KANE COUNTY

LAND USE ORDINANCE

FEBRUARY 10, 2010

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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
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December 2009	Table of Contents, Chapter 1 and Chapter 26-(7)
February 10, 2010	All Chapters reformatted in the Kane County Land Use Ordinance/ Subdivision Ordinances for Codification

CHAPTER 1. GENERAL PROVISIONS

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 Annotated 1953, as amended and LUDMA as amended 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, and 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 comprehensive land use regulations for the unincorporated areas of the County.
D. To ensure 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 create 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 March 19, 2007, are hereby superseded, amended and repealed to read as set forth herein; provided however, that this Ordinance may be considered in light of the previous ordinance, if needed for construction or interpretation of this Ordinance; and this Ordinance shall be so interpreted upon all questions of construction including but not limited to questions of construction relating to tenure of officers and boards established by previous ordinances and to questions of conforming uses, buildings or structures, as well as to questions as to dates upon which such uses, buildings or structures become conforming or nonconforming. 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.)

1) Accessory Building or Use. A use or building on the same lot with, and of a nature customarily incidental and subordinate 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 for 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. (See Note #1)

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) Basement. The floor level of a structure when any portion is below the surrounding grade.

15) Basement House. A residential structure.

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

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

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

19) Building Area. The portion of a lot remaining after required set backs have been established.

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

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

22) Building Official. The official designated as the Building Inspector for Kane County by the County Commission.

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

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

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

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

27) 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. (See Note #1)

28) Catterie, Private. Premises on which the holding, private breeding or otherwise harboring or shelter of 6 cats over the age of 4 months and a maximum number of cats as designated in the appropriate underlying zone.

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

30) 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.

31) 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.

32) Clinic, Medical 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.

33) 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.

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

35) "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.

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

37) 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.

38) 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.

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

40) Commercial. Profitable, for profit.

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

42) 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.

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

44) Cul-de-sac. A minor street having an open end and being terminated at the other by a vehicle turnaround.

45) 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.

46) Developable Land. Land that is outside the hundred year flood plain and having a slope less then 40%. As determined by a sight analysis or county engineer review.

47) 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.

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

49) 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.

50) 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.

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

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

53) 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.

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

55) 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.

56) 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.

57) 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.

58) Flood Plain. A plain along a river or stream subject to periodic flooding.

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

60) 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.

61) 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 accessory. A garage is considered part of a dwelling if the garage and dwelling have a roof or wall in common.

62) 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.

63) 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.

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

65) 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 and in connection with which there is no display nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building not normally associated with residential use. Home occupation may include 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.

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

67) 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.

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

69) 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.

70) 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.

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

72) 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. See Note #1.

73) 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.

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

75) 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.

76) 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. A lot shall meet all width, area, yard, and open space provisions described in this Ordinance. All lots shall have frontage upon a public/private street or road, or upon a right-of-way approved by the Land Use Authority Commission.

77) 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.

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

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

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

81) Lot Lines. Property lines bounding the lot.

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

83) 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.

84) 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.

85) 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.

86) 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 plans and ordinances.

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

88) 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.

89) 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.

90) 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.

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

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

93) 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.

94) 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.

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

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

97) 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.

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

99) 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.

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

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

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

103) Planned Unit Development. Development which may consist of integrated zones designed to allow Residential, MPR, Commercial, M1 or M2 uses in a combination allowing flexibility and initiative in site and building design and location.

104) 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.

105) 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.

106) 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 not to exceed 120 days.

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

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

109) 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.

110) 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.

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

112) Subdivision. The division of any tract, lot or parcel of land into two or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future sale or lease for building development. The word "subdivide" and any other derivative thereof shall have reference to the word "subdivision" as herein defined.

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

114) 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 Land Use Authority 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 Land Use Authority designates as an area in which an owner of land may receiving transferable development rights. (re: HB 117 2007)

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

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

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

Note #1: An owner of a privately operated kennel, catterie or animal shelter operation wishing to keep or house more than 14 dogs or 14 cats or hold more than a total of 15 animals, can only do so by becoming a commercial entity, in which case all Kane County land use ordinances, and other applicable laws, codes and ordinances are to be adhered to.

The operator of a private kennel, catterie or animal shelter located within Kane County must comply with all applicable Federal, State and County laws, codes and ordinances related to the safe and humane keeping of all animals must comply with all applicable Federal, State and County laws, codes and ordinances protecting the health, safety and welfare of the kennel premises occupants and the general populace.

9-1-7 Building Permit Required.

The construction, alteration, repair or removal of any building or structure of any part thereof, as provided or as restricted in this Ordinance shall not be commenced or proceeded with except after the issuance of a written permit for the same by the Building Official. If work is not started on a structure or building within 180 days from the issuance of a permit, a new permit will be required. Prior to the issuance of a building permit in Kane County, the applicant shall submit to the Building Official evidence of having an approved culinary water supply, legal access and an approved method of waste disposal. Both the water supply and the method of waste disposal shall be approved in writing by the Health Department prior to the issuance of a building permit.

9-1-8 Certificate of Occupancy Required.

A certificate of occupancy for the whole of a building or structure shall be applied for within 10 (ten) days after the erection or structural alteration of such building or structure has been completed in conformity with the provisions of the ordinances and building codes.

A temporary certificate of occupancy may be applied for upon completion of portions of buildings as approved by the County Building Official.

9-1-9 Site Plan Required.

A detailed site plan, drawn to scale (scale and sheet size to be determined by the Building Official or County Engineer) shall be filed as part of any application prior to consideration or for any building permit. The site plan shall show, where pertinent:

1) Note of scale used.

2) Direction of north point.

3) Lot lines, together with adjacent streets, roads, and right-of-way.

4) Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.)

5) Location of the proposed construction and improvements, including the location and dimensions of all signs.

6) Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location.

7) Necessary explanatory notes.

8) Name, address and telephone number of builder and owner.

9) Wild Land Urban Interface Plan.

10) All other information that may be required as determined by the Building Official or County Engineer to include, but not limited to, the Kane County Standard Specification and Drawing Details for Design and Construction.

9-1-10 Inspection.

The Building Official is hereby authorized to inspect or to cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of the Land Use Ordinance. The Building Official 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 to any occupied building 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.

9-1-11 Enforcement.

The Building Official is hereby designated and authorized as the officer charged with the enforcement of this Ordinance. He shall enforce all the provisions of this Ordinance, entering actions of the court when necessary, and his 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, without amendment to this Ordinance. Such officers may include a Land Use Administrator, a Planning Director, or others.

9-1-12 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 enjoinment 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.

9-1-13 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 30 days notice and public hearing and unless the same shall have been proposed by or be first submitted to the Land Use Authority 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.

9-1-14 Publication and Notice of Hearings (re: LUDMA and Utah Code un-annotated)

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.

9-1-15 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 and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

9-1-16 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.

9-1-17 Severability

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

9-1-18 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 a separate offense for each and every day during which any portion of any violation of this Ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Chapter 2. LAND USE AUTHORITY

9-2-1 Land Use Authority, Number of Members, Appointment.

The Board of Commissioners of Kane County is statutorily authorized to create a Land Use Authority, to be known as the Kane County Land Use Authority. One member of the Board of Commissioners shall be designated by the Board of Commissioners as a non-voting ex-officio member of the Land Use Authority. Each of the other seven members of the Land Use Authority shall be residents of Kane County and owners of real property situated therein, and at least four of them shall hold no other political or governmental office, governmental employment, or governmental position.

9-2-2 Terms of Office.

The term of appointed members of the Kane County Land Use Authority shall be three years and or until their respective successors have been appointed.

9-2-3 Vacancies and Removals for Cause.

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

9-2-4 Compensation.

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

9-2-5 Officers.

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

9-2-6 Rules and Procedures.

The Kane County Land Use Authority 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.

9-2-7 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.

9-2-8 Employees, Expenditures.

The Kane County Land Use Authority 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 3. 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 five 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:

a. Requests for variances from the terms of the Land Use Ordinances; and
b. 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 pursuant to Title 17-27a-702, Variances, and 17-27a-703, Appealing a Land Use Authority's Decision, Utah Code Unannotated 2008, as amended,

c. 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.

Appeals to the Kane County Appeal Authority may be pursued by any person aggrieved by his 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.

1. Time to Appeal – aggrieved party has ten (10) 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 from:

- 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 therefrom 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

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	A
(2)	Residential Zone	R-1/2, R-2, R-5
(3)	Multi-Person Residential	MPR-1, MPR-2
(4)	Commercial Zones	C-1, C-2, C-3, C-4
(5)	Light Manufacturing Zone	M-1
(6)	Heavy Manufacturing	M-2
(7)	Recreation – Residential Zone	REC-R
(8)	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 (A)

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 and uses adverse to the continuance of agricultural activity are not allowed.

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 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, "-".

9-5-3 Uses tables

Accessory buildings and uses customarily incidental to permitted uses	P
Accessory uses and buildings customarily incidental to Conditional Uses	C
Apiary (beehives)	P
Agricultural industry or business including all livestock marketing, production, and wholesale	P
Aviary	P
Beer sales at public recreational facilities where it has been approved and granted by the Board of County Commissioners	C
Construction equipment and supply trailer, temporary	C
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 and reservoirs	C

Dude ranch, family vacation ranch	C
Dwellings or residential facilities for elderly or disabled persons	C
Farms devoted to raising of chickens, turkeys or other fowl or poultry, fish and frogs	P
Forestry	P
Kennel and/or Catterie	C
Mobile home park	C
Personal agriculture, including crop production, grazing and pasturing of animals	P
Plant Materials nursery or green house, exceeding 20,000 square feet in total area	C
Plant materials nursery or green houses, not exceeding 20,000 square feet in total area	P
Power generation for on-site use:	-
i Solar and wind driven under 25 KVA	P
ii Solar and wind driven over 25 KVA	C
iii Steam, hydro, or reciprocating engine of any size	C
Private cemetery	C
Private roads and air strips	C
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 production, grazing and pasturing of animals	P
Public, quasi-public, and public service utility lines, pine lines, power lines and etc., which extend more than 500 feet that are used to transport their material, service or supply	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, dude ranch, or facilities	C
Radio and television transmitting stations and towers and wireless communications towers	C

Second family dwelling for the household of a hired man or seasonal laborer, or members of owners family	C
Single family dwelling	P
Storage, placement, keeping, locating, parking, maintaining, and keeping of agricultural equipment	P
Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work	C

9-5-4 Height Requirements.

No dwelling shall be erected to a height greater than two and one-half stories or 35 feet.

9-5-5 Area, Width, and Setback Regulations.

			Yard Regulations	Yard Regulations	Yard Regulations
District	Area	Width	Front	Side	Rear
A	35 acres	600 feet	30 feet	20 feet	30 feet

9-5-6 Modifying Regulations

(1) No building or structure or enclosure housing animals or fowl shall be constructed closer than 100 feet to a dwelling on an adjacent lot.

Chapter 6. Residential Zones

ARTICLE A. RESIDENTIAL ZONING DISTRICTS (R-1/2, 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: Tables

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	Width	Front	Side	Rear
R-1/2	½ Acres	150 Feet	30 Feet	10 Feet	20 Feet
R-2	2 Acres	150 Feet	30 Feet	10 Feet	20 Feet
R-5	5 Acres	150 Feet	30 Feet	10 Feet	20 Feet

9-6A-3: Height Regulations:

No building shall be erected to a height greater than two and one half stories or 35 feet.

