support the use of energy conservation methods, i.e. solar and renewable energy sources.
P. To protect both urban and non-urban development.
Q. To encourage a variety of housing types and promote moderate income housing.
R. To assist the public in identifying and understanding regulations affecting the development and use of land.
S. To enforce the provisions of this ordinance and to minimize the exceptions and variances, hereto.

9-1-4: Interpretation.

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

9-1-5: Conflict.

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

9-1-6: Effect upon Previous Ordinance and Maps.

All Land Use Ordinances of Kane County, Utah, including maps that were enacted prior to June 13, 2011, are hereby superseded, amended and repealed to read as set forth herein; All previous designated land uses, legally vested within Kane County, Utah, and having been subject to continuous prior-conforming use, shall remain unaffected by subsequent land use designations and ordinances.

9-1-7: Definitions.

For the purposes of this Ordinance, certain words and terms are defined as set forth below. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Building Code shall be construed as if defined herein. All General Provision definitions of Utah State Code 17-27a-101 et.al., as amended, not inconsistent with the definitions set forth herein, are adopted as if set forth fully herein. If any definition set forth herein is inconsistent with any definition set forth in Utah State Code and if said Utah State Code as a matter of law is binding on this Ordinance, the inconsistent portion of the definition set forth herein shall not have any effect.

1) Accessory Building or Use. A use or building on the same lot with, and of a nature customarily incidental to the principal building or use.

2) Agricultural Use. Land shall be deemed to be in agricultural use when devoted to the raising of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals,

poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees, fur animals, trees, fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral and ornamental stock; or when devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a crop land retirement program under an agreement with an agency of the state or federal government.

3) 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.

4) Airport. Any area of land or water designed and set aside for the landing and taking off of aircraft plus maintenance and auxiliary facilities and auxiliary buildings for maintenance.

5) Alterations, Structural. Any changes, addition or modification in the supporting members of a building such as bearing walls, columns, beams, or girders.

6) Amusement Park. Any place or organized amusement activity not conducted wholly within a completely enclosed building.

7) Animal Shelter, Commercial. Any facility regardless of location within the county involved in activities of commerce pertaining to the harboring, breeding, boarding, sheltering or holding of domestic animals of a non-agricultural nature and not involved in the production of dairy products, meats for consumption, fur or pelts. This definition shall also include privately held shelters in which more than 15 animals of any type are kept for any purpose.

8) Animal Shelter, Private. Any privately held property in the county being used for the holding, private breeding or otherwise harboring or sheltering of a total of 8 or more animals of any species over the age of 4 months.

9) Annexation Area. The unincorporated area that is identified in an annexation policy plan under State Code as the area that the municipality anticipates annexing in the future. (Utah State Code § 10-2-101 et.al.)

10) Apartment. A room or suite of rooms rented or leased for use as a dwelling place.

11) Apartment House. Any building or group of buildings in which rooms are arranged and rented or leased as apartments. See: Dwelling, Multiple Family

12) Apartment Court. Any building or group of buildings which contain dwelling units; see Dwelling, Multiple-Family.

13) Appeal Authority. A person appointed by the Kane County Commission to hear appeals by any person aggrieved by his/her inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Ordinance.

14) Assisted Living Facility. A residential facility, licensed by the state of Utah, with a homelike setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under rules of the Utah Department of Health or the Utah Department of Human Services to need any of these services. Each resident shall have a service plan based on the assessment, which may include: a) specified services of intermittent nursing care; b) administration of medication; and c) support services promoting resident's independence and self-sufficiency. Such facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

15) Basement. The floor level of a structure when 50% or more is below the surrounding grade.

16) Basement House. A residential one story structure that is more than 50% under the surface of the surrounding grade.

17) Bed and Breakfast. Transient lodging other than a motel or hotel where meals are provided.

18) Bench Mark. A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.

19) Billboard. A freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

20) Boarding House. A dwelling where room and meals are provided for compensation for at least five but not more than 15 persons.

21) Building Area. The portion of a lot remaining after required setbacks have been established.

22) Building. Any structure used or intended to be used for the shelter or enclosure of persons, animals or property.

23) Building, Height Of. The vertical distance from the average finished grade surface to the highest point of the building roof or coping.

24) Building Official. The person designated as the Building Official for Kane County by the County Commission.

25) Building, Main. The principal building housing the principal use upon a lot.

26) Building, Public. A building owned and/or operated or owned and intended to be operated by a public agency.

27) Campground. A parcel designated and approved by the County for occupancy by tents, trailers, motor homes or campers on a temporary basis.

28) Car Wash. A facility for automatic or self-service washing and cleaning of automobiles and trucks.

29) Catterie, Commercial. Any facility regardless of location within the county involved in activities of commerce pertaining to the harboring, breeding, boarding, sheltering or holding of domestic cats, regardless of the number of animals. The definition shall also include private held catteries in which more than 15 domestic cats are housed for any purpose.

30) Catterie, Private. Premises on which the holding, private breeding or otherwise harboring or shelter of 4 cats over the age of 4 months and a maximum number of cats as designated in the appropriate underlying zone.

31) Cellar. A room or rooms wholly under the surface of the ground.

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

33) Church. A building, together with its accessory buildings and uses, maintained and controlled by an officially organized religious organization where persons regularly assemble for worship.

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

35) Club, Private. An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

36) Commission. Unless otherwise indicated, the County Commission of Kane County, Utah.

37) "Community" Zone. A zone in the unincorporated area of the County that falls outside of any municipal boundary or annexation zone and which the County's Land Use Authority designates as a potential municipality site.

38) Conditional Use. A use of land for which a Conditional Use Permit is required. Utah State Code § 17-27a-103(6)

39) Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in the common areas and facilities of the property.

40) Construction Camp. A camp or other residential area of a temporary nature established for a period of five or more days for the housing of four or more persons engaged in activities related to construction, mining and logging. Camps established for hunting, fishing, recreation or agricultural purposes are excluded from the definition of a construction camp.

41) Corral. An enclosure, other than a building less than one acre in area, used for the confinement of animals or fowl.

42) Commercial. For profit or non-profit business.

43) Community Correctional Facility. A facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons which assists such persons in making a transition from a correctional institution environment to independent living. Such a facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement rehabilitation, or treatment in a correctional institution.

44) Correctional Institution. A prison, jail, juvenile detention facility or juvenile secure facility.

45) County. Unless otherwise indicated, Kane County, Utah.

46) 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 or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.

47) Coverage, Building. The percent of the total site area covered by buildings.

48) Cul-de-sac. A minor street serving properties with no future plans to extend beyond the termination point, and being terminated by a vehicle turnaround.

49) Culinary Water Authority. The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

50) Dairy. A commercial establishment for the manufacture, processing, or packaging of dairy products, and their sale; for purposes of this definition, the production of milk on a farm for wholesale marketing off the premises shall not classify the farm as a dairy.

51) Developable Land. Land that is outside the hundred year flood plain and having a slope less than 40%.

52) Development Agreement. A binding contract between the County and the applicant and shall contain those terms and conditions agreed to by the County and the applicant. The Land Use Authority Administrator, the Land Use Authority Commission and or the Kane County Commission are authorized to negotiate for the County. Final approval of the agreement is by the Kane County Commission.

53) Disability. A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or successor law.

54) Dormitory. A residence hall providing two or more units with three or more sleeping rooms per unit where meals are not served.

55) 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.

56) Dry Subdivision. A subdivision of land that was lawfully approved prior to any mandated subdivision water system considerations and/or requirements as outlined under Kane County's Land Use Ordinance.

57) Dwelling. Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, apartment hotels, boarding houses, lodging houses, motels, apartment motels, fraternities, sororities, trailers, mobile homes or dormitories.

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

59) Dwelling, Multiple-Family. A building arranged or designed to be occupied by more than one family.

60) Dwelling Unit. One or more rooms in a dwelling or apartment motel, designated for or occupied by one family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one family.

61) Elderly person. A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

62) Easement. The acquired privilege or right-of-use of enjoyment which one person may have in the land of another.

63) Family. Two or more persons related by blood, marriage or adoption or a group of not more than four persons who are not related living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

64) Final Plat. A subdivision map prepared in accordance with the provisions of this Ordinance, which is designed to be placed on record in the office of the County Recorder.

65) 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.

66) Flood Plain. Land that is within the 100-year flood plain designated by the Federal Emergency Management Agency or has not been studied or designated by the Federal Emergency Management Agency but presents a

likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency, (Utah State Code § 17-27a-103) and any plain along a river or stream subject to periodic flooding.

67) Forestry. The planting, caring for or cultivating of a dense growth of trees. May include the gathering of wood for domestic fire use.

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

69) Garage, Private. An accessory building designed or used for the storage of one or more automobiles owned by the occupants of the building to which it is an accessory. A garage is considered part of a dwelling if the garage and dwelling have a roof or wall in common.

70) Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

71) Geologic Hazard. A surface fault rupture; shallow groundwater; liquefaction; a landslide; a debris flow; unstable soil; a rock fall; or any other geologic condition that presents a risk to life; of substantial loss of real property; or of substantial damage to real property. (Utah State Code § 17-27a-103(16) as amended). 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.

72) Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.

73) Home Occupation. Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, occupying no more than 25% of the dwelling unit, which is clearly incidental and secondary to the

use of the dwelling for dwelling purposes and does not change the character thereof. Home occupation may include, but not limited to, the use of the home by a physician, surgeon, dentist, lawyer, clergyman, engineer or professional person for consultation or emergency treatment. Home occupation includes the care of not more than five children other than members of the family residing in the dwelling. A home occupation in a multiple dwelling unit will be considered as one of the units in determining the allowable number of units.

74) Hospital. Institution for the diagnosis, treatment and care of human illness or infirmity.

75) Hotel. An establishment or building providing a number of bedrooms and baths, etc. and usually food for the accommodation of travelers or semi-permanent residents for compensation.

76) Household Pets. Animals or fowl ordinarily permitted in the house kept for company or pleasure, such as dogs, cats and canaries.

77) Improvement Assurance or Improvement Completion Assurance. A surety bond, letter of credit, cash, or other security (a) to guaranty the proper completion of an improvement; (b) that is required as a condition precedent to recording a subdivision plat or beginning development activity; and (c) that is offered to a land use authority to induce the land use authority, before actual construction of required improvements to consent to the recording of a subdivision plat or issue a permit for development activity. (Utah State Code § 17-27a-103(21) as amended)

78) Irrigated Land. Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.

79) Junk. Any discarded material, including but not limited to scrap metal, one or more abandoned, inoperable and/or unlicensed motor vehicles, machinery, equipment, paper, glass, containers and structures.

80) Junkyard. Any place, establishment or business maintained, used or operated for storing, keeping, buying, or selling junk, including garbage dumps, sanitary landfills and salvage yards.

81) Kennel, Commercial. Any facility regardless of location within the county involved in activities of commerce pertaining to the harboring, breeding, boarding, sheltering or holding of dogs, regardless of the number of animals. This definition shall also include privately owned kennels in which more than 15 dogs are housed.

82) Kennel, Private. Premises on which the holding, private breeding or otherwise harboring or shelter of 4 dogs over the age of 4 months and a maximum number of dogs as designated in the appropriate underlying zone.

83) Land Use Authority. A person, board, commission, agency or other body designated by the local legislative body to act upon a land use application.

84) Livestock Feed Yard. A commercial operation on a parcel of land where livestock are kept in high density corrals or yards and fed for an extended period of time.

85) 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 shown as a lot or parcel on a recorded subdivision plat, 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 two or more smaller units. Such unit is intended to be occupied by a main building and such accessory uses as permitted in this Ordinance.

86) Lot Coverage. Lot coverage shall be calculated by taking the ground area of main and accessory buildings and dividing that total by the area of the lot.

87) Lot, Corner. Lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.

88) Lot, Interior. A lot other than a corner lot.

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

90) Lot Lines. Property lines bounding the lot.

91) Lot, Restricted. Any lot having particular problems in size, slope, contour or shape requiring special action of the Appeal Authority.

92) Manufactured Home. A residential structure conforming to HUD standards issued 1976 or later. Home is built on a steel undercarriage with removable wheel assembly designed for placement on a permanent foundation with 6 inch reinforced slab and connected to the required utilities, which includes the plumbing, heating, air conditioning and electrical systems contained therein.

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

94) Mobile Home Lot. A lot within a mobile home park of a subdivision, designed and to be used for the accommodation of one mobile home.

95) Mobile Home Park. A parcel designed and approved by the County for occupancy by mobile homes on a rental basis meeting all requirements of Kane County General Plan and ordinances.

96) Mobile Home Space. Space within a mobile home park, designed and to be used for the accommodation of one mobile home.

97) Moderate Income Housing. Housing occupied or reserved for households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the County in which housing is located.

98) Modular Home. A permanent dwelling structure which conforms to applicable building codes built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site.

99) Motel. A building or group of buildings for the drive-in accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

100) Natural Hazard. Risk; peril or danger in a state provided by nature without man made changes.

101) Natural Waterways. Areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the County Engineer.

102) Nonconforming Building or Structure. Building or structure or portion thereof, lawfully existing at the time this Ordinance became effective which does not conform to all height, area and yard regulations herein prescribed in the zone in which it is located.

103) Nonconforming Use. Use which lawfully occupied a building or land at the time this Ordinance became effective and which does not conform to the use regulations of the zone in which it is located.

104) Nursing Home. Institution providing residence and care for the aged or infirm.

105) Off Site Facilities. Improvements not on individual lots but which are generally within the boundaries of the subdivision which they serve.

106) Off-Street Parking. Parking stall access from a parking lot, not directly from a street.

107) Open Space. Space reserved as parks, courts, playgrounds, golf courses and other similar open areas and those areas reserved to meet the density requirements of Planned Unit Developments.

108) Over-Lay Zone. An area defined in any zone or combination of zones for a specific and defined protection and usage.

109) Parcel. A distinct, continuous portion or tract of land not within a platted subdivision.

110) Parking Lot. An open area, other than street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients, customers or employees.

111) Parking Space. Space within a building, lot or parking lot for the parking or storage of one automobile.

112) Permanent Monument. A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

113) Person. An individual, firm, association, organization, partnership, company or corporation or any legal entity entitled to own property.

114) Planned Unit Development. Development which may consist of integrated zones designed to allow Residential, MPR, Commercial, Manufacturing uses in a combination allowing flexibility and initiative in site and building design and location.

115) Public Utilities. These include every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation, and water corporation where the service is performed for or the commodity delivered to the public or any portion thereof.

116) Recreational Park Trailer. A Recreational Park Trailer is a recreational vehicle primarily designed and intended to provide temporary living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels with a gross trailer area not exceeding 400 square feet when set up. Each Recreational Park Trailer shall be certified by its manufacturer as complying with ANSI A119.5. There are two different types of Recreational Park Trailers. One is designed for frequent travel on highways while the other must be transported with special highway movement permits.

117) Recreational Vehicle. Vehicle, such as a travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare for use as human habitation of a temporary and recreational nature.

118) Recreational Vehicle Park. An area or tract of land where lots are rented or held for rent to one or more owners or users of recreational vehicles for a temporary time as regulated further by this ordinance.

119) Rehabilitation/Treatment Facility. A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health. Associated educational services may also be provided to juvenile occupants.

120) Residence, Residential Facility. Any building or portion thereof where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

121) Residential Facility for Elderly Persons. A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement.

122) Residential Facility for Persons with a Disability. A residence in which more than one person with a disability resides.

123) Residential Use. Customarily includes overnight use of a room or rooms with independent facilities for sleeping combined with a private bath and/or a kitchen.

124) Roomer. One who occupies a hired room in another's house.

125) Rules of Order and Procedure. A set of rules that govern and prescribe in a public meeting including parliamentary order and procedure, ethical behavior, and civil discourse. (Utah State Code § 17-27a-103(42) as amended).

126) Sexually Oriented Businesses. An inclusive term used to describe collectively those businesses for which a sexually oriented business license is required, which types of businesses include, for purposes of this title, adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort, escort agency, massage parlor, seminude modeling studio, sexual encounter

establishment, and any other business not described that has a dominant or principal theme that is sexually oriented.

127) Signs. See the Uniform Sign Code for definitions.

128) Sketch Plan. Generalized layout of a proposed subdivision with accompanying general proposals and intentions of the subdivider and relating the proposed subdivision to its area, to public facilities and services and to special problems that may arise in the development of a subdivision.

129) Stable, Private. A detached accessory building for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire or sale.

130) Street. A public thoroughfare which affords principal means of access to a butting property in accordance with Kane County Design Standards.

131) Subdivision. Any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, or lease, or development either on the installment plan or upon any and all other plans, terms, and conditions and as further defined under Utah State Code § 17-27a-103 (57) as amended.

132) Trailer, Camper. A vehicle with or without motive power or wheels, designed to be used for human habitation.

133) Transferable Development Rights (Bonus Density). Transferring Development Rights from a “Sending Zone” to a “Receiving Zone”. The “Sending Zone” is an unincorporated area of the County that the Planning Commission designates as an area from which an owner of land may transfer development rights to their self to a contiguous “Receiving Zone”. “Receiving Zone” means an unincorporated area of the County that the Planning Commission designates as an area in which an owner of land may receive transferable development rights.

134) Unlicensed Rehabilitation/Treatment Facility. A facility providing temporary occupancy for individuals (adult/juvenile) in order to provide rehabilitation, treatment or counseling services, which facility either does

not require licensure by the state of Utah or does not operate under contract with the state of Utah. Without limitation, such services may include rehabilitation, treatment or counseling services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse or mental health.

135) Use, Accessory. A use subordinate and incidental to the main use of a building or land located upon the same lot or parcel.

136) Veterinary or Animal Hospital. A building and runs where large and/or small animals are kept and/or treated by a licensed veterinarian.

137) Zone. An area as described on the zoning map or in the Land Use Ordinance.

138) Zoning Map. A map, adopted as part of a land use ordinance that depicts land use zones, overlays, or districts.

9-1-8: Inspection.

The Land Use Authority or any authorized employee of Kane County shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made in the absence of the owner or tenant thereof without written permission of the owner, or the written order of a court of competent jurisdiction.

9-1-9: Enforcement.

The Land Use Authority Administrator is hereby designated and authorized as the officer charged with the enforcement of this Ordinance. The Land Use Authority Administrator shall enforce all the provisions of this Ordinance, entering actions of the court when necessary, and his/her failure to do so shall not legalize any violations of such provisions. The County Commission may, by resolution or ordinance, from time to time entrust the administration of this Ordinance, in whole or part, to any other officer of Kane County.

9-1-10: Nuisance and Abatement.

In conjunction with the Kane County Nuisance Ordinance any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to provisions of this Ordinance and any use of land, building or premises established, constructed or maintained contrary to provisions of this Ordinance shall be, and the same is hereby declared to be unlawful and public nuisance

9-1-11: Amendments to the Land Use Ordinance.

The County Commission may from time to time amend the number, shape, boundaries or areas of any zone, or any regulation or any other provision of the Land Use Ordinance. Any such amendment shall not be made or become effective until notice and public hearing as required by law and unless the same shall have been proposed by or be first submitted to the Planning Commission for its recommendation.

In the case of an application by a property owner or other citizen for an amendment, the County Land Use Authority and/or the Board of County Commissioners, as a prerequisite to the consideration of such application, shall require that such applicant, at the applicant's expense, furnish to such Commission and/or Board title evidence, in such form as such Commission or Board may determine, indicating the ownership of the property to be affected by the proposed amendment and the interest therein of the applicant, and shall also require that notice of such proposed amendment be given to all parties claiming an interest in such property.

9-1-12: Publication and Notice of Hearings.

Before adopting any such amendment, the Land Use Authority shall publish a notice in the paper and post notice in three public places or on website 10 days prior to the first public hearing or five days prior to first public hearing written notice to be mailed to interested persons or post notice in three public places or on website and submit to a newspaper of general circulation in the County 24 hours prior to each public meeting.

9-1-13: Issuance of Permits and Licenses.

All departments, officials and public employees of Kane County 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.

9-1-14: Fees.

Fees may be charged to applicants for building, occupancy, and conditional use permits, design review and Planned Unit Development approval, Land Use Authority and Appeal Authority hearings, 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 legislative body and shall be in amounts reasonably necessary to defray costs to the public.

9-1-15: Severability.

If any section of this Ordinance should for any reason to be found invalid, the remaining sections shall remain valid.

9-1-16: Penalties.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this Ordinance shall be guilty of a class C misdemeanor unless otherwise stated in this Ordinance and shall be punishable as provided by law.

CHAPTER 10. SUPPLEMENTARY AND QUALIFYING REGULATIONS

SECTION:

9-10-1: Effect of Chapter
9-10-2: Yard Space for One Building Only
9-10-3: Every Dwelling to be on a Lot
9-10-4: Separately Owned Lots- Reduced Yards
9-10-5: Wall, Fence or Hedge
9-10-6: Clear View of Intersecting Streets
9-10-7: Sale or Lease of Required Space
9-10-8: Easements and Rights-of-Way
9-10-9: Sale of Lots Below Minimum Space Requirements
9-10-10: Additional Height Allowed
9-10-11: Exceptions to Height Limitations
9-10-12: Water and Sewage Requirements
9-10-13: Solar Energy Systems
9-10-14: Lighting
9-10-15: Effect of Official Map
9-10-16: Lot and Parcel Size Requirements
9-10-17: Retail Tobacco Specialty Businesses Prohibited

9-10-1: Effect of Chapter.

The regulations hereinafter set forth in this chapter qualify or supplement the zone regulations, as the case may be.

9-10-2: Yard Space for One Building Only.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space for any other building. No yard or other required open space on an adjoining lot shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

9-10-3: Every Dwelling to be on a Lot.

Every dwelling shall be located and maintained on a lot as defined in this Ordinance.

9-10-4: Separately Owned Lots-Reduced Yards.

Any lot under separate ownership from adjacent lots and of record at the time of passage of the Land Use Ordinance, and such lot having a smaller width than required for the zone in which it is located, shall be accepted under the grandfather clause.

9-10-5: Wall, Fence or Hedge.

No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of six feet without first obtaining a building permit. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than 42 inches in height. No fence shall be constructed that in any way obstructs the view of traffic.

9-10-6: Clear View of Intersecting Streets.

In all zones which require a front yard, no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points 40 feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

9-10-7: Sale or Lease of Required Space.

No space needed to meet the width, yard, area, coverage; parking or other requirements of this Ordinance for a lot or building may be sold or leased away from such lot of building.

9-10-8: Easements and Rights-of-Way.

Uses of easements and/or rights-of-way shall be permitted in or through any zone for the purpose of serving a permitted or approved conditional use in the same or

any zone. Such easements or rights-of-way may be used for uses similar to, but not limited to the following:

1) Roads, streets, highways.

2) Railroads, tramways, cable ways, and conveyor systems.

3) Pipelines for the transmission of water, waste water, materials, fuels or products.

4) Overhead and underground transmission or distribution lines, including poles, towers, and conductors.

5) Uses not requiring continuous routes along the ground such as radio, television or microwave relay stations and towers.

6) Structures and facilities incidental to the above.

9-10-9: Sale of Lots Below Minimum Space Requirements.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of selling, building or developing a lot.

9-10-10: Additional Height Allowed.

Public or quasi-public utility buildings, when authorized in a zone may be erected to a height greater than the zone height limit by a Conditional Use Permit.

9-10-11: Exceptions to Height Limitations.

Height regulations may be increased by a Conditional Use Permit for permitted public, quasi-public, agriculture, manufacturing or industrial uses if approved by the Land Use Authority.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, towers, steeples, flagpoles, chimneys, smoke-stacks, water tanks, windmills, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed subject to a

Conditional Use Permit but no space above the height limit shall be allowed for purposes of providing additional floor space.

9-10-12: Water and Sewage Requirements.

All sewage systems shall comply with the requirements of the Southwest Utah Public Health Department and the application for a building permit shall be accompanied by a certificate of feasibility from said Board.

9-10-13: Solar Energy Systems.

Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal, use or structure on the parcel/lot, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.

Combining many solar panels together is referred to as a “solar array.” For large commercial electric utility or industrial applications, hundreds of solar arrays are interconnected to form a large utility. This process would require a Conditional Use Permit as outlined in Chapters 15 and 24.

9-10-14: Lighting to enhance dark skies in Kane County.

The concerns of safety, utility, dark sky protection and aesthetic appearance need not compete. Good modern lighting practices can provide adequate light for safety and utility without excessive glare or light pollution. Careful attention to when, where, and how much night-time lighting is needed results in better lighting practices, darker skies and reduced energy use and costs. Kane County encourages lighting practices and systems which will, minimize light pollution, glare, and excessive glare; conserve energy and resources while maintaining night time safety, utility, security, and productivity; and curtail the degradation of the night time visual environment. Any and all new and major addition to land uses developments and buildings or structures are encouraged to use hooded lighting practices.

9-10-15: Effect of Official Map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded, the depth of such front yard shall be measured from the mapped street line provided by the official map.

9-10-16: Lot and Parcel Size Requirements

Whenever this Ordinance refers to a size requirement for a lot or parcel in a given zone, a lot or parcel may be smaller than the actual requirements if the lot or parcel is smaller 1) because it is a conforming aliquot parts parcel resulting from the curvature of the earth or the convergence of township lines recognized in the Public Land Survey System; or 2) due to previous survey errors. However, the actual size shall be no smaller than five percent (5%) smaller than the actual size requirement. If other sections of this ordinance conflict with this section, the least restrictive section shall apply.

9-10-17: Retail Tobacco Specialty Businesses Prohibited

1) Definitions

A. "Retail tobacco specialty business" has the same meaning as defined in Utah Code §17-50-333(1)(b), as amended: a commercial establishment in which:
   1. The sale of tobacco products amounts for more than 35% of the total annual gross receipts for the establishment;
   2. Food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
   3. The establishment is not a licensed pharmacy under Utah Code.

B. "Tobacco product" is defined in Utah Code §17-50-333(c), as amended, to mean any cigar, cigarette, or electronic cigarette, as well as any product made of or containing tobacco, including chewing tobacco or any substitute for a tobacco product, including flavor or additives to tobacco. "Tobacco product" also includes tobacco paraphernalia.

C. "Tobacco paraphernalia", defined in Utah Code §76-10-104.1(1)(b), as amended, means any equipment, product, or material of any kind which is used, intended for use, or designed for use to package, repackage,

store, contain, conceal, ingest, inhale, or otherwise introduce a cigar, cigarette, or tobacco in any form into the human body, excluding matches or lighters but including,

1. metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
2. water pipes;
3. carburetion tubes and devices;
4. smoking and carburetion masks;
5. roach clips: meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand;
6. chamber pipes;
7. carburetor pipes;
8. electric pipes
9. air-driven pipes;
10. chillums;
11. bongs; and
12. ice pipes or chillers.

2) Prohibition

A. The establishment and/or operation of a retail tobacco specialty business is prohibited in all unincorporated areas of Kane County.

B. Kane County shall not issue a business license to any retail tobacco specialty business for use in any zone.

C. The use of a properly obtained business license for the operation of a retail tobacco specialty business in any zone in Kane County is prohibited.

CHAPTER 11. GUEST HOME

SECTION:

9-11-1: Guest Home
9-11-2: Requirements

9-11-1: Guest Home.

A separate dwelling located on the same lot as the principle dwelling and used for housing guests. A guest home shall not be recorded under a separate deed from the principle dwelling. Guest homes shall be considered an accessory building and subject to the setbacks established in the respective zone for accessory buildings. A guest home must be consistent with the principal dwelling in building type, i.e., architectural style, color, etc., if located in the side yard or in front of the principle dwelling. Additionally, a guest home must share the same access to a public right-of-way as the principal dwelling. A guest home must meet the requirements of a "Dwelling, Single Family" or "Manufactured Home" as defined in the Kane County Land Use Ordinance. A guest home meeting the definition of "Mobile Home" is prohibited.

9-11-2: Requirements.

In addition to the required factors set forth in the previous paragraph the following requirements shall also be met:

1) The size of the guest home. The square footage shall not be greater than the principle dwelling. The height of the building shall not exceed the height of the principle dwelling.

