

CHAPTER 1. GENERAL PROVISIONS

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9-1-1: Short Title.

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

9-1-2: 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 Title 17, Chapter 27a, of the Utah Code, 2011, Unannotated 1953, as amended, and Land Use Development Management Act, (LUDMA) 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 and manage 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.

9-1-3: 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.

9-1-4: 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.

9-1-5: 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.

9-1-6: Definitions.

For the purposes of this Ordinance, certain words and terms are defined as follows: (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 adopted in Utah State Code, 2011, Unannotated 1953, as amended.

- 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 Code Annotated 10-2).
- 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 of 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 set backs 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 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 Code, Unannotated, 17-27a-103(6)
- 39) Condominium. The ownership of a single unit in a multi-unit project together with an undivided interest in common 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. A 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) Geological Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure or shifting of the earth.
- 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) 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.
- 78) 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.
- 79) 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.
- 80) 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.
- 81) 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.

- 82) Land Use Authority. A person, board, commission, agency or other body designated by the local legislative body to act upon a land use application.
- 83) 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.
- 84) 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.
- 85) 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.
- 86) Lot, Corner. Lot abutting on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.
- 87) Lot, Interior. A lot other than a corner lot.
- 88) Lot, Depth. The horizontal distance between the front and rear lot lines measured in the main direction of the side lot lines.
- 89) Lot Lines. Property lines bounding the lot.
- 90) Lot, Restricted. Any lot having particular problems in size, slope, contour or shape requiring special action of the Appeal Authority.
- 91) 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.
- 92) 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.

- 93) 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.
- 94) 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.
- 95) Mobile Home Space. Space within a mobile home park, designed and to be used for the accommodation of one mobile home.
- 96) 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.
- 97) 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.
- 98) 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.
- 99) Natural Hazard. Risk; peril or danger in a state provided by nature without man made changes.
- 100) Natural Waterways. Areas varying in width along streams, creeks, springs, gullies or washes which are natural drainage channels as determined by the County Engineer.
- 101) 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.
- 102) 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.
- 103) Nursing Home. Institution providing residence and care for the aged or infirm.

- 104) Off Site Facilities. Improvements not on individual lots but which are generally within the boundaries of the subdivision which they serve.
- 105) Off-Street Parking. Parking stall access from a parking lot, not directly from a street.
- 106) 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.
- 107) Over-Lay Zone. An area defined in any zone or combination of zones for a specific and defined protection and usage.
- 108) 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.
- 109) Parking Space. Space within a building, lot or parking lot for the parking or storage of one automobile.
- 110) Permanent Monument. A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.
- 111) Person. An individual, firm, association, organization, partnership, company or corporation or any legal entity entitled to own property.
- 112) 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.
- 113) 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.

- 114) **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.
- 115) **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.
- 116) **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.
- 117) **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.
- 118) **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.
- 119) **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.
- 120) **Residential Facility for Persons with a Disability.** A residence in which more than one person with a disability resides.

- 121) 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.
- 122) Roomer. One who occupies a hired room in another's house.
- 123) 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.
- 124) Signs. See the Uniform Sign Code for definitions.
- 125) 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.
- 126) 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.
- 127) Street. A public thoroughfare which affords principal means of access to a butting property in accordance with Kane County Design Standards.
- 128) Subdivision. Means 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. (17-27a-103) (56)(a)and (b) Utah Code, 2011, Unannotated
- 129) Trailer, Camper. A vehicle with or without motive power or wheels, designed to be used for human habitation.
- 130) 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. (re: HB 117 2007)

- 131) 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.
- 132) Use, Accessory. A use subordinate and incidental to the main use of a building or land located upon the same lot or parcel.
- 133) Veterinary or Animal Hospital. A building and runs where large and/or small animals are kept and/or treated by a licensed veterinarian.
- 134) Zone. An area as described on the zoning map or in the Land Use Ordinance.

9-1-7: 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.

9-1-8: 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

9-1-9: 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. The County Attorney shall, upon request of the County Commission, at once commence action or proceedings for abatement and removal or enjoinder thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief as provisions of this Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

9-1-10: Amendments To 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.

9-1-11: Publication and Notice of Hearings. (re: LUDMA and Utah Code un-annotated, 17-27a-205)

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.

9-1-12: 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.

9-1-13: 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.

9-1-14: Severability.

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

9-1-15: 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 misdemeanor and shall be punishable as provided by law. Such person, firm, or corporation who intentionally violates this Ordinance shall be deemed to be guilty of an offense and shall be punishable as herein provided.