9-6A-4: Modifying Regulations:

1) No building, structure or enclosure housing animals or fowl shall be constructed closer to a dwelling on the same or adjacent lots than 100 feet.

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) No manufactured home may be sited within Kane County unless it is sited on a permanent approved foundation. If the foundation is block or concrete, vertical #4 rebar shall be placed at four feet on center and at the top of foundation shall have one #4 continuous with the proper lap and if block shall be grouted solid. A 6 inch thick re-enforced concrete slab is required under the entire manufactured home.

4) A manufactured home 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.

5) Residential ½ Acres is the minimum lot size within one mile of a municipality's boundaries. Residential 2 Acres is the minimum lot size within one to three miles of a municipality's boundaries. Residential 5 acres is the minimum lot size within three to five miles of a municipality's boundaries.

6) Any development within the annexation area and/or overlay zone of an incorporated municipality shall comply with the ordinances and design standards of the municipality.

7) 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 animals, with up to two dogs or six cats or any combination thereof of household pets.

   b. R-2 May house a maximum of 12 animals with up to six dogs or eight cats or any combination thereof of household pets.

   c. R-5 May house a maximum of 15 animals with up to nine dogs or twelve cats or any combination thereof of household pets.

8) R-2 or R-5 only: The keeping of livestock for personal use is permitted, except that the following conditions shall apply:

   a) No pigs shall be permitted.

b) No animals or fowl shall be raised for commercial purposes.

c) No more than one large animal may be kept for each 12,500 square feet of area dedicated for each animal not to exceed a maximum of four large animals on any lot.

9) Moderate Income Housing plans incorporated into Residential Zones will be afforded bonus densities* in R-2 and R-5 Zones (*Transfer of Density) as determined by the Development Agreement.

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 Land Use Authority are indicated by a "C" in the appropriate column.

2) 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: Use Tables:

Use	R-1/2	R-2	R-5
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Accredited private educational institution having a curriculum similar to that ordinarily given in public schools	C	C	C
Cemetery	C	C	C
Child day care or nursery	C	C	C
Church	C	C	C
Construction equipment and supply trailer, temporary	C	C	C
Construction field office, temporary	C	C	C
Dwellings or residential facilities for elderly or disabled persons	C	C	C
Essential Service facilities	C	C	C
Home occupation	P	P	P
Kennel and/or Catteries (private)	-	C	C
Multi-Person Residential Zones	P	P	P

Personal agriculture, the tilling of the soil, the raising of crops, horticulture, and gardening, personal	P	P	P
Planned Unit Developments	C	C	C
Private road	C	C	C
Public parks and play ground	P	P	P
Public, quasi-public, and public service utility lines, pipe lines, power lines and etc. which extend more than 500 feet; that are used to transport their material, service or supply	C	C	C
Single family dwelling	P	P	P
Substations or transmission lines of 50 KV or greater capacity	C	C	C
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	C	C	C

ARTICLE B. MULTI-PERSON RESIDENTIAL ZONES MPR-1 and MPR-2

SECTION:

9-6B-1: Purpose and Scope
9-6B-2: Height, Area and Setback Regulations
9-6B-3: Modifying Regulations
9-6B-4: Codes and Symbols
9-6B-5: Use Tables

9-6B-1: Purpose and Scope:

The purpose of this chapter is to provide for multi-person residential neighborhoods within and adjoining Residential Zones, Planned Unit Developments and adjoining Rec-R Zones.

9-6B-2: Height, Area and Setback Regulations:

Maximum height of any buildings within zones MPR-1 and MPR-2 is 35 feet.

Zone	Area	Width	Front	Side	Rear
MPR-1	½ Acre min.	150 Feet	30 Feet	10 Feet	20 Feet
MPR-2	2 Acres +	150 Feet	30 Feet	40 Feet	40 Feet

9-6B-3: Modifying Regulations:

1) Land coverage of all buildings shall not exceed 50% of the lot or parcel acreage.

2) At least 30% of the land area of any parcel shall be landscaped.

3) Individual water supply and/or sewage disposal systems shall be subject to the approval of the Board of Health and or the County Engineer.

4) Parking. Refer to: Ordinance 6-2 and 6-4 (3).

5) Any development within the annexation area and/or overlay zone of an incorporated municipality shall comply with the ordinances and design standards of the municipality.

6) Household pets: Limited to CC&R's, Homeowners' Associations Regulations and/or written rules. Not to exceed Kane County Residential R-1/2 Ordinance.

7) No livestock or fowl permitted.

8) Site plan subject to approval by the Kane County Land Use Authority.

9) Moderate Income Housing plans incorporated into MPR Zones will be afforded bonus densities *(transfer of density).

9-6B-4: Codes and Symbols:

In this section are tables describing types of buildings or groups of buildings that are allowed in the two zones. 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 as indicated by "C" in the appropriate column.

9-6B-5: Use Tables:

Use	MPR-1	MPR-2
Duplexes	P	P
Tri-Plexes	P	P
4-Plexes	P	P
Condos	C	P
Apartment Buildings	-	P
Town Houses	C	P
Assisted Living Buildings	-	P
Public Parks and Playgrounds	P	P
Public, Quasi-Public and Public Service Utility Lines, Pipe Lings, Power Lines, etc.	C	C

ARTICLE C: RECREATIONAL RESIDENTIAL ZONE (REC-R 9, REC-R 18, REC-R 36)

SECTION:

9-6C-1: Purpose
9-6C-2: Area, Width, and Setback Regulations
9-6C-3: Height Regulation
9-6C-4: Modifying Regulations
9-6C-5: Codes and Symbols
9-6C-6: Uses Table

9-6C-1: Purpose:

To permit use of designated area for grazing, forestry, mining, recreation, and other activities and to protect the natural resources of the area for the benefit of present and future generations.

9-6C-2: Area, Width, and Setback Regulation:

District	Area	Width	Front	Side	Rear
REC-R-9	9 Acres	450 Feet	30 Feet	20 Feet	30 Feet
REC-R-18	18 Acres	500 Feet	30 Feet	20 Feet	30 Feet
REC-R-36	36 Acres	600 Feet	30 Feet	20 Feet	30 Feet

9-6C-3: Height Regulation:

No building shall be erected to a height greater than two and one-half stories or 35 feet.

9-6C-4: Modifying Regulations:

1) Individual water supply and/or sewage disposal systems shall be subject to the approval of the Board of Health.

9-6C-5: Codes and Symbols:

1) In this part are tables describing uses of land or buildings that are allowed in the various zones 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 a given zone, it is either not named in the use list or it is indicated in the appropriate column by a dash,”-“.

9-6C-6: Uses Tables:

Uses	Rec-R-9	Rec-R-18	Rec-R-36
Accessory buildings and uses customarily incidental to permitted uses	P	P	P
Agriculture industry or business including marketing, wholesale, and retail products	-	-	C
Dude ranches	-	C	P
Farms devoted to raising of chickens,	-	-	C

turkeys, or other fowl or poultry, fish or frogs			
Forest industries	C	C	C
Kennel and/or Catterie	C	C	C
Lodges, bed & breakfast	C	C	C
Logging and lumber harvesting	C	C	C
Planned Unit Development	C	C	C
Plant material nursery or greenhouses exceeding 20,000 square feet in total area	-	-	P
Plant material nursery or greenhouses not exceeding 20,000 square feet in total area	P	P	p
Public stable, riding academy or riding ring, horse show barns, or facilities	C	P	P
Public and quasi-public buildings	C	C	C
Public and quasi-public utilities	C	C	C
Public recreational grounds and facilities	C	C	C
Recreation camps	C	C	C
Reservoir and hydroelectric facilities	C	C	C
Reservoirs or dams	C	C	C
R.V. Park (No more than 30 days)	-	C	C
Second dwelling for the household of a hired man, seasonal laborer, or members of owner's family	-	-	C
Single family dwelling	P	P	P
Storage, placement, keeping, locating parking, maintaining, and keeping of agricultural equipment	P	P	P
Surface mines, quarries and gravel pits	C	C	C
Temporary construction camps	C	C	C
Underground mining, including underground and surface facilities for the mining and transporting of minerals and for processing such minerals for sale or use	-	C	C

Chapter 7. Commercial Zones (C-1, C-2, C-3, C-4)

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/End of Chapter

9-7A-1: Purpose:

The purpose of the C-1 Zone is to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this zone are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs to area residents.

9-7A-2: Development Restrictions in a Commercial Zone:

1) Any parcel larger than one acre shall be divided or developed only as a Planned Unit Development.

2) Existing one-half to .99 acre commercial parcels shall be subject to all requirements of Chapter 7 with the exception of 7A-2 (1).

3) 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 (including R, Rec-R and MPR), 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 set back of no less than 25 feet, a side set back of no less than 5 feet and a rear set back of no less than 20 feet.

4) Buildings and structures shall cover no more than 40% of the lot area except as may otherwise be allowed through Planned Unit Development approval.

5) Residences: As a separate accessory building to/or incorporated into main commercial building for occupancy only by owner, manager or security personnel. Rental or sale of residence separate or apart from the business prohibited. Conditional Use Permit required.

6) All uses shall be free from objectionable noise, hazards and nuisances.

7) Improvements required by the Land Use Authority may include:
   a) Paved streets
   b) Paved parking
   c) Curb and gutter
   d) Sidewalks
   e) Onsite surface drainage facilities
   f) Culinary water facilities
   g) Waste water disposal
   h) Storm water runoff
   i) Any other infrastructure deemed necessary

9-7A-3: Maximum Building Heights:

C-1, Zones - 35 feet

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 and 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, “-“.

9-7A-5: Uses Tables/End of 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 C-2 Zone is to provide areas in appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established, maintained and protected. The regulations of this zone are designed to promote and encourage the development of comparison shopping centers.

9-7B-2: Development Restrictions in a Commercial Zone:

1) Any parcel larger than one acre shall be divided or developed only as a Planned Unit Development.

2) Existing one-half to .99 acre commercial parcels shall be subject to all requirements of Chapter 7 with the exception of 7B-2 (1).

3) 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 (including R, Rec-R and MPR), 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 set back of no less than 25 feet, a side set back of no less than 5 feet and a rear set back of no less than 20 feet.

4) Buildings and structures shall cover no more than 40% of the lot area except as may otherwise be allowed through Planned Unit Development approval.

5) Residences: As a separate accessory building to/or incorporated into main commercial building for occupancy only by owner, manager or security personnel. Rental or sale of residence separate or apart from the business prohibited. Conditional Use Permit required.

6) All uses shall be free from objectionable noise, hazards and nuisances.

7) Improvements required by the Land Use Authority may include:
   a) Paved streets
   b) Paved parking
   c) Curb and gutter
   d) Sidewalks
   e) Onsite surface drainage facilities
   f) Culinary water facilities
   g) Waste water disposal
   h) Storm water runoff
   i) Any other infrastructure deemed necessary

9-7B-3: Maximum Building Heights:

C-2, Zones - 35 feet

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 and 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, "-".