2) The number and size of off-street parking spaces shall be sufficient to serve the guest home.

3) There shall be the availability and proper quality of water resources, including but not limited to, certification by the appropriate water authority or public health authority that the water supply and sewage disposal facilities are adequate for the projected number of residents.

4) The distance between the principal dwelling and the guest home shall not be less than 10 feet.

5) The Guest Home shall be served with the same public utilities as the principle dwelling.

6) These conditions apply to all guest homes allowed in any zone.

CHAPTER 12. NONCONFORMING USES AND NONCOMPLYING STRUCTURES

SECTION:

9-12-1: Purpose
9-12-2: Noncomplying Structures and Contained Nonconforming Uses
9-12-3: Noncomplying Structure Additions and Enlargements
9-12-4: Noncomplying Structure Repairs and Structural Alterations
9-12-5: Alterations Where Parking is Insufficient
9-12-6: Restoration of Damaged Structures
9-12-7: Nonconforming Use of Land
9-12-8: Presumption of Existence
9-12-9: Occupation Within One Year
9-12-10: Change of Use
9-12-11: Expansion Permitted

9-12-1: Purpose

The purpose of this chapter is to govern and regulate to continuance, abandonment, alteration and repair of nonconforming uses and noncomplying structures. The general intent of this chapter is to 1) allow for indefinite continuation of completed structures and legally vested uses that are contained within a completed structure that become noncompliant or nonconforming due to subsequent ordinance changes and 2) allow for the continuation of legally vested uses that become nonconforming due to subsequent ordinance changes when the use is not contained within a structure, only so long as the use is not abandoned for more than a year.

9-12-2: Noncomplying Structures and Contained Nonconforming Uses

Any structure built in accordance with County Ordinance and Utah State law in effect at the time of construction shall be unaffected by future additions or modifications to County Ordinances made effective after the time that the structure is completed. Said structures shall be referred to as noncomplying structures. Any use that is contained wholly or substantially within a structure shall also be unaffected by future additions or modifications to County Ordinances made effective after the time that the structure is completed so long as the use was allowed, or not prohibited, by County Ordinance at the time the use was initiated. Said uses shall be referred to as contained nonconforming uses.

9-12-3: Noncomplying Structure Additions and Enlargements

A noncomplying structure may be added to or enlarged in any manner so long as the additions and enlargements are made to conform to all current County Ordinances. The Land Use Authority may waive specific building code requirements if recommended by the building official after application is made by the land owner.

9-12-4: Noncomplying Structure Repairs and Structural Alterations

A noncomplying structure may be repaired so long as the repair does not alter the safety and structure of the building. A noncomplying structure may be altered or modified structurally so long as the alterations or modifications comply with current County building code requirements. The Land Use Authority may waive specific building code requirements if recommended by the building official after application is made by the land owner.

9-12-5: Alterations Where Parking is Insufficient

A building or structure lacking sufficient automobile parking space as required by this Ordinance may not be altered or enlarged unless additional automobile parking space is supplied to meet the requirements of this Ordinance.

9-12-6: Restoration of Damaged Structures

A noncomplying structure or the structure of a contained nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, may be restored and the occupancy or use of such structure or part thereof, which was existing at the time of such damage of destruction, may be continued or resumed provided that such restoration is started within a period of one year and is diligently pursued to completion.

9-12-7: Nonconforming Use of Land

Any use not contained substantially within a structure, which was allowed, or not prohibited by county ordinance at the time the use was initiated may continue so long as the use is not abandoned. Abandonment shall be governed by Utah State Code. Nonconforming uses shall not be enlarged or extended on the same or adjoining piece of land.

9-12-8: Presumption of Existence

For purposes of this chapter any noncomplying structure is presumed to be in compliance with the ordinance and law in effect at the time of completion. Completion may be established by a completed building permit or certificate of occupancy or any other documentation sufficient to show that the construction of the structure was complete. For purposes of this chapter any contained nonconforming use is presumed to exist 1) at the time of completion of the structure associated with the use if the purpose of the structure was for the contained nonconforming use and the use was allowed or not prohibited at the time of completion; or 2) at the time the use was initiated. Initiation of a contained nonconforming use may be established by any evidence sufficient to show that the use was initiated. The property owner shall have the burden of establishing other nonconforming uses without the benefit of a presumption.

9-12-9: Occupation Within One Year

An existing vacant structure or parcel of land may be occupied by a nonconforming use for which the structure was designed or intended if so occupied within a period of one year after the intended use became or becomes nonconforming. This section shall be considered an additional means of establishing a nonconforming use. This section shall not be construed as to further restrict any other section in this chapter. Specifically, this section does not put a time restriction on the rights afforded under any other section in this chapter.

9-12-10: Change of Use

The nonconforming use of a structures or land may be changed to a conforming use. A contained nonconforming use may be reinitiated at any time after discontinuation. Other nonconforming uses shall not thereafter be reinstated if abandoned, intentionally discontinued or changed to a conforming use.

9-12-11: Expansion Permitted

A contained nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

CHAPTER 13. PARKING AND LOADING SPACE

SECTION:

9-13-1: Purpose
9-13-2: Scope
9-13-3: Parking Required
9-13-4: Space Size
9-13-5: Parking Requirements for Residential Areas
9-13-6: Commercial Parking Lot Requirements/Uses Table
9-13-7: Location of Parking Spaces
9-13-8: Shared Parking Facilities
9-13-9: Parking Lot Requirements
9-13-10: Parking Lot Lights
9-13-11: Loading Spaces
9-13-12: Accessible Parking
9-13-13: Submittal of Parking, Loading and Circulation Plans
9-13-14: Uses Not Specifically Identified

9-13-1: Purpose.

The purpose of this chapter is to assure the provision and maintenance of street parking and loading facilities in proportion to the parking and loading demand of land uses. The requirements of this chapter are intended to assure useful parking and loading facilities, to protect public safety, and to mitigate adverse land use impacts.

9-13-2: Scope.

The requirements of this chapter are applicable to all new development requiring motor vehicle access under the provisions of this title. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this title, this code, and other laws.

9-13-3: Parking Required.

At the time of site plan approval of any building or issuance of a building permit a site plan indicating no less than the minimum of parking spaces as shown in the

use tables with adequate provisions of ingress and egress by standard sized automobiles shall be required.

9-13-4: Space Size.

The dimensions of each street parking space shall be at least 9 feet by 18 feet for diagonal or 90 degree spaces, or 9 feet by 22 feet for parallel spaces, exclusive of access drives or aisles.

9-13-5: Parking Spaces Required for Residential Areas.

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

1) Single-Family Dwelling: (2) parking spaces per single-family dwelling.

2) All Other Dwellings: All other dwellings, including two-family, multiple-family and group shall have (2) parking spaces per unit.

9-13-6: Commercial Parking Requirements/Uses Table.

The number of parking spaces required for all nonresidential developments shall be as follows:

Uses Table:

Commercial Uses	**Parking Spaces Required**
Airports, heliports	1 space per aircraft tie down or aircraft storage
Bowling alleys and billiard halls	2 spaces for each alley, plus 1 spaces for each billiard table contained therein
Business or professional offices	1 space for each 250 square feet of gross floor area (outside building measurements)
Churches, sports arenas, auditoriums, theaters, assembly halls, lodge halls, or other meeting rooms	1 space for each 6 seats of total seating capacity, plus 1 space per 35 square feet of assembly area within the main auditorium where there are no fixed seats
Furniture stores, appliance stores and lumber yards	1 space for each 600 square feet of floor area
Golf courses	1 space per hole

Golf driving ranges	.5 space per tee
Health and studios and spas	1 space for each 250 square feet of gross floor area or 10 spaces minimum, whichever is greater
Hospitals	1parking space per each bed
Hotels, motels, motor hotels	1 space for each living or sleeping unit, plus 2 spaces for resident manager or owner
Kennel	1 space per 600 square feet of gross floor area plus 1 space per employee
Libraries	1 space for each 300 square feet of gross floor area
Manufacturing plants, warehouses, storage buildings or structures especially for storage purposes	1 space for each 1,000 square feet of gross floor area and 1 space for each 250 square feet of office or sales area or as may be required by the Planning Commission. Adequate parking spaces shall be provided for all employees and/or customers at all times regardless of number of spaces that may be required.
Marina-boat and water craft storage sales and repair	1 space per employee plus 1 space per 1,000 square gross floor area
Medical Facilities	1 space per employee plus 1 space per 1,000 gross floor area
Mortuaries and funeral homes	5 spaces, plus 1 space for each 35 square feet of assembly room floor area
Motor vehicle sales, automotive repair and service commercial	1 space for each 400 square feet of gross floor area
Movie Theater	1 space per 10 seats
Nursing homes	1 space for each 3 beds
Professional Residential Facility: Recovery home, Residential Treatment facility, Life care treatment facility	1 space per employee on the largest shift; plus one space for every 4 residents
Reception Center	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats
Restaurants, taverns, lounges, drive-in, drive-thru, take out restaurants	10 spaces minimum or 1 space for each 100 square feet of gross floor area, whichever is

and other establishments where food or beverages are consumed	greater
Retail stores and shops, commercial banks, savings and loan offices, other financial institutions, general retail stores, food stores, supermarkets, drug stores and other similar commercial businesses	1 space for each 250 feet of gross floor area. For commercial centers containing 500 or more spaces, spaces in excess of 500 shall be calculated on the basis of 1 space for each 500 square feet of gross floor area
Service commercial businesses-businesses such as electrical, plumbing, cabinets, printing and other similar shops	1 space for each 250 feet of gross floor area. For commercial centers containing 500 or more spaces, spaces in excess of 500 shall be calculated on the basis of 1 space for each 500 square feet of gross floor area
Skating rinks, ice or roller	1 space for each 250 square feet of gross floor area or 10 stalls, whichever is greater
Swimming Pools (commercial)	1 space for each 100 square feet of water surface or 10 stalls, whichever is greater
Tennis, handball and racquetball courts (commercial)	6 spaces minimum or 2 spaces per court, whichever is greater
Vehicle and equipment rental or sale	1 space per 250 square feet of gross floor area, plus 1 space for every 10 vehicles displayed
Veterinary hospitals	1 space per 1,000 square feet of gross floor area
Warehouse Uses	1 space per employee on largest shift plus 1 space per 1,000 feet of gross floor area
Educational Uses	**Parking Spaces Required**
Elementary	2 spaces per classroom
Senior high schools and Junior high schools	1 space for each faculty member, plus 1 space for each 6 regularly enrolled students
Colleges, universities, trade schools, etc.	1 space for each faculty member, plus 1 space for each 3 students
Day nurseries, including preschool and nursery schools	1 space for each staff member, plus 1 space for each 10 children for which said establishment is licensed
Schools having an arena or auditorium shall meet the requirements of this section for “churches sports arenas…” whichever is greater, but not combined	

Manufacturing Uses	**Parking Spaces Required**
Automobile wrecking yard, Freight terminal, Heavy industry, Junk or salvage yard	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater
Manufacturing, Mineral extraction, Wholesale and warehousing	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater

9-13-7: Location of Parking Spaces.

Parking spaces as required above shall be on the same lot or on a public street or public parking lot within 500 feet. The Land Use Authority may approve community parking plans, or parking garages, or other arrangements, or agreements with site specific plans with the main building, or, in the case of buildings, other than dwellings, may be located not further than 500 feet there from.

9-13-8: Shared Parking Facilities.

Shared parking facilities may be used jointly with parking facilities for other uses when operations are not normally conducted during the same hours, or when peak uses vary. Requests for shared parking are subject to the approval of the Land Use Authority. Requests shall be subject to the following guidelines:

1) Conflict During Peak Demand: Sufficient evidence shall be presented to show that there will be no substantial conflict in the periods of peak demand of uses for which the joint use is proposed.

2) Distance From Use: Parking facilities should not be located further than 500 feet from any use proposing to use such parking.

3) Written Agreement: A written agreement shall be executed by all concerned parties assuring the continued availability of shared parking facilities in the event that one of the uses shall be sold or otherwise change ownership or management.

9-13-9: Parking Lot Requirements.

Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of asphalt or concrete composition or 4" gravel road base.

Any parking lot adjacent to a residential zone shall be appropriately screened by a masonry wall or solid visual barrier fence or by other means not less than (6) feet in height. Lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises.

Each parking lot shall be permanently maintained.

9-13-10: Parking Lot Lights.

Parking lots used during hours of darkness shall be lighted by standards, a maximum of 16 feet in height above grade and using indirect, hooded light sources. Down Lighting: To protect the views of the night sky, all outside lighting shall be "down lighting" so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded or hooded so that no light is allowed to spill onto adjacent properties.

9-13-11: Off Street Loading Space.

On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date of this Ordinance for manufacturing, warehouse, grocery, hospital, or other use similarly involved the receipt or distribution by vehicle of materials or merchandise there shall be provided at the side or rear of the building and maintained on the lot adequate space for public use of streets or alleys. All off street loading spaces or docking areas shall be located at the side or rear of the building or structure and be appropriately screened from adjacent residential zones.

9-13-12: Accessible Parking.

Required: Any parking area to be used by the general public shall provide accessible parking spaces. Accessible Parking spaces shall conform to the standards of the “International Building Code” and the “Uniform Federal Accessibility Standards Manual".

9-13-13: Submittal of Parking, Loading and Circulation Plans.

Detailed plans for off street parking, loading, circulation, and screening shall be submitted to the Land Use Authority for approval. Said plans shall be in compliance with all standards and provisions set forth in this Ordinance and shall receive written approval of the Land Use Authority prior to the issuance of a building permit. Appropriate filing fees shall be determined by the Land Use Authority and submitted with each plan.

Notwithstanding all provisions of this section, all commercial, industrial and professional developments and all other nonresidential uses of land shall provide sufficient parking for all employees, business vehicles and equipment, customers, clients and patients of such business, industry or professionally used property, as may be required by the Planning Commission in addition to spaces presently required by this title.

9-13-14: Uses Not Specifically Identified.

For all parking uses not listed in this chapter, the Land Use Authority may determine the number of spaces required based upon the nearest comparable use standard available.

CHAPTER 14. MOTOR VEHICLE ACCESS

SECTION:

9-14-1: Intent and Purpose
9-14-2: Business Requiring Access

9-14-1: Intent and Purpose.

To provide adequate ingress and egress to and from all uses of land shall be provided as follows herein.

9-14-2: Business Requiring Access.

Service stations, roadside stands, public parking lots and other businesses requiring motor vehicle access shall meet the requirements as prescribed in the Utah State Department of Transportation's manual entitled "Regulations for the Control and Protection of State Highway Rights-of-Way" where such access is on a Utah Department of Transportation right of way.

CHAPTER 15. CONDITIONAL AND TEMPORARY USES

ARTICLE A: CONDITIONAL USES

SECTION:

9-15A-1: Purpose
9-15A-2: Conditional Use Permit Process
9-15A-3: Appeals
9-15A-4: Inspections
9-15A-5: Time Limit
9-15A-6: Expansion
9-15A-7: Revocation

9-15A-1: Purpose.

A conditional use, because of its unique characteristics or potential impact on the county, surrounding neighbors or adjacent land uses, may not be compatible in some areas of Kane County, Utah or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

9-15A-2: Conditional Use Permit Process.

An approved Conditional Use Permit shall be required for each conditional use listed in this Ordinance. No building permit, other permit or license shall be issued for a conditional use by any officer or employee of Kane County unless a Conditional Use Permit shall have been approved by the Kane County Land Use Authority:

1) Application for a Conditional Use Permit shall be made at the office of the Kane County Land Use Authority on forms provided for that purpose. Return the completed application to the Land Use Authority Administrator two weeks prior to the next scheduled Planning Commission meeting. The Administrator will schedule the Conditional Use Permit request on the Planning Commission's agenda.

2) Development Plan: The applicant for a Conditional Use Permit shall prepare a site plan of the proposed buildings, fences,

landscaping, automobile parking and loading areas, and any other information the Land Use Authority may deem necessary.

3) Fee: The application for any Conditional Use Permit shall be accompanied by the appropriate fee as determined by the Board of County Commissioners.

4) Hearing: A public hearing need not be held; however, a hearing may be held when the Land Use Authority shall deem a hearing to be necessary to serve the public interest.

5) Land Use Authority Action: The Land Use Authority shall approve a Conditional Use Permit if conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any Conditional Use Permit, the Land Use Authority may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

a. assurance that the use will not be detrimental to the health, safety, comfort, order, or general welfare of persons residing or working in the vicinity;
b. assurance the use will:
   i) comply with the intent, spirit and regulations of the Kane County Land Use Ordinance and Kane County General Plan;
   ii) make the use harmonious with other neighboring uses in zone;
c. the site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, order, dust, visibility, safety, and aesthetic considerations;
d. evidence that all required public facilities have adequate capacity to serve the proposed conditional use;
e. limiting the hours, days, place and/or manner of operation;

f. requiring size or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, order and/or dust;
g. requiring larger setback areas, lot area, and/or lot depth or width;
h. limiting the building height size or lot coverage, and/or location on the site;
i. designating the size, number, location and/or design of vehicle access points or parking areas;
j. requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:
   i) an essential link exists between a legitimate governmental interest and each exaction; and
   ii) each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;
k. requiring landscaping, screening, drainage, water quality facilities and/or improvements of parking and loading areas;
l. limiting the number, size, location, height and/or lighting of signs;
m. limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
n. requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
o. requiring and designating the size, height, location and/or materials for fences;
p. encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;
q. requiring the protection and preservation of groundwater recharge areas;
r. limiting noise generation;
s. minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;
t. requiring turn-lane improvements at street intersections when:
   i) an unsafe condition would be created by the development without the improvements; or

ii) the projected increase in traffic generated by the new or expanded use will lower the level of service;

u. providing for emergency access;

v. requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;

w. requiring approval of septic and of water systems;

x. requiring buildings to be built to specific requirements

y. Cell Tower fall zone conditions and setbacks: The minimum lot area for such uses shall include all lands within the circumference of the fall zone, the radius of which shall be the height of the tower. All cell towers must adhere to the zone setback requirements.

6) In approving a Conditional Use Permit, the Land Use Authority shall find:

a. That the proposed use is necessary or desirable and will contribute to the general well-being of the community;

b. That the use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity;

c. That the proposed use is in harmony with the intent of the General Plan and the zone in which it is located.

9-15A-3: Appeals.

Appeal of any decision of the Land Use Authority shall be to the Appeal Authority. Appeal shall be in writing and shall be filed at the office of the Land Use Authority not more than thirty (30) days after the written decision by the Land Use Authority. The Appeal Authority may affirm, modify or reverse the decision of the Land Use Authority. However, the Appeal Authority shall present, in writing, the reasons for its action.

9-15A-4: Inspection.

The Building Official shall inspect the conditional use during the course of construction to insure that it complies with the conditions of the permit.

9-15A-5: Time Limit.

Action authorized by a Conditional Use Permit must commence within one (1) year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown.

9-15A-6: Expansion.

No use or structure in which a conditional use is located may expand without the approval of the Kane County Land Use Authority. Before expanding, the applicant shall present to the Kane County Land Use Authority a Development Plan. No public hearing need be held. However, the Kane County Land Use Authority may deem a hearing necessary.

9-15A-7: Revocation.

A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and upon failure to comply with all local, state, and federal laws, including remaining current on property tax payments.

ARTICLE B. TEMPORARY USE PERMITS

SECTION:

9-15B-1: Purpose
9-15B-2: Temporary Use Permit Process
9-15B-3: Considerations
9-15B-4: Requirements
9-15B-5: Temporary Asphalt or Concrete Batch Plant
9-15B-6: Temporary Field Office
9-15B-7: Temporary Sales office
9-15B-8: Temporary Recreational Vehicles
9-15B-9: Resubmittals - Appeals
9-15B-10: Termination
9-15B-11: Expiration – Extensions
9-15B-12: Allowed Temporary Uses

9-15B-1: Purpose.

The purpose of this section is to provide for a Temporary Use Permit and standards for the permitting process for non-permanent uses in order to protect the health, safety and general welfare of the public and surrounding zones and to avoid uses which will be detrimental to adjacent properties.

9-15B-2: Temporary Use Permit Process.

Unless otherwise stated in this Ordinance, temporary activities shall be allowed upon the issuance of a temporary use permit by the Land Use Authority. The Land Use Authority may issue a Temporary Use Permit after the applicant has provided the following information:

1) A description of the proposed temporary use, the proposed beginning and ending dates, and the proposed hours of operation.

2) A description of the property to be used for the temporary use, including the location of the use in relation to other buildings, and the location of streets to be used for access.

3) Sufficient information to determine that adequate provisions for trash disposal and sanitary facilities shall be provided.

4) Additional information required by the Land Use Authority in order to ensure surrounding land uses are not negatively impacted by the temporary use.

5) Any provision set forth in the conditional use permit process that may be deemed necessary for a temporary use.

9-15B-3: Considerations.

The applicant of a Temporary Use Permit shall demonstrate that the considerations listed below have been addressed. If an application is denied, the denial shall specify which of these considerations, if any, were not addressed to the satisfaction of the Land Use Authority:

1) Circulation: The effect on local traffic and the location of access points to the property.

2) Adjacent Property: The effects of the proposed use on nearby property, including but not limited to the effects of noise, glare, odor, and traffic.

3) Refuse and Service areas: The amount of refuse and service areas (garbage receptacles and bathrooms) necessary for the proposed use, the location of the refuse and service areas, and a plan for adequate maintenance of the areas.

4) Utilities: Location and availability of utilities.

5) Screening and Landscaping: Installation of screening and fencing where necessary to protect adjacent property.

6) Compatibility: The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.

7) Any other review factors which the Land Use Authority considers to be appropriate to the property in question.

9-15B-4: Requirements.

The Land Use Authority may approve, approve with additional requirements or deny a Temporary Use Permit application. If additional requirements are deemed appropriate, the Land Use Authority may place requirements on the temporary use as part of the approval to assure that adequate mitigation measures are associated with the use. The requirements shall become part of the temporary use permit approval. Violations of any of the requirements shall be treated in the same manner as other violations of this title.

9-15B-5: Temporary Asphalt or Concrete Batch Plant.

Temporary asphalt or concrete batching plants may be approved by the Land Use Authority subject to the following additional requirements:

1) The batch plant shall not be located within 600 feet of a residence.

2) Hours of operation, defined as any activity that results in producing an asphalt or concrete product, shall be limited to Monday through Friday, beginning one half hour before official sunrise and ending one half hour after official sunset, unless the plant is located more than 5,000 feet from a residence or a commercial facility.

3) The batch plant permit shall be valid for a maximum (6) six month period, unless an extension is approved by the Land Use Authority for a second 6 month period (maximum of one (1) year).

4) No portion of the batch plant or its operation shall be located on a public or private street.

5) The batch plant shall only furnish concrete, asphalt, or both, to the specific project for which the Temporary Use Permit is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.

6) The temporary plant shall be operated in a manner that minimizes dust, noise and odor to meet the requirements of the Utah State Department of Environmental Quality, including, but not limited to, covering trucks, hoppers, chutes, loading and unloading devices

and mixing operation, and maintaining driveways and parking areas free of dust.

7) The site must be clear of all equipment, material and debris upon completion of the project.

8) All public improvements that are damaged during the operation of the temporary batching plant must be repaired or replaced within 30 calendar days of completion of the project.

9) A reclamation bond shall be required sufficient to ensure restoration of the site to original or other substantially beneficial condition consistent with local plans.

10) At termination of the permit and/or removal of plant, permittee shall notify the Land Use Administrator. The permittee or its agent shall conduct an inspection with the Land Use Administrator to verify sufficient restoration in compliance with county standards.

9-15B-6: Temporary Field Office.

A permit for a temporary field office may be approved by the Land Use Authority under this article under the following requirements:

1) The structure or shelter shall be used in connection with an approved development or building project and is located on the site of the project.

2) The structure shall be used only as an administrative and supervisory office and/or for sheltering employees and equipment during the construction phase of a project.

3) The structure or shelter shall be promptly removed following the completion of the development or project.

9-15B-7: Temporary Sales Office.

A temporary sales office may be approved by the Land Use Authority, subject to the following additional requirements:

1) The sales office is used for the sale of property within a subdivision under construction.

2) The sales office is located on land located within the subdivision.

3) The sales office is removed within one (1) year of completion of the subdivision construction.

9-15B-8: Temporary Recreational Vehicle.

1) Upon application of the land owner, the Land Use Authority may approve a Temporary Use Permit for the occupation of more than two recreational vehicles on one residential property depending upon the size and contour of the property.

2) Upon application of the land owner, the Land Use Authority may approve a Temporary Use Permit for the occupation of recreational vehicles on one residential property for a period exceeding six (6) months but not more than nine (9) months in any calendar year.

9-15B-9: Resubmittals – Appeals.

An application for a temporary use which has been denied may be resubmitted only if there has been a substantial change in circumstances as determined by the Land Use Administrator. Appeals to all final Land Use Administrator and Planning Commission decisions shall be made to the Appeal Authority within 30 days of denial of the Temporary Use Permit.

9-15B-10: Termination.

1) A Temporary Use Permit shall become null and void in the following cases:

   a. The use for which the permit was approved is terminated.
   b. The time granted for the use in the approved permit has expired.
   c. The Land Use Authority or other county agent as assigned finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

2) The site shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within (5) five days after the use is terminated.

3) Temporary Use Permits granted for onsite construction must remove the mobile home or recreational vehicle from the premises and the utilities disconnected within thirty (30) days after the property owner receives a certificate of occupancy for the permanent dwelling. Recreational vehicles may be properly stored on the property.

9-15B-11: Expiration – Extensions.

Temporary Use Permits shall expire six (6) months from the date of approval or when the temporary use for which the permit was issued has terminated, whichever is sooner. The Land Use Authority may grant an extension of up to an additional six months for each extension. Unless otherwise stated in this article, no Temporary Use Permit shall extend beyond a maximum of three (3) years.

9-15B-12: Allowed Temporary Uses.

The temporary uses listed in this section shall not require a permit but shall be conducted in compliance with the other requirements listed in this Article and shall comply with all other state and local laws and ordinances.

1) Temporary commercial sales or special events conducted by the owner of the property for a period not exceeding thirty (30) days, including, but not limited to, farmers' market, Christmas tree sales, garage/yard sale, produce stand.

CHAPTER 16. SIGN REGULATIONS

9-16-1: Purpose and Scope.

The purpose of this chapter is to coordinate the type, placement, and physical dimensions of signs within the various zones established by this ordinance. Such coordination is necessary: 1) to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, and property; 2) to preserve the beauty and the unique character of Kane County; and 3) to maintain a responsible communications system by setting requirements for the location, size, height, number, lighting, and type of signs that will be compatible with the landscape of Kane County.

The primary intent of this chapter shall be to regulate signs of a commercial nature intended to be viewed from any vehicular right-of-way. The following signs are not regulated by this chapter:

1) Signs not exceeding four square feet normally associated with residential uses and that are not of a commercial nature, such as (i) signs giving property identification names or numbers or names of occupants, (ii) signs on mail boxes or newspaper tubes, and (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

2) On-premise advertising signs that are attached to windows or walls and are clearly of a temporary nature, which promote specific sales.

3) Official traffic regulation and other government signs.

4) Flags, pennants, or insignia of any government or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

5) Signs which are associated with school or church events and functions, which are clearly of a temporary nature.

6) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

7) One non-illuminated real estate sign per lot or premise, not to exceed six square feet in sign area. Such signs must be removed ten days following sale, rent or lease.

8) Election signs which are erected prior to the election or referendum concerned. Such signs shall be removed not later than seven days following said election or referendum. Election signs may be placed only on private property, with the permission of the property owner.

9) Yard/Garage Sale Signs: Such signs which are erected must be removed within one week following the event.

9-16-2: Effect of the Utah Outdoor Advertising Act.

