

## **CHAPTER 9. COMMUNITY ZONE**

### **SECTION:**

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#### **9-9-1: Purpose and Scope.**

To permit development of Community Zones, as defined herein, within unincorporated areas of the County where the potential for a future municipality exists. Community Zones may include any or all zones as specified in the Land Use Ordinance. Community Zones are to be approved by the Kane County Commission, after recommendation by the Land Use Authority.

#### **9-9-2: Requirements.**

- 1) Minimum contiguous acres – 640
- 2) Development Agreement – A Community Zone 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 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; also to include Moderate Income Housing.

4) Defined Boundaries:

- a. Once the boundaries of a Community Zone have been established, they will remain unchanged until such time as adjacent property owners wishing to be included in the Community Zone have met all the requirements as stipulated in Section 22-2 [except 22-2(1)]. 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. 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. 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 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 must, as an initial step, comply with the following:
  - a. Pre-application/Pre-filing; Review. Prior to the review of a proposed Community Zone 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 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. 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 Authority 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, 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) Land Use Authority Review. The Land Use Authority may recommend to the County Commission to approve, approve with conditions or deny the application for Community Zone. If a conditional approval or a denial is recommended, the Land Use

Authority 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 Land Use Authority shall forward recommendations for approval, or approval with conditions of the Community Zone to the County Commission.

- 3) County Commission Review. The County Commission may approve a Community Zone 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 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.