9-7B-5: Uses Tables/End of Chapter

ARTICLE C: C-3 Zone

SECTION:

9-7C-1: Purpose:
9-7C-2: Development Restrictions in a Commercial Zone
9-7C-3: Maximum Building Heights
9-7C-4: Codes and Symbols
9-7C-5: Uses Table

9-7C-1: Purpose:

The purpose of the C-3 Zone is to provide areas in appropriate locations adjacent to highways or major streets where activities dependent upon or catering to thoroughfare traffic and the traveling public may be established, maintained, and protected. The regulations of this zone are designed to encourage harmony between traffic needs and centers for retain commercial, entertainment, automotive facilities, and other appropriate highway-related activities.

9-7C-2: Development Restrictions in a Commercial Zone:

1) Any parcel larger than one acre shall be divided or developed only as a Planned Unit Development.

2) Existing one-half to .99 acre commercial parcels shall be subject to all requirements of Chapter 7 with the exception of 7C-2(1).

3) 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 (including R, Rec-R and MPR), 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 set back of no less than 25 feet, a side set back of no less than 5 feet and a rear set back of no less than 20 feet.

4) Buildings and structures shall cover no more than 40% of the lot area except as may otherwise be allowed through Planned Unit Development approval.

5) Residences: As a separate accessory building to/or incorporated into main commercial building for occupancy only by owner, manager or security personnel. Rental or sale of residence separate or apart from the business prohibited. Conditional Use Permit required.

6) All uses shall be free from objectionable noise, hazards and nuisances.

7) Improvements required by the Land Use Authority may include:
   a) Paved streets
   b) Paved parking
   c) Curb and gutter
   d) Sidewalks
   e) Onsite surface drainage facilities
   f) Culinary water facilities
   g) Waste water disposal
   h) Storm water runoff
   i) Any other infrastructure deemed necessary

9-7C-3: Maximum Building Heights:

C-3 Zone - 50 feet

9-7C-4 Codes and Symbols

1) The C-3 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 and 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, "-".

9-7C-5: Uses Tables/End of Chapter

ARTICLE D. C-4 Zone

SECTION:

9-7D-1: Purpose:
9-7D-2: Development Restrictions in a Commercial Zone
9-7D-3: Maximum Building Heights
9-7D-4: Codes and Symbols
9-7D-5: Uses Table/End of Chapter

9-7D-1: Purpose:

The purpose of the C-1 Zone is to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this zone are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs to area residents.

9-7D-2: Development Restrictions in a Commercial Zone:

1) Any parcel larger than one acre shall be divided or developed only as a Planned Unit Development.

2) Existing one-half to .99 acre commercial parcels shall be subject to all requirements of Chapter 7 with the exception of 7D-2(1).

3) 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 (including R, Rec-R and MPR), 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 set back of no less than 25 feet, a side set back of no less than 5 feet and a rear set back of no less than 20 feet.

4) Buildings and structures shall cover no more than 50% of the lot area except as may otherwise be allowed through Planned Unit Development approval.

5) Residences: As a separate accessory building to/or incorporated into main commercial building for occupancy only by owner, manager or security personnel. Rental or sale of residence separate or apart from the business prohibited. Conditional Use Permit required.

6) All uses shall be free from objectionable noise, hazards and nuisances.

7) Improvements required by the Land Use Authority may include:
   a) Paved streets
   b) Paved parking
   c) Curb and gutter
   d) Sidewalks
   e) Onsite surface drainage facilities
   f) Culinary water facilities
   g) Waste water disposal
   h) Storm water runoff
   i) Any other infrastructure deemed necessary

9-7D-3: Maximum Building Heights:

C-4, Zones - 50 feet

9-7D-4: Codes and Symbols

1) The C-4 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 and 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, “-“.

9-7D-5: Uses tables:

Uses	C-1	C-2	C-3	C-4
Accessory buildings and uses customarily incidental to permitted uses	P	P	P	P
Accessory uses and buildings customarily incidental to conditional uses	C	C	C	C
Appliance Sales and Service	P	P	P	P
Archery shop/range, in conducted in enclosed buildings	-	P	P	P
Art needlework shop; art shop; art supply	C	C	C	C
Automatic car wash	-	C	C	C
Automobile fuel filling station	C	C	C	C
Automobile or recreation vehicle sales	-	C	C	C
Automobile or recreation vehicle sales, lease, rental, service, new or used, conducted entirely within an enclosed building	-	C	C	C
Auto parts sales (Indoor)	-	P	P	P
Awning sales/repair	-	P	P	P
Baby formula service; baby diaper service; sitter Agency	P	P	P	P
Bakery, retail sales	P	P	P	P
Bank	P	P	P	P
Barber shop	P	P	P	P
Bath and massage (not part of medical or health spa)	-	-	C	C
Beauty shop	P	P	P	P
Beauty Shop for pets, dog grooming	-	P	P	P
Bed and Breakfast	C	C	C	C
Beer outlet, Class A, Class B	P	C	C	C
Bicycle shop	P	P	P	P
Billiards or pool hall	-	P	P	P
Bowling alley; commercial skating	P	P	P	P
Boxing arena	-	-	C	C
Building material sales, enclosed area	-	P	P	P
Building material sales yard, outside, with sale of rock, sand, gravel, and the like as an	-	C	C	C

incidental part of the main business but excluding concrete mixing				
Bus terminal	-	C	C	C
Café, cafeteria, catering establishment, restaurant (not a drive-thru)	P	P	P	P
Campground	-	C	C	C
Candy, confectionery, nut shop	P	P	P	P
Carbonated and purified water sales	P	P	P	P
Carpet and/or rug cleaning	-	C	P	P
Cemeteries	-	-	-	C
Churches	C	C	C	C
Clothes cleaning, dyeing, pressing, dry cleaners	C	P	P	P
China and/or silver shop	P	P	P	P
Clothing store	P	P	P	P
Coal/fuel sales office	-	-	-	C
Construction equipment and supply trailer, temporary	C	C	C	C
Construction field office, temporary	C	C	C	C
Construction of buildings to be sold and moved off the premise	-	-	-	P
Contractors' equipment storage yard	-	C	C	C
Convenience Store with gasoline sales	C	C	C	C
Copy store, blueprinting, photostating, duplicating	P	P	P	P
Costume rental	P	P	P	P
Dams and reservoirs	-	-	-	C
Dance hall; dancing	-	C	C	C
Delicatessen	P	P	P	P
Department store	P	P	P	P
Dramatics school	P	P	P	P
Drapery-curtain store	P	P	P	P
Dressmaking	P	P	P	P
Drive-ins; refreshment stand, eating and/or drinking place	P	P	P	P
Drive-it-yourself agency, car, equipment rental	-	C	P	P
Drug store	P	P	P	P
Dry goods store	P	P	P	P
Egg candling, sales or processing	-	-	-	C
Electrical appliances and fixtures, electronic	C	P	P	P

instruments sales, repair and/or service				
Employment agency or employment office	-	P	P	P
Essential service facilities	C	C	C	C
Express office	-	P	P	P
Fix-it shop, repair shop, for household items	P	P	P	P
Flooring, carpet, repair and sales	-	P	P	P
Florist shop	P	P	P	P
Freight or trucking yard or terminal	-	-	-	C
Frozen food locker	-	C	P	P
Frozen food locker incidental to a main grocery store or food business	P	P	P	P
Fountain equipment supply, restaurant supply	-	-	P	P
Fruit, fruit juice store; fruit and/or vegetable stand, or store; natural foods/health store	P	P	P	P
Fur sales, storage; repair	-	-	P	P
Furniture sales and/or repair	-	P	P	P
Garage, public	-	C	P	P
Gift shop; hobby	P	P	P	P
Golf course; commercial miniature golf course	-	P	P	P
Greenhouse, nursery; plant materials; soil & lawn service	P	P	P	P
Grocery; meat sales	P	P	P	P
Gunsmith	C	P	P	P
Hardware store, not including the sale of lumber	P	P	P	P
Hardware store, including the sale of lumber providing all lumber storage is in completely enclosed building	C	P	P	P
Heating ventilating, air conditioning; equipment (HVAC) sales/repair	C	P	P	P
Hospital supplies	-	-	-	C
Hotel, motel, inn	-	C	P	P
Household cleaning/repair, house equipment displays	-	P	P	P
Ice cream shop; ice sales, retail sales and or rental	P	P	P	P
Ice manufacture, storage, and wholesale ice sales	-	-	-	C
Ice vendor units and/or reach-in ice merchandise units, electric ice makers; ice storage, not more	P	P	P	P

than five (5) tons capacity				
Indoor Storage Facility – Boats, Automobiles, RV's Minimum 1 Acre – Privacy Fencing Required, Fire Sprinkler System Required, Paved Ingress and Egress Required, No Overnight Outdoor Storage or Parking Allowed	C	P	P	P
Insulation sales, wholesale	-	-	-	P
Interior decorating store	P	P	P	P
Jewelry store	P	P	P	P
Kennel, conducted entirely within a soundproof and air conditioned building	-	C	C	C
Laundry, automatic self-help-laundry agency	P	P	P	P
Liquor and beer sales; places for the drinking of liquor or beer	-	C	C	C
Lithographing, including engraving, photo engraving	-	C	P	P
Lumber yard	-	C	P	P
Manufactured home sales and storage	-	C	P	P
Medical/dental clinic	P	P	P	P
Medical/dental laboratories	-	-	P	P
Military surplus store	-	C	C	C
Milk distributing station; sale of dairy products, including processing/bottling	C	C	P	P
Monument sales, retail	-	C	P	P
Mortuary	-	C	P	P
Motorboat sales	-	C	C	C
Music store	P	P	P	P
News stand; magazine shop; book store	P	P	P	P
Night club/social club	-	C	C	C
Notions, variety store	P	P	P	P
Novelty shop, variety store	P	P	P	P
Nurses' agency	P	P	P	P
Office, business or professional	P	P	P	P
Office supply; office machines sales, repair	P	P	P	P
Oil burner shop	-	C	P	P
Optometrist; oculist	P	P	P	P
Ornamental iron, sales only	P	P	P	P
Package handling/shipping	-	C	C	C
Painter/paint store	-	C	P	P

Parking lot incidental to a use conducted on the premises	P	P	P	P
Parking lot not incidental to a use conducted on the premises	C	C	C	C
Parks, golf course, swimming pools and other recreation areas	P	P	P	P
Pest extermination operation	-	-	-	P
Pet shop	P	P	P	P
Photographer or photography shop, sales and service	P	P	P	P
Plumbing shop/retail	C	P	P	P
Popcorn and/or nut shop	P	P	P	P
Printing, including engraving, photo engraving	-	C	P	P
Printing and small paper reproduction service	P	P	P	P
Private club	C	C	C	C
Private road	C	C	C	C
Private school	C	C	C	C
Public buildings	C	C	C	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc., which extend more than 500 feet, that transport the material, service or supplies	C	C	C	C
Radio and television sales and repair	P	P	P	P
Radio and television station	-	-	-	C
Radio/television wireless transmitting towers	C	C	C	C
Reception center and/or wedding chapel	C	C	C	C
Recreational center, facilities or area that is private and/or commercial	C	C	C	C
Recreational vehicle park	-	C	C	C
Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	C	C	C	C
Roofing sales	-	P	P	P
Second-hand shop, antiques, conducted within a building or enclosure	P	P	P	P
Seed/feed store	-	C	C	C
Sewing machine shop	P	P	P	P
Sign painting shop	-	C	P	P
Shoe shop; shoeshine; shoe repair	P	P	P	P