The Utah State Legislature has passed legislation which regulates outdoor advertising, including eminent domain and outdoor advertising along interstate, federal aid primary highway, and national highway systems which are zoned commercial or industrial or other unzoned commercial or industrial areas (Utah State Code §§ 17-27a-511, 512 and Utah State Code §§72-7-501 et seq.). Kane County contains four such roads, including U.S. 89, State Road 9, U.S. 89A, and State Road 14. The Utah Department of Transportation and the "Manual of Uniform Traffic Control Devices for Streets and Highways" maintains a permitting process for advertising along these roads. Any person or firm desiring to install a sign adjacent to the above roads shall obtain the necessary state permit after receiving all Kane County approvals and permits. Kane County reserves the right to impose more restrictive standards for signs along the above roads.

9-16-3: Definitions.

The following terms are defined for the purposes of this chapter as follows:

1) Animated Signs. Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

2) Awning Sign. A sign painted on, printed on, or attached flat against the surface of an awning.

3) Balloon Sign. Any inflatable or floating sign or advertising device that is affixed to or displayed at a place of business. Examples are blimps, hot air balloons and inflatable figures.

4) Billboard. See off premise sign.

5) Canopy. A sign attached to a building extending in whole or part more than 24 inches beyond any wall of the building generally provided for protection from the weather.

6) Changeable Copy Sign (Automatic). A sign on which the copy changes automatically on a lamp bank or through mechanical means, such as electrical or electronic time and temperature units.

7) Construction Sign. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property upon which the sign is located.

8) Flashing Sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention.

9) Freestanding Sign. A sign supported upon the ground by poles or braces and not attached to any building.

10) Ground Sign. A sign supported by a fixed, permanent frame, supported in the ground.

11) Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

12) Marquee Sign. Any sign attached to or supported by a permanent canopy of rigid materials supported by and extending from the façade of a building.

13) Monument Sign. A sign which is incorporated into the language or architectural design scheme which displays the name of uses or buildings. Any premises sign which is mounted directly to the ground having a foundation or pedestal that is at least sixty percent (60%) of the width of the actual sign structure and meeting the standards for height set for monument signs.

14) Nonconforming Sign. A sign or sign structure or portion thereof lawfully erected and existing at the effective date of this chapter which does not comply with all regulations prescribed by this chapter and the zoning district in which it is located.

15) Off-premise Sign. A sign which directs attention to use, product, commodity, or service not related to or located upon the premises on which the sign is located such as billboards or outdoor advertising.

16) On-premises Sign or Appurtenant Sign. Any sign which advertises products, services, development projects, or business establishments which are located, conducted, manufactured or sold upon the same premises on which the sign is erected.

17) Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

18) Roof Sign. Any sign erected over or on the roof of a building.

19) Sign. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

20) Sign, Area of. The area of a sign that is used for display purposes, excluding the minimum frame and supports. Only the largest face of any double-sided or multi-faced sign shall be considered in calculating the sign area. In relation to signs that do not have a frame or separate background, sign area shall be calculated on the basis of the area of the smallest, single, continuous geometric figure large enough to frame the display.

21) Sign, Maintenance of. The cleaning, painting, repair, or replacement of defective parts of a sign that does not alter the basic copy, design, or structure of a sign.

22) Sign, Setback of. The minimum distance which any portion of a sign or sign structure shall be from any street right-of-way line and yard line contiguous with a street.

23) Snipe Sign. A temporary sign or poster affixed to a tree, fence, utility pole, supports for another sign, etc.

24) Temporary Sign. A sign that is up for 60 days or less, in a twelve month period.

25) Wall Sign. Any sign posted, or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee of a building located on the site to which the sign pertains and is attached to the outside wall of a building and extending no more than 24 inches from such wall, with copy of the face side only.

26) Window Sign. A sign installed inside a window and intended to be viewed from the outside.

9-16-4: General Sign Provisions.

1) Signs to Conform. It shall hereafter be unlawful for any person to erect, raise, move, reconstruct, enlarge, alter, place or maintain a sign in Kane County except in accordance with the provisions of this chapter.

2) Nonconforming Signs. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless such sign is changed so as to conform to the provisions of this chapter. Alterations shall also mean the changing of the text or message that the sign is conveying from one use of the premise to another use of the premise and the changing of ownership of the sign when such ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy of off-premise advertising signs, theater signs, outdoor bulletin, or other similar signs which are designed to accommodate changeable copy.

3) Signs not to constitute a Traffic Hazard. Signs or other advertising structures shall not be erected at the intersection of any streets or

driveways in such a manner as to obstruct free and clear vision. This includes any location where by reason of the position, shape or color of a sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal device. Such signs shall not make use of the words “Stop”, “Danger”, or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse vehicle operators.

4) Clear Vision of Intersecting Streets. No sign shall be erected in a manner that will interfere with vehicular or pedestrian traffic or any intersection, traffic and other public signs.

5) Signs on Public Property. No sign regulated by this chapter shall be located on publicly owned land or inside street rights-of-way except signs required and erected by an authorized public agency. This stipulation includes, but is not limited to, handbills, posters, advertisements, or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamp post, utility pole, hydrant, bridge, tree, rock, sidewalk, or street.

6) Prohibited Signs. Signs not specifically allowed by this chapter are prohibited. In addition, the following signs are specifically prohibited:

a. Abandoned signs;
b. “A” Frame signs;
c. Snipe signs;
d. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign;
e. Signs containing statements, words, or pictures of an obscene, indecent or immoral character.

7) Maintenance. All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. Signs relating to a product no longer available for purchase, or to a business which has moved, shall be removed or the advertising copy removed within 30 days of such unavailability, closure or relocation.

8) Ownership. The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

9) Lighting. No illuminated sign shall be installed which permits the direct or undiffused light to penetrate beyond the sign in such a manner as to interfere with the use of adjacent properties. Sign illumination shall be by internal illumination or by attached shielded lighting. Any such lights alleged to violate the above shall be subject to a public hearing before the Land Use Authority as to the validity of the alleged violation. Such hearing shall be conducted in accordance with the procedures outlined in the Kane County Land Use Ordinance Chapter 9-15A-2.

10) Indemnification. All persons involved in the maintenance, installation, alteration, or relocation of signs in Kane County shall agree to hold harmless and indemnify Kane County, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign.

9-16-5: Regulations of Signs by Zone.

Refer to Table on Following Pages. Except as detailed otherwise in this section, no sign may exceed 25 feet inheight.

9-16-6: Construction Specifications.

1) Compliance with Building and Electrical Codes. All signs shall be constructed in accordance with the requirements of the most current versions of the federal, state, local, and National Electrical Code as adopted by Kane County.

2) Anchoring.

a. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in the wind;
b. All freestanding signs shall have self-supporting structures erected on or permanently attached to any form, shape, or manner which will interfere with any opening required for ventilation;

c. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on the voltages concerned. However, in no case shall a sign be installed closer than 36 inches horizontally or vertically from any conductor or guy wire.

9-16-7: Administration and Enforcement.

1) The Land Use Authority Administrator or any authorized employee of Kane County to Enforce. The duly appointed officers of Kane County shall be responsible for the enforcement and administration of this chapter. The Building Official or any authorized employee of Kane County shall inspect each sign and its structural and electrical connections to ensure compliance with all duly adopted codes and ordinances.

2) Permit Applications. All applications to permit a sign shall be made to the Building Official upon the standard building permit form used by Kane County. If it's determined that the proposed sign requires a Conditional Use Permit under the provisions of this chapter, the applicant shall be directed to follow the procedures outlined in Chapter 15, Conditional and Temporary Uses.

3) Permit Fees. All applications for permits filed with the Building Official shall be assessed a fee in accordance with the duly adopted building permit fee schedule of Kane County, which is based on the value of a structure. The value to be used in computing the permit fee shall be the total value of all construction work for which the permit is issued as well as all finish work. If a Conditional Use Permit is also required, the fee required by Section 9-15A-2, (3) OF THIS Ordinance shall also be assessed.

9-16-8: Regulation of Signs By Zone.

Except as detailed otherwise in this section, no sign may exceed 25 feet in height.

Zone	Sign	Size	Height	Location	Other
All Zones	Construction	Sign shall not exceed 96 sq. ft. per lot	12 ft. max.	On private property	Sign must be removed 6 months from final building inspection that allows occupancy or when 100% of the facilities are occupied, whichever occurs first.
	Bed & Breakfast Sign	No larger than 6 sq. ft.		Attached to home or over hanging sign	No lights shall be used in a residential zone.

Zone	Sign	Size	Height	Location	Other
(C)	Off-premise Sign	Sign shall not exceed 128 sq. ft.	25 ft. max.	One per parcel or lot with 15 foot setback	Illumination may be built into or attached on to a sign unless exposed to a dwelling. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign and no flashing or intermittent illumination shall be employed.
	On-premise ground or projecting	Sign shall not exceed 56 sq. ft.	25 ft. max.	15ft. setback; one per parcel or lot	Illumination may be built into or attached on to a sign unless exposed to a dwelling. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign and no flashing or intermittent illumination shall be employed.
	Window	Window signs shall not exceed 12 sq. ft. per use			
	Wall	Sign shall not exceed 25% of a wall area	Shall not exceed 25% of the buildings front or side face.		Illumination may be built into or attached on to a sign unless exposed to a dwelling. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign and no flashing or intermittent illumination shall be employed.
	Monument	Sign shall not exceed 56 sq. ft.	6 ft. 10 ft. max.	10 ft. min. setbacks; one per parcel or lot	A monument sign can only be utilized if no ground or projecting sign is used. Illumination may be built into or attached on to a sign unless exposed to a dwelling. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign and no flashing or intermittent illumination shall be employed.

	Balloon	Balloon signs are subject to Conditional Use			
	Roof	Roof sign area will be included in the total allowed wall sign area for the wall over which the roof sign is erected	10 ft. above roof max.	One per structure	Roof sign may substitute for a ground or projecting sign but is subject to Conditional Use review. The Land Use Authority may deny a sign or set more restrictive conditions.

Zone	Sign	Size	Height	Location	Other
M	Off-premise Note: Signs adjacent to Highways 89, 9, 89A & 14 require UDOT permit	Maximum Size Allowed per side (sq ft) 20 30 40 50 60 70 80 90 100 110 128	Max. in ft. 10 12 14 16 18 20 22 24 24 24 25	Distance from State ROW 0 5 10 15 20 25 30 35 40 45 50 & more	Spacing between off-premise signs shall be 500' when located adjacent to an interstate highway.
	Wall	The sign shall not exceed 25% of a wall area	10 ft. max..	One per parcel or lot	Illumination may be built into or attached on to a sign unless exposed to a dwelling . Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign and no flashing or intermittent illumination shall be employed.
	On-premise ground or projecting	128 sq. ft. for free standing on-premise sign	25 ft. max.	10 ft. min. setback and one sign per 500 ft. of frontage or part thereof	Illumination may be built into or attached on to a sign unless exposed to a dwelling. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign and no flashing or intermittent illumination shall be employed.
	Balloon				Balloon signs are subject to Conditional Use
	Roof	Roof sign area will be included in the total allowed wall sign area for the wall over which the roof sign is erected.	10 ft. max. above roof	One per roof of a commercial or manufacturing structure	Roof sign may substitute for a ground or projecting sign but is subject to Conditional Use review. The Land Use Authority may deny a sign or set more restrictive conditions.
	Monument	The sign shall not exceed 64 sq. ft.	10 ft. max.	10 ft. minimum setback; one per lot or parcel	A monument sign can only be utilized if no ground or projecting sign is used
R	Not Permitted				
A	See chart for Manufacturing Zone				

CHAPTER 17. MOBILE HOME PARKS

SECTION:

9-17-1: Purpose
9-17-2: Mobile Home Location and Use
9-17-3: Mobile Home Park Approval
9-17-4: Mobile Home Park Application

9-17-1: Purpose.

To permit development of mobile home parks, as defined herein, in appropriate zones and to require that mobile home accommodations will be of such character as to promote the objectives and purposes of this chapter, to protect the integrity and character of the districts contiguous to those in which mobile home parks are located, and to protect other use values contiguous to or near mobile home park uses.

9-17-2: Mobile Home Location and Use.

1) Mobile home as herein defined shall be located, placed, used or occupied only within an approved mobile home park, or by a Conditional Use Permit in an Agricultural Zone.

9-17-3: Mobile Home Park Approval.

Mobile home parks may not be constructed unless development plans are first approved by the Land Use Authority and County Commission. Such proposals will:

1) Be developed according to approved plans.

2) Have access from a principal public thoroughfare.

3) Have written approval of the State Division of Health.

4) Be in keeping with the general character of the zone in which it is located.

9-17-4: Mobile Home Park Application.

1) An overall plan for development of a mobile home park shall be submitted to the Land Use Authority Administrator for review. The plan shall be drawn to a scale no smaller than one inch to 50 feet. At least eight copies of the plan shall be submitted. The plan shall show:

   a. The topography of the site represented by contours, shown at intervals not greater than two feet when required by the Kane County Engineer;
   b. A grading and drainage plan detailing geologic and flood hazards shall be submitted to the Land Use Authority Administrator with the application;
   c. Any proposed reservations for parks, playgrounds, open space;
   d. Any proposed street and mobile home space layout;
   e. Tabulations showing percent of area to be devoted to parks, playgrounds and open spaces, number of mobile home spaces, and total area to be developed;
   f. Any proposed locations of parking spaces;
   g. Detailed landscaping and utility plan, including locations of sewer, water, electricity, gas lines, and fire hydrants;
   h. The location and width or size of roadway and walkways, parking areas, and access to the public thoroughfares;
   i. Property ownership, if other than applicant;
   j. Any proposed locations for recreational vehicles.

2) The applicant of approval of plans for a mobile home park or mobile home subdivision shall pay to the Land Use Authority Administrator at the time of application a plan check fee, in addition to all other required fees. The plan check fee shall be established by the Kane County Commission.

3) Upon receipt of the application and all other required materials by the Land Use Authority Administrator and review by the County Engineer, the Land Use Authority Administrator will place application on the Land Use Authority agenda for review and approval. Should approval be denied, the applicant has 30 days to appeal, in writing, to the Appeal Authority.

CHAPTER 18. RECREATIONAL VEHICLE PARKS

SECTION:

9-18-1: Purpose
9-18-2: Recreational Vehicle Park Approval
9-18-3: Recreational Vehicle Park Application

9-18-1: Purpose.

To permit development of recreational vehicle parks, as defined herein, in appropriate zones and to require that recreational vehicle accommodations will be of such character as to promote the objectives and purposes of this Ordinance, to protect the integrity and character of the zones contiguous to those in which recreational vehicle parks are located and to protect other use values contiguous to or near recreational vehicle park uses.

9-18-2: Recreational Vehicle Park Approval.

A recreational vehicle park may not be constructed unless first approved by the Land Use Authority, after review of plans, for said park, which satisfy the Land Use Authority the proposed development will:

1) Be in keeping with the general character of the zone where it is proposed to be located.

2) If attached to a mobile home park, the recreational vehicle area shall be at least one acre above the minimum area requirement for a mobile home park.

3) Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel and Resort Sanitation Regulations which are intended to apply to trailer court and tent camps as defined in such Code.

9-18-3: Recreational Vehicle Park Application.

1) An overall plan for development of a recreation vehicle park shall be submitted to Land Use Authority Administrator for review. The

plan shall be drawn to a scale not smaller than one inch to 50 feet. At least eight copies of the plan shall be submitted. The plan shall show:

a. The topography of the site, when required by the Kane County Engineer, represented by contours shown at no greater than two foot intervals;
b. A grading and drainage plan detailing geologic and flood hazards shall be submitted to the Land Use Authority Administrator with the application;
c. The proposed street and trailer or vehicle space pad layout;
d. Any proposed reservations for parks, playground and open spaces, and tabulations showing the percent of area to be devoted to parks, playgrounds and open space, the number of trailer spaces and total area to be developed;
e. Any proposed location, number and design of parking spaces;
f. Detailed landscaping and utility plan, including location of sewer, water, electricity, gas lines and fire hydrants;

2) Upon receipt of the application and all other required materials by the Land Use Authority Administrator and review by the County Engineer, the Land Use Authority Administrator will place application on the Land Use Authority agenda for review and approval. Should approval be denied, the applicant has 30 days to appeal, in writing, to the Kane County Commission.

CHAPTER 19. CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS

SECTION:

9-19-1: Requirements

9-19-1: Requirements.

When the Kane County Land Use Authority Administrator, County Engineer or the Building Official deems it necessary, any application for a Conditional Use Permit, a Planned Unit Development, Subdivision, MPR, Mobile Home Park, RV Park or a building or use permit shall be accompanied by a geologic and soils survey report for the land, lot, or parcel for which application approval is sought. The report shall be prepared at the applicant's expense by a registered or licensed geologist, soils engineer or civil engineer and shall show the suitability of soils on the property to accommodate the proposed construction, and any discernible flood, earthquake, or other natural hazards. Refer to Chapter 21- Subdivision Ordinance for report and certification requirements.

Whenever a geologic and soils survey report indicates a parcel subject to an unusual potential or actual hazard, the applicant shall meet the special conditions required by the Kane County Engineer or Building Official, to mitigate such hazard, or the application shall be denied.

CHAPTER 2. PLANNING COMMISSION

SECTION:

9-2-1: Statutory Authority
9-2-2: Purpose
9-2-3: Planning Commission, Number of Members, Appointment
9-2-4: Terms of Office
9-2-5: Vacancies and Removals for Cause
9-2-6: Compensation
9-2-7: Officers
9-2-8: Rules and Procedures
9-2-9: Quorum and Vote
9-2-10: Employees, Expenditures

9-2-1: Statutory Authority.

The statutory authority for enacting this chapter is Utah State Code § 17-27a-301 and § 17-53-223.

9-2-2: Purpose.

The purpose of this chapter is to establish a countywide Planning Commission required by Utah State Code § 17-27a-301 et. al., as amended. The chapter defines the number and terms of the members, the mode of appointment, the procedures for filling vacancies and removal from office, rules of procedure and other details relating to the organization and procedures of the Planning Commission

9-2-3: Planning Commission, Number of Members, Appointment.

The Board of Commissioners of Kane County is statutorily authorized to create a Planning Commission to be known as the Kane County Planning Commission. One member of the Board of Commissioners shall be designated by the Board of Commissioners as a non-voting, ex officio member of the Planning Commission. Each of the other seven members of the Planning Commission shall be residents of Kane County and owners of real property in Kane County and at least four of which own property situated in the unincorporated portion thereof, and at least four of them shall hold no other political or governmental office, or county employment.

9-2-4: Terms of Office.

The term of appointed members of the Kane County Planning Commission shall be four years and until their respective successors have been appointed. Members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.

9-2-5: Vacancies and Removals for Cause.

The Board of Kane County Commissioners shall provide for the filling of vacancies in the membership of the Planning Commission and for the removal of a member for failure to carry out, meet the requirements of or fulfill duties as promised or misconduct.

9-2-6: Compensation.

The members of the Kane County Planning Commission shall serve without compensation, except that the Kane County Board of Commissioners shall provide for reimbursement of the members of the Planning Commission for actual expenses incurred, upon presentation of proper receipts, vouchers, and mileage reports.

9-2-7: Officers.

The Kane County Planning Commission shall elect from its appointed members, a chair, and vice-chair whose term shall be for one year and the Planning Commission may create and fill other such positions/offices as it may deem necessary.

9-2-8: Rules and Procedures.

The Kane County Planning Commission shall adopt such rules and regulations governing its procedure as it may consider necessary or advisable, and shall keep a record of its proceedings, which record shall be open to inspection by the public at all reasonable times.

Kane County desires that the Kane County Planning Commission conduct meetings in an orderly manner, promote civil discourse, and require ethical behavior; and whereas, Utah State Code § 17-27a-301 et al., as amended, requires

that the County by ordinance establish the rules of order and procedure for use by the Planning Commission in a public meeting the following has been adopted:

1) Meetings of the Kane County Planning Commission shall be conducted in general accordance with Roberts Modified Rules of Order as further modified by the Planning Commission.

2) Members of the Kane County Planning Commission are expected to conduct the business of the County in an ethical manner and in accordance with the Open and Public Meetings Act.

3) Members of the Kane County Planning commission, members of the public and applicants shall behave in a civil and polite manner during meetings.

9-2-9: Quorum and Vote.

A quorum shall consist of four members. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present.

9-2-10: Employees, Expenditures.

The Kane County Planning Commission shall have the power and authority to employ experts and staff and to pay such expenses as may be deemed reasonable and necessary for carrying out its responsibilities, upon presentation of proper receipts and vouchers, but not in excess of such sums as may be appropriated by the Kane County Board of Commissioners.

CHAPTER 20. PLANNED UNIT DEVELOPMENT

SECTION:

9-20-1: Purpose
9-20-2: Planned Unit Development Permit
9-20-3: Required Conditions
9-20-4: General Site Plan
9-20-5: Review by Land Use Authority
9-20-6: Scope of Land Use Authority Action
9-20-7: Construction Limitations

9-20-1: Purpose.

A Planned Unit Development, as defined herein, is a distinct category of Conditional Use. As such, it is intended to encourage the efficient use of land and resources, greater efficiency in public and utility services, preservation of open space, use of alternative transportation and innovation in the planning process for all types of development. The PUD "over lay" permits variation from standard lot configuration patterns in order to reduce disturbance of sensitive lands, promote land use compatibility and facilitate creative site planning.

9-20-2: Planned Unit Development Permit.

Planned Unit Developments may be approved by the Kane County Land Use Authority in Residential Zones and Commercial Zones * (Note 1). Over all density shall coincide with the density of the existing Zone. Compliance with the regulations of this Ordinance in no way excuses the developer from the applicable requirements of the Subdivision Ordinance except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development. No exceptions shall be approved that are less restrictive than applicable state and local ordinances or regulations. An applicant shall secure and follow the provisions outlined in the Land Use Authority's procedures for a Planned Unit Development.

*Note 1: Commercial Zone Densities in a Planned Unit Development will be determined by the tier densities, overlay zone and/or annexation policy plan densities.

9-20-3: Required Conditions.

1) No Planned Unit Development shall have an area less than that approved by the Land Use Authority as adequate for the proposed development.

2) Application for the development shall be filed by the sole owner or jointly filed by all owners of the property.

3) The Land Use Authority shall require such arrangement of structures and open spaces within the site development plan deemed as necessary to minimize impact on adjacent properties.

   a. Dwelling unit and land use density;
   b. Where feasible, lowest height and least density of buildings and uses shall be arranged around the boundaries of the development;
   c. Width, yard, height, and overall density and coverage regulations shall be in accordance with the underlying zone;
   d. Promote a clustering development pattern in the interest of preserving rural character;

4) Twenty percent of the developable land within the PUD shall be preserved as open space for the benefit of residents of the development and the community;

5) Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

   a. Dedication of the land as public park or parkway system in perpetuity, or;
   b. Granting to the County Commission a permanent, open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in recreational uses, with ownership and maintenance being the responsibility of an Owners' Association established with articles of association and by-laws which are satisfactory to the Commission, or;
   c. Complying with the provisions of the Condominium Ownership Act (U.C.A. 57-8et. al. as amended), which provides for the

payment of common expenses for the upkeep of the common areas and facilities.

d. Such dedication and/or restriction must be permanent and not for a period of years.

6) Landscaping, fencing and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Land Use Authority for approval, together with other required plans for the development.

7) The size, location, design and nature of signs, if any, and the intensity and direction of area the flood-lighting shall be detailed in the application.

8) A grading and drainage plan detailing geologic and flood hazards shall be submitted to the Land Use Authority Administrator with the application.

9-20-4: General Site Plan.

Applications shall be accompanied by a general site plan showing where pertinent:

1) The use or uses of the land, dimensions, sketch elevations and locations of all proposed structures, including percentages of the land devoted to the projected use, such as building coverage, parking area, landscaped area, etc.

2) Dimensions, percentages and locations of areas to be reserved and developed for various types of land use such as vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping and other open spaces.

3) Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationship of the uses.

4) The text material shall set forth planning objectives to be accomplished through the development of the project.

5) The density in terms of dwelling units per gross acre of land shall be indicated.

6) A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

7) Topography at contour intervals of two feet shall be submitted unless waived by the planning staff.

8) A landscape plan showing the general location of landscaped areas shall be submitted (this may be a part of the site or plot plan).

9-20-5: Review by Land Use Authority.

In order that it may approve a Planned Unit Development, the Land Use Authority shall have authority to require the following conditions be met by the applicant:

1) That the proponents of the Planned Unit Development have demonstrated to the satisfaction of the Land Use Authority that they are financially able to carry out the proposed project.

2) That the proponents intend to start construction within one year of the approval of the project and apply for any necessary zoning change, and intend to complete the construction, or approved phase thereof, within two years from the date construction begins.

9-20-6: Scope of Land Use Authority Action.

In carrying out the intent of this chapter the Land Use Authority shall consider the following principles:

1) A certified surveyor or engineer licensed in the state shall be used to survey all properties for the Planned Unit Development.

2) It is the intent of this Section that the control exercised by the Kane County Land Use Authority be the minimum necessary to achieve the purpose of this chapter.

3) The Land Use Authority may approve or disapprove an application for a Planned Unit Development. In an approval, the Land Use

Authority may attach such conditions as it may deem necessary to secure compliance with this section. The denial of an application for a Planned Unit Development by the Land Use Authority may be appealed to the Appeal Authority. Appeal must be filed within thirty days of receipt of written reason for denial.

9-20-7: Construction Limitations.

1) Upon approval of a Planned Unit Development, construction shall proceed only in accordance with the plans and specifications approved by the Land Use Authority and in conformity with any conditions attached by the County Commission to its approval.

2) Amendments to approved plans and specifications for a Planned Unit Development shall be obtained only by following procedures for a Planned Unit Development.

3) No permit shall be issued for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

CHAPTER 21. SUBDIVISION REGULATIONS

ARTICLE A: GENERAL PROVISIONS

SECTION:

9-21A-1: Purpose
9-21A-2: Scope of Ordinance
9-21A-3: Effect on Previous Ordinance
9-21A-4: Exceptions
9-21A-5: Definitions
9-21A-6: Penalties
9-21A-7: Validity

9-21A-1: Purpose.

The purpose of this Ordinance is:

1) To promote the health, safety and general welfare of the residents of Kane County.

2) To promote the efficient and orderly growth of Kane County.

3) To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of buildings, and improvements within Kane County including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights-of-way, dedication of land and streets, the granting of easements or right-of-way, and to establish fees and other charges for the authorizing of a subdivision.

9-21A-2: Scope of Ordinance.

1) This Ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to November 16, 1982, except as provided in this section.

2) No lot within a subdivision created and recorded prior to November 16, 1982, or approved by the Kane County Land Use Authority and the Kane County Commission and recorded in the office of the Kane County Recorder under the provisions of this Ordinance, shall be further divided, rearranged or reduced in area, except as provided in this Ordinance. The boundaries of any lot shall not be altered in any manner, so as to create more lots than initially recorded, or any nonconforming lot, without first obtaining the approval of the Land Use Authority and the Kane County Commission as provided in this Ordinance.

3) No amendment to this Ordinance that imposes a greater burden or obligation than existed immediately prior to such amendment shall affect a subdivision created prior to the effective date of the amendment.

4) It is unlawful for any person, builder or developer to receive a building permit until all improvements, as specified in the Development Agreement and construction documents have been installed and accepted in writing by the Kane County Engineer. Improvements shall include, but are not limited to: roads, water, fire suppression water, power, septic/sewer, drainage system, perimeter fencing and Wild Land Interface requirements. Owner and/or owner's agent, prior to sale of any portion of an approved subdivision, will advise the prospective buyer/builder that building permits will not be issued until all improvements have been completed.

9-21A-3: Effect on Previous Ordinance.

The existing Subdivision Ordinance of Kane County, Utah is hereby superseded and amended to read as set forth herein; provided however, that this Ordinance shall be deemed a continuation of the previous Ordinance, and not a new enactment, insofar as the substance of revisions of the previous Ordinance is included, whether in the same or in different language.

9-21A-4: Exceptions.

Where unusual topographic or other exceptional conditions exist, the Kane County Commission may allow an applicant to vary from the requirements of this

Ordinance after receiving the recommendation of the Land Use Authority, provided that such variances shall not substantially impair the intent of this Ordinance.

9-21A-5: Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in present tense include the future; singular numbers 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 not directory, 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 plot and parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other Ordinance adopted by the Kane County Commission.

1) Agricultural Use, Land in Agricultural Use. Land devoted to the raising of useful plants and animals with a reasonable expectation of profit.

2) "Bona Fide division or partition of agricultural land for agricultural purposes." Refer to Article N of this Chapter.

3) Beginning of Construction. Grading or removal of any vegetation or earth from a site for construction of access routes or preparation for excavation of building pads or footings.

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

5) Frontage, Lot. The lineal measurement of the front lot line.

6) Campground. A parcel designated and approved by the County for occupancy by tents, trailers, motor homes or campers on a temporary basis.

7) Grade.

Residential

Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded so as to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of six (6) inches within the first ten (10) feet.

Commercial

On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of twelve (12) inches plus two percent (2%). Alternate elevations are permitted subject to the approval of the Kane County Building Inspector, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.

8) Irrigated Land. Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.

9) General Plan. A long range policy plan prepared and adopted by the Kane County Commission to guide County growth.

10) Off-site Facilities. Improvements not on individual lots but generally within the boundaries of the subdivision which they serve.

11) Official Map. The official map or maps adopted by Kane County pursuant to the county zoning and planning enabling legislation.

12) On-site Facilities. Construction or placement of the dwelling and its appurtenant improvements on a lot.

13) Parcel of Land. Contiguous land owned by and recorded as the property of a person. Land in one ownership but physically divided by a public highway, road or street is considered contiguous under this definition.

14) Person. A firm, association, organization, partnership, company, corporation or any legal entity entitled to own property as well as an individual.

15) Plot Plan. Plat of a lot, drawn to scale, showing such information as may be required by the Kane County Land Use Authority.

16) Protection Strip. A strip of land between the boundary of a subdivision and street within the subdivision, for the purpose of controlling the access to the street by property owners abutting the subdivision.

17) Streets.

a. Street – a thoroughfare which has been dedicated and accepted by the County, which the County has acquired by prescriptive right or which the County owns, or offered for dedication on an approval final plat, or a thoroughfare of at least 28 feet in width which has been abandoned or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

b. Street, Major – a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

c. Street, Collector – a street, existing or proposed, which is the main means of access to the major street system.

d. Street, Minor – a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

e. Street, Marginal Access – a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

f. Street, Private – a thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of Kane County and maintained by the subdivider or other private agency.

18) Subdivider. Any person, developer, firm, corporation, partnership or association who causes land to be divided into a subdivision for himself or others.

19) Subdivision.

a. Subdivision. Any land that is divided, re-subdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots or other divisions of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions.

b. Subdivision includes the division or development of land whether by deed, survey, metes and bounds description, devise of testacy, lease, map, plat, or other recorded instrument.

c. Subdivision does not include:

i. a bona fide division or partition of agricultural land for agricultural purposes;
ii. a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

1. No new lot is created; and
2. the adjustment does not result in a violation of applicable zoning ordinances.

iii. a recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcels of property into one legal description encompassing all such parcels of property; or

iv. a bona fide division or partition of land for the purpose of siting, on one or more of the resulting separate parcels.

1. an unmanned facility appurtenant to pipeline owned or operated by a gas corporation, interstate pipeline company, intrastate pipeline company; or
2. an unmanned telecommunications, microwave, fiber optic electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

d. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable Land Use Ordinances.

20) Vicinity Plan. A map or drawing to scale showing the physical relationship 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 classification of all land within 300 feet of the property proposed for development.

21) Zone Clearance. Assurance by the Land Use Authority that a proposed activity is in compliance with existing Zoning regulations.

22) Non-Public Water System. Any potable water system that is subject to the rules of the Southwest Utah Public Health Department, which is any potable water system that serves less than 15 lots or less than 25 people.

23) Public Water System. Any potable water system that is subject to the rules of the Utah Department of Environmental Quality, which

is any potable water system that serves 15 or more lots of an average of 25 or more people at least 60 days per year.

9-21A-6: Penalties.

1) Any person, organization, corporation, or other entity, whether as owner, occupant, agent, real estate agent, or employee, who causes, permits or otherwise participates in any violation of any provision of this Subdivision Ordinance shall be guilty of a class B misdemeanor upon conviction, punishable by a fine, imprisonment, or both, as determined by a court of competent jurisdiction. In addition, the provisions of this ordinance may also be enforced by injunction, mandamus, abatement, merger of title, civil penalty, or any other remedy provided by law.

2) Whenever any act or omission is made unlawful under this title, every person who causes, solicits, requests, commands, encourages, aids, or abets such act or omission, which constitutes an offense, shall be criminal and civilly liable as a party for such act or omission.

3) Each day that a violation exists may be charged as a separate violation.

4) Any one, all, or any combination of penalties and remedies set forth herein may be used to enforce the provisions of the Subdivision Ordinance.

5) Kane County may withhold building permits and all other permits related to a violation of this Subdivision Ordinance, until all violations are resolved.

6) Unless otherwise specified in this ordinance, the civil penalties for any violation of this Subdivision Ordinance shall be $50.00 per day per offense beginning on the ninetieth day after written notification of the violation from Kane County is sent, up to a maximum of $3000.

7) The following are violations of the Subdivision Ordinance, in addition to other acts or omissions that would constitute a violation:

a. Subdividing or re-subdividing any land, parcel, or lot into two or more lots, parcels, sites, units, plots or other divisions of land, by execution of deed to oneself or another person, by recordation of deed, by gifting, or any other form of subdividing, without complying with the requirements of the Subdivision Ordinance.
b. Selling, gifting, or transferring a parcel or lot, which parcel or lot was subdivided without complying with the requirements of the Subdivision Ordinance, whether the selling party is the original party responsible for the subdivision or not.

9-21A-7: Validity.

If any section, sub-section, 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.

ARTICLE B. SUBDIVISION CREATION AND ENFORCEMENT

SECTION:

9-21B-1: Subdivision Creation
9-21B-2: Enforcement
9-21B-3: Infrastructure Inspections
9-21B-4: Building Permits and Sale of Lots

9-21B-1 Subdivision Creation

No subdivision shall be created and no lot or parcel shall be subdivided without submitting an application to the land use authority for the subdivision, and preparing, submitting, and receiving final approval of a plat in accordance with the requirements of this ordinance, and otherwise complying with each article of this ordinance, unless a specific exception exists.

9-21B-2: Enforcement.

The following County officers and officials shall have the authority to enforce this ordinance:

1) Subdivision Ordinance Procedure Compliance – Kane County Land Use Authority Administrator

2) Infrastructure – Kane County Engineer and/or Land Use Authority Administrator

3) Buildings and Structures– Kane County Building Official

4) Wild Land Urban Interface Compliance – Kane County Building Official and/or Kane County Fire Marshall

5) Other Civil Violations – Kane County Land Use Authority Administrator and/or Kane County Sheriff

6) Criminal Violations – Kane County Sheriff

9-21B-2: Infrastructure Inspections.

1) Pre-Construction Conference. Prior to starting any infrastructure construction, a pre-construction conference will be held. Attendees shall be: owner/developer, design engineer, utility companies, underground utility subcontractors, earth work subcontractor, paving contractor, county engineer and other appropriate parties.

   Items to be discussed shall include: schedule, inspection procedure, reports, compliance with Kane County Standard Specifications and Drawing Details for Design and Construction.

2) The Kane County Engineer or his/her designated representative shall be charged with inspecting, in the course of construction, installation or repair, all culinary water lines, fire suppression lines, sewer lines and their excavations. If any such installation is covered before being inspected and approved, it shall be uncovered, at the contractor's expense, and inspected. Copies of all water, culinary and fire suppression lines pressure test reports as well as sewer line pressure test reports will be sent to the Kane County Land Use Authority Administrator's office within five (5) working days of the test(s) being performed.

3) Inspection fees will be paid at time of preconstruction conference. Inspection fees will be as shown on Subdivision/PUD application.

9-21B-3: Building Permits.

1) No building permit shall be issued for the construction or alteration of any building or structure on any parcel of land which has been subdivided in violation of this ordinance.

2) No building permit shall be issued for the construction or alteration of any residential or commercial building or structure within a subdivision or planned unit development until the infrastructure is completed and approved by the Kane County Engineer.

3) No building permit shall be granted for the construction or alteration of any residential or commercial building or structure on any parcel of land unless:

a. The parcel has a recorded means of access of at least 28 feet in width;
b. The applicant submits proof of, and provides onsite verification of, an adequate, approved water supply as follows:

i. valid, legal right to hook up to an approved public or non-public water system;
ii. valid, legal, private onsite parcel with well right and well, approved for domestic use;
iii. in existing, recorded "dry subdivisions" only, water hauling will be allowed for a single recreational property that is <u>seasonal</u> in nature. A 2000 gallon tank that is certified for domestic use must be provided along with satisfactory proof of a water hauling contract or delivery system from a source approved for domestic use.

c. If the structure is not connected to a public or private sewer system, septic system approval will have to be obtained from the Southwest Utah Public Health Department;
d. The parcel and proposed improvements comply with all other provisions of the Kane County Land Use and Subdivision Ordinances;

e. The applicant acknowledges that the access to the parcel will not be maintained by Kane County unless the access has been dedicated to, and accepted by, Kane County;
f. The applicant acknowledges that no fire protection is provided or guaranteed by Kane County;
g. All Wild Land Urban Interface requirements are met.

4) No lot, parcel, or any division of land may be sold, offered for sale, deeded, gifted, conveyed, or transferred using any other method without first complying with the provisions of this ordinance.
5) No subdivision plat may be filed or recorded in the County Recorder's office without first complying with the provisions of this ordinance.
6) No deed of any lot of parcel resulting from a subdivision of land that is not in compliance with this ordinance may be executed or recorded in the County Recorder's Office without first complying with the provisions of this ordinance.
7) Nothing in this ordinance shall be construed to imply that the County Recorder is in violation of this ordinance by recording any document that is presented for recording.
8) **Recording alone of any document in the County Recorder's Office does not constitute compliance with this Ordinance.**

ARTICLE C. DEVELOPMENT MEETING

SECTION:

9-21C-1: Purpose
9-21C-2: Presentation Requirements
9-21C-3: Review Committee
9-21C-4: Review Scheduling

9-21C-1: Purpose.

Development meetings are designed to provide the developer/subdivider an informal review of the proposed project prior to filing an application for preliminary plat. The review is normally conducted by the Review Committee comprised of the Kane County Land Use Authority Administrator, Kane County Engineer, Transportation Department, Kane County Building Official, Kane County Attorney and anyone else deemed necessary.

9-21C-2: Presentation Requirements.

1) Developer/subdivider shall provide the following:

a. Plat map showing location of property;
b. Proposed layout of the project, including number of lots, roads, acreage, easements and access;
c. Current property zoning;
d. Water and power availability;
e. Type of sanitary waste system to be used;
f. Brief description of area surrounding the proposed project

i. Subdivisions;
ii. BLM, Forest Service, Private, State

g. Location of existing County and or State roads in relation to proposed project.

9-21C-3: Review Committee.

1) Will respond to developer/subdivider's questions and provide guidance concerning the projects compliance or non-compliance with current Kane County General Plan, Land Use and Subdivision Ordinances.

2) Will advise developer/subdivider if project is ready to proceed to preliminary plat phase. If project is not ready to proceed, additional development meeting(s) can be scheduled.

9-21C-4: Review Scheduling.

Development meeting reviews to be scheduled through the Kane County Land Use Authority Administrator.

ARTICLE D: PRELIMINARY PLAT

SECTION:

9-21D-1: General Requirements
9-21D-2: Required General Submission Items: Administrative
9-21D-3: Submitted Drawing Requirements
9-21D-4: Review Procedure
9-21D-5: Land Use Authority Approval
9-21D-6: Site Construction

9-21D-1: General Requirements.

Copies of all required materials for Preliminary Plat review shall be submitted to the Kane County Land Use Authority Administrator by the developer/subdivider or their authorized representative a minimum of 21 days prior to the Kane County Land Use Authority's meeting date at which the Preliminary Plat is to be reviewed.

9-21D-2: Required General Submission Items: Administrative

1) One copy of Application for Subdivision and Planned Unit Development

2) Subdivisions and Planned Unit Development Deposit

3) Agreement – Subdivision and Planned Unit Development

4) Statement of taxes and assessments paid

5) Certificate of Title Insurance

6) Articles of Incorporation (LLC, Partnership or Corp.)

7) Notarized Affidavit that applicant is the owner or authorized by the owner to make application for the proposed land to be subdivided

8) Signed Proposed Deed Restrictions

9) Development Agreement Draft (As Applicable)

10) Engineers Cost Estimate

11) Soils and Maps Report

12) 3 Copies of On-Lot Disposal Report

13) Letters of Feasibility/Will Serve Letters (As Applicable)

a. Water System (Southwest Utah Public Health Department, Utah Department of Environmental Quality or Kane County Water Conservancy District, etc.;
b. Sewage Treatment from Southwest Utah Public Health Department or Utah Department of Environmental Quality;
c. Telephone;
d. Garkane Energy;
e. Solid Waste Disposal;
f. Access – Utah Department of Transportation and/or Kane County;
g. Other (as requested)

9-21D-3: Submitted Drawing Requirements.

1) 3 Copies of Preliminary Plat Map (24” x 36”)

2) The accuracy of location of alignments, boundaries and monuments shall be keyed to USGS monuments and certified by a registered land surveyor licensed to do such work in the State of Utah. The plat map shall be done in a professional manner with all of the requirements clearly shown. Poorly drawn, illegible or incomplete plat maps are sufficient cause for rejection.

3) The plat map shall be drawn to a scale not less than one inch equals 50 feet, if feasible, and shall indicate the basis of bearings, true north point, name of subdivision, name of county, township, range, section and quarter section, block and lot number of the proposed subdivision, keyed to USGS survey monuments.

4) Location and vicinity map (on plat)

5) Drawing requirements

a. Area map showing area + ½ mile;
b. Traverse map of subdivision;
c. Lot and Street Layout;
d. Dimensions of all lots;
e. Total acreage and legal description;
f. Lots numbered consecutively;
g. Location and names of existing and proposed easements;
h. Existing and proposed street names;
i. Drainage direction for existing and proposed streets;
j. All fence lines;
k. Heavily-wooded areas located;
l. Site to be reserved or dedicated for public use;
m. Sites listed to be used for non-single-family dwellings;
n. Dedicated Public Space;
o. Signature Blocks

6) Overall Site Plan Requirements

a. Future street layout for area not being subdivided (Phased Subdivisions and Planned Unit Development);
b. Water courses and proposed drainage systems;
c. 100 year flood boundaries;
d. Existing buildings, easements or utilities within 200 feet;
e. Location and size of proposed utilities;
f. Any other covenants, easements or restrictions

7) Summary Statement (On Plat)

a. Total development area;
b. Number of proposed dwelling units;
c. Total number of square feet in non-residential floor space;
d. Total number of off-street parking spaces;
e. Amount of water per lot;
f. Estimated gallons per day of sewage;
g. Survey notes of perimeter survey

9-21D-4: Review Procedure.

When the preliminary plat and all documentation has been received, reviewed and approved by the Land Use Authority Administrator and Kane County Engineer, it shall be placed on the Kane County Land Use Authority's agenda for review within 45 days.

1) See Preliminary Plat Review and Approval Flow Chart

9-21D-5: Land Use Authority Approval.

1) The Kane County Land Use Authority shall approve only those preliminary plats which it finds have been developed in accordance with the standards and criteria specified in this ordinance and all other ordinances and laws of Kane County and the State of Utah; including but not limited to, Land Use Ordinances, General Plan and Transportation Plan.

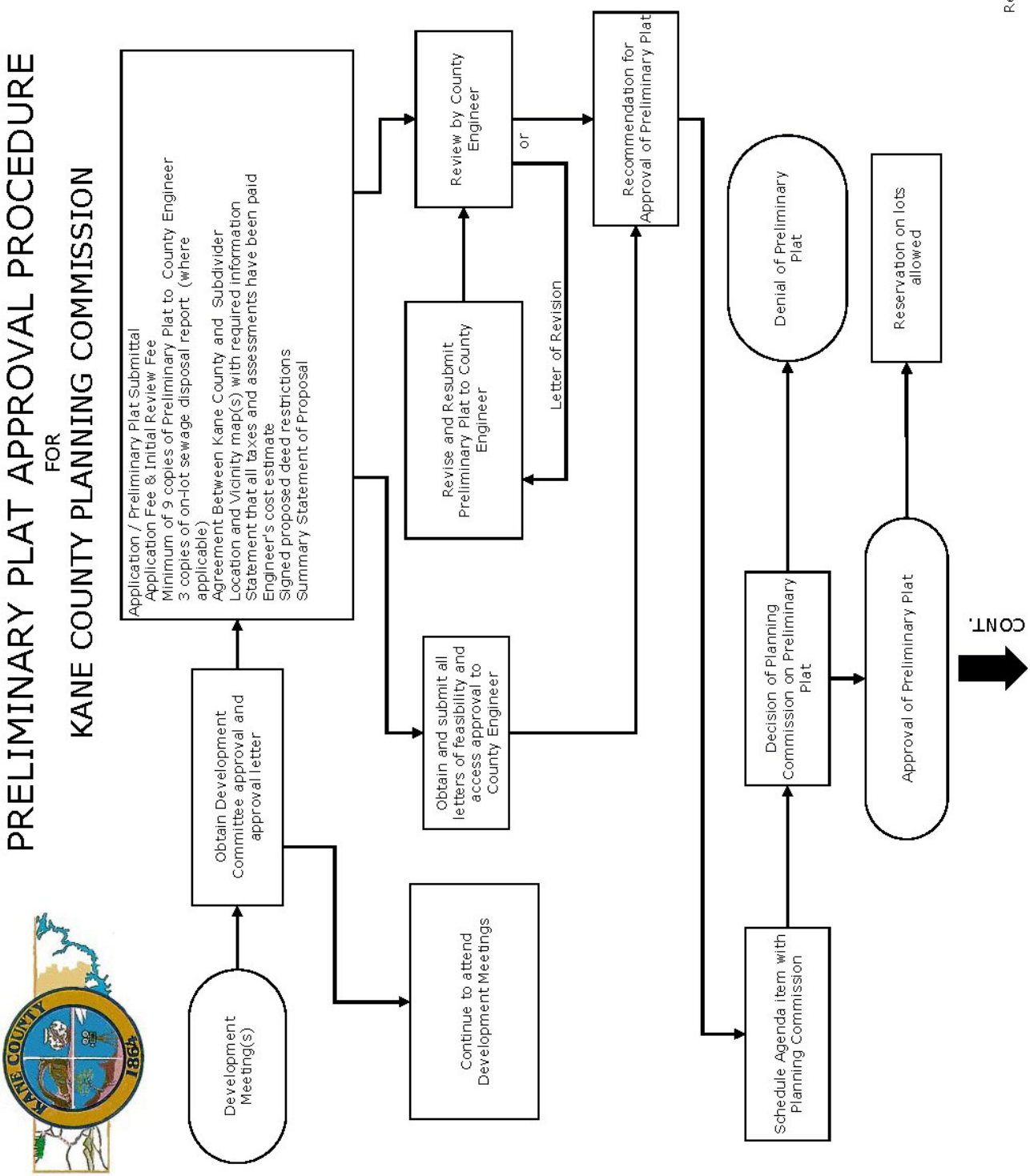
2) At a public meeting the Land Use Authority may approve, approve with conditions, table until additional information has been provided or disapprove the Preliminary Plat. In the event that the Kane County Land Use Authority disapproves a Preliminary Plat, it shall state, in writing, within 30 days to the developer/subdivider the reason for disapproval via certified mail, return receipt requested.

9-21D-6: Site Construction.

1) No infrastructure site work may be started, even with preliminary plat approval, until construction drawings are submitted and approved by the Kane County Engineer.

2) Failure to comply will be punishable as a Class B Misdemeanor with a $100/day fine until situation is rectified.

PRELIMINARY PLAT APPROVAL PROCEDURE
FOR
KANE COUNTY PLANNING COMMISSION



Revised 11/23/05

ARTICLE E. FINAL PLAT

SECTION:

9-21E-1: General
9-21E-2: Phased Subdivision and Planned Unit Developments
9-21E-3: Acceptance of Streets and other Public Land Dedication
9-21E-4: Required General Submission Items
9-21E-5: Land Use Authority Review
9-21E-6: County Commission Review
9-21E-7: Final Plat Recording
9-21E-8: Final Plat Distribution
9-21E-9: Vacating or Amending a Subdivision or Planned Unit Development Plat

9-21E-1: General.

1) A final plat may be submitted once all provisions of Article 21D (Preliminary Plat) have been met. The final plat of the subdivision or planned unit development may encompass all or part (see Phased Development) of the preliminary plat. The final plat shall be presented to the Kane County Land Use Authority for review within one year after preliminary plat approval, otherwise preliminary plat approval shall be withdrawn and re-application will be required.

2) The submitted final plat shall conform in all major respects to the preliminary plat as previously approved and or modified by the Kane County Land Use Authority.

3) The developer/subdivider has a maximum of two (2) years from date of recording of final plat to complete the infrastructure as described in the development agreement. If the developer/subdivider has not completed the infrastructure after two years, Kane County may make claim to whichever form of surety that has been provided in order to complete the infrastructure.

9-21E-2: Phased Subdivision and Planned Unit Developments.

1) The final platting of subdivisions and planned unit developments can be done in phases. Each phase shall consist of a minimum of 25 percent of the total number of lots in the subdivision or 25% of the area of a planned unit development.

2) When the infrastructure is 100 percent complete and operable and approved by the Kane County Engineer within the phase in progress, the developer/subdivider may submit the next phase of the development in accordance with the provisions of this ordinance.

9-21E-3: Acceptance of Streets and other Public Land Dedication.

Acceptance of dedication of proposed public lands or street right-of-way in an approved plat can be made only by the Kane County Commissioners. Plat approval will be deemed as acceptance of dedication unless streets and other public spaces are shown as "not intended for dedication."

9-21E-4: Required General Submission Items.

1) Administrative

a. Mylar copy of approved final plat (for signatures);
b. 4 copies of approved and signed final plat;
c. 4 copies of approved construction drawings and documents;
d. Storm Water Pollution Prevention Plan;
e. 3 copies of executed development agreement, (As Applicable)
f. 1 copy CC & R's;
g. Payment and performance bond, escrow deposit or letter of credit

2) Drawing Requirements

a. Boundary bearings and distances data outside boundary;
b. Lots numbered consecutively;
c. Curve data: radius, angle, tangent, length;
d. Excluded parcels marked as such;
e. All streets to be named;

f. Bearings and distances of all streets;
g. Parcels not included marked NAPOTS;
h. Adjacent streets shown and dimensioned;
i. Adjacent fences shown;
j. All easements to be labeled and dimensioned;
k. All land with boundaries to be accounted for;
l. All dimensions to be to 0.01’ and 0’000’00;
m. Location of perc test trenches;
n. Name of subdivision;
o. North arrow;
p. Basis of bearing;
q. Name and address of owners of record;
r. Total acreage of subdivision;
s. Total number of lots;
t. Legal description of entire subdivision;
u. Township, range, section and quarter section;
v. Graphic scale;
w. Required monuments;
x. County Engineer’s signature block;
y. County Surveyor’s signature block;
z. County Attorney’s signature block;
aa. Land Use Authority’s signature block;
bb. County Commission’s signature block;
cc. Signature(s) of owner(s) (notarized) block;
dd. County Recorder’s recording block;
ee. Lender’s signature block (or “Consent to Plat” form);
ff. Surveyor’s Certificate

3) Digital Data Submittal

a. Auto CAD.DWG File or GIS SHPE File;
b. File to contain all parcel lines and reference monuments;
c. Data file to be GEO referenced to Utah State Plane South Grid Coordinate System or Ground Coordinate System including ground scale factor.

9-21E-5: Land Use Authority Review.

1) After review and approval of the final plat drawing and receipt of required documents by the Administrator and County Engineer, the Kane County Land Use Authority will review the final plat, at a regularly scheduled, publicly noticed public meeting.

2) Within seven working days after review of the final plat, the Kane County Land Use Authority will forward a written notification of its review to the Kane County Commission.

9-21E-6: County Commission Review.

The Kane County Commission shall review the final plat within 30 days of notification of review by the Kane County Land Use Authority at a regularly scheduled public meeting. If the Kane County Commission determines that the final plat drawing and documentation meets with the Kane County Land Use Ordinance, Subdivision Ordinance and Standard Specifications and Drawing Details for Design and Construction, they may grant approval.

9-21E-7: Final Plat Recording.

1) The developer/subdivider or his agent shall record the approved final plat within one year of approval by the Kane County Commission. The Kane County Land Use Authority Administrator shall maintain custody of the final plat Mylar until all signatures have been obtained (with exception of the Recorder), at which time he will notify the developer/subdivider that the plat is ready to be recorded.

2) **NO BUILDING PERMITS WILL BE ISSUED UNTIL THE INFRASTRUCTURE IS COMPLETED UNLESS OTHERWISE AGREED TO IN THE DEVELOPMENT AGREEMENT AND APPROVED BY THE KANE COUNTY ENGINEER IN WRITING.**

9-21E-8: Final Plat Distribution.

1) Mylar – Kane County Recorder
2) One signed copy – Land Use Authority Administrator

3) One signed copy – Kane County Engineer
4) One signed copy – Kane County Building Department
5) One signed copy – Developer/Subdivider

9-21E-9: Vacating or Amending a Subdivision or Planned Unit Development Plat

1) General Requirements: Copies of all required materials for vacating or amending a subdivision or Planned Unit Development shall be submitted to the Kane County Land Use Authority Administrator by the owner(s) of the property or person having Power of Attorney to act in behalf of the owner, a minimum of 21 days prior to the Kane County Land Use Authority's meeting date at which the action is to be reviewed.

2) Submission Items

a. Application and fees;
b. Notarized affidavit that applicant is owner or authorized by the owner to make application for proposed plat amendment or abandonment;
c. Provide names and addresses of all property owners within said plat;
d. Three copies of plat map

i. Amended Plat Map Requirements (Re: 21-e-4-2 a through ff of this chapter)
ii. Vacated Plat Map Requirement (Re: 21-e-4-2 a through ff of this chapter)

3) Land Use Authority Review and Approval

a. After review and approval of the abandonment or amended plat drawing and receipt of required documents by the Land Use Authority Administrator and County Engineer, the Kane County Land Use Authority will review the application at a regularly scheduled, publicly noticed public hearing within 45 days unless Utah State Code provides an exception to the public hearing requirement. In which case the Land Use Authority may review the application at a regularly scheduled public meeting.

b. If the application does not propose to amend, abandon or vacate any county road or public right of way, the Land Use Authority may give final approval so long as the application meets the requirements of State Code and any applicable County Ordinance. If the application includes a proposal to amend, abandon or vacate any County Road or public right of way, within seven working days after review of the abandonment or amended plat, the Kane County Land Use Authority will forward a written notification of its review to the Kane County Commission.