State liquor store	C	C	C	C
Stationary and Greeting card sales	P	P	P	P
Storage units, self storage, with off premise outside self service storage	-	C	C	C
Storage units, self storage, without outside storage (household items only and non-hazardous materials)	C	C	C	C
Substation or transmission lines of fifty KV or greater capacity	-	-	C	C
Swimming pool, commercial	-	C	C	C
Tailor Shop	P	P	P	P
Taxidermist	-	C	P	P
Taxi stand	P	P	P	P
Terminal, parking and maintenance facilities	C	C	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	C	C	C	C
Theater, indoor	P	P	P	P
Theater, outdoor, providing: A solid fence or masonry wall with a minimum height of sex 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	C
Tire shop, sales and repair	C	C	P	P

Tobacco shop	P	P	P	P
Towel and linen supply store	-	-	C	P
Transfer company	-	-	C	C
Travel bureau	P	P	P	P
Truck and heavy equipment, repair facility, truck stop, and truck wash	-	-	C	C
Variety store, notions	P	P	P	P
Veterinary	C	C	C	C
Veterinary-providing operations are completely enclosed within an air-conditioned and soundproof building	P	P	P	P
Wallpaper store	P	P	P	P
Warehouse	-	-	C	C
Wholesale business	-	C	P	P

Chapter 8. MANUFACTURING ZONES

ARTICLE A. Light Manufacturing Zones(M-1)

SECTION:

9-8A-1: Purpose
9-8A-2: Height Regulations
9-8A-3: Area, Width, and Yard Regulations
9-8A-4: Codes and Symbols

9-8A-1 Purpose.

To provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained and protected. The regulations of this zone are designed to protect environmental quality of the zone and adjacent areas.

9-8A-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.

9-8A-3 Area, Width, and Yard Regulations.

None, except for any parcel in the M-1 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 M-1 zone for such common lot line.

9-8A-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, “-“.

9-8A-5 Uses tables.

Uses	M-1
Accessory uses and buildings customarily incidental to conditional uses	C
Accessory buildings and uses customarily incidental to permitted uses	P
Animal hospital	P
Agriculture industries	P
Art needlework shop; art shop; art supply	C
Athletic club; health club; athletic goods store; gymnasium	P
Automatic car wash	C
Automobile fuel filling station	C
Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building	C
Bag cleaning	P
Bakery goods	C
Baking, ice cream making, and/or candy making	P
Bank	P
Blacksmith shop	P
Body and fender shop; tire recapping; motor vehicle assembling, painting, upholstering and rebuilding	C
Boiler works	P
Bottling works	P
Bookbinding	P
Breweries	C
Building material sales, enclosed	P
Building 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	P
Bus terminal	P
Café, cafeteria, catering establishment, restaurant (not a drive-thru/drive-in)	P

Carpet and/or rug cleaning	P
Cemeteries	C
Clothes cleaning, dyeing, pressing, dry cleaners	P
Coal/fuel sales office	C
Coal, fuel and wood yards	C
Construction field office, temporary	C
Construction of buildings to be sold and moved off the premise	P
Convenience store with gasoline sales	P
Dairy	P
Dams and reservoirs	C
Drag strip racing; auto racing; go cart racing	C
Dressmaking	P
Drive-ins/drive-thrus; refreshment stand, eating, and/or drinking place	C
Drive-it-yourself agency, car, equipment rental	C
Egg candling, sales, or processing	P
Electrical appliances and fixtures, electronic instruments sales, repair and/or service	P
Essential service facilities	C
Express office	P
Fertilizer and soil conditioners manufacture, processing and/or sales, providing only non-animal products & by products are used	C
Forage plant	P
Fountain equipment supply, restaurant supply	P
Frozen food lockers	P
Frozen food locker incidental to a main grocery store or food business	P
Freight or trucking yard or terminal	C
Garage, public	P
Greenhouse, nursery; plant materials; soil & lawn service	C
Gunsmith	C
Hardware store including the sale of lumber	P
Hatchery	P
Heating, ventilating, air conditioning; equipment (HVAC), sales/repair	C
Honey extraction	P
Hospital Supplies	P
Hotel, motel, inn	P
Ice manufacture, storage, and wholesale sales	P

Ice vendor units and/or reach-in ice merchandise unites, electric ice-maker; ice storage, not more than five (5) tons capacity	P
Incinerator, non-accessory	C
Indoor auto parts sales	C
Insulation sales	P
Kennel, conducted entirely within a soundproof and air conditioned building	C
Knitting mill	P
Laboratories	C
Laundry	P
Lithographing, including engraving, photo engraving	P
Lumber yard	P
Machine shop	P
Manufactured home sales and storage	P
Manufacturing, curing, compounding, processing, packaging, production and treatment of:	
1. Batteries	C
2. Billboards and commercial advertising structures	P
3. Boats	P
4. Bone	C
5. Business machines	P
6. Cameras and photo equipment, film	P
7. Candy	C
8. Canvas, cloth, textile, wool or yarn	C
9. Cellophane	C
10. Cereal	C
11. Cork	C
12. Cosmetics	C
13. Dairy products	C
14. Electric or neon signs	P
15. Feathers	C
16. Food production (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)	C
17. Hair and horn	C
18. Leather or hides	C
19. Lubricating grease, oil, oilcloth and oiled rubber goods	C
20. Meat products	C
21. Musical instruments	P
22. Novelties	P

23. Paper	C
24. Paint	C
25. Pipe for use in building construction excluding rock or cement pipe manufacturing	C
26. Plastics	C
27. Rubber or gutta-percha	C
28. Rubber or metal stamps	P
29. Sheet metal products, light, (including heating and ventilation ducts and equipment, cornices and eaves, Venetian blinds, window shades, awnings)	P
30. Shell	C
31. Straw	C
32. Tobacco	C
33. Toiletries	C
34. Toys	P
35. Pharmaceuticals	C
36. Wood	C
Medical/dental clinic laboratories	P
Military store	C
Monument sales, retail	P
Mobile home sales and storage	P
Mobile lunch service	P
Monuments works	P
Motion picture studio	P
Motorboat sales	P
Office, business or professional	P
Office, supply; office machines, repair	P
Oil burner shop	P
Painter/paint store	P
Parking lot incidental to a use conducted on the premises	P
Parking lot not incidental to a use conducted on the premises	C
Pest extermination and control office	P
Planning mill	C
Plumbing shop	P
Printing, including engraving, photo engraving	P
Printing and small paper reproduction service	P
Printing – convenience for drop-in customers	P
Private road	C

Private schools	C
Public buildings	C
Public, quasi-public, and private service utility lines, pipelines, power lines, roads and etc., which extend more than 500 feet, that transport the material, service or supplies from one service area to another	C
Public, quasi-public, and public service utility lines, pipelines, power lines and etc., which extend more than 500 feet; that are used to transport their material, service or supply	C
Radio and television station	C
Radio/television/wireless communication transmitting towers	C
Railroad yards; shop and/or roundhouse for railroads	P
Recreational center, facilities or area that is private and/or commercial	C
Roofing sales	P
Sandblasting	C
Seed/feed store	P
Sexually oriented business	C
Sign painting shop	P
Storage units, self storage, without outside storage	P
Storage units, self storage, with off-premise outside self service storage	C
Substation or transmission lines of fifty KV or greater capacity	C
Taxidermist	P
Taxi stand	P
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	C
Terminal, parking and maintenance facilities	C
Tire, recycling into fuels and useable products	C
Tire retreading, or vulcanizing	C
Towel and linen supply service	P
Transfer company	P
Truck and heavy equipment, repair facility, truck stop, and truck wash	P
Upholstery	C
Upholstering, including mattress manufacture rebuilding or renovating	P

Veterinary	C
Warehouse	P
Weaving	P
Wholesale business	P

ARTICLE B. HEAVY MANUFACTURING ZONE (M-2)

SECTION:

9-8B-1: Purpose
9-8B-2: Height, Area, Width and Yard Regulations
9-8B-3: Modifying Regulations
9-8B-4: Codes and Symbols
9-8B-5: Uses Tables

9-8B-1 Purpose.

To provide areas in appropriate locations where heavy industrial processes necessary to the economy may be conducted. The regulations of this zone are designed to protect environmental quality of the zone and adjacent areas.

9-8B-2 Height, Area, Width and Yard Regulations.

None, except that the height and yard restrictions pertaining to any adjacent zone will apply within 100 feet of the common boundary.

9-8B-3 Modifying Regulations.

All hazardous areas or materials subject to this zone shall be completely enclosed by a secure fence or suitable barrier approved by the Land Use Authority to prevent entrance by unauthorized persons and to protect the general public from accidental exposure.

9-8B-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, “-“.

8-8B-5 Uses tables

Uses	M-2
Accessory buildings and uses customarily incidental to permitted uses	P
Accessory uses and buildings customarily incidental to conditional uses	C
Art needlework shop; art shop; art supply	C
Automatic car wash	C
Automobile or recreation vehicle sales, service, lease, rental and repair, new or used, conducted entirely within an enclosed building	C
Bag cleaning	P
Baking, ice cream making, and/or candy making	P
Blacksmith shop	P
Boiler works	P
Bottling works	P
Bookbinding	P
Breweries	C
Body and fender shop; tire recapping; motor vehicle, bicycle, and recreation vehicle assembling, painting, up holstering and rebuilding	C
Building material sales, enclosed area	P
Building 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	P
Café, cafeteria, catering establishment, restaurant (not a drive-thru/drive-in)	C
Central mixing plant, related to construction industry for cement, mortar, plaster, or paving materials	C
Coal/fuel sales office	P
Construction equipment and supply trailer. Temporary	C
Contractors’ equipment storage yard	P
Construction field office temporary	C
Construction of buildings to be sold and moved off the premise	P

Convenience store with gasoline sales	P
Correctional facilities (public and private) providing: 1) They are located at least 6060 feet from any zone boundary; 2) They are located at least 600 feet as measured from the property line on which the correctional facility is located to the property line of the following: • Schools; • Churches; • Day care and preschools; • Establishments that sell beer or liquor for on or off premise consumption; • Motels or hotels; • Residential (dwellings, lodgings houses, dormitory, congregate residences, etc.)	C
Dairy	P
Dams and reservoirs	P
Drag strip racing; auto racing; go cart racing	C
Drive-ins/drive-thrus; refreshment stand, eating, and/or drinking place	C
Egg candling, sales, or processing	P
Essential service facilities	C
Fertilizer and soil conditioners manufacture, processing and/or sales, providing only non-animal products & by products are used	C
Forage plant	P
Foundry, casting light-weight non-ferrous metal	C
Freight or trucking yard or terminal	P
Frozen food locker incidental to a main grocery store or food business	P
Hatchery	P
Honey extraction	P
Honey extraction	P
Hotel, motel, inn	C
Ice manufacture, storage, and wholesale sales	P
Ice vendor units and/or reach-in ice merchandise unites, electric ice-maker; ice storage, not more than five (5) tons capacity	P
Incinerator, non-accessory	C
Indoor auto parts sales	C
Insulation sales	P