4) County Commission Review and Approval

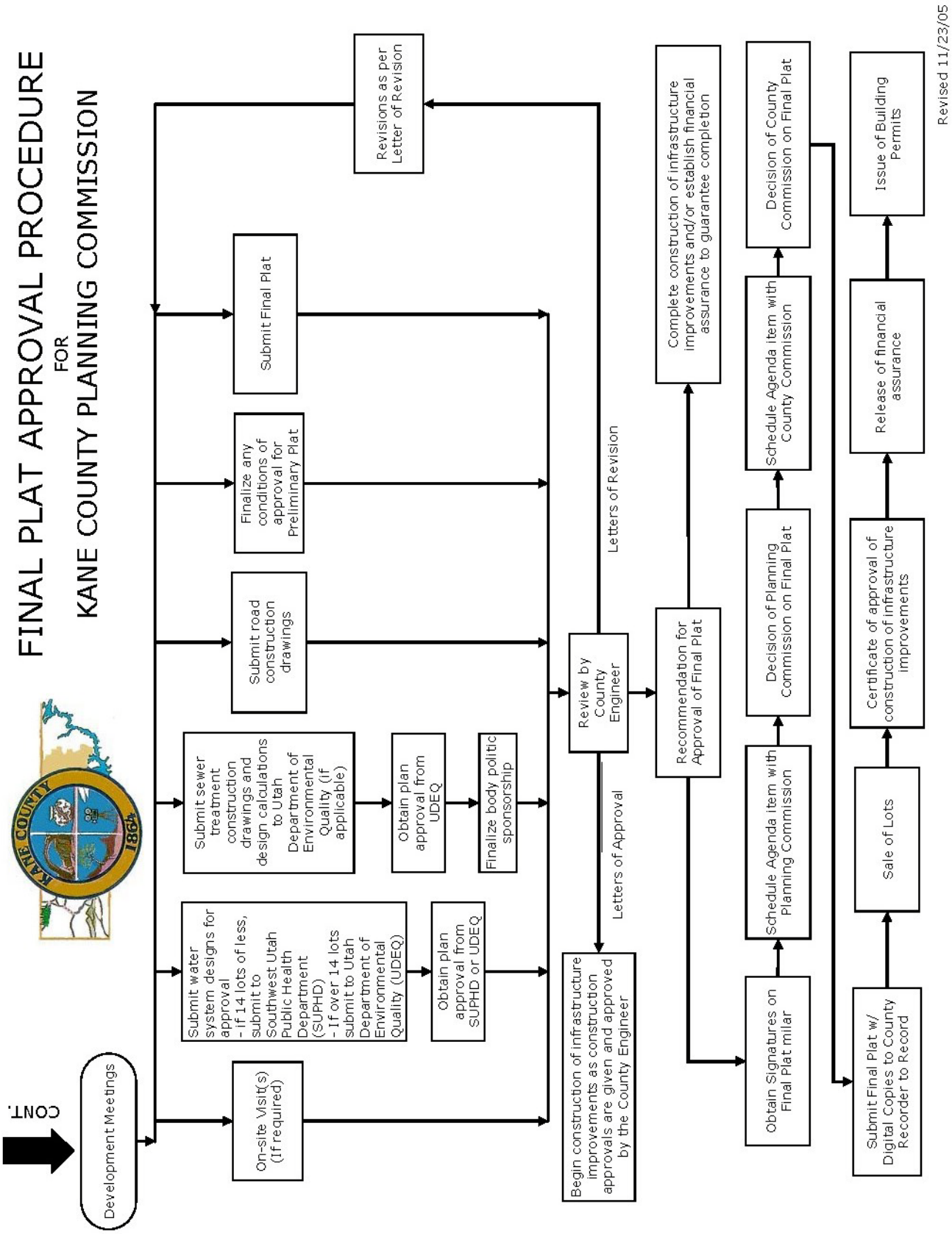
a. If the application contains a proposal to amend, abandon or vacate any county road or public right of way, The Kane County Commission shall review the abandonment or amended plat within 30 days of notification of review by the Kane County Land Use Authority at a regularly scheduled public meeting. If the Kane County Commission determines that the plat drawing and documentation meets with the Kane County Land Use Ordinance, Subdivision Ordinance and Standard Specifications and Drawing Details for Design and Construction, they may grant approval.

5) Final Plat recording

a. The owner or his agent shall record the approved vacated or amended plat within one year of approval by the Kane County Commission. The Kane County Land Use Authority Administrator shall maintain custody of the amended plat Mylar until all signatures have been obtained (with exception of the Recorder), at which time he will notify the owner or agent that the plat is ready to be recorded.

6) Plat Distribution

a. Mylar – Kane County Recorder
b. One signed copy – Land Use Authority Administrator
c. One signed copy – Kane County Engineer


FINAL PLAT APPROVAL PROCEDURE
FOR
KANE COUNTY PLANNING COMMISSION
CONT.
Development Meetings
On-site Visit(s) (If required)
Submit water system designs for approval - If 14 lots of less, submit to Southwest Utah Public Health Department (SUPHD) - If over 14 lots submit to Utah Department of Environmental Quality (UDEQ)
Obtain plan approval from SUPHD or UDEQ
Submit sewer treatment construction drawings and design calculations to Utah Department of Environmental Quality (if applicable)
Obtain plan approval from UDEQ
Finalize body politic sponsorship
Submit road construction drawings
Finalize any conditions of approval for Preliminary Plat
Submit Final Plat
Revisions as per Letter of Revision
Letters of Revision
Letters of Approval
Review by County Engineer
Begin construction of infrastructure improvements as construction approvals are given and approved by the County Engineer
Recommendation for Approval of Final Plat
Complete construction of infrastructure improvements and/or establish financial assurance to guarantee completion
Obtain Signatures on Final Plat milar
Schedule Agenda item with Planning Commission
Decision of Planning Commission on Final Plat
Schedule Agenda item with County Commission
Decision of County Commission on Final Plat
Submit Final Plat w/ Digital Copies to County Recorder to Record
Sale of Lots
Certificate of approval of construction of infrastructure improvements
Release of financial assurance
Issue of Building Permits
Revised 11/23/05

ARTICLE F. DEDICATION AND ACCEPTANCE OF STREETS AND PUBLIC IMPROVEMENTS

SECTION:

9-21F-1: Dedication of Subdivision Roads
9-21F-2: Timeliness for Acting on Acceptance
9-21F-3: Dedication of non-Subdivision Right-of-Ways
9-21F-4: Required Right-of-Way Widths
9-21F-5: Right-of-Ways Dividing a Parcel
9-21F-6: Right-of-Way Improvements

9-21F-1: Dedication of Subdivision Roads.

The subdivider shall dedicate the streets, easements and other public improvements to Kane County at the time the Final Plat is approved and recorded by the County. The subdivider shall notify the County in writing that all improvements are completed, at which time the Kane County Engineer will perform a final inspection of the roads. The dedication shall be deemed an offer by the subdivider which shall be irrevocable until one year after all of the improvements are completed. The County may, at its option, accept the offer of dedication only if it finds that the subdivider has constructed, installed and maintained the public improvements required by this Ordinance and that the improvements comply with the minimum standards and requirements of the Ordinance and the Kane County Specifications and Drawing Details for Design and Construction at the time of acceptance.

9-21F-2: Timeliness for Acting on Acceptance.

Unless the Kane County Land Use Authority Administrator extends the time for making a decision as to whether or not Kane County will accept dedicated public improvements, the dedication may be acted upon within one year following the completion of the public improvements in accordance with the Kane County Specifications and Drawing Details for Design and Construction, but in no event shall such approval occur without the approval of the Kane County Engineer. In the event the Kane County Engineer does not approve the dedicated public improvements, the subdivider shall be so advised in writing and of the reason for the non-approval.

9-21F-3: Dedication of non-Subdivision Right-of-Ways.

The Kane County Commission, on recommendation from the Kane County Land Use Authority, may accept Master Transportation Plans for areas in Kane County. Once a Master Transportation Plan is in place for an area the property owner(s) within the Master Transportation Plan area may dedicate the planned road(s) to Kane County. Kane County Land Use Authority and Kane County Commission may accept the dedicated roads by the recording of a Road Dedication Plat.

9-21F-4: Required Right-of-Way Widths.

Right-of-ways that are dedicated will be dedicated to the required width of the Master Transportation Plan. If the right-of-way is planned to be centered on the boundary line between two properties, both property owners will be required to dedicate their respective half of the right-of-way for the right-of-way to be accepted. If both of the property owners do not agree to the dedication, one of the property owners may dedicate the right-of-way wholly on their property. The right-of-ways will be required to be dedicated to provide continuity with adjacent dedicated right-of-ways.

9-21F-5: Right-of-Ways Dividing a Parcel.

If a dedicated right-of-way extends through a parcel, dividing said parcel into two or more portions can be accomplished providing the division would not create a non-conforming parcel, in which case the parcel would remain undivided. The resulting parcels shall be conforming parcels within their respective zones. The parcel(s) resulting from the division which occurs as a consequence of dedicating the right-of-way(s) shall be exempt from the Kane County Subdivision Ordinance.

9-21F-6: Right-of-Way Improvements.

Dedicated right-of-ways not located within a plated subdivision do not have to be improved at the time of dedication. A dedicated right-of-way will be required to be improved to the standards set forth by the Utah Wildland-Urban Interface Code (current edition) prior to a building permit being issued to any parcel required to be served by an all-weather surface right-of-way. The right-of-way will have to be improved to a minimum 28 feet wide improved all-weather travel surface, prior to a second building permit being issued on a parcel being served by the right-of-way. The owner will be required to submit all invoices associated with the cost of building the road to the County. Any building permits issued within 10 years of the

date of completion of improvements of the right-of-way will require the property owner to pay a proportionate share of the road construction cost to the property owner who paid the original cost of improvements. The road will be required to be asphalted prior to a development of 5 acre density, or less, being approved or prior to a building permit being issued which will cause the Average Daily Traffic (ADT) to be above 400 trips per day or then current standard for Very-Low Volume Local Road as defined by the American Association of State Highway and Transportation Officials (AASHTO) Standards. The improvements may be completed with the development construction.

ARTICLE G: DESIGN STANDARDS

SECTION:

9-21G-1: General Provisions
9-21G-2: Lots
9-21G-3: Streets
9-21G-4: Curvature and Alignment
9-21G-5: Block and Cul-de-sac Standards
9-21G-6: Pedestrian Cross-Walks
9-21G-7: Easement Standards
9-21G-8: Exterior Perimeters
9-21G-9: Alleys
9-21G-10: Sanitary Sewage Disposal
9-21G-11: Water Supply
9-21G-12: Sanitation Collection Sites

9-21G-1: General Provisions.

All subdivisions must comply with the following standards:

1) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil and trees.

2) Land subject to hazardous conditions such as, but not limited to slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, abandoned landfills, and polluted or non-potable water supply shall be identified and shall not be subdivided until the hazards have been

eliminated or will be eliminated by the subdivision and construction plans.

3) The Kane County Standard Specifications and Drawing Details for Design and Construction.

9-21G-2: Lots.

1) All lots shown on the subdivision plan shall conform to the minimum requirements of the Kane County Zoning Ordinance for the zone in which the subdivision is located, and to the minimum requirements of the engineer and the Southwest Utah Health Department for sewage disposal. The minimum width for any building lot shall be as required by the Kane County Land Use Ordinance.

2) All lots shall abut a dedicated or private street. Streets shall be at least 28 foot travel width. In the event a lot abuts a public right-of-way created by use, the subdivider shall improve the right-of-way to the standards required by this Ordinance and the Standard Specifications and Drawing Details for Design and Construction.

3) Corner lots shall have extra width to allow for mandatory setbacks on both streets.

4) Side lot lines shall be at substantially right angles or radial to street lines. Where lot lines are not at right angles to the street lines, this shall be shown.

5) All remnants of lots less than minimum size left over after subdividing a larger tract shall be added to adjacent lots rather than allowed to remain lot remnants.

6) Where the land in a subdivision includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be held in either single or joint ownership before approval of the final plan and such ownership shall be recorded in the office of the Kane County Recorder.

7) No single lot shall be divided by a municipal or county boundary.

8) A lot shall not be divided by a road, alley or other lot.

9) No wedge-shaped lot shall be less than 30 feet in width at the front property line, or the lot frontage required by the Zoning Ordinance, whichever is larger.

10) All residential lots in subdivisions shall front on a public street or on a private street or court approved by the Kane County Land Use Authority and the Kane County Commission, except as may be approved for Planned Unit Developments or other special dwellings.

9-21G-3: Streets.

1) Minor streets shall be laid out to discourage through traffic.

2) Stub streets shall be provided where needed to connect to adjacent undeveloped land and new streets must be provided where needed to connect to existing stub streets in adjacent subdivision. Not more than three (3) lots shall front stub streets, except where a temporary cul-de-sac turnaround side is provided.

3) Intersections of minor streets with major streets shall be kept to the minimum.

4) Half Streets: no half-streets are permitted.

5) Dead-end streets, including stub streets, shall be permitted or required by the Kane County Engineer only to provide future access to adjoining property, except for dead-end street systems in cluster subdivisions, Planned Unit Developments, condominium developments, or similar special projects.

6) Permanent cul-de-sac streets serving no more than six lots, and not more than 800 feet long, whichever is more restrictive, may be permitted and shall be provided with a right-of-way at the turnaround of 55 ½ feet radius or more, and the outside curb or pavement edge radius shall be 48 feet or more.

7) No more than four streets shall enter an intersection.

8) Streets should intersect at 90 degrees. All others may be designed only with approval of the Kane County Engineer.

9) Two subordinate streets meeting a through street from opposite sides shall meet at the same point, or their centerlines shall be offset at least 200 feet.

10) Streets shall have the names of existing streets which are in alignment. There shall be no duplication of street names within the area. All street names shall be approved by the Kane County Building Official. Permanent signs shall be installed by developer at his expense at time of installation of other off-site improvements with locations approved by Kane County.

11) Where a residential subdivision abuts a major highway, frontage roads may be required.

9-21G-4: Curvature and Alignment.

Ensure adequate sight distances. When street roadway lines deflect more than five degrees, connection shall be made by horizontal curves.

9-21G-5: Block and Cul-de-sac Standards.

Block lengths shall be 1000 feet or less. Cul-de-sac shall be no longer than 800 feet.

9-21G-6: Pedestrian Cross-Walks.

Pedestrian rights-of-way of not less than 10 feet in width may be required by the Kane County Engineer through blocks where needed for adequate pedestrian circulation. Walk improvements (paving) of not less than five feet in width shall be placed within the rights-of-way, as required by the Kane County Engineer.

9-21G-7: Easement Standards.

1) Utility easements shall follow front lot lines wherever possible. (See Design Standards Drawing RD02)

2) Where front line easements are not possible, easements shall follow rear and side lot lines and shall have a minimum total width of 15 feet apportioned equally on abutting properties.

3) All easements shall be designed so as to provide efficient installation of utilities.

4) All power lines, telephone lines, and other normally overhead utility lines shall be placed underground by the subdivider unless the Kane County Engineer determines it is not feasible to do so. This determination would be based upon application by a subdivider, supported by recommendation of the County Engineer, and approved by the Kane County Land Use Authority and Kane County Commission.

9-21G-8: Exterior Perimeters.

All exterior perimeters of subdivisions shall be fenced with a livestock fence appropriate for the area.

9-21G-9: Alleys.

The Kane County Engineer may approve service access to the interior of blocks in certain instances, in which case alleys must be indicated on the plan and plat.

9-21G-10: Sanitary Sewage Disposal.

1) Except as otherwise provided below, the subdivider shall provide, or have provided, an approved piped sanitary sewage system to the property line of every lot in the subdivision. The sewage system shall meet the minimum standards and requirements of the State Department of Environmental Quality. Certification of compliance shall be provided to the Kane County Land Use Authority by the subdivider.

2) All subdivisions, and all phases of subdivisions, proposing onsite wastewater disposal systems, which did not acquire onsite wastewater disposal feasibility approval before December 9, 1997, shall comply with the Southwest Utah Public Health Department's Wastewater Ordinance effective that date. Septic tanks and/or sealed vaults will be approved only when an existing sanitary sewer system is more than one-half mile from the boundary of the subdivision.

3) Where the Kane County General Plan or other plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the Kane County Land Use Authority may require the installation and capping of sanitary sewer mains and house connections by the subdivider. Whenever individual on-lot sanitary sewage disposal systems are proposed, they shall be installed at the time and principal building is constructed, and no building permit shall be issued until such installation is completed. In all other cases, sanitary sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sanitary system.

9-21G-11: Water Supply.

All culinary water systems and plans, whether public or private, shall conform to county ordinances, including but not limited to this Ordinance and the Kane County Standard Specifications and Drawing Details for Design and Construction, and shall be approved by the appropriate state and local authorities.

9-21G-12: Sanitation Collection Sites.

The subdivider shall provide a sufficient number of sites for the collection and removal of solid waste.

ARTICLE H: CONSTRUCTION STANDARDS

SECTION:

9-21H-1: Construction standards and building codes, including the Kane County Standard Specifications and Drawing Details for Design and Construction adopted by Kane County, shall be followed by the subdivider, developer and contractor.

ARTICLE I: FINANCIAL RESPONSIBILITY

SECTION:

9-21I-1: Guarantee
9-21I-2: Payment and Performance Bonds
9-21I-3: Escrow Deposit
9-21I-4: Irrevocable Letter of Credit
9-21I-5: Default
9-21I-6: Improvement Guarantee
9-21I-7: Covenant
9-21I-8: Acceptance and Release of Surety

9-21I-1: Guarantee.

Before approval of the final plat, the developer/subdivider shall guarantee the installation of the required subdivision improvements by one of the methods as described in Sections 9-21I-2, 9-21I-3 or 9-21I-4 of this chapter. The guarantee method employed shall be approved by the Kane County Commission in the Development Agreement.

9-21I-2: Payment and Performance Bonds.

The developer/subdivider shall furnish payment and performance bonds in an amount equal to 125% of the engineer's estimated cost of improvements as approved by the Kane County Engineer. The additional inflation percentage shall be determined in the Development Agreement and added to the 125% figure.

9-21I-3: Escrow Deposit.

The developer/subdivider shall deposit in an interest bearing escrow account an amount of money equal to 125% of the engineer's estimated cost of improvements as approved by the County Engineer. The additional inflation percentage shall be determined in the Development Agreement and added to the 125% figure. The escrow account shall be used solely for securing the subdivisions improvements. The escrow account holder must be approved by Kane County prior to deposit being made.

9-21I-4: Irrevocable Letter of Credit.

The developer/subdivider shall file with Kane County an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount equal to 125% of the engineer's estimated cost of improvements as approved by the Kane County Engineer. The additional inflation percentage shall be determined in the Development Agreement and added to the 125% figure.

9-21I-5: Default.

In the event the developer/subdivider fails to complete the required improvements as stipulated in the Development Agreement, within two years after final plat acceptance, Kane County shall pursue action against whichever method of guarantee was provided (Section 9-21I-2, 9-21I-3, or 9-21I-4 of this chapter) to complete the improvements as described.

9-21I-6: Improvement Guarantee.

The developer/subdivider shall guarantee that all improvements provided, installed and as stipulated in the Development Agreement, shall remain free of defects for a period of one year from date of acceptance by the County. Identifying the necessity for repairs and/or maintenance of the installed work rests with the County Engineer, or designate, and whose decision upon the matter shall be final and binding upon the developer/subdivider. Should the County Engineer find that repairs or maintenance is necessary, and upon written notice, the developer/subdivider shall have a maximum of 30 days to affect the required repairs or maintenance work.

Should the developer/subdivider fail or refuse to affect said repairs or maintenance, the County shall have such work done at the developer/subdivider's expense.

9-21I-7: Covenant.

The developer/subdivider shall, as part of the executed Development Agreement, not sell, lease or convey any of the subdivided property to anyone unless he/she/they, as a condition thereto, satisfy at least one of the foregoing requirements of Sections 9-21I-2, 9-21I-3, or 9-21I-4 of this chapter. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land to secure the installation of the improvements required together with payment of all costs, including reasonable attorney fees which may be incurred by Kane County in the enforcement of any of the terms and provisions of the agreement.

9-21I-8: Acceptance and Release of Surety.

1) Request for conditional acceptance of the subdivision improvements and reduction in surety must be in writing from the developer/subdivider to the Land Use Authority Administrator. When installation of the subdivision improvements are seventy-five percent complete (75%), fifty percent (50%) of the estimated cost of the improvements will be released after inspection and written verification by the County Engineer. After final completion of all work, an additional forty percent (40%) of the estimated cost will be released after inspection and written verification by the County Engineer. This leaves ten percent (10%) of the estimated cost plus the additional twenty-five percent (25%) of the estimated cost to be held for one year from final completion and acceptance of the improvements.

2) Final inspection by the Kane County Engineer shall be made one year after all improvement work has been completed. Any and all defects must be repaired and maintenance must be completed prior to final approval.

3) Upon written approval by the Kane County Engineer, the Land Use Administrator shall, in writing, accept all improvements and release remaining surety.

ARTICLE J. RURAL, MOUNTAIN AND DESERT SUBDIVISION

SECTION:

9-21J-1: Scope
9-21J-2: Application
9-21J-3: Additional Provisions

9-21J-1: Scope.

The Kane County Land Use Authority and Kane County Commission may make special requirements for the regulation of subdivisions in rural, mountainous or desert areas for prevention or erosion, pollution and excessive costs to the public; protection of existing social, physical or economic values; and protection from fire and other hazards.

9-21J-2: Application.

Before applying special requirements to rural, mountain or desert subdivisions that are more restrictive than those otherwise applicable by this Ordinance, the Kane County Land Use Authority Administrator shall cause copies of the proposed subdivision to be issued to the staff (i.e., Building Official, County Engineer, GIS/Transportation Department and any other entities deemed appropriate) for review and comment. Based on information supplied by the staff, the Kane County Land Use Authority shall make its recommendation to the Kane County Commission who shall determine what special requirements shall apply, if any.

9-21J-3: Additional Provisions.

Notwithstanding any other provisions herein or with this Ordinance, the following requirements shall apply to all rural, mountain and desert subdivisions:

1) Any land within a subdivision having a slope greater than ten (10) percent shall be deemed to be land having a “steep slope”. Developer shall not be permitted to grade, excavate, fill or otherwise modify said land if slope is between ten (10) and forty (40) percent without first submitting a geological report for review and staff approval. In no case may a structure be erected on land with a slope of 40% or greater.

a. Geologic Report

i. A geologic report shall include maps and a report containing not less than the following information:

1. The site location and regional setting of the subject property;
2. A site specific geologic map which illustrates exposure to geological and natural hazards. The map shall illustrate the proposed site modifications relative to geological and natural hazards and/or geotechnical limitations that may impact the site. Any corrective site modification actions necessary to mitigate or avoid hazards or limitations shall be clearly identified on the map;
3. Maps shall use scale of one (1) inch equaling one hundred (100) feet, with contour lines at five (5) foot intervals. Existing contours shall be shown by dashed lines and proposed contours shall be shown as solid lines. Boring logs, cross-sections, test trench logs, soil sample descriptions, and test results shall be included;
4. The County Engineer may require additional maps or additional detail on existing maps as reasonably necessary to evaluate actual or potential geologic hazards.

ii. The report shall include:

1. A description of the proposed grading, filling, excavation, or structure;
2. An analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps;
3. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation;
4. Any corrective or remedial action necessary to avoid a violation shall be described and analyzed in detail;

5. A list, including title, author and date, or all prior studies or reports which are relied upon to make this report; and
6. The County Engineer may require additional information or analyses which are reasonably necessary to evaluate actual or potential geologic hazards. This includes submittal of geologic reports to the State Geologist for review and comment.

b. Engineer/Geologist Qualifications and Certificate

i. A letter report or a geologic report shall be approved and signed by one (1) of the following, whose primary area of expertise is required to address the particular issue:

1. A geotechnical engineer who shall be a registered professional engineer in the State of Utah, qualified by training and experience in the application of the principles of soil mechanics to foundation investigation, slope stability, and site development; or
2. An engineering geologist who shall be a graduate in geology or engineering geology from an accredited university with at least five (5) years of professional geologic experience of which at least three (3) full years shall be in the field of engineering geology.

ii. A letter report or a geologic report shall contain the following certificate:

CERTIFICATE
I hereby certify that I am a geotechnical engineer or an engineering geologist, as those terms are defined in Section 9-21J-3 of this chapter. I have examined the letter report/geologic report to which this certificate is attached and the information and conclusions contained therein are, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said letter report/geologic report meet minimum applicable professional standards.

iii. In addition to any applicable private civil remedies, it shall be unlawful to knowingly make a false, untrue, or incomplete statement in a letter report or a geologic

report or to sign the certificate described above knowing the same to be materially false or not true.

iv. In general, it shall be the responsibility of a qualified engineering geologist to perform fault studies and landslide investigations, while it shall be the responsibility of a qualified geotechnical engineer to prepare soils and foundation studies, particularly addressing such issues as expansive and collapsible soils, liquefaction evaluations and engineering aspects of landslide studies.

2) Required storm water runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill.

3) Natural drainage shall be rip rapped or otherwise stabilized below drainage and culvert discharge points to the satisfaction of the Kane County Engineer.

4) Sediment catchment ponds shall be constructed downstream from each subdivision, unless sediment retention facilities are provided within the subdivision.

5) No subdivision design or plan shall be approved which constitutes the creation of hazardous conditions relating to flooding, pollution, fire, geologic hazards or damage or danger to environmental values.

ARTICLE K: RURAL UNIMPROVED SUBDIVISIONS

SECTION:

9-21K-1: Intent
9-21K-2: Rural Unimproved Subdivision Application
9-21K-3: Approval

9-21K-1: Intent.

Kane County desires to create a simplified, less restrictive process for the dividing of land located within the unincorporated areas of Kane County when the project is small and the main purpose and general intent of the division is not property development. This simplified process does not require all of the same improvements and regulations that are required under this chapter when applying for the division of land and approval of a subdivision plat. Under Utah State Code and Kane County Ordinance almost any division of land is defined as a subdivision even though the common and ordinary use of the word subdivision refers to denser residential areas that include roads, utilities, and other improvements.. Although proof of intent is not a requirement of this Article, when the intent of an applicant is to develop the property into a subdivision as the term is normally used, this article should not be used.

Furthermore, for decades many individuals have subdivided their property without first complying with State law and County ordinance in effect at the time of the illegal subdivision. Many individuals may desire to use this Article to bring their land into compliance. If an applicant under this Article otherwise complies with the requirements of this Article, they may obtain approval for a Rural Unimproved Subdivision if, and only if, the application includes all portions of the original land (sometimes referred to as parent parcel) as it legally existed prior to being subdivided illegally, and the application is joined by all of the current property owners.

9-21K-2: Rural Unimproved Subdivision Application.

Notwithstanding articles A-J of this chapter, the Land Use Authority may approve an application for a Rural Unimproved Subdivision, if the following criteria and requirements are met:

1) The applicant shall complete, sign, and submit an official application together with any other required documentation, the form of the application having been prepared by the Land Use Administrator, and pay the associated fee.

2) The proposed subdivision:

a. has a name that is distinct from all other recorded subdivisions in the county recorder's office;
b. is for 10 lots or less, all of which are at least 10 acres as a conforming aliquot parts parcel or less than 10 acres, but not less than 9.5 acres if necessary to compensate for the curvature of the earth or the convergence of township lines as recognized in the Public Land Survey System, or because of previous survey errors;
c. is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;
d. has been approved by the culinary water authority and the sanitary sewer authority, if a culinary water system or sewer system is included in the plans of the subdivision. (Note: under Kane County Ordinance and Utah State Code a building permit will not be issued for lots that do not first contain an approved culinary water and sewer system);
e. is located in a zoned area;
f. conforms to all applicable land use ordinances or has properly received a variance from requirements of an otherwise conflicting and applicable land use ordinance; and
g. is graphically illustrated on a record of survey map completed by a licensed surveyor who certifies that he or she is a licensed surveyor and has verified all measurements and placed monuments as represented on the map. The record of survey map must be signed by the applicant and the surveyor;
h. provides each newly created lot with 1) a vesting of the utility and access easements and other rights of access that the parent parcel holds at the time of the subdivision application; 2) a 50-foot wide recorded access and utility easement across the parent parcel that is necessary to connect the new parcel to any public right-of-way to which the parent parcel has access; and 3) a recorded utility easement across the parent parcel necessary to allow each newly created lot access to the same utilities

currently available to the parent parcel or planned, at the time of the proposed subdivision, to be available to the parent parcel in the future.

i. has a name for each existing and newly created access road or easement distinct from other road or easement names located in Kane County for address purposes, designated on the record of survey.

2) The applicant shall submit an agreement of understanding with the Kane County Commission that in unincorporated areas of the County, dedicated roads will not be accepted, paved or maintained by the County, until the subdivision complies with Articles A through J of this chapter.

3) The proposed subdivision does not include land previously divided under this article.

4) If the applicant so desires a plat may be submitted instead of the record of survey map. The form of the plat must conform with all the requirements of this chapter.

5) The application is signed and submitted by each and every property owner of the land included in the application.

6) If any land contained in the application is the result of land that was previously divided without first complying with State law and County ordinances, the application must include all of the lots or parcels that together represent the entire original parent parcel before it was subdivided illegally.

7) If the proposed subdivision contains agricultural land that qualifies as land in agricultural use as defined by Utah State Code § 59-2-502 (FAA) the applicant must also submit:

a. a signed statement that the land is not used and will not be used for any non-agricultural purpose;
b. a signed notice that the County may require the parcel to comply with Articles A-J of this chapter if it is later used for a non-agricultural purpose.

9-21K-3: Approval.

1) If an applicant meets the requirements of Section two (2) the Land Use Authority after hearing the application in a public meeting shall recommend approval of the application to the County Commission or deny the application.

2) If recommended for approval the application shall be forwarded to the County Commission for final approval.

3) Upon final approval of the County Commission, the appropriate official of the County Commission and the Land Use Authority shall sign the plat or issue a letter of written approval in the case of a record of survey.

4) A Platted Unimproved Subdivision with a recorded approved plat or a letter of written approval recorded with a record of survey shall be considered in compliance with this ordinance as of the date of recording.

5) A building permit shall not be denied on the basis that a lot or parcel is part of a Platted Unimproved Subdivision, approved under this Article.

6) A lot or parcel approved under this Article shall not be restricted from being sold or offered for sale under 9-21A-6 and 9-21B-4.

7) A Plat may not be recorded without all the appropriate signatures and a record of survey map may not be recorded without the letter of written approval.

ARTICLE L: MINOR SUBDIVISIONS

SECTION:

9-21L-1: Minor Subdivision Exemption
9-21L-2: Utah State Code § 17-27a-605(4)

9-21L-1: Minor Subdivision Exemption.

Kane County adopts Utah State Code § 17-27a-605(4). A subdivision of land that qualifies as a minor subdivision under Section 4 does not have to meet the requirements of Articles A-J of this chapter. An applicant that desires to create a minor subdivision lot must file application with the Kane County Land Use Authority certifying that the requirements of Utah State Code § 17-27a-605(4) have been completed. If the applicant meets all the requirements of said subsection, the Land Use Authority Administrator will approve the subdivision after an administrative review.

9-21L-2: Utah State Code §17-27-1-605(4).

For convenience, Utah State Code § 17-27a-605(4) is repeated herein, in its entirety.

(4) (a) As used in this Subsection (4):

(i) "Divided land" means land that:

(A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

(B) has been divided by a minor subdivision.

(ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.

(iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth or sixth class to create one new lot that after the division is separate from the remainder of the original 100 or more contiguous acres of agricultural land.

(iv) "Minor subdivision" lot means a lot created by a minor subdivision.

(b) Notwithstanding Sections 17-27a-603 and 17-27a604, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by

submitting for recording in the office of the recorder of the county in which the land to be divided is located:

(i) a recordable deed containing the legal description of the minor subdivision lot; and

(ii) a notice:

(A) Indicating that the owner of the land to be divided is making a minor subdivision;

(B) Referring specifically to this section as the authority for making the minor subdivision; and

(C) Containing the legal description of:

(I) The land to be divided; and

(II)The minor subdivision lot.

(c) A minor subdivision lot:

(i) may not be less than once acre in size;

(ii) may not be within 1,000 feet of another minor subdivision lot; and

(iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located;

(d) Land to be divided by a minor subdivision may not include divided land;

(e) A County:

(i) may not deny a building permit to an owner of a minor subdivision lot based on;

(A) the lots status as a minor subdivision lot; or

(B) the absence of standards described in Subsection (4) (e) (ii); and

(ii) may, in connection with the issuance of a building permit, subject a minor subdivision lot to reasonable health, safety, and access standards that the county has established and made public.

ARTICLE M: PLATTED UNIMPROVED SUBDIVISION

SECTION:

9-21M-1: Intent
9-21M-2: Platted Unimproved Subdivision Application
9-21M-3: Approval – Effect of Approval

9-21M-1: Intent

Hundreds of lots or parcels located in the County have been subdivided without first complying with the provisions of this ordinance. Often, individuals have divided their property illegally at the direction of private professionals. Others have misinterpreted previous County Ordinances and thought they were acting in conformity with applicable laws. Many of these unapproved subdivisions exist undetected for years and often are sold and then resold from the subdivider to a third party purchaser before the error is detected by the County. Beginning in 2009, Kane County created a subdivision ordinance that required greater improvements and strictly enforced the Subdivision Ordinance where ever possible. Since that time, although there is no legal duty to do so, Kane County has acted diligently to inform its residents that no property can be divided without first complying with State Code and the County Subdivision Ordinance. The purpose of this Article is to provide a plausible option for purchasers of property illegally subdivided prior to 2009 to bring their property into compliance while still maintaining a minimal level of appropriate land use development practices.

In 2012, Kane County adopted the Rural Unimproved Subdivision Ordinance (Article K of this Chapter) to allow a less restrictive means for dividing property. Although some of the requirements of the Rural Unimproved Subdivision are the same and the end result is similar to this article, the Platted Unimproved Subdivision, many land owners who own previously illegally subdivided land do not qualify for a Rural Unimproved Subdivision because the application does not include all of the land as it existed prior to the illegal subdivision (sometimes referred to as the parent parcel). In order for illegally subdivided land to qualify for a Rural Unimproved Subdivision the application must contain all of the land that was illegally subdivided from the original parent parcel and the application must be joined by all of the land owners if there is more than one. Under this Article the applicant does not have to present all of the land that was divided illegally. The applicant must however present all of the land that they own

contained within the parent parcel which existed legally before the illegal subdivision.

9-21M-2: Platted Unimproved Subdivision Application

Notwithstanding Articles A-J of this Chapter, the Land Use Authority may approve an application for a Platted Unimproved Subdivision, if the following criteria and requirements have been met:

1) The applicant shall complete, sign, and submit an official application together with any other required documentation, the form of the application having been prepared by the Land Use Administrator, and pay the associated fee.

2) The applicant shall submit proof by a preponderance of evidence that: a. All of the land contained in the application was subdivided prior to January 1st, 2009; b. The act of subdivision was done by a person who is not the applicant or among the applicants, or by persons, none of whom are the applicant or among the applicants; and c. the act of subdividing was done in any manner that did not fully comply with State Code and County Ordinance in effect at the time of the act.

3) The application shall contain each and every lot or parcel of land owned by the applicant or applicants which resulted from the illegal subdivision of the same original piece of land. The original piece of land shall have been in compliance with all applicable State and County subdivision regulations before the illegal subdivision. This subsection shall not prohibit the approval of an application solely because there were multiple acts of illegal subdivision on the same original piece of land that occurred at different times.

4) The application shall not include any portion of land previously approved under this Article, Article K or Article L, or that is or was already part of an approved platted subdivision as shown by the records in the County Recorder's Office.

5) Each lot or parcel in the application shall be:

    a) Graphically illustrated on a subdivision plat, the form of which, notwithstanding the infrastructure and improvements required under this chapter, otherwise complies with the requirements of this chapter;

b) Located in a zoned area and otherwise conforms to the requirements of that zone as set forth in the County Land Use Ordinance, including but not limited to size and area requirements; and

c) Accessible by an appropriate dedicated easement or right-of-way. An appropriate easement shall be a minimum of 28 feet. If the proposed easement provides access to more than one lot or if it will potentially provide access to more than one lot in the future a 50 foot access easement is required, unless the applicant can demonstrate an undue hardship because of existing roads or pre-existing divisions of land. The Land Use Authority, in its discretion, may require that the easement show connectivity to adjoin lots or parcels.

d) Approved by the culinary water authority and the sanitary sewer authority, if a culinary water system or sewer system is included in the plans of the subdivision. **(Note: under Kane County Ordinance and Utah State Code a building permit will not be issued for lots that do not first contain an approved culinary water and sewer system**)

6) The plat shall have a name for the subdivision that includes the words "Platted Unimproved Subdivision" which is distinct from all other recorded subdivisions **in the County Recorder's Office.**

7) The size, shape and location of the proposed lots as shown on the proposed plat may be different than the size, shape and location of the land as it was illegally subdivided prior to January 1st, 2009 except that no lot shall be reduced in size if it is already smaller than ten acres and no lots shall be reduced to a size smaller than ten acres. Furthermore, the total number of proposed lots on the plat may be the same or less but shall not be greater than the number of lots created by the act of illegal subdivision prior to January 1st, 2009.

8) The application shall not be inconsistent with the County General plan.

9) Each existing easement (either by dedication or by prescriptive use) providing access to surrounding subservient properties shall be preserved and dedicated on the plat. Upon permission from the owner of the subservient lot, these existing easements may be realigned.

10) Any public right-of-way or utility easement (either by dedication or by prescriptive use) existing on the land contained in the application shall be preserved and dedicated on the plat.

11) Each existing and newly created access road or easement shall have a name for address purposes that is distinct from other road or easement names located in Kane County as approved by the Address Administrator.

12) The applicant shall submit an agreement of understanding with the Kane County Commission that in unincorporated areas of the County, dedicated roads will not be accepted, improved or maintained by the County, until the subdivision complies with Articles A through J of this Chapter, specifically including the width of the easement and the condition of the road.

13) If the application contains agricultural land in agricultural use as defined in Utah State Code § 59-2-502 (FAA) (as amended) the applicant is not required but is encouraged to meet with the County Assessor to review how this application may affect the tax status of the land in the application.

9-21M-3: Approval – Effect of Approval

1) If an applicant meets the requirements of Section two (2) the Land Use Authority after hearing the application in a public meeting shall recommend approval of the application to the County Commission or deny the application.

2) If recommended for approval the application shall be forwarded to the County Commission for final approval.

3) Upon final approval of the County Commission, the plat shall be signed by the appropriate official of the County Commission and the Land Use Authority.

4) A Platted Unimproved Subdivision with a recorded approved plat shall be considered in compliance with this ordinance as of the date of recording.

5) A building permit shall not be denied on the basis that a lot or parcel is part of a Platted Unimproved Subdivision, approved under this Article.

6) A lot or parcel approved under this Article shall not be restricted from being sold or offered for sale under 9-21A-6 and 9-21B-4.

ARTICLE N: BONA FIDE AGRICULTURAL DIVISION

SECTION:

9-21N-1: Intent
9-21N-2: Definitions
9-21N-3: Bona Fide Agricultural Division Application
9-21N-4: Approval – Effect of Approval

9-21N-1: Intent

Under Utah Code § 17-27a-103 (57) a subdivision is essentially defined as any and all divisions of land. There are several exclusions including (57)(c)(i) "a bona fide division or partition of agricultural land for agricultural purposes." This Subdivision Ordinance contains the same definition. This exclusion is referred to in this Ordinance as a Bona Fide Agricultural Division. If a division of land qualifies under this exclusion, the division of land is not subject to the general requirements of the Subdivision Ordinance. This Article first sets forth a mandatory application process so that individuals who desire to use the exclusion along with present and future county officials can be assured that the act of division is or was done in compliance with applicable laws. Second, this Article sets forth the present and future restrictions on land that is divided as a Bona Fide Agricultural Division.

9-21N-2: Definitions

1) Agricultural Land, Land in Agricultural Use. Land devoted to the raising of useful plants and animals with a reasonable expectation of profit that also has a recorded approved application under the Farm Land Assessment Act, Utah Code § 59-2-501 et. al. as amended.

2) Agricultural Purpose. A result or effect that is intended or desired to substantially promote, support or encourage a legitimate existing agricultural use.

3) Agricultural Use. The raising of useful plants and/or animals with a reasonable expectation of profit.

4) "Bona Fide division or partition of agricultural land for agricultural purposes." Any division of agricultural land, as defined herein, which is

actively devoted to agricultural use, as defined herein, for a specific agricultural purpose, as defined herein, provided that the following criteria are also established:

a. Each subsequent lot is at least ten (10) acres in size;
b. The land at the time of the division is zoned Agricultural;
c. The purpose for the division is a legitimate agricultural purpose which is common practice among land owners actively engaged in Agricultural Use.

9-21N-3: Bona Fide Agricultural Division Application

No land shall be divided under the definition set forth in Utah Code § 17-27a-103(57)(c)(i) without first submitting an application that complies with this Article. Notwithstanding articles A-J of this ordinance, the Land Use Authority may approve an application for a Bona Fide Agricultural Division, if the following criteria and requirements are met:

1) The applicant shall complete, sign, and submit an official application together with any other required documentation, the form of the application having been prepared by the Land Use Administrator, and pay the associated fee, if any.

2) The Land Use Authority finds that the proposed division is a bona fide division or partition of agricultural land for agricultural purposes as defined in Section two (2).

3) The Land Use Authority shall presume that the proposed division is not a bona fide division or partition of agricultural land for agricultural purposes unless the applicant overcomes the presumption by a preponderance of the evidence.

4) The applicant has the burden to specifically prove that the land contained in the application is Agricultural Land and that the subsequent lots or parcels will continue to be Agricultural Land.

5) The applicant shall present the specific Agricultural Purpose for the division

6) The application shall not include any portion of land previously approved under Articles K, L or M of this chapter or that is or was already part of an approved platted subdivision as shown by the records in the County Recorder's Office.

7) Each lot or parcel contained in the application shall conform to the size and shape requirements of the Agricultural Zone.

8) The application shall contain the proposed legal description of each resulting lot or parcel and shall contain a drawing that generally indicates the size, shape, and location of the proposed division.

9) The applicant shall not be required to submit a plat or record of survey but is encouraged to do so.

10) The application shall not be inconsistent with the County General plan.

11) The applicant shall submit an agreement of understanding with the Kane County Commission that in unincorporated areas of the County, dedicated roads will not be accepted, improved or maintained by the County, until the subdivision complies with Articles A through J of this Chapter, specifically including the width of the easement and the condition of the road.

12) Each lot or parcel contained in the application shall have: A) a vesting of the utility and access easements and other rights of access that the parent parcel holds at the time of the application; B) a minimum 28-foot wide recorded access and utility easement across the parent parcel that is necessary to connect the new parcel to any public right-of-way to which the parent parcel has access; and C) a recorded utility easement across the parent parcel necessary to allow each newly created lot access to the same utilities currently available to the parent parcel or planned, at the time of the proposed subdivision, to be available to the parent parcel in the future.

9-21N-4: Approval – Effect of Approval

1) The Land Use Authority shall address a completed application in a public meeting. If an applicant meets the requirements of Section three (3) the Land Use Authority shall approve the application and issue a letter of written approval.

2) The applicant shall record the letter of written approval with each newly created lot or parcel of land. Any land resulting from an approved Bona Fide Agricultural Division with a recorded letter of written approval shall be considered in compliance with this ordinance as of the date of recording.

3) No building permit shall be issued for any habitable structure but may be issued for non dwelling structures for agricultural purposes.

4) If one or more lots or parcels resulting from a division approved under this article are withdrawn from assessment under the Farm Land Assessment Act, the owner of the lot or parcel shall immediately comply with any and all subdivision requirements under this Subdivision Ordinance as if the original division was a subdivision at the time of the division. If one or more lots or parcels approved under this Article are withdrawn from assessment under the Farm Land Assessment Act, the lots or parcels shall be considered an illegal subdivision until they comply with the requirements of the Subdivision Ordinance

5) Nothing in this Article shall prohibit the owner of a lot or parcel resulting from a Bona Fide Agricultural Division from applying for a Rural Unimproved Subdivision.

CHAPTER 22. PERFORMANCE STANDARDS

SECTION:

9-22-1: Purpose
9-22-2: General Provisions
9-22-3: Performance Standards Procedure

9-22-1: Purpose.

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

9-22-2: General Provisions.

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

9-22-3: Performance Standards Procedure.

The Building Official or County Engineer may require performance standards review for compliance of any use in any zone when there is reason to believe that such use or the manner of its operation will not or may not conform to the performance standards adopted by Kane County, to include but not limited to Kane County Standard Specifications and Drawing Details for Design and Construction, Federal, State and Local EPA standards, ICC Codes, etc.

CHAPTER 23. IMPACT FEE ENACTMENT

Repealed
Reserved

CHAPTER 24. SOLAR POWER PLANTS

SECTION:

9-24-1: Purpose
9-24-2: Definitions
9-24-3: Regulations and Design Standards-Solar Power Plant
9-24-4: Provisions for Conditional Use Permit Review
9-24-5: Submission of Application

9-24-1: Purpose.

The purpose of this chapter is to establish minimum requirements and regulations for the placement, construction and modification of solar power plants, as defined herein, while promoting the safe, effective and efficient use of such energy systems.

9-24-2: Definitions.

1) "Concentrating solar thermal devices" are systems that use lenses or mirrors and tracking systems to focus a large area of sunlight into a small beam. The concentrated light is then used as a heat source for a conventional power plant. Although, wide ranges of concentrating technologies exist, the most developed are the solar trough, parabolic dish and solar power tower.

2) "Photovoltaic's" or "PV" is a technology that converts light directly into electricity.

3) "Solar power plant" means a utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaic, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity.

9-24-3: Regulations and Design Standards-Solar Plant.

A solar power plant shall comply with the regulations and design standards set forth below:

1) Permitted Locations. A solar power plant is not allowed in any Residential Zone.

2) Height will be established through the Conditional Use Permit process.

3) Setbacks.

   a. Property Lines. Any facility of a solar power plant shall be set back from the nearest property line, public road right-of-way and tanks containing combustible/flammable liquids not less than 1.5 times the total height of its tallest structure;
   b. Inhabitable or Public Structures/Other Uses. No solar power plant shall be located within one thousand two hundred (1200) feet of the nearest inhabitable structure (residence), platted subdivision, or public building or gathering place) park, church, hospital, library, school, playground, etc. unless the following conditions are applied: 1) The maximum height is less than 35 ft. not including power poles and transmission lines; 2) An Approved fence is constructed around the facility; 3) Precautions to eliminate reflective glare on other properties are taken; and 4) Operating noise is less than 10 decibels measured at the property boundary.

4) Safety/Access.

   a. An appropriate security fence (height and material to be established through the Conditional Use Permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked;
   b. Appropriate warning signage shall be placed on towers, electrical equipment and solar power plant entrances.

5) Noise. No solar power plant shall exceed sixty –five (35) dBA as measured at the property line or fifty (10) dBA as measured at the nearest neighboring habitable building.

6) Visual Appearance.

a. Solar power plants shall be finished and maintained as manufactured;
b. The design of any buildings or related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment;
c. Appropriate landscaping shall be provided to minimize the visual impact of the commercial solar power plant and accessory structures from roads and adjacent residences.

7) Local, State and Federal Permits. A solar power plant shall be required to obtain all necessary permits from the Utah Department of Environmental Quality, including the Utah Division of Air Quality and the Utah Division of Water Quality, and federal permits along with applicable permits required by Kane County and local utility companies affecting the power grid.

8) Electrical Interconnections. All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. "PV" systems must be approved for interconnection by the serving utility before operations can begin if so connected.

9-24-4: Provisions for Conditional Use Permit Review.

Following the provisions of the Kane County Land Use Ordinance Chapter 15, additional or more thorough consideration shall be given to the following:

1) Site and development plans (drawn to scale; locating all structures existing and proposed, setbacks, access, project boundary, existing structures outside project boundary within one-half mile of project boundary, existing utilities/pipelines/transmission lines, proposed utility lines/structures, existing topography);

2) Transportation plan for construction and operation phases (showing proposed project service road ingress and egress access onto the state or county road system, layout of the solar power plant service road system and degree of upgrade plan to new and existing roads, anticipated volume and route for traffic, including oversized and heavy equipment needed for construction,

maintenance and repairs, methodology of repairs and maintenance of roads and bridges used for the project, and related public pedestrian and vehicular access and associated fencing;

3) Public safety (potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created);

4) Telecommunications interference (electromagnetic fields and communications interference generated by the project);

5) Life of the project and final reclamation (describing the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensure proper final reclamation of the solar power plant project);

6) Visual Impacts, Appearance, and Scenic View sheds. Potential visual impacts may be caused by components of the project such as mirrors, solar towers, cooling towers, steam plumes, aboveground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. Those projects that are within a sensitive view shed, utilize reflective components (e.g., exposed mirrors), or that propose structures taller than thirty feet must provide a view shed analysis of the project, including visual simulations of the planned structures and analysis of potential glare impacts. The number of visual simulations shall be sufficient to provide adequate analysis of the visual impacts of the proposal, which shall be from no less than four vantage points that together provide a view from all sides of the project. More visually sensitive proposals (e.g., solar power towers or exposed mirrors in sensitive view sheds) may require analysis from significantly more vantage points, such as different distances and sensitive locations. The planning commission may also require a Zone of Theoretical Visibility/Zone of Visual Impact (ZVI) Analysis, which is a three hundred sixty degree computer analysis to map the lands within a defined radius of a location that would likely be able to see an object. Significant visual impacts that cannot be adequately mitigated are grounds for denial.

7) Environmental Analysis. In the absence of a required state or federal agency environmental review for the project (e.g., NEPA), the planning commission may require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area, when there is reason to believe that adverse impacts to such may occur.

8) Solid Waste or Hazardous Waste. As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.

9) Height Restrictions and FAA Hazard Review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with FAA regulations pertaining to hazards to air navigation must be demonstrated.

10) Transportation Plan for Construction and Operation Phases. Indicate by description and map what roads the project will utilize during the construction and operation/maintenance phases of the project, along with their existing surfacing and condition. Specify any new roads and proposed upgrades or improvements needed to the existing road system to serve the project (both the construction and O&M periods)—remember to identify needed bridges, culverts, livestock fence crossings (gates and cattle guards), etc. Also identify all areas where modification of the topography is anticipated (cutting/filling) to construct or improve the roadways. Address road improvement, restoration or maintenance needs associated with the construction, ongoing maintenance/repair, and potential dismantling of the project. Provide projected traffic counts for the construction period, broken down by the general type/size of vehicles, and identify approximately how many trips will have oversized or overweight loads. If significant impacts to the transportation system are anticipated, the County may require financial guarantees to ensure proper repair/restoration of roadways or other infrastructure damaged or degraded during construction or dismantling of the project. In such case, the "before" conditions of the roadways and other infrastructure must be documented through appropriate methods such as videos,

photos, and written records, to provide a proper reference for restoration.

11) Other probable and significant impacts, as identified through the review process.

9-24-5: Submission of Application.

Permit Application. Application for a solar power plant shall include the following information:

1) Site plan to scale showing location of the proposed solar power plant and the locations of all existing buildings, structures and property lines along with distances, including a drawing depicting the area;

2) Elevations of the site to scale showing the height, design and configuration of the solar power plant and the height and distance to all existing structures, buildings, electrical lines and property lines;

3) Standard drawings and engineering analysis of the solar power plant feasibility;

4) Specific information on the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, model;

5) Emergency and normal shutdown procedures.

CHAPTER 25. NUCLEAR WASTE

SECTION:

9-25-1: Purpose
9-25-2: Authority
9-25-3: Definitions
9-25-4: Nuclear and Radioactive Waste
9-25-5: Municipal-type Services Regarding Waste

9-25-1: Purpose.

To provide specific provisions related to any areas within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of the county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, including provisions that address the effects of the proposed site upon the health and general welfare of citizens of the state.

9-25-2: Authority.

Utah State Code § 17-34-1(3), prohibits a county from providing municipal-type services to any area under consideration for a storage facility or transfer facility for the placement of high-level nuclear waste, or greater than class C radioactive waste; or seek to fund services for these facilities. Also in Utah State Code § 17-27a-409, the State of Utah will indemnify the County in a challenge in a court of law regarding its decision to deny siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste or its refusal to provide municipal-type services regarding such a facility if the county complies with Utah State Code § 17-27a-401(3)(b) and § 17-34-1(3).

9-25-3: Definitions.

1) Greater than class C radioactive waste: low-level radioactive waste that has higher concentrations of specific radionuclides than allowed for class C waste.

2) High-level nuclear waste: spent reactor fuel assemblies, dismantled nuclear reactor components, and solid and liquid wastes from fuel reprocessing and defense-related wastes.

3) Municipal-type services includes, but is not limited to:
   a. Fire protection service;
   b. Waste and garbage collection and disposal;
   c. Planning and zoning;
   d. Street lighting;
   e. Life support and paramedic services;
   f. Water;
   g. Sewer;
   h. Electricity;
   i. Natural gas or other fuel; or
   j. Law enforcement.

4) Placement: transportation, transfer, storage, decay in storage, treatment, or disposal.

5) Storage facility: any facility which stores, holds, or otherwise provides for the emplacement of waste regardless of the intent to recover that waste for subsequent use, processing, or disposal.

6) Transfer facility: any facility which transfers waste from and between transportation modes, vehicles, cars, or other units, and includes rail terminals and intermodal transfer points.

7) Waste: high-level nuclear waste and greater than class C radioactive waste.

9-25-4: Nuclear and Radioactive Waste.

All proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste, wholly or partially within the county, are rejected.

9-25-5: Municipal-type Services Regarding Waste.

The County refuses to provide, contract to provide, or agree in any manner to provide municipal-type services to any area under consideration for a storage facility or transfer facility for the placement of high-level nuclear waste, or greater than class C radioactive waste. The County refuses to seek to fund services for these facilities by levying a tax or charging a service charge or fee to persons benefiting from the municipal-type services.

CHAPTER 26. WATER SOURCE PROTECTION AREAS

SECTION:

9-26-1: Statutory Authority
9-26-2: Short Title and Purpose
9-26-3: Definitions
9-26-4: Filing, Recording and Notice of Maps Showing Source Protection Zones
9-26-5: Establishment of Drinking Water Source Protection Zones
9-26-6: Prohibited Uses
9-26-7: Substances Not Subject To Provisions
9-26-8: Overly Protective Management Areas and Protection Zones
9-26-9: Preexisting Uses
9-26-10: Administration
9-26-11: Enforcement

9-26-1: Statutory Authority.

The statutory authority for enacting this chapter is Utah State Code § 17-27-102 and § 17-53-223, as amended.

9-26-2: Short Title and Purpose.

1) Title: This chapter shall be known as the DRINKING WATER SOURCE PROTECTION ORDINANCE. (Ordinance 1996-5)

2) Purpose: The purpose of this chapter is to comply with Utah State Code § 19-4-113, as amended, requiring counties to adopt a water source protection ordinance to protect groundwater sources of public drinking water. This chapter is to ensure the provision of a safe and sanitary drinking water supply for the county by the establishment of drinking water source protection zones surrounding the wellheads for all wells which are the supply sources for any public water supply agency (PWSA) water system and by the designation and regulation of property uses and conditions which may be maintained within such zones and to meet the requirements of a preliminary evaluation report according to the state drinking water source protection rule (R309-600 Utah administrative code). (Ord. 1996-5-Section 1 (a) (b))

3) Conflict: This chapter is designed to supplement, but not replace, other ordinances and regulations governing the use of property within the county, such as other regulations in this title. In case of conflict between this chapter and any other applicable ordinance or regulation, the more restrictive requirement shall prevail.

4) Degree Of Protection; Limitation of Liability: The degree of protection afforded by this chapter is considered adequate for regulatory purposes. This chapter does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the county, or an officer or employee thereof, for any damages to the public water supplies from reliance on this chapter, nor any administrative order lawfully made hereunder.

5) Owner Liability: A notice to cease or an exemption issued under this chapter shall not relieve the owner of the obligation to comply with any other applicable federal, state, regional or local regulations, rules, ordinances or requirements, nor shall said notice or exemption relieve any owner of any liability for violation of such regulations, rules, ordinances or requirements.

9-26-3: Definitions.

When used in this chapter, the following shall have the following meanings:

BEST MANAGEMENT PRACTICES (BMPs): A practice or combination of practices that reduces the potential for spills and leaks at a site to occur and enter groundwater. "BMPs" shall be construed within the context of this chapter to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures identified by the state department of environmental quality and the U.S. environmental protection agency. "BMPs" should be the most effective practicable (including technological, economic and institutional considerations) means of preventing pollution sources from entering groundwater. "BMPs" may include, but not be limited to, those practices outlined in the state department of environmental quality pollution prevention fact sheets.