Junk yard	C
Knitting mill	P
Laboratories	C
Lumber yard	P
Manufacturing, curing, compounding, processing, packaging, production and treatment of:	
1. Acetylene gas	C
2. Acid	C
3. Airplane and associate parts	C
4. Alcohol	C
5. Ammonia	C
6. Animal by-products, offal or dead, reduction or dumping, fat rendering, grease or lard located at least 300 feet From any district boundary	C
7. Automobiles and their associate parts	C
8. Bakery goods	C
9. Batteries	C
10. Billboards and commercial advertising structures	P
11. Blast furnace or foundry located at least 300 feet from any district boundary	C
12. Bleaching powder	C
13. Boats	P
14. Bone	C
15. Brass	C
16. Business machines	P
17. Cameras and photo equipment, film	P
18. Candy	C
19. Candles	C
20. Canvas, cloth, textile, wool or yarn	C
21. Cast stone, cement, cinder, terra cotta; tile, brick, synthetic cast stone, pumice stone and gypsum products	C
22. Cellophane	C
23. Celluloid	C
24. Cereal	C
Chemicals of an objectionable or dangerous nature	
25. Chlorine	C
26. Coal	C
27. Copper	C
28. Cork	C

29. Cosmetics	C
30. Creosote	C
31. Dairy products	C
32. Detergents	C
33. Dyestuffs	C
34. Disinfectants	C
35. Electric or neon signs	P
36. Emery cloth	C
37. Excelsior	C
38. Explosives and fireworks	C
39. Feathers	C
40. Fertilizer and soil conditioner located at least 300 feet from any district boundary	C
41. Food products (excluding fish, sauerkraut, pickles, vinegar, yeast, and rendering of fat)	C
42. Gasoline and petroleum	C
43. Gelatine	C
44. Glass	C
45. Glucose	C
46. Glue	C
47. Hair and horn	C
48. Hardware	C
49. Ink	C
50. Insecticide	C
51. Iron	C
52. Lampblack	C
53. Leather or hide	C
54. Linoleum	C
55. Lime	C
56. Lubricating grease, oil, oilcloth and Oiled rubber goods	C
57. Machinery	C
58. Malt	C
59. Matches	C
60. Meat products	C
61. Musical instruments	P
62. Novelties	P
63. Oxygen	C
64. Paper	C
65. Paint	C

66. Pharmaceuticals	C
67. Pickles	C
68. Pipe for use in building construction or for sewer or drainage purposes excluding rock or gravel crushing of raw materials except that which is incidental to the manufacture or fabrication of the above described products) provided that such crushing facilities be located not closer than 200 feet to any property line	C
69. Plastics	C
70. Pottery, plaster, incidental plaster, plaster of paris, ceramic and clay	C
71. Pyroxylin	C
72. Roofing or water proofing materials	C
73. Rubber or gutta-percha	C
74. Rubber and metal stamps	P
75. Sheet metal products, light, (including heating and ventilation ducts and equipment, cornices and eaves, Venetian blinds, window shades awnings	P
76. Sheet metal products, heavy	C
77. Steel or metal crushing	C
78. Shell	C
79. Shellac, shoddy; and shoe polish	C
80. Straw	C
81. Soap	C
82. Starch	C
83. Tallow	C
84. Tar	C
85. Tobacco	C
86. Toiletries	C
87. Toys	P
88. Turpentine and varnish	C
89. Wood	C
90. Vinegar	C
91. Yeast	C
Machine shop	P
Military store	C
Mobile home sales and storage	C
Mobile lunch service	P
Monument sales, retail	P
Monument works	P

Motion picture studio	P
Office, business or professional	P
Parking lot incidental to a use conducted on the premises	C
Parking lot not incidental to a use conducted on the premises	C
Pest extermination and control office	P
Planning mill	C
Printing convenience for drop-in customers	P
Private road	C
Production of salts in solid or liquid form by the collection, pumping and evaporation of naturally occurring brines and the processing of salts into salt products	P
Publishing and contract printing	P
Radio and television station	P
Radio/television/wireless communication transmitting towers	P
Railroad yards; shop and/or roundhouse for railroads	P
Recreation center, facilities or area that is private and/or commercial	C
Recreation vehicles, rentals, leases, sales and service, outdoor and indoor	C
Sandblasting	C
Saw mill	C
Seed/feed store	P
Storage, shipping, transporting and warehousing of: coal fuel and wood yards	C
Storage units, self storage; without outside storage	P
Storage units, self storage; with off-premise outside self service storage	C
Substations or transmission lines of 50 KV or greater capacity	C
Taxi stand	P
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	C
Tire, recycling into fuels and useable products	C
Tire retreading, or vulcanizing	C
Treatment of materials from sand and grease interceptors, resulting in inert materials	C
Truck and heavy equipment repair facility, truck stop, and truck wash	P

Upholstering, including mattress manufacture rebuilding or renovating	P
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	C
Terminal parking and maintenance	C
Transfer company	P
Upholstery shop	C
Warehouse	P
Weaving	P
Welding shop	P

CHAPTER 9. COMMUNITY ZONE

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 Zone 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.

b. 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 contains 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 Commission, 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 and 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.

Chapter 10. SUPPLEMENTARY AND QUALIFYING REGULATIONS

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.

In 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, the width of each of the side yards for a dwelling may be reduced to a width as determined by the Kane County Appeal Authority.

9-10-5 Yards to be Unobstructed-Exceptions.

Every part of a required yard shall be open to the sky unobstructed except for vegetation and accessory buildings in a rear yard, the ordinary projection of skylights, sills, belt courses, cornice, roof overhang, chimneys, flues and other ornamental features which project into a yard not more than four feet and open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard, not more than five feet.

9-10-6 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.

9-10-7 Minimum Height of Dwellings.

No dwelling shall be erected to a height less than one story entirely above grade except under a Conditional Use Permit.

9-10-8 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 and pumps at gasoline service stations.

9-10-9 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.

9-10-10 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.

9-10-11 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.

9-10-12 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 Conditional Use Permit.

9-10-13 Exceptions to Height Limitations.

Height regulations shall not apply to 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, skylights, 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.

9-10-14 Water and Sewage Requirements.

In all cases where a proposed building or proposed use will involve the use of sewage facilities and a connection to a public sewer system is not available, and in all cases where a connection to a public water system approved by the Southwest Utah Public Health Department or Utah Department of Environmental Quality is not available, the sewage disposal and the domestic water supply shall comply with the requirements of the Southwest Utah Public Health Department or Utah

Department of Environmental Quality, and the application for a building permit shall be accompanied by a certificate of feasibility from said Board.

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 Wild Land Urban Interface Code.

Wild Land Urban Interface Code as adopted by Kane County and as shown in the Kane County Standard Specifications and Drawing Details for Design and Construction.

Chapter 11. GUEST HOME

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, and may not be rented. Guest homes shall be considered an accessory building and subject to the setbacks established in the respective zone for accessory structures. Guest homes shall not be eligible for a building permit until a Certificate of Occupancy for the main residence has been obtained. A guest home must be consistent with the principal dwelling in building type, i.e., architectural style color, etc., if located in side yard or in front of main residence. Additionally, a guest house 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 Zoning Ordinance. A guest home meeting the definition of "Mobile Home" is prohibited.

9-11-2 In addition to the required factors set forth in the previous paragraph, the Kane County Land Use Authority shall consider the following in establishing conditions for the guest home Conditional Use Permit:

1) The size of the guest home. The square footage shall not be greater than 1,000 square feet. The height of the building shall not exceed the height of the Primary Residence.

2) The location of the guest house's primary entrance shall be located as to maintain the esthetics of the neighborhood.

3) The guest home's potential to invade the privacy of the adjoining dwellings as determined by the physical characteristics surrounding the guest home, including landscape screening, fencing and window and door placement.

4) The number and size of off-street parking spaces for the guest home.

5) The availability and 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.

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

7) Resulting burdens placed on public utilities, e.g., garbage removal, snow removal, and electrical and utilities, etc. All guest homes will use the same electrical drop as the main dwelling.

8) Use of Guest Home as a rental unit is strictly prohibited.

9) A Conditional Use Permit is required along with a Public Hearing. All landowners within 1,000 feet to be notified of Public Hearing. Fees to be paid by applicant. Conditional Use Permit will be recorded with non-rental stipulation.

10) Such other conditions necessary to allow the establishment and operation of the proposed guest house in an orderly, esthetic, and efficient manner and in compliance with all elements of the General Plan.

11) Applicable to all parcels 9 acres or larger in any zone where a residence is allowed.

12) Two and Five acre parcels: A guest home may be allowed subject to conditions set forth under 25-1 and 25-2 (1 thru 10), with the following conditions; guest home must be physically attached to the primary residence.

CHAPTER 12. NONCONFORMING USES

9-12-1 Maintenance Permitted.

A nonconforming building, structure or use may be maintained.

9-12-2 Additions, Enlargements and Moving.

A building or structure nonconforming as to use, height, areas or yard regulations shall not be added to, enlarged or moved in any manner unless such building or structure, including such additions and enlargements, is made to conform to all regulations of the zone in which it is located except as permitted by the Land Use Authority.

9-12-3 Repairs and Alterations.

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use, subject to the approval of the Land Use Authority.

9-12-4 Alterations Where Parking is Insufficient.

A building or structure lacking sufficient automobile parking space as required by this Ordinance may be altered or enlarged subject to the approval of the Land Use Authority provided additional automobile parking space is supplied to meet the requirements of this Ordinance.

9-12-5 Restoration of Damaged Buildings.

A nonconforming building or structure or a building or structure occupied by a 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 building, 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 stated within a period of one year and is diligently pursued to completion.

9-12-6 One Year Vacancy.

Except for dwellings, a building or structure or portion thereof or parcel of land occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

9-12-7 Termination of Use.

The occupancy of a building or structure or parcel of land by a nonconforming use, existing at the time this Ordinance became effective shall be terminated when so ordered by the Board of County Commissioners. The Board of County Commissioners shall specify the period or periods in which the nonconforming use shall cease or shall provide a formula whereby the termination of a nonconforming use shall be so fixed as to allow for the recovery or amortization of the investment of the use.

9-12-8 Occupation Within One Year.

A vacant building or structure or parcel of land may be occupied by a nonconforming use for which the building or structure was designed or intended subject to the approval of the Land Use Authority if so occupied within a period of one year after the use became nonconforming.

9-12-9 Change of Use.

The nonconforming use of a building or structures or parcel of land may be changed to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

9-12-10 Continuation of Use.

The occupancy of a building or structure by a nonconforming use, existing at the time this Ordinance became effective, may be continued.

9-12-11 Expansion Permitted.

A 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 subject to the approval of the Land Use Authority.

9-12-12 Nonconforming Use of Land.

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining land, or any portion thereof, is abandoned for a period of one year or more, any future use of such land shall be in conformity with the provisions of this Ordinance, unless such use is approved for nonconforming use by the Land Use Authority.