DESIGN STANDARD: A standard applied to the design, construction and ongoing operation of various land use activities that imposes specific physical

requirements and that is implemented by a potential contamination source to prevent discharges to the ground water. Examples of design standards include, but are not limited to, facilities for segregating wastes for recovery and separating hazardous and nonhazardous wastes to prevent cross contamination; eliminating sources of leaks and spills; physical barriers, such as a berm or dike, which will hold spills or leaks; use of double walled tanks to store chemicals; locating storage and mixing areas away from floor drains, and waste disposal procedures.

POLLUTION SOURCE: Point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA title III (42 USC 11002). Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten (10) animal units. The following clarify the definition of "pollution source":

1) Animal Feeding Operation: A lot or facility where the following conditions are met: 1) animals have been or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period; and 2) crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two (2) or more animal feeding operations under common ownership are considered to be a single feeding operation: 1) if they adjoin each other; 2) if they use a common area; or 3) if they use a common system for the disposal of wastes.

2) Animal Unit: A unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over fifty five (55) pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

3) Extremely Hazardous Substances: Those substances which are identified in the section 302(EHS) column of the "Title III List Of

Lists - Consolidated List Of Chemicals Subject To Reporting Under SARA Title III", (EPA 560/4-91-011).

POTENTIAL CONTAMINATION SOURCE: Any facility or site which employs an activity or procedure which may potentially contaminate ground water as listed on exhibit A of the EPA potential sources of drinking water contamination index. A pollution source is also a potential contamination source.

REGULATORY AGENCY: means any governmental agency with jurisdiction over hazardous waste as defined herein.

SANITARY LANDFILL: means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing an earth cover thereon.

SEPTIC TANK/DRAIN FIELD SYSTEMS: A system that is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, "septic tank/drain field system discharges" cannot be controlled with design standards.

WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

9-26-4: Filing, Recording and Notice of Maps Showing Source Protection Zones.

Each water source protection area covered by this chapter shall be shown on a map which shall include the boundaries of all zones. The PWSA shall pay for and cause a map to be prepared by a licensed civil engineer or a licensed professional geologist, which map shall be filed with the planning office and recorded by the county at the county recorder's office. The map may be revised from time to time. Notice of the filing of the map shall be given to each property owner within the boundaries of the zones by deposit in the United States mail, certified or registered, postage prepaid, addressed to the owner shown on the records of the county recorder, which cost shall be paid by the PWSA.

9-26-5: Establishment of Drinking Water Source Protection Zones.

There are hereby established use districts to be known as zone one and zone two of the drinking water source protection area identified and described as follows:

1) Zone One: Zone one is the area within a one hundred foot (100') radius from the wellhead.

2) Zone Two: Zone two is the area within a two hundred fifty (250) day ground water time of travel to the wellhead, the boundary of the aquifer which supplies water to the ground water source, or the ground water divide, whichever is closer.

3) Zone three (waiver criteria zone) is the area within a 3-year ground-water time of travel to a well head or margin of the collection area, the boundary of the aquifer (s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

4) Zone four is the area within a 15-year ground-water time travel to a wellhead, the boundary of the aquifer (s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

9-26-6: Prohibited Uses.

The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 9-26-7 of this chapter:

1) Zone One: The location of "potential contamination sources", as defined in Section 9-26-3 of this chapter, unless they are controlled with design standards.

2) Zone Two: The location of "pollution sources", as defined in Section 9-26-3 of this chapter, unless their contaminated discharges are controlled with design standards; provided, however, that a person may use or store a pollution source or potential contamination source within zone two under the following conditions:

   a. No Reportable Quantities: If the pollution source or potential contamination source is a hazardous substance, the amount of the pollution source or potential contamination source does not

exceed the reportable quantity for that substance listed in 40 CFR 302.4, as amended; and

b. Management Plan: The person implements a management plan that incorporates best management practices approved by the PWSA that is designed to ensure that the pollution source and/or potential contamination source will not be spilled or released in a manner that may potentially contaminate ground water.

9-26-7: Substances Not Subject To Provisions**.**

The following substances are not subject to the zone prohibitions and restrictions set forth herein; provided, that these substances are handled, stored and disposed of in a manner that does not result in an unauthorized release or cause contamination of the ground water:

1) Normal Household Storage: Regulated substances stored at residences that do not exceed ten (10) pounds or five (5) gallons and are used for personal, family or household purposes.

2) Janitorial Products For Commercial Sites: Products intended for use at a commercial site and solely for office or janitorial purposes. Such products must be stored in total quantities of less than twenty (20) pounds or ten (10) gallons.

3) Prepackaged Consumer Products: Prepackaged consumer products available through retail sale to individuals for personal, family or household use that are properly stored.

4) Latex Paint: Water based latex paint.

5) Fertilizers And Treated Seed: Fertilizers and treated seed, when stored and applied in accordance with manufacturer's instructions, label directions and nationally recognized standards.

6) Pesticides: Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment or similar applications, when applied in accordance with manufacturer's instructions, label directions and nationally recognized standards.

7) Compressed Gases: Compressed gases.

8) Commercial Products: Substances or mixtures which may pose a hazard but are labeled pursuant to the federal food, drug, and cosmetic act.

9) Fuel And Lubricant Use: The use of any petroleum product solely as an operational fuel in a vehicle, or as an operational fuel in a landscaping or garden tool or device, or as a lubricant in any such vehicle, tool or device; provided, however, that these spent products shall be properly disposed of in compliance with applicable federal, state and local regulations. (Ord. 2004-844-O, 3-2-2004)

9-26-8: Overly Protective Management Areas and Protection Zones.

If protection zones appear to be excessively large, changes to the protection zones may be considered according to the following procedure:

1) Written Comments For Reconsideration: Submit written comments to the PWSA stating the reasons that the delineated protection zones should be reconsidered.

2) Investigation; Appeal: If the PWSA concurs, it may conduct a new hydrogeologic investigation to address the issues raised by the entity requesting changes to the delineated protection zones. If the PWSA does not agree to conduct a new investigation, the entity requesting changes may appeal to the county pursuant to the requirements set forth in this title. In the event the county orders a new investigation, it shall be paid for by the entity requesting the changes.

3) Findings; New Map: Based upon the results of the new investigation, the planning department may make a determination that the new hydrogeologic investigation is or is not protective. In the alternative, the new hydrogeologic investigation may, in the county's discretion, be submitted to the state division of drinking water for its review. If either the planning department or the division of drinking water finds that the new hydrogeologic

investigation is protective, a new map shall be filed showing the smaller protection zones.

9-26-9: Pre-existing Uses.

Uses or conditions in place prior to September 09, 1996, are not subject to the zone prohibitions and restrictions set forth herein.

9-26-10: Administration.

The policies and procedures for administration of any source protection zone established under this chapter, including, without limitation, those applicable to nonconforming uses, exceptions, enforcement, penalties and appeals, shall be the same as provided in this title.

9-26-11: Enforcement.

A retail or wholesale water supplier may seek enforcement of this chapter in district court as per Utah State Code § 19-4-113, as amended.

CHAPTER 3. APPEAL AUTHORITY

SECTION:

9-3-1: Appointment, Term and Removal
9-3-2: Meetings
9-3-3: Powers of the Appeal Authority
9-3-4: Appeals
9-3-5: Stay of Proceedings Pending Appeal
9-3-6: Notice of Hearing of Appeal – Right of Appearance
9-3-7: Decision on Appeal
9-3-8: Final Decision
9-3-9: Judicial Review of Appeal Authority's Decision Time Limitation
9-3-10: Time Limitation on Variance
9-3-11: Filing Fee
9-3-12: Compensation of the Appeal Authority

9-3-1: Appointment, Term and Removal.

The Kane County Appeal Authority shall consist of one person and shall be appointed by the Kane County Commission for a term of two years. Appointee may be removed, for cause, by the appointing authority upon written charges which are reviewed at a closed session of the Kane County Commission.

The Kane County Commission may appoint an interim Appeal Authority person in the event that the regular person is temporarily unable to act owing to absence from the County, illness, disability, interest in a case before the Appeal Authority or other reason deemed appropriate by the Kane County Commission.

9-3-2: Meetings.

The Kane County Appeal Authority shall meet on an "as required" basis. It shall act in a quasi-judicial manner, administer oaths and compel attendance of witnesses. The Appeal Authority shall keep minutes of its proceedings and keep records of its examinations and other official actions. Meetings and records are open and available to the public.

9-3-3: Powers of the Appeal Authority.

The Kane County Appeal Authority shall hear and decide:

1) Requests for variances from the terms of the Land Use Ordinances; and

2) Appeals from decisions applying to the Land Use Ordinances where it is alleged that there is error in any order, requirement, decision or determination made by an administrative board or official in the enforcement of this ordinance.

3) Appeals from any final decision of the Land Use Authority

The Kane County Appeal Authority shall not have the power to waive or modify the terms or requirements of the Land Use Ordinances.

9-3-4: Appeals.

1) Appeals to the Kane County Appeal Authority may be pursued by any person or aggrieved party by their inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Ordinance. Appeals to the Appeal Authority may be taken by any officer, department, board or bureau of the County affected by the grant or refusal of a building permit or by other decisions of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of this Ordinance. The time within which such appeal must be made, and the form or other procedure relating thereto, shall be as specified in the general rules of procedure adopted by such an Appeal Authority provided further, that said rules and regulations shall be available to the public at the office of the Land Use Authority.

2) Time to Appeal – aggrieved party has thirty (30) calendar days from receipt of written decision to submit an appeal to the Appeal Authority.

9-3-5: Stay of Proceedings Pending Appeal.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Appeal Authority, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Appeal Authority or by the district court on application and notice and on due cause shown.

9-3-6: Notice of Hearing of Appeal – Right of Appearance.

The Kane County Appeal Authority shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest. At the hearing any party may appear in person or by agent or by attorney.

9-3-7: Decision on Appeal.

In exercising the above mentioned powers such Appeal Authority may in conformity with the provisions of this Ordinance reverse, or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

9-3-8: Final Decision.

A decision of the Appeal Authority takes effect on the date the Appeal Authority issues its written decision.

9-3-9: Judicial Review of Appeal Authority's Decision Time Limitation.

Kane County or any person aggrieved may have and maintain a plenary action for relief there from in any court of competent jurisdiction; provided petition for such relief is presented to the court in writing within thirty (30) days after the filing of such decision in the office of the Appeal Authority.

9-3-10: Time Limitation on Variance.

If the Kane County Appeal Authority grants a variance in accordance with the provisions of this chapter, alterations in accordance with the variance must be initiated within six months after the date variance is granted or variance becomes null and void. The time limit of the variance may be extended an additional six months by the Appeal Authority, and then only if the petitioner shows adequate cause to the Appeal Authority that circumstances necessitates a time extension.

9-3-11: Filing Fee.

Upon filing of any appeal or application of the Kane County Appeal Authority, the appellant or applicant shall pay to the County a fee prescribed by the County Commission. The said fee shall be collected by the officer in whose office said appeal is filed and shall be deposited with the County Treasurer and credited to the general fund. No appeal or application shall be considered by the Appeal Authority unless and until such fee has been paid.

9-3-12: Compensation of the Appeal Authority.

The Kane County Appeal Authority shall be compensated by an amount established by the County Commission for each meeting of the Appeal Authority which he or she shall attend.

CHAPTER 4. ZONES

SECTION:

9-4-1: Establishment of Zones
9-4-2: Boundaries of Zones
9-4-3: Filing of Ordinance and Map
9-4-4: Rules for Locating

9-4-1 Establishment of Zones.

For the purpose of this Ordinance, the following zones are created as necessary to regulate the development of the land in Kane County, Utah:

(1)	Agricultural Zone	AG
(2)	Residential Zones	R-1/2, R-1, R-2, R-5
(3)	Commercial Zones	C-1, C-2
(4)	Manufacturing Zone	M
(5)	Industrial Zone	I (reserved)
(6)	Community Zone	CZ

9-4-2 Boundaries of Zones.

The boundaries of each of the said zones are hereby established as herein described, as shown on the map entitled “Zoning Map of Kane County, Utah”, which map is attached to this Ordinance and all boundaries, notations and other data shown thereon are made by this reference as much a part of this Ordinance as if fully described and detailed herein.

9-4-3 Filing of Ordinance and Map.

The Land Use Ordinance and map shall be held in custody by the Land Use Authority Administrator and may be examined by the public during normal business hours or at other times by special arrangement.

9-4-4 Rules for Locating.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

1) Whenever the zone boundary is indicated as being approximately upon the center of a street, alley or block or along a property line, then unless otherwise definitely indicated on the map the center line of such street alley or block or such property line, shall be deemed to be the boundary of such zone.

2) Whenever such boundary line of such zone is indicated as being approximately at the tine of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway or such railroad right-of-way or the boundary lines of such public land or such section line shall be deemed to be the boundary of such zone.

3) Where the application of the above rules does not clarify the zone boundary location, the Appeal Authority shall interpret the map.

CHAPTER 5. AGRICULTURAL ZONE (AG)

SECTION:

9-5-1: Purpose
9-5-2: Codes and Symbols
9-5-3: Uses Table
9-5-4: Area, Width, and Setback Regulations
9-5-5: Modifying Regulations

9-5-1: Purpose.

To preserve appropriate areas for permanent and temporary agricultural and open space areas as defined herein. Uses normally and necessarily related to agriculture are permitted as set forth in the Use Matrix below and uses adverse to the continuance of agricultural activity are discouraged in general and specifically prohibited only as set forth herein.

9-5-2: Codes and Symbols.

1) In this part are tables describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a Conditional Use Permit issued by the Planning Commission are indicated by a "C" in the appropriate column.

2) All uses listed in more restrictive zones shall be allowed in the Agricultural Zone according to their attached codes and symbols unless otherwise changed in the Agricultural matrix. If there are conflicting designations among the more restrictive zones, the less restrictive designation shall apply. The following is a list of zones starting with the most and ending with the least restrictive: Residential, Commercial, Agricultural, Manufacturing, Industrial.

3) Any use not named in this table which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the Ordinance by the Kane County Planning Commission in a public hearing and approval of the County Commission.

9-5-3: Uses Table.

Accessory buildings and uses customarily incidental to permitted uses	P
Apiary (beehives)	P
Agricultural industry or business including all livestock marketing, production, and wholesale	P
Aviary	P
Beer sales at public recreational facilities	C
Commercial dwelling or residential facilities for elderly or disabled persons	P
Construction equipment and supply trailer,temporary	P
Cottage industry that may be permitted to employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property	C
Dams, reservoirs and hydroelectric facilities	C
Dude ranch, family vacation ranch	C
Dwelling	P
Electrical Power Substation	C
Farms devoted to raising of chickens, turkeys or other fowl or poultry, fish and frogs	P
Forestry	P
Home occupation	P
Kennel and/or Cattery commercial or private	P
Lodges, bed and breakfast	P
Logging and lumber harvesting	P
Park Model	P
Personal agriculture, including crop production, grazing and pasturing of animals	P
Plant materials nursery or green house	P
Power generation for on-site use under 50 KVA	P
Private air strip	C
Private cemetery	C
Private roads	P
Processing and composting of state regulated Class A, B, and C bio-solids and other acceptable organic waste such as chicken manure	C
Production agriculture, including crop and grazing and pasturing of animals	P
Public, quasi-public, and private service utility lines, pipelines, power lines, excluding overhead lines with base structure over 70 feet in height	P
Public recreational grounds and facilities	C

Public use, quasi-public use, essential services, including accredited private school, with a curriculum corresponding to a public school	C
Public riding stable, riding academy or riding ring, horse show barns, or facilities	P
Radio and television transmitting stations and towers and wireless communications towers	C
Recreation camps	P
Reservoir and hydroelectric facilities	C
Residential facilities	P
Second family dwelling for the household of a hired man or seasonal laborer, or members of owners family	P
Solar panels producing below 25 KW of energy	P
Solar panels on a larger scale than residential producing 25 KW and above	C
Solar Power Plant	C
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P
Surface mines, quarries and gravel pits	C
Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work	C
Underground mining, including underground and surface for mining and transporting of minerals and for processing such minerals for sale or use	C

9-5-4: Area, Width, and Setback Regulations.

			Yard Regulations	Yard Regulations	Yard Regulations
District	Area	Width	Front	Side	Rear
AG	5 acres	200 feet	30 feet	20 feet	30 feet

9-5-5: Modifying Regulations.

1) No building, structure or enclosure housing animals or fowl shall be constructed closer than 50 feet to a dwelling on an adjacent lot.

2) Accessory buildings located at least 10 feet behind the main building may have a three foot side yard requirement except that the street side of a corner lot shall be a minimum of 30 feet for all buildings.

3) Accessory building located at least 10 feet behind the main building may have a rear yard of three feet provided that a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight feet.

4) A subdivision of land zoned Agricultural may be approved by the County Commission, upon recommendation from the Planning Commission, as a conforming aliquot parts parcel or lot less than 5 acres, but not less than 4.5 acres if necessary to compensate for the curvature of the earth or the convergence of township lines as recognized in the Public Land Survey System, or because of previous survey errors.

CHAPTER 6. RESIDENTIAL ZONES

ARTICLE A: RESIDENTIAL ZONING DISTRICTS (R-1/2, R-1, R-2, R-5)

SECTION:

9-6A-1: Purpose
9-6A-2: Area, Width, and Setback Regulations
9-6A-3: Height Regulations
9-6A-4: Modifying Regulations
9-6A-5: Codes and Symbols
9-6A-6: Uses Table

9-6A-1: Purpose.

To provide for residential neighborhoods of a rural character together with a limited number of livestock for the benefit and enjoyment of the residents.

9-6A-2: Area, Width, and Setback Regulations.

District	Area	Front	Side	Rear
R-1/2	½ Acre	30 Feet	10 Feet	10 Feet
R-1	1 Acre	30 Feet	10 Feet	10 Feet
R-2	2 Acres	30 Feet	10 Feet	10 Feet
R-5	5 Acres	30 Feet	10 Feet	10 Feet

9-6A-3: Height Regulations.

A building erected to a height greater than 35 feet requires a Conditional Use Permit.

9-6A-4: Modifying Regulations.

1) No building, structure or enclosure housing animals or fowl shall be constructed closer to a dwelling on adjacent lots closer than 25 feet.

2) Accessory buildings located at least 10 feet behind the main building may have a three foot side yard requirement except that

the street side of a corner lot shall be a minimum of 30 feet for all buildings.

3) Accessory building located at least 10 feet behind the main building may have a rear yard of three feet provided that a corner lot rearing on a side yard of another lot, the minimum rear yard for all buildings shall be eight feet.

4) Individual water supply and/or sewage disposal systems shall be subject to the approval of the Department of Health.

5) A manufactured home shall meet all county snow loads at the time of siting and less than ten years old shall meet all snow loads and energy codes at the time of siting. If older than ten years, manufactured home must be inspected and approved by the Kane County Building Department.

6) Allowable Numbers of Household Pets. Private holding and ownership of up to a maximum number of animals in a given land use (zoning) area as shown below; without a Conditional Use Permit.

a. R-1/2 May house a maximum of six household pets.

b. R-1 May house a maximum of six household pets.

c. R-2 May house a maximum of 12 household pets.

d. R-5 May house a maximum of 15 household pets.

7) The keeping of livestock for personal use is permitted, except that no more than one large animal may be kept for each 6,250 square feet of area dedicated for each animal not to exceed a maximum of ten large animals on any lot.

9-6A-5: Codes and Symbols.

1) In this part are tables describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a

Conditional Use Permit issued by the Planning Commission are indicated by a "C" in the appropriate column.

2) Any use not named in this table which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the ordinance by the Kane County Planning Commission in a public hearing and approval of the County Commission.

3) If a use is not allowed in a given zone, it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

9-6A-6: Uses Table.

Use	R-1/2	R-1	R-2	R-5
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P
Accredited private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C	C
Apartments	C	P	P	P
Apartment Court	C	C	P	P
Apartment Room	C	C	P	P
Assisted Living Buildings	C	P	P	P
Building with a height greater than 35 feet	C	C	C	C
Cemetery	C	C	C	C
Child day care or nursery	C	C	C	C
Church	C	C	C	C
Condos	C	C	P	P
Construction equipment and supply trailer, temporary	C	C	C	C
Construction field office, temporary	C	C	C	C
Commercial dwellings or residential facilities for elderly or disabled persons	C	C	C	C
Commercial construction, storage yard	-	-	-	C
Duplexes	C	C	P	P
Guest Homes	P	P	P	P
Electrical Power Substation or overhead lines with base structure greater than 70 feet in height	C	C	C	C

Home occupation	P	P	P	P
Livestock	P	P	P	P
Kennel and/or Catteries (private)	P	P	P	P
Multi Residential Units	C	C	C	C
Park Models	-	-	-	-
Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening, personal	P	P	P	P
Planned Unit Developments	C	C	C	C
Private road	P	P	P	P
Public parks and play ground	P	P	P	P
Public, quasi-public, and private service utility lines, pipelines, power lines overhead lines with base structure over 70 feet	P	P	P	P
Residential facilities	P	P	P	P
Residential facilities for persons with disabilities	C	C	C	C
Residential facilities for the Elderly	C	P	P	P
Single family dwelling	P	P	P	P
Solar Panels attached to a residential home producing less than 25 KW of energy	P	P	P	P
Temporary buildings for uses incidental to construction work, including living quarters for a guard, night watchman or family, which buildings must be removed upon completion or abandonment of the construction work	P	P	P	P
Tri-Plexes	C	C	P	P
4-Plexes	C	C	P	P
Town Homes	C	C	P	P

ARTICLE B: MULTI-RESIDENTIAL UNITS CONDITIONS

SECTION:

9-6B-1: Conditions
9-6B-2: Area, Width, and Setback Regulations

9-6B-1: Conditions.

1) Land coverage of all buildings shall not exceed 50% of the lot or parcel acreage.

2) Individual water supply and/or sewage disposal systems shall be subject to the approval of the Board of Health and/or the County Engineer.

3) Parking. Refer to: Kane County Land Use Ordinance Chapter 13-1.

4) Buildings with a height over 35 feet need a Conditional Use Permit.

5) Site plan subject to approval by the Kane County Planning Commission.

9-6B-2: Area, Width, and Setback Regulations.

Zone	Area	Front	Side	Rear
R-1/2	½ Acre min.	30 Feet	10 Feet	20 Feet
R-1	1 Acre min.	30 Feet	10 Feet	20 Feet
R-2/R-5	2 Acres +	30 Feet	40 Feet	40 Feet

ARTICLE C. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

SECTION:

9-6C-1: General requirements
9-6C-2: Permit process
9-6C-3: Termination of permit

9-6C-1: General requirements.

1) A residential facility for elderly persons may not operate as a business.

2) A residential facility for elderly persons shall:

a. be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;

b. be consistent with any existing, applicable land use ordinance affecting the desired location; and

c. be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

3) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

9-6C-2: Permit process.

1) A residential facility for elderly persons shall be allowed as a conditional use following procedures outlined in Chapter 15 under the following conditions:

a. The facility meets each building, safety, land use, and health ordinance applicable to similar dwellings;

b. adequate off-street parking space be provided;

c. the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

d. residential facilities for elderly persons be reasonably dispersed throughout the county;

e. no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and

f. placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement rehabilitation, or treatment in a correctional facility.

2) Decisions regarding the application for a conditional use permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

9-6C-3: Termination of permit.

The use granted and permitted by Utah State Code § 17-27a-517 is non-transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances stated in this article.

ARTICLE D. RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

SECTION:

9-6D-1: Definition
9-6D-2: General requirements

9-6D-1: Definition.

1) For the purposes of this Section "Disability" is as defined in Utah State Code § 17-27a-103; "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

2) Each ordinance under ARTICLE D shall:

   a. comply with Title 57, Chapter 21, Utah Fair Housing Act, and the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec 3601 et seq.: and

   b. to the extent required by federal law, provide that a residential facility for persons with a disability is a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed.

9-6D-2: General requirements.

1) Residential facilities for persons with a disability shall be reasonably dispersed throughout the county;

2) For residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school, the ordinance may require the facility to provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities:

   a. a security plan satisfactory to local law enforcement authorities;

   b. 24-hour supervision for residents;

   c. other 24-hour security measures; and

   d. to obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zone to similar uses that are not residential facilities for persons with a disability.

3) An ordinance may provide that a residential facility for persons with a disability that would likely create a fundamental change in the character of a residential neighborhood may be excluded from a zone.

4) The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with:

   a. programs or entities licensed or certified by the Department of Human Services, the Department of Human Services as provided in Title 62A, Chapter 5, Services to People with Disabilities; and

b. programs or entities licensed or certified by the Department of Health, the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

ARTICLE E. RECREATIONAL VEHICLE REGULATIONS WITHIN RESIDENTIAL ZONES

SECTION:

9-6E-1: Definitions
9-6E-2: Scope
9-6E-3: Occupied Recreational Vehicles
9-6E-4: Unoccupied Recreational Vehicles
9-6E-5: Miscellaneous Requirements

9-6E-1: The following definitions shall apply to this article.

1) Recreational Vehicle: A motor vehicle or trailer equipped with living space and amenities found in a home which may include a kitchen, bathroom, bedroom, living room, water and sewer; including but not limited to a camp trailer, motor home, travel trailer, fifth wheel trailer, popup trailer, and slide-in camper.

2) Seasonally: No more than six months in any calendar year.

3) Occupied: lived in or slept in for twenty four (24) hours or more.

9-6E-2: Scope.

This article shall apply only to Recreational Vehicles located within Residential Zones.

9-6E-3: Occupied Recreational Vehicles.

1) No occupied recreational vehicle shall be located in a residential zone anywhere within the county except as follows:
   a. Within a:
      i. Recreational Vehicle Park (see Chapter 18);
      ii. Manufactured/mobile home park subject to the requirements of Chapters 17 and 18 of this ordinance; or
      iii. Designated Camping area; or
   b. As allowed by this article.

2) A recreational vehicle may be occupied seasonally if the following terms are complied with:

a. No more than two recreational vehicles are located on the property whether occupied or unoccupied;
b. The recreational vehicle is not occupied more than six months in any calendar year;
c. No rent or other form of payment is charged or received;
d. The recreational vehicle is located entirely within a single lot;
e. The recreational vehicle is self contained using potable water or connected to the culinary water system;
f. The holding tanks and any waste water are emptied in accordance with state and federal law at an approved facility or using an approved onsite septic system; no more than two Recreational Vehicles shall be hooked up to a single septic system.
g. The power is connected in accordance with all applicable safety standards;
h. The recreational vehicle is:
   i. removed from the property when not occupied,
   ii. vacated and removed from the property after six months of occupation in any calendar year, or
   iii. unoccupied and stored according to section 4;
i. The recreational vehicle is licensed and ready for highway use.

3) Upon application of the land owner, the Land Use Authority may approve a temporary use permit for the occupation of more than two recreational vehicles on one residential property depending upon the size and contour of the property, if the property is one acre or larger.

4) Upon application of the land owner, the Land Use Authority may approve a temporary use permit for the occupation of recreational vehicles on one residential property for a period exceeding six months but not more than nine months in any calendar year.

5) If living in a Recreational Vehicle while building a home, a building permit must be issued before a temporary use permit can be granted. A temporary use permit allowing occupation of a Recreational Vehicle while building a home may be authorized for more than nine months so long as the building permit remains active. The Land Use Administrator shall review the permit annually and may re-authorize the permit for an additional year if the building permit is still active.

6) The Land Use Authority may deny, approve, or approve with additional requirements any application submitted under subsection three or four.

7) The temporary permit shall state the number of recreational vehicles authorized if more than two and the dates that the vehicles will be on the property if for more than six months.

8) Any failure to comply with this section is grounds for immediate revocation of the temporary use permit and immediate removal of the recreational vehicle unless the recreational vehicle complies with another section of this article.

9) Note: Individual lots may belong to a Home Owner's Association or have restrictive covenants which have greater restrictions regarding Recreational Vehicles. Nothing in this Ordinance shall be construed as to prevent private enforcement of any restrictive covenants or HOA rules.

9-6E-4: Unoccupied Recreational Vehicles.

1) An unoccupied recreational vehicle may be located as follows:

a. No more than two recreational vehicles shall be located on one residential property, whether occupied or unoccupied;
b. Upon application of the land owner, the Land Use Authority may approve a temporary use permit for the storage of more than two recreational vehicles on one residential property depending upon the size and contour of the property if the property is an acre or larger.

9-6E-5: Miscellaneous Requirements.

1) Any recreational vehicle, located in a residential zone, that has fallen into disrepair, collapsed, or is otherwise uninhabitable shall constitute a nuisance and shall be removed from the property within sixty days of notice by the Land Use Administrator. Failure to remove recreational vehicles deemed a nuisance hereunder after notice shall be a violation of this ordinance.
2) Trash, refuse, or waste generated from use, storage or occupancy of a recreational vehicle must be contained and disposed of properly at all times.
3) Setbacks still apply according to the zone the recreational vehicle is placed in.
4) Any violation of this article is punishable as a Class C misdemeanor.

CHAPTER 7. COMMERCIAL ZONES (C-1, C-2)

ARTICLE A. C-1 ZONE

SECTION:

9-7A-1: Purpose
9-7A-2: Development Restrictions in a Commercial Zone
9-7A-3: Maximum Building Heights
9-7A-4: Codes and Symbols
9-7A-5: Uses Table

9-7A-1: Purpose.

The purpose of the C-1 Zone is to provide for light commercial areas located in or near residential zones to meet the day to day needs of area residences.

9-7A-2: Development Restrictions in a Commercial Zone.

1) Minimum yard setback requirements shall be established in permitted use, Conditional Use or Planned Unit Development approval; except no commercial building shall be located closer than 50 feet to any Residential Zone boundary, or to any street line which continues into a Residential Zone, and no such building shall encroach on any easement. Any commercial lots abutting commercial lots shall have a front setback of no less than 25 feet, a side setback of no less than 5 feet and a rear setback of no less than 20 feet.

2) Residential Zone: All uses listed in the residential matrix are allowed in the C-1 Zone with their appropriate designation of permitted or conditional unless otherwise changed in the commercial matrix.

9-7A-3: Maximum Building Heights.

C-1, Zones - 35 feet permitted; above 35 feet conditional.

9-7A-4: Codes and Symbols.

1) The C-1 table describes uses of land or buildings that are allowed in the zone. Conditional Uses are indicated by a "C" in the column. Conditional Uses require a permit, review and approval by the Land Use Authority.

2) If a use is not allowed in a given zone, it is either not named in the use list or is indicated in the appropriate column by a dash, "-". Any use not named in this table which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the ordinance by the Kane County Planning Commission in a public hearing and approval of the County Commission.

9-7A-5: Uses Table.

Refer to Section 9-7B-5 of this chapter.

ARTICLE B. C-2 ZONE

SECTION:

9-7B-1: Purpose
9-7B-2: Development Restrictions in a Commercial Zone
9-7B-3: Maximum Building Heights
9-7B-4: Codes and Symbols
9-7B-5: Uses Table

9-7B-1: Purpose.

The purpose of the C-2 Zone is to provide for heavy commercial areas not appropriate near or in residential zones to meet larger commercial uses.

9-7B-2: Development Restrictions in a Commercial Zone.

1) No commercial building shall be located closer than 50 feet to any Residential Zone boundary or to any street line which continues into a Residential Zone, and no such building shall encroach on any easement. Any commercial lots abutting commercial lots shall have

a front setback of no less than 25 feet, a side setback of no less than 5 feet and a rear setback of no less than 20 feet.

2) Residential Zone: All uses listed in the residential matrix are allowed in the C-2 Zone with their appropriate designation of permitted or conditional unless otherwise changed in the commercial matrix.

9-7B-3: Maximum Building Heights.

C-2, Zones - 50 feet maximum height

9-7B-4: Codes and Symbols.

1) The C-2 Table describes uses of land or buildings that are allowed in the zone. Conditional Uses are indicated by a "C" in the column. Conditional Uses require a permit, review and approval by the Land Use Authority.

2) If a use is not allowed in a given zone, it is either not named in the use list or is indicated in the appropriate column by a dash, "-". Any use not named in this table which may be considered harmonious with the zone and current allowed uses can be considered for proposed inclusion into the ordinance by the Kane County Planning Commission in a public hearing and approval of the County Commission.

9-7B-5: Uses tables.

Uses	C-1	C-2
Accessory uses and buildings customarily incidental to permitted uses	P	P
Accessory uses and buildings customarily incidental to conditional uses	C	C
Appliance sales and service	P	P
Archery shop/range, conducted in enclosed buildings	P	P
Art needlework shop; art shop; art supply	P	P
Automatic car wash	C	P

Automobile fuel filling station	C	P
Automobile or recreation vehicle sales	C	P
Automobile or recreation vehicle sales, lease, rental, service, new or used, conducted entirely within an enclosed building	C	P
Auto parts sales (Indoor)	P	P
Awning sales/repair	P	P
Baby formula service; baby diaper service; sitter Agency	P	P
Bakery, retail sales	P	P
Bank	P	P
Barber shop	P	P
Bath and massage (not part of medical or health spa)	C	C
Beauty shop	P	P
Beauty shop for pets, dog grooming	P	P
Bed and Breakfast	P	P
Beer outlet, Class A, Class B	P	P
Bicycle shop	P	P
Billiards or pool hall	C	P
Bowling alley; commercial skating	C	P
Boxing arena	C	P
Building material sales	C	P
Bus terminal	C	C
Café, cafeteria, catering establishment, restaurant (not a drive-thru)	P	P
Campground	C	C
Candy, confectionery, nut shop	P	P
Carbonated and purified water sales	P	P
Carpet and/or rug cleaning	P	P
Cemeteries	C	C
Churches	P	P
Clothes cleaning, dyeing, pressing, dry cleaners	P	P
China and/or silver shop	P	P
Clothing store	P	P
Coal/fuel sales office	C	P
Construction equipment and supply trailer, temporary	C	C
Construction field office, temporary	C	C
Construction of buildings to be sold and moved off the premise	-	C
Contractors' equipment storage yard	C	P

Convenience store with gasoline sales	C	P
Copy store, blueprinting, Photostatting, duplicating	P	P
Costume rental	C	P
Dams and reservoirs	-	C
Dance hall; dancing	C	P
Delicatessen	P	P
Department store	P	P
Dramatics school	P	P
Drapery-curtain store	P	P
Dressmaking	P	P
Drive-ins; refreshment stand, eating and/or drinking place (non-alcoholic)	P	P
Drive-it-yourself agency, car, equipment rental	C	P
Drug store	P	P
Dry goods store	C	P
Egg candling, sales or processing	C	P
Electrical appliances and fixtures, electronic instruments sales, repair and/or service	P	P
Employment agency or employment office	P	P
Express office	P	P
Fix-it shop, repair shop, for household items	P	P
Flooring, carpet, repair and sales	P	P
Florist shop	P	P
Freight or trucking yard or terminal	-	C
Frozen food locker	C	P
Frozen food locker incidental to a main grocery store or food business	P	P
Fountain equipment supply, restaurant supply	C	P
Fruit, fruit juice store; fruit and/or vegetable stand, or store; natural foods/health store	P	P
Fur sales, storage; repair	P	P
Furniture sales and/or repair	P	P
Garage; public	C	P
Gift shop; hobby	P	P
Golf courses	C	P
Greenhouse, nursery; plant materials; soil & lawn service	P	P
Grocery stores	P	P
Gunsmith	P	P
Hardware store, including the sale of lumber	P	P

Heating ventilating, air conditioning; equipment (HVAC) sales/repair	C	P
Hospital supplies	C	C
Hotel, motel, inn	C	P
Household cleaning/repair, house equipment displays	P	P
Ice cream shop; ice sales	P	P
Ice manufacture, storage, and wholesale ice sales	P	P
Ice vendor units and/or reach-in ice merchandise units electric ice makers; ice storage, not more than five (5) tons capacity	P	P
Indoor Storage Facility for Boats, Automobiles and RVs: Minimum 1 Acre lot, Paved Ingress and Egress Required	C	P
Insulation sales, wholesale	C	P
Interior decorating store	P	P
Jewelry store	P	P
Kennel	C	C
Laundry, automatic self-help-laundry agency	P	P
Liquor and beer sales; places for the drinking of liquor or beer	C	C
Lithographing, including engraving, photo engraving	P	P
Lumber yard	P	P
Manufactured home sales and storage	C	P
Material sales yard, outside, with sale of rock, sand, gravel, and the like as an incidental part of the main business but excluding concrete mixing	C	C
Meat processing plant	C	C
Medical/ Chiropractic/ Dental clinic	P	P
Medical/dental laboratories	C	P
Military surplus store	C	P
Miniature golf course	C	P
Monument sales, retail	P	P
Mortuary	P	P
Motorboat sales	C	P
Music store	P	P
News stand; magazine shop; book store	P	P
Night club/social club	C	C
Novelty shop, variety store (non-sexually oriented business)	P	P
Nurses’ agency	P	P
Office, business or professional	P	P
Office supply; office machines sales, repair	C	P
Oil burner shop	C	P

Optometrist; oculist	P	P
Ornamental iron, sales only	P	P
Outdoor Storage Facility for Boats, Automobiles and RVs: Minimum 1 Acre lot, Paved Ingress and Egress Required, Privacy fencing required.	C	P
Package handling/shipping	C	P
Painter/paint store	P	P
Parking lot incidental to a use conducted on the premises	P	P
Parking lot not incidental to a use conducted on the premises	C	C
Parks, swimming pools and other recreation areas	C	P
Pest extermination operation	-	C
Pet shop/enclosed building	C	P
Photographer or photography shop, sales and service	P	P
Plumbing shop/retail	P	P
Popcorn and/or nut shop	P	P
Printing, including engraving, photo engraving	C	P
Printing and small paper reproduction service	P	P
Private club	C	C
Private school	C	C
Public buildings	C	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc.	P	P
Radio and television sales and repair	P	P
Radio and television station	C	C
Radio/television wireless transmitting towers	C	C
Reception center and/or wedding chapel	C	C
Recreational center, recreational camp, facilities or area that is private and/or commercial	C	C
Recreational vehicle park	-	C
Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	C	P
Rock/Souvenir shops	P	P
Roofing sales	P	P
Second-hand shop, antiques, conducted within a building or enclosure	P	P
Seed/feed store	C	P
Sewing machine shop	P	P
Sign painting shop	C	P
Shoe shop; shoeshine; shoe repair	P	P

Solar Power Panels producing 25 KW or under	P	P
Solar Power Panels producing over 25 KW	C	C
State liquor store	C	C
Stationary and Greeting card sales	P	P
Storage unit sales office – not located on site of storage units	P	P
Storage units – unattended self-storage, no sales office, non-hazardous materials	-	C
Storage units – self-storage or services storage, attended with sales office, non-hazardous materials	C	C
Storage units – hazardous materials	-	-
Substation	C	C
Tailor Shop	P	P
Taxidermist	P	P
Taxi stand	P	P
Terminal, parking and maintenance facilities	C	C
Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work	P	P
Theater, indoor	P	P
Theater, outdoor, providing: A solid fence or masonry wall with a minimum height of six feet shall be constructed on all sides; Driveways and parking areas shall be provided with properly maintained dustless surfaces; Automobile off-street storage areas for automobiles awaiting entrance to theater shall have capacity of at least fifteen percent of the number of auto parking spaces provided inside the theater; Minimum area for single screen theater shall be ten acres and the minimum area for a two screen theater shall be twelve acres.	C	C
Tire shop, sales and repair	P	P
Tobacco shop	-	-
Towel and linen supply store	P	P

Transfer company	C	C
Travel bureau	P	P
Truck and heavy equipment, repair facility, truck stop, and truck wash	-	C
Variety store, notions	P	P
Veterinary	C	P
Veterinary-providing operations are completely enclosed within an air-conditioned and soundproof building	P	P
Wallpaper store	C	P
Warehouse	C	C
Wholesale business	C	P

CHAPTER 8. MANUFACTURING ZONE (M)

SECTION:

9-8-1: Purpose
9-8-2: Height Regulations
9-8-3: Area, Width, and Yard Regulations
9-8-4: Codes and Symbols
9-8-5: Uses Table

9-8-1: Purpose.

To provide areas in appropriate locations relatively remote from more restrictive zones where processes of light manufacturing and warehousing may be established and maintained. Manufacturing and storage includes the processes necessary in the creation and/or storage of products normally utilized in modern civilized life.

Definition – Manufacturing, curing, compounding, processing, packaging or production and treatment of normal household appliances, commodities; consumer items and foods which do not involve heavy industrial processes.

It is not the intent of this zone to prohibit uses usually utilized in more restrictive zones. Citizens should understand that the decision to put a residence or some other establishment normally found in more restrictive zones in this zone includes acceptance of the undesirable sights, sounds, smells and activities that are anticipated in this zone. No amount of public clamor will change the established use to a more restrictive use until those for whom the zone was created no longer wish to utilize the purposes of this zone.

1) All uses listed in the more restrictive zones shall be allowed in the Manufacturing Zone with their attached codes and symbols unless otherwise changed in the Manufacturing matrix. If there are conflicting designations among the more restrictive zones, the less restrictive designation shall apply. The following is a list of zones starting with the most restrictive and ending with the least restrictive: Residential, Commercial, Agricultural, Manufacturing, Industrial.

9-8-2: Height Regulations.

None, except that within 100 feet of the boundary of any adjoining zone, no building shall exceed the height for the main buildings in such adjoining zone.

9-8-3: Area, Width, and Yard Regulations.

None, except for any parcel in the Manufacturing Zone having a lot line in common with a lot in an adjoining or lying across the street or alley from such adjoining zone the front, side and rear yards as prescribed for such adjoining zone shall be maintained in the Manufacturing Zone for such common lot line.

9-8-4: Codes and Symbols.

1) In this part are tables describing uses of land or buildings that are allowed in the zone as shown. Permitted uses are indicated by a "P" in the appropriate column. Uses that may be permitted by a Conditional Use Permit issued by the Land Use Authority are indicated by a "C" in the appropriate column.

2) If a use is not allowed in the zone it is either not named in the use list or it is indicated in the appropriate column by a dash, "-".

9-8-5: Uses tables.

Uses	M
Accessory buildings and uses customarily incidental to conditional uses	C
Accessory buildings and uses customarily incidental to permitted uses	P
Agriculture industries on more than five acres	P
Asphalt/Concrete production	C
Athletic club; health club; athletic goods store; gymnasium	P
Bakery goods	P
Blacksmith	P
Body and fender shop; tire recapping; motor vehicle assembling, painting, upholstering and rebuilding	P

Boiler works	P
Bottling works	P
Bookbinding	P
Breweries	P
Bus terminal	P
Cemeteries	P
Central Mixing Plant	C
Coal/fuel sales	P
Construction equipment and supply trailer. Temporary	P
Construction field office, temporary	P
Construction of buildings to be sold and moved off the premise	P
Correctional facilities (public and private)	P
Dairy	C
Dams and reservoirs	P
Drag strip racing; auto racing; go cart racing	C
Essential utilities facilities	P
Fertilizer and soil conditioners manufacture, processing and/or sales	P
Forage plant	P
Freight or trucking yard or terminal	P
Hatchery	P
Heating, ventilating, air conditioning; equipment (HVAC)	P
Honey extraction	P
Hospital supplies	P
Incinerator, non-accessory	C
Junk yard	C
Knitting mill	P
Laboratories	P
Lumber mill	P
Machine shop	P
Manufacturing, curing, compounding, processing, packaging or production and treatment of normal household appliances, commodities, consumer items and foods which do not involve heavy industrial processes	P
Mobile home sales and storage	P
Mobile lunch service	P
Monuments works	P
Motion picture studio	P
Parking lot	P

Pest extermination and control office	P
Private school	P
Public buildings	P
Publishing and contract printing	P
Radio and television station	P
Radio/television/wireless communication transmitting towers	C
Recreational center, facilities or area that is private and/or commercial	P
Recycling collection and packaging	P
Sandblasting	P
Sexually oriented business	C
Solar Power Plant and/or Solar Fields producing over 25 KW	C
Solar Panels producing 25 KW and under	P
Storage units, self-storage, with or without outside storage	P
Substations	P
Terminal, parking and maintenance facilities	P
Transfer company	P
Truck and heavy equipment, repair facility, truck stop, and truck wash	P
Upholstery	P
Upholstering, including mattress manufacture, rebuilding or renovating	P
Warehouse	P
Weaving	P
Welding	P

CHAPTER 9. COMMUNITY ZONE OVERLAY

SECTION:

9-9-1: Purpose and Scope
9-9-2: Requirements
9-9-3: Phasing
9-9-4: Pre-Application Requirements
9-9-5: Application Processing and Reviews
9-9-6: Development Standards

9-9-1: Purpose and Scope.

To permit development of land, as defined herein, within unincorporated areas of the County where the potential for a future municipality exists. A Community Zone Overlay may include land that is zoned under any of the zones specified in the Land Use Ordinance. Community Zone Overlays are to be approved by the Kane County Commission, after recommendation by the Planning Commission.

9-9-2: Requirements.

1) Minimum contiguous acres – 640

2) Development Agreement – A Community Zone Overlay shall only be approved if it complies with the Development Agreement. The Development Agreement will be designed to mitigate financial and social impacts to the County and contain the terms required in the Subdivision Ordinance and those set forth in this chapter.

3) Conceptual Plan – The proposed Community Zone Overlay is to be described in a conceptual master development plan showing the general configuration of the project, including the general location of the development areas and including the types of uses contemplated within each development area, major community roads, recreational and open space amenity areas reasonably anticipated to meet the needs of the residents, any public facilities and other features of the project, which the conceptual master development plan has incorporated into and to be adopted along with the Development Agreement;.

4) Defined Boundaries: Once the boundaries of a Community Zone Overlay have been established, they will remain unchanged until such time as adjacent property owners wishing to be included in the Community Zone Overlay meet the requirements of this chapter and make application to the Planning Commission. At that time, the boundaries may be altered to include such properties.

5) Municipal Services:

a. Water/Sewer – The applicant must demonstrate the feasibility of obtaining centralized water and sewer services to serve the requirements of the Community Zone Overlay. The Development Agreement will contain the mechanism to assure the provision of such services in connection with any development approved pursuant to the Development Agreement.

b. Septic Systems – New and existing systems as approved by Southwest Utah Health Department, Utah Department of Environmental Quality and Kane County Land Use Authority.

c. Solid Waste Disposal

d. Public Safety; i.e. Fire Protection, Law Enforcement and Emergency Services - The applicant must demonstrate the feasibility of obtaining public safety and fire services to the reasonable satisfaction of Kane County and the Development Agreement must contain a mechanism to assure the provision and financing of such services in connection with any development approved pursuant to the Development Agreement.

e. Utilities – The applicant must demonstrate the feasibility of obtaining electrical and phone services to the reasonable satisfaction of Kane County and the Development Agreement must contain a mechanism to assure the provision and financing of such services in connection with any development approved pursuant to the Development Agreement.

f. Drainage – The applicant must demonstrate the feasibility of providing on and off-side drainage ways and facilities to adequately discharge or contain surface run-off generated or increased by the project. The Development Agreement must contain a mechanism to assure the provision of such facilities in connection with any development approved pursuant to the Development Agreement.

g. Fire Flow – The applicant must demonstrate the feasibility of providing fire flow, storage and other facilities relating to public safety as may be required by generally applicable standards of Kane County and the Development Agreement must contain a mechanism to assure the provision of such facilities in connection with any development approved pursuant to the Development Agreement.

h. Any other services required by State law.

9-9-3: Phasing.

Projects with phased planning must present an overall development plan with the approval of the first phase, describing open space and other values anticipated to be included in the project which will qualify the entire project for the Community Zone Overlay. Each phase to contain at least 10 acres (Permits for the final phase will not be issued if the open space and other values qualifying the project for a Community Zone Overlay will not be met with the recording of a plat map for the final phase).

9-9-4: Pre-Application Requirements.

1) Initial Review. An applicant desiring to rezone a parcel of property to Community Zone Overlay must, as an initial step, comply with the following:

a. Pre-application/Pre-filing; Review. Prior to the review of a proposed Community Zone Overlay by the Land Use Authority, the applicant shall pre-file at least fifteen (15) days in advance for review by the Development Committee. The Committee shall contact interested department personnel of Kane County or other agencies for review purposes. After review by the

Development Committee, it shall furnish to the applicant any comments regarding the Community Zone Overlay change request that may help the applicant in preparing the request for submission. The Development Committee may hold as many meetings with the applicant as may be necessary for proper review. After the completion of the pre-application process, the applicant may proceed to the application process.

b. Documents Required. All requests shall be accompanied by drafts of a colored Concept Plan and Development Agreement for the entire property proposed for the Community Zone Overlay. The Concept Plan, with elevations and perspective drawings, should be prepared to assist the Committee to more completely understand the proposal.

2) Subdivision Ordinance Applicability. The Concept Plan and information submitted to the Land Use Administrator is not required to contain the detail required for a Preliminary Plat, but must clearly depict and describe the type of development intended, including uses, densities, and general locations of subdivision infrastructure.

9-9-5: Application Processing and Reviews.

1) Application Processing. The applications shall be processed in accordance with normal procedures for the adoption or amendment of a Land Use Ordinance and Zoning Map. Upon approval, the ordinance reclassifying the property to a Community Zone Overlay, the Development Agreement and the conceptual master development plan shall be published as amendments to the Kane County Land Use Ordinance and shall be included in the zone change files at the County.

2) Planning Commission Review. The Planning Commission may recommend to the County Commission to approve, approve with conditions or deny the application for Community Zone Overlay. If a conditional approval or a denial is recommended, the Planning Commission shall prepare a report which reviews all proposed conditions, or in the case of a recommendation of denial of an application, the reasons for the denial. The Planning Commission

shall forward recommendations for approval, or approval with conditions of the Community Zone Overlay to the County Commission.

3) County Commission Review. The County Commission may approve a Community Zone Overlay Change request only after finding that the requirements of this subsection and other ordinances or restrictions affecting the property have been satisfied.

9-9-6: Development Standards.

All development within the Community Zone Overlay shall be governed by the current Kane County Land Use Ordinances, Subdivision Ordinances, and the Kane County Standard Specifications and Drawing Details for Design and Construction.

KANE COUNTY

LAND USE ORDINANCE

August 12th, 2013

TABLE OF CONTENTS

CHAPTER	**DESCRIPTION**	PAGES
1	General Provisions	1-1 through 1-22
2	Planning Commission	2-1 through 2-3
3	Appeal Authority	3-1 through 3-4
4	Zones	4-1 through 4-2
5	Agricultural Zone (AG)	5-1 through 5-4
6	Residential Zones Article A- Residential Zoning (R-1/2, R-1, R-2, R-5) Article B- Multi-Residential Units Article C- Residential Facilities For Elderly Persons Article D- Residential Facilities for Persons With a Disability Article E- Recreational Vehicle Regulations within Residential Zones	6-1 through 6-11
7	Commercial Zones Article A- C-1 Article B- C-2	7-1 through 7-9
8	Manufacturing Zone (M)	8-1 through 8-4
9	Community Zone Overlay	9-1 through 9-5
10	Supplementary and Qualifying Regulations	10-1 through 10-6
11	Guest Homes	11-1 through 11-2

12	Nonconforming Uses	12-1 through 12-3
13	Parking and Loading Space	13-1 through 13-7
14	Motor Vehicle Access	14-1
15	Article A- Conditional Uses Article B- Temporary Uses	15-1 through 15-11
16	Sign Regulations	16-1 through 16-10
17	Mobile Home Parks	17-1 through 17-2
18	Recreational Vehicle Parks	18-1 through 18-2
19	Construction Subject to Geologic, Flood or Other Natural Hazards	19-1
20	Planned Unit Development	20-1 through 20-5
21	Subdivision Regulations Article A- General Provisions Article B- Enforcement, Inspections and Fees Article C- Development Meeting Article D- Preliminary Plat Article E- Final Plat Article F- Dedication and Acceptance of Streets and Public Improvements Article G- Design Standards Article H- Construction Standards Article I- Financial Responsibility Article J- Rural, Mountain and Desert Subdivision Article K- Rural Unimproved Subdivisions	21-1 through 21-54

	Article L- Minor Subdivision Article M- Platted Unimproved Subdivision Article N- Bona Fide Agricultural Division	
22	Performance Standards	22-1
23	Impact Fee Enactment (repealed)	23-1
24	Solar Power Plants	24-1through 24-6
25	Nuclear Waste	25-1 through 25-2
26	Water Source Protection Areas	26-1 through 26-8

LAND USE ORDINANCE REVISION LOG

DATE REVISIED	CHAPTER(S) REVISED
April 23, 2007	Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18 and 25
July 23, 2007	Chapters 1,10, 15, 16, 17, 17a, 18, 21, 22, 23
July 27, 2007	Title Page, Index, Page Numbers, Revision Sheet
May 7, 2008	Chapter 19
May 7, 2008	Add Chapter 25
June 22, 2009	Chapter 3
August 24, 2009	Chapters 1, 2, 4, 5, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25
December 2009	Table of Contents, Chapter 1 and Chapter 26-(7)
November 22, 2010	
February 10, 2010	All Chapters Reformatted in the Kane County Land Use Ordinance/ Subdivision Ordinances for Codification
March 14, 2011	Chapters 1, 2, 3, and 11-Land Use Authority Commission changed to Planning Commission throughout the whole ordinance
April 13, 2011	Chapters 5 and 6
May 19, 2011	Chapter 21, Articles K & J added
August 24, 2011	Chapter 7-Commercial Zones
September 14, 2011	Chapters 1-7
October12, 2011	Roberts Rules of Order
October 12, 2011	Denying High Level Nuclear Waste & Storage Facilities
November 09, 2011	Chapters 5, 6 & 7
December 14, 2011	Chapters 7- Commercial Zones and Chapter 21-Subdivision Regulations
January 9,11, 2012	Chapter 7- Commercial Zones (C-1, C-2) Chapter 10-Supplementary and Qualifying Regulations
February 08,13 2012	Chapter 7- Commercial Zones (C-1, C-2), Chapter 10, Supplementary and Qualifiying Regulations Chapter 8-Manufacturing Zones & Chapter 9-Community Zones & Chapter 10, Supplementary and Qualifying Regulations

April 11, 23,2012	Chapter 8-Manufacturing Zones and Chapter 6-Residential Zones
May 07,09,21, 2012	Chapter 8-Manufacturing Zones Chapter 21-Subdivision Ordinance addition of Rural Unimproved Subdivision, Article K
July 30, 2012	Chapter 5- Agricultural Zone,
August 08,13, 27,2012	Chapter 6-Residential Zones & Chapter 21-Rural Unimproved Subdivision, Chapter 6 Residential Zones
September 12, 2012	Chapter 21-Subdivision Ordinance, Illegal Subdivision Legalization Process & Civil and Criminal Violations of Subdivision Ordinance
October 10, 29,2012	Chapter 15-Conditional Uses add Temporary Uses & Chapter 5, 6, 7 & 8. Added Approved Non-Compliant Subdivision Legalization Process to Chapter 21
November 14, 2012	Chapter 12-Non Conforming Uses
December 12, 2012	Chapter 13-Off Street Parking Regulations & Chapter 14-Motor Vehicle Access Regulations
January 28, 2013	Chapters 1-15, Addition of Chapter 24 Solar Power Plants
March 25, 2013	Chapters 16-20, and 22 revisions
April 22, 2013	Chapters 26 and 27 addition
August 12, 2013	Chapters 1-26: New Revision, Addition of Chapter 21 Articles M and N, renumber 26 and 27 to 25 and 26, repeal chapter 23
August 27, 2013	Chapters 1-26 –All Chapters for Codification
January 28, 2014	Chapters 6-Sign Regulations & Chapter 21-Subdivision Regulations