9-12-13 Certificate of Occupancy Required.

No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use for a nonconforming use until a certificate of occupancy shall have been issued by the Building Official, stating that the building or proposed use thereof, or the use of the land, complies with the provisions of this Ordinance for the renewing, changing or extending thereof.

Chapter 13. PARKING AND LOADING SPACE

9-13-1 Off Street 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 off street parking spaces as shown in tables with adequate provisions of ingress and egress by standard sized automobiles shall be required.

9-13-2 Space Size.

The dimensions of each off street parking space shall be at least 9 feet by 20 feet for diagonal or 90 degree spaces, or 9 feet by 22 feet for parallel spaces, exclusive of access drives or aisles, provided that in parking lots on not less than 20 parking spaces, the Land Use Authority may approve a design allowing not more than 20% of such spaces to be not less than 7.5 feet by 15 feet to be marked and used for compact automobiles only.

9-13-3 Parking Requirements.

Residential Uses	Parking Spaces Required
Boarding houses, lodging houses, fraternity and sorority houses and other such uses	One (1) parking space for each one (1) guest room or dwelling unit.
Dwellings, multi-family	Two (2) spaces per unit.
In planned neighborhood center or planned community center	Two (2) spaces per unit, both of which shall be covered
In other areas	Parking spaces per dwelling unit: Efficiency units 1.0; One-bedroom and 2 bedrooms 1.5; three (3) or more Bedrooms 2.0
Dwellings, single and Two-family and Town-houses	Two (2) spaces per unit
Guest houses with cooking facilities	One (1) parking space in addition to the parking required for the single-family dwelling.

Hotel, motels, and Resorts	One (1) parking space for each (1) guest room or dwelling unit.
Resort hotels, auxiliary commercial uses	A. One (1) parking space for every sixty (60) square feet of usable public floor area of restaurants, dining rooms, bars, dancing areas and places where the public is served, with additional twenty (20) percent for employee parking. B. One (1) parking space for every four hundred (400) square feet of usable floor area, for commercial accessory uses. C. For places of public assembly, one (1) space for every five (5) seats, if seats are fixed or one (1) space for fifty (50) square feet of general assembly area.
Mobile home parks	Three (3) parking spaces for every two (2) mobile home spaces, either in or within one hundred (100) feet of the mobile home space.
Institutional Uses	**Parking Spaces Required**
Hospitals	One (1) parking space for each one (1) bed Plus one employee parking space per every 5 beds
Medical/Dental	One (1) parking space per two hundred fifty (250) square feet of gross floor area.
Post Offices on	One (1) parking space for each two hundred (200) square feet private property of floor areas.
Places of Worship	A. With fixed seating. One (1) space per four (4) seats in main Sanctuary or auditorium plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.

	B. Without fixed seating. One (1) space for each thirty (30) square feet of floor area in main sanctuary plus one (1) space per each three hundred (300) square feet of classrooms and other meeting areas.
Residential health care facilities	A. Specialized care facilities-five-tenths (0.5) of one parking space for each bed. B. Minimal care facilities-seven-tenths (0.7) of one parking space for each dwelling unit.

Commercial/Retail Service Uses	**Parking Spaces Required**
Automobile dealers, new and used	A. One (1) employee parking space per each two hundred (200) square feet of indoor floor area, and B. One (1) employee parking space per each twenty (20) outdoor vehicle display spaces, and C. One (1) customer parking space per each twenty (20) outdoor vehicle display spaces.

Parking plans submitted for automobile dealers shall illustrate the parking spaces allocated for each of A, B, and C, above.

Automotive service stations	Three (3) spaces per service bay and one (1) space per two hundred fifty (250) square feet of accessory retail sales area.
Banks/financial/ civic offices	One (1) space per two hundred fifty (250) square feet gross floor area.
Bar, lounge, tavern or nightclub	One (1) space per thirty-five (35) square feet of indoor public floor area, plus one (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Bars with restaurants	See “restaurants with bars.”
Car wash, automated	Four (4) spaces per bay or stall plus one (1) space per employee plus ten (10) stacking spaces.

Dry cleaners	One (1) space per two hundred fifty (250) square feet gross floor area.

Freestanding stores and neighborhood centers (up to two hundred thousand (200,000) square feet)

In planned neighborhood center, planned community center, or planned regional center	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, with arterial street frontage	One (1) space per two hundred fifty (250) square feet gross floor area.
In planned convenience center, without arterial street frontage	One (1) space per three hundred (300) square feet gross floor area.
In other areas	One (1) space per two hundred fifty (250) square feet gross floor area.
Funeral Homes	One (1) parking space for every two (2) persons for which permanent seating is provided in the main auditorium and one (1) parking space for every thirty (30) square feet of public assembly area.
Furniture and Appliance stores	A. Up to fifteen thousand (15,000) square feet, One (1) space per five hundred (500) square feet gross floor area. B. Over fifteen thousand (15,000) square feet, one (1) space per five hundred (500) square feet for the first fifteen thousand (15,000) square feet, one (1) space per eight hundred (800) square feet thereafter.

Grocery (food store)	One (1) space per three hundred (300) square feet gross floor area.
Office, business and Professional services	One (1) space per three hundred (300) square feet gross floor area.
Personal services	One (1) space per two hundred fifty (250) square Feet gross floor area.
Plant nurseries, building materials yards, Equipment rental or Sales yards and similar uses	One (1) parking space for each three hundred (300) feet of sales and display area.
Regional shopping center (more than two hundred thousand (200,000) square feet)	One (1) space per two hundred (200) square feet floor area.

Restaurants

In planned neighbor-Hood center, planned community center or planned regional	One (1) space per eighty (80) square feet indoor public floor area, and one (1) space per two hundred fifty (250) square feet outdoor public floor area, excluding the first two hundred fifty (250) square feet of outdoor public floor area.
In other areas	One (1) parking space for each fifty (50) square feet of public floor area, and one (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.

Restaurants with bars

In planned neighbor-hood center, planned community center, or planned regional center	A. Restaurant area. One (1) space per eighty (80) square feet of indoor public floor area. B. Bar area. One (1) space per fifty (50) square feet of indoor public floor area. C. Outdoor area. One (1) space per two hundred fifty

	(250) square feet of outdoor public floor area.
In other areas	A. Restaurant area. One (1) parking space for each fifty (50) square feet of public floor area. B. Bar area. One (1) space for each thirty-five (35) square feet indoor public floor area. C. Outdoor areas. One (1) space for each two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet of outdoor public floor area.
Educational uses	**Parking Spaces Required**
College/university	One (1) space per two (2) employees plus one (1) space per four (4) students, based on projected maximum enrollment.
Dance/music/ business/vocational trade school	One (1) space per two hundred (200) square feet of area.
Day nurseries or pre-schools	One (1) parking space for each employee; plus one (1) space for each company vehicle.
Elementary schools	One (1) parking space for each classroom plus one (1) parking space for each two hundred (200) square feet of floor area in office areas.
High schools	One (1) parking space for each employee plus one (1) parking space for every six (6) students based on projected maximum enrollment.
Cultural/ entertainment uses	**Parking Spaces Required**
Amusement parks	Three (3) spaces per hole for any miniature golf course, plus one (1) space per three thousand (3,000) square feet of outdoor active recreation space, plus any additional spaces required for ancillary uses such as but not limited to game centers and billiard halls.

Art festivals, seasonal	One (1) space for each two hundred (200) square feet of indoor public floor area, other than public restaurant space. Restaurant space at seasonal arts festivals shall be provided parking as otherwise required for restaurants.
Art galleries	One (1) space per four hundred (400) square feet indoor public floor area, one (1) space per two hundred twenty-five (225) square feet of office or work area, and one (1) space per eight hundred (800) square feet storage space.
Billiard halls	Two (2) parking spaces per billiard table.
Bowling alleys	Four (4) parking spaces per each lane, plus two (2) for any billiard table, plus one (1) space for each five (5) seats in any visitors gallery.
Club/lodge	One (1) space per two hundred fifty (250) square feet gross floor area.
Community or Rrecreation buildings	One (1) parking space for each two hundred (200) feet of floor area.
Cultural institutions and museums	One (1) space per three hundred (300) square feet and gross floor area.
Dance halls, skating rinks, and similar recreational uses	One (1) parking space for each three hundred (300) square feet of floor space in the building.
Game centers	One (1) parking space per one hundred (100) square feet gross floor area.
Golf course	One (1) parking space for each two hundred (200) square feet of floor area in any main building plus one (1) space for every two (2) practice tees in the driving range, plus four (4) parking spaces for each green in the playing area.
Health or fitness	A. Less than ten thousand (10,000) square feet; one

Studio	(1) space per one hundred fifty (150) square feet gross floor area. B. Ten thousand (10,000) to nineteen thousand nine hundred ninety-nine (19,999) square feet; one (1) space per two hundred (200) square feet gross floor area. C. Twenty thousand (20,000) to twenty-nine thousand nine hundred ninety-nine (29,999) square feet; one (1) space per two hundred fifty (250) square feet gross floor area. D. Thirty thousand (30,000) square feet and over; one (1) space per three hundred (300) square feet gross floor area.
Library	One (1) parking space per three hundred (300) square feet gross floor area.
Parks, public or private	Three (3) parking spaces for each acre of parking area.
Stables, commercial	Adequate parking for daily activities shall be provided as determined by the Land Use Authority Administrator or designee. Additional parking, improved as determined by the Land Use Authority Administrator or designee, shall be provided for shows or other special events.
Swimming pool or natatorium	One (1) space per one thousand (1,000) square feet gross floor area.
Tennis clubs	One (1) parking space per each two hundred (200) square feet of gross floor area, excluding court area, plus three (3) parking spaces per each court. The applicant shall be responsible for reserving space for parking that may be required in order to obtain permission for tournaments, shows and other activities.

Theaters, cinemas, auditoriums, gymnasiums and similar places of public assembly.

In planned neighbor-hood center, planned community center or planned regional center	Adequate parking for daily activities shall be provided as determined by the Land Use Authority Administrator or designee. Additional parking, improved as determined by the Land Use Authority Administrator or designee, or designee, shall be provided for shows or other special events.
In other areas	One (1) parking space per four (4) seats. The total requirement may be reduced by one (1) parking space for every four (4) guest rooms contained in an attached hotel.
Trailheads/Gateway	Fifty (50) to one hundred (100) spaces.

Technical uses	**Parking Spaces Required**
Internalized Community storage	One (1) parking space for each two thousand five hundred (2,500) square feet of gross floor area.
Manufacturing and Industrial uses	One (1) parking space for each five hundred (500) square feet of gross floor area.
Warehousing or wholesaling establishments	One (1) parking space for each eight hundred (800) square feet of gross floor area.
Warehouses, mini	One (1) space per three hundred (300) square feet of administrative office space plus one (1) space per each twenty (20) storage spaces.

Communication	**UsesParking Spaces Required**
Radio/TV/Studio	One (1) space per five hundred (500) square feet gross floor area, plus one (1) per company vehicle.

Transportation Uses	**Parking Spaces Required**
Transportation facilities	Required parking shall be determined by the Planning and Zoning Administrator,

9-13-4 Location of Parking Spaces

Parking space as required above shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located not further than 500 feet there from.

9-13-5 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 and shall have appropriate bumper guards where needed as determined by the Building Official. Any parking lot adjacent to a residential zone shall be appropriately screened by a fence, wall or hedge of the materials approved by the Land Use Authority and lights used to illuminate the lot shall be so arranged as to reflect the light away from the adjoining premises.

9-13-6 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, storage, warehouse, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involved the receipt or distribution by vehicle of materials or merchandise there shall be provided at the 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 rear of the building or structure and be appropriately screened from adjacent residential zones.

9-13-7 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.

9-13-8 Uses Tables

Use	**Spaces**	**Per Unit**
(1) Commercial/retail uses:		
A. Adult uses (SOB)	0.3	Seat
	Plus 3.3	1,000 sq ft GFA
B. Appliance & equipment repair	5.0	1,000 sq ft GFA
C. Bank:		
Walk-in	4.0	1,000 sq ft GFA
Drive-in	Plus queuing spaces	DPW standards
D. Bar, lounge		1 space per 35 sq ft of indoor public floor area, plus 1 space per 200 sq ft of outdoor public floor area, excluding the first 200 sq ft of outdoor public floor area
E. Blood donor center	2.0 minimum plus 1.0/	Employee
F. Carwash	0.8	Employee
G. Catering shop	3.0 minimum plus 1.0/	Employee
H. Dance studio	5.0	1,000 sq ft GFA
I. Dry-cleaning plant	1.0	Employee on largest shift
	Plus 0.5	Vehicle operated by business
	Plus 2.0	1,000 sq ft GFA
J. Home occupant	2.0	Dwelling unit
K. Kennel	1.0	Employees
	Plus 0.1	Each animal

		holding area
L. Marina-boat and water craft storage	0.5	Slip or berth
M. Marina sales and repair	1.0	Employee
	Plus 2.0	1,000 sq ft GFA
N. Personal services	4.0	1,000 sq ft GFA
O. Pharmacy	3.0	1,000 sq ft GFA
P. Printing/Copying	1.0 plus 1.0	Employee 300 sq ft GFA
Q. Radio/TV/Studio	1.0	500 sq ft GFA Plus 1 per company vehicle
R. Retail:		
Department store (freestanding)	4.0	1,000 sq ft GFA
Grocery	3.5	1,000 sq ft GFA
Regional mall	5.0	1,000 sq ft GFA
Specialty shops	1.1	1,000 sq ft GFA
Strip shopping center	4.0	1,000 sq ft GFA
All other retail	4.0	1,000 sq ft GFA
S. Restaurant:		
Walk-in		Refer to "Restaurants" on page 38
Drive-in	Plus queuing	DPW standards
T. Service station	4.0	1,000 sq ft GFA
U. Temporary help agency	1.0	1 space per 250 sq ft GFA
V. Vehicle repair	3.0 1.0	Repair bay plus Employee
W. Vehicle sales and leasing		Refer to "Automobile dealers" on page 36
(2) Industrial/warehouse uses:		
A. Junkyard/landfill	1.0	Employee
B. Maintenance or storage facility	1.0	Employee on largest shift
C. Manufacturing, light and heavy	0.6	Employee on largest shift

D. Radio/TV transmitter site, utility transmission site	1.0	Employee on largest shift
E. Research activity	1.4	Employee
F. Transportation service facility	7.0	1,000 sq ft of waiting area
	Plus 0.45	Employee
G. Warehouse and wholesale trade	0.6	Employee on largest shift
H. Warehouse, mini	1.0	Employee on largest shift
	Plus 1.0	Each 10 storage units
I. Vermin control	2.0	1,000 sq ft GFA
	Plus 0.33	Employee on largest shift
J. Material recovery facility	1	1,000 sq ft GFA
	Plus 1	Each vehicle operated by the facility
(3) Internment uses:		
A. Cemetery	1.0	Employee
B. Funeral home or crematorium	1.0	For every 2 persons which permanent seating is provided in the main auditorium and 1 for every 30 sq ft of public assembly area.
	Plus 1.0	Per employee
(4) Medical uses:		
A. Clinic	7.0	1,000 sq ft GFA
B. Hospitals and associated uses	1.0	Bed
C. Nursing, convalescent and extended care facilities	0.50	Bed
D. Medical, dental, eye, veterinary and	4.0	1,000 sq ft GFA

other health-related offices		
(5) Office uses:		
A. Business and professional	3.3	1,000 sq ft GFA
(6) Public or nonprofit uses:		
A. Airports, heliports		
1. Local	1.0	Aircraft tie down
	Plus 1.0	Aircraft storage
	Plus 1.0	Aircraft maintenance area
2. International	As determined by site specific study	
B. Place of religious assembly	1.0	With fixed seating 1 per 4 seats in main auditorium plus 1 per 300 sq ft of classrooms and other meeting areas. Without fixed seating 1 for 30 sq ft of floor area in main auditorium plus 1 space for each 300 sq ft of classrooms and other meeting areas.
C. Place of assemble – Auditoriums, gymnasiums and similar places	1.0 Plus 1.0	Per every 4 seats Per employee
D. Public use facility	3.3	1,000 sq ft GFA
E. Temporary special events		DPW standards
(7) Residential uses:		
A. Bed and breakfast	1.25	Lodging unit
B. Hotels, motels and rooming houses	1.0 Plus 0.5	Room Employee

C. Multiple-family dwelling	1.0	Efficiency
	1.5	1 – 2 bedrooms
	2.0	3 or more bedrooms
D. Professional residential facility		
1. Recovery home	1.0	Employee on largest shift
2. Residential treatment facility	1.0	Employee on largest shift
	Plus 1.0	Each vehicle operated by the facility
3. Life care treatment facility	1.0	Employee on largest shift
	Plus 0.17	Tenant
E. Single or two-family dwelling and private pleasure craft used as a residence (house boat)	2.0	Dwelling unit
F. Visitor parking (for single-family attached, semi-detached, multi-family townhouse-style, and multi-family	0.25	Space/unit
(8) School uses:		
A. Colleges	0.25	Student
B. Day care and nursery facilities	1.0	Employee
	Plus 1.0	Each vehicle operated by the facility plus parking and/or loading DPW standards
C. Elementary/junior high school	1.0	Classroom plus 1 for each 200 sq ft of floor area in office
D. Senior high	1.0	Employee plus 1 for each 6 students

E. Business, trade or vocational school	.5	Student plus 1 per staff member

*GFA	Gross Floor Area
*DPW	Department of Public Works
*SOB	Sexually Oriented Business

Chapter 14. MOTOR VEHICLE ACCESS

9-14-1 Business Requiring Access.

Service stations, roadside stands, public parking lots and other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided or as prescribed in the Utah State Department of Transportations manual entitled "Regulations for the Control and Protection of State Highway Rights-of-Way" (whichever requirements are the greater).

9-14-2 Roadways and Curbs.

Access to the station or other structure or parking lot shall be controlled as follows:

1. Access shall be by not more than two driveways for each 100 feet or fraction thereof of frontage on any street, and in no event shall such driveways exceed in with 70% of the entire street frontage.

2. No two of said driveways shall be closer to each other than 12 feet and no driveway shall be closer to a side property line than three feet.

3. Each driveway shall be not more than 36 feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

9-14-3 Location of Gasoline Pumps.

Gasoline pumps shall be set back no less than 18 feet from any street line to which the pump island is vertical, and 12 feet from any street line to which the pump island is parallel, and not less than 20 feet from any residential or zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line.

Chapter 15. Conditional Uses

9-15-1 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.

9-15-2 Conditional Use Permit.

An approved Conditional Use Permit shall be required for each conditional use listed in this Ordinance. No building permit or 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. Administrator will schedule Conditional Use Permit request on the Land Use Authorities 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.
    (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

6) In approving a conditional use, 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.

7) 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 10 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.

8) 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) Temporary Conditional Use: A temporary conditional use permit shall be issued for any use listed in the matrix as a conditional use for that zone and shall be issued for no longer than six months but may be extended for an equivalent period.

10) 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.

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 not more than three weeks 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.

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

The Utah State Legislature has passed legislation which regulates outdoor advertising along Interstate and Federal Aid Primary roads (see 17-7-501 through 505 Utah Code Annotated). Kane County contains four such roads, including U.S. 89, State Road 9, State Road 11, and State Road 14. The Utah Department of Transportation 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) Billboard. See off premise sign.

4) 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.

5) 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.

6) Copy. The wording on a sign surface in either permanent or removable letter form.

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

8) Flat Sign. A sign erected parallel or 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.

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.

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

17) Projecting Sign. A sign attached to a building or canopy and extending in whole or part more than 24 inches beyond any wall of the building or canopy.

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 conterminous 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) 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 with 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. There shall be a minimum clearance of eight feet between the ground and any part of a projecting sign or ground sign, as measured from the grade of the intersecting streets which are located within the clear view of an intersection as defined in Section 4-8.

5) Signs on Public Property. No sign 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.

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 Section 8-2.

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.

11) Size Computation. When more than one use occupies a lot, the frontage may be used to calculate the sign sizes for only one total sign area, not for each use. The total sign area may then be divided between the uses. There may be any number of flat or wall signs provided their total area does not exceed the percentage of wall area coverage allowed.

9-16-5 Regulations of Signs by Zone

Refer to Table on Following Pages.

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 the Kane County Commission.

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) Building Official to Enforce. The duly appointed Building Official of Kane County shall be responsible for the enforcement and administration of this chapter. The Building Official shall inspect

each sign and its structural and electrical connections to ensure compliance with all duly adopted codes and ordinances.

2) Permit Applications. Applications for a permit for the erection of a sign shall be made to the Building Official upon the standard building permit form used by Kane County. If the Building Official determines that the proposed sign requires a Conditional Use Permit under the provisions of this chapter, he shall direct the applicant to follow the procedures outlined in chapter 8 of this Ordinance.

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 (See Section 304(b) of the International Building Code). If a Conditional Use Permit is also required, the fee required by Section 8-2(3) OF THIS Ordinance shall also be assessed.

4) Inspection and Certification. After a final inspection of the sign by the Building Official, the Building Official shall certify that all ordinance and code requirements are met.

REGULATION OF SIGNS BY ZONE

Zone	Sign	Size	Height	Location	Other
(1) All Zones	Construction	32 sq ft plus 1 sq ft for each 10’ of frontage over 30’ to a maximum of 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.
	Monument	32 sq ft plus 1 sq ft for every 10’ of frontage over 30’ to a maximum of 64 sq ft	6. ft	On private property and set back 6’ from property lines	One sign per street frontage and landscaped appropriately for the site. Allowed with public or quasi-public buildings or uses, planned unit developments, golf courses, cemeteries, and dwelling groups.
	Flat	15%of a wall surface		Attached to a building	Allowed with public or quasi-public buildings, planned unit developments, golf courses, cemeteries, dwelling groups.

Illumination may be built into or attached on to the signs listed above when:

1. Lighting is allowed in the specific zone or
2. The development occupies more than 500 feet continuous frontage on the street the sign will face and the sign is not closer than 100 feet to a property not allowed an illuminated sign
3. Flat signs that are exposed to dwellings on adjacent properties shall not be illuminated (property divided by public streets are not adjacent)

Zone	Sign	Size	Height	Location	Other
Com-merical	On-premise ground or projecting	One per lot 65 sq ft plus one sq ft for each 4 ft of frontage over 30’ but not to exceed 128 sq ft	25 ft max	15 ft setback	Illumination may be built into or attached on to a sign unless exposed to a dwelling or adjacent property
	Window	Window signs shall not exceed 12 sq ft per use			
	Flat or Wall	25% of a wall area			Flat signs exposed to dwellings on adjacent property shall not be illuminated.
	Monument	One per lot 32 sq ft plus 1 sq ft for every 4 ft of frontage over 30’ to be a maximum of 63 sq ft	6 ft	18-inch minimum setback	A monument sign can only be utilized if no ground or projecting sign is used
	Balloon				Balloon signs are subject to Conditional Use
	Roof		10 ft above roof		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
Com-merical M-1 and M-2	Off-premise Note: Signs adjacent to Highways 89, 9, 11 & 14 require UDOT permit	Maximum Size Allowed per side (sq ft) 20 30 40 50 60 70 80 90 100 110 120	Max Height Above Grade 10 12 14 16 18 20 22 24 24 24 24	Distance from St R of W Line 0 5 10 15 20 25 30 35 40 45 50 & more	Spacing between off-premise signs shall be 300’ distance on one street side
	Flat	25% of a wall area			

M-1 M-2	On-premise ground or projecting		65 ft max	18” setback on ground or projecting. One sign per 300 ft of frontage or part thereof	Illumination may be built into or attached to sign
	Balloon				Balloon signs are subject to Conditional Use
	Flat Wall or Construction	25% of a wall area			
	Roof	Same as ground or projecting sign	10 ft above roof		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-1 M-2 (cont’d)	Monument	1 per lot 32 sq ft plus 1 sq ft for every 4 ft of frontage over 30’ to be a maximum of 63 sq ft	6 ft	18-inch minimum	A monument sign can only be utilized if no ground or projecting sign is used

	Off-premise: See require-ments for Commercial Zone				
Agr. & Rec-R					All regulated sign shall require Conditional Use approval. The Land Use Authority shall utilize the standards set forth in the above sections in approving applications for signs in these zones.

Chapter 17. MOBILE HOME PARKS

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 Agriculture 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) Be limited in density to nine units per acre. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking, shall be set aside and developed as parks, playground and service areas for common use and enjoyment of occupants of the development.

3) Have access from a principal public thoroughfare.

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

5) 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. The proposed reservations for parks, playgrounds, open space.

d. The 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. Proposed locations of parking spaces.

g. Detailed landscaping and utility plan, including locations of sewer, water, electricity, gas lines, and fire hydrants.

h. Any other data the Land Use Authority Administrator may require.

i. The location and width or size of roadway and walkways, parking areas, and access to the public thoroughfares.

j. Property ownership, if other than applicant.

k. 6” reinforced concrete slab required under entire mobile home.

2) The applicant of approval of plans for a mobile home park or mobile home subdivision shall pay to the Land Use Authority

Administrator/Building Official 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 10 days to appeal, in writing, to the Appeal Authority.

Chapter 18. RECREATIONAL VEHICLE PARKS

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 Location and Use.

1) No recreational vehicle as herein defined shall be located, placed, used or occupied for residential purposes in any zone except within approved and licensed recreational vehicle parks except as otherwise provided herein.

2) Recreational vehicle parks shall be generally located:

   a. Adjacent to or in close proximity to a major traffic artery or highway, or,

   b. Near adequate shopping facilities, or

   c. Within or adjacent to a mobile home park.

3) Recreational vehicles may be stored, but not used for permanent quarters.

4) Recreational vehicles may be stored, displayed, sold and serviced in a sales lot in a Commercial or Light or Heavy Manufacturing Zone when such use is permitted or with a Conditional Use Permit.

5) Recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:

a. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of manufactured homes.

b. The recreational vehicle use area shall have direct access to a collector or arterial street.

c. Separate ingress and egress shall be provided for recreational vehicles when required by the Land Use Authority.

9-18-3 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) Have at least 10 spaces completed and ready for occupancy before the first occupancy is permitted.

4) 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.

5) Contain not more than 20 units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual trailer spaces, roads or parking, shall be set aside and developed as park, playground or service areas for the common use and enjoyment of occupants of the development.

9-18-4 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 four 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 not 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. 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. 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.
   g. Any other data the Land Use Authority Administrator or County Engineer may require.

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

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 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 8 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 20. PLANNED UNIT DEVELOPMENT

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.

9-20-2 Planned Unit Development Permit.

Planned Unit Developments may be approved by the Kane County Land Use Authority in Recreational Residential Zone, Residential Zone and Commercial Zone * (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.

4) Twenty percent of the developable land within the PUD shall be reserved as open space.

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. 57-8-1), which provides for the payment of common expenses for the upkeep of the common areas and facilities.

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).

8) Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets, highways, and adjacent properties. Storage or refuse areas shall not be located within setback areas.

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 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 ten 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 superceded 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) 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.

2) 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.

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

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

5) 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 alls. 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.

6) 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.

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

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

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

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

11) 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.

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

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

14) 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.

15) 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.

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

17) Subdivision.

1. 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.

2. 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.

3. 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:

a. No new lot is created; and
b. 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.

a. an unmanned facility appurtenant to pipeline owned or operated by a gas corporation, interstate pipeline company, intrastate pipeline company; or

b. an unmanned telecommunications, microwave, fiber optic electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

4. 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.

18) 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.

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

20) 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.

21) 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

A violation of this Ordinance is a class B misdemeanor, and each day that a violation exists may be charged as a separate violation.

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. ENFORCEMENT, INSPECTIONS AND FEES

SECTION:

9-21B-1: Enforcement

9-21B-2: Infrastructure Inspections
9-21B-3: Permits

9-21B-1 Enforcement

1) Subdivision Ordinance – Kane County Land Use Authority Administrator

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

3) Buildings, Structures and Wild Land Urban Interface – Kane County Building Official

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 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. (REF: Sub Ord 5-7b)

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:

      1. valid, legal right to hook up to an approved public or non- public water system;

      2. valid, legal, private onsite parcel with well right and well, approved for domestic use;

      3. 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. Provide

satisfactory proof of 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.

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, Land Use Authority members, 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
   1. Subdivisions
   2. BLM, Forest Service, Private, State
g. Location of existing County and or State roads in relationship 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:

1) 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) Wildland Urban Interface Code Subdivision Fees

4) Agreement – Subdivision and Planned Unit Development

5) Statement of taxes and assessments paid

6) Certificate of Title Insurance

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

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

9) Signed Proposed Deed Restrictions

10) Development Agreement Draft

11) Engineers Cost Estimate

12) Soils and Maps Report

13) 2 Copies of On-Lot Disposal Report

14) 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.

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 Chapter 4 (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. 4 copies of approved Wildland Urban Interface Site Plan
   f. 3 copies of executed development agreement
   g. 1 copy CC & R's
   h. 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

1) 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 **ten working days** 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, PER 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
        1. Amended Plat Map Requirements (Re: 5-4-2 a through ff.)
        2. Vacated Plat Map Requirement (Re: 5-4-2 a through ff.)

3) Land Use Authority Review

    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 abandonment or amended plat at a regularly scheduled, publicly noticed public hearing within 45 days.

    b. 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

a. 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 abandonment or amended plat within ten working days 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
d. One signed copy – Kane County Building Department
One signed copy – Owner/Agent

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 platted 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 land fills, 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 with 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 10-2, 10-3 or 10-4. 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 to 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 (10-2, 10-3, or 10-4) 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 effect the required repairs or maintenance work.

Should the developer/subdivider fail to or refuse to effect 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 10-2, 10-3, or 10-4. 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 perfect (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.

Not withstanding 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

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

   i. The site location and regional setting of the subject property

   ii. 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.

   iii. 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.

   iv. The County Engineer may require additional maps or additional detail on existing maps as reasonably necessary to evaluate actual or potential geologic hazards.

2) The report shall include:

   i. A description of the proposed grading, filling, excavation, or structure.

   ii. 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.

   iii. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation.

iv. Any corrective or remedial action necessary to avoid a violation shall be described and analyzed in detail.

v. A list, including title, author and date, or all prior studies or reports which are relied upon to make this report; and

vi. 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

1. 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.

i. 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

ii. 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.

2. 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 8-3

of the Kane County Subdivision Ordinance. 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.
Signature

3. 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.

4. 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.

Chapter 22. PERFORMANCE STANDARDS

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. KANE COUNTY IMPACT POLICY

9-23-1 Introduction.

This chapter shall define the "Kane County Impact Policy" and shall be referred to hereinafter as "this policy".

9-23-2 Scope.

1) "Applicant" means that person(s) requesting any required County Application.

2) "Project" means a project, development, or proposal which is the subject of:

   a. Any amendment of the Zoning Ordinance and/or Map pursuant to this Ordinance, and
   b. The granting of any conditional use pursuant to this Ordinance, and
   c. The granting of any variances pursuant to this Ordinance, and
   d. The issuance of any building permit pursuant to this Ordinance, and
   e. Any approval of a subdivision plat pursuant to the Kane County Subdivision Ordinance, and
   f. Any permit or permits to install a sewage disposal system, pursuant to this Ordinance, and
   g. Issuance of permits for development in areas of state or federal interest and for the conduct of activities of state or federal interest pursuant to State Law or Federal Laws.
   h. Permitted access from County roads.
   i. Granting of Easements or right-of-ways to facilitate the implementation and completion of Kane County Master Transportation Plan where approved.

3) "Significant Impact" means the net short or long-term impact of a project that would predictably result in a gain/loss in the County's current population of 10% annually or a shift of population within the County and across other local government boundaries of 10% annually. "Significant Impact" also means any project detrimental to Kane County or any project which is interpreted to violate the Kane County General Plan.

For purposes of this policy "short-term" impact would normally relate to the construction aspect of a project and "long-term" impact would normally relate to the more or less permanent population associated with a project. Current population shall be the "Official County Population Estimate" as approved by the Land Use Authority.

4) "Adverse Impact" means that a proposed project would reduce the quality of, or increase the net cost of, the services, activities, or matters described below.

5) "Services and Activities" may include but are not limited to:

   a. Schools
   b. Law Enforcement
   c. Fire Protection
   d. Road, Street and Highway Construction and Maintenance
   e. Parks and Recreation Facilities
   f. Social Services
   g. Sewerage and Sanitation
   h. Water Supply
   i. Utility Services; Electric, Telephone, etc.
   j. Hospitals, Medical, Dental and Mental Health Care
   k. Solid Waste Disposal
   l. Storm Drainage
   m. Other Services as Required.

6) "Matters" may include but are not limited to:

   a. Air Quality
   b. Water Quality
   c. Soils and Geology
   d. Vegetation
   e. Noise
   f. Wildlife
   g. Housing
   h. Parking
   i. Traffic
   j. Historical, prehistoric and Archeological Resources
   k. Flooding
   l. Odor

m. Light and Glare
n. Area Property Values
o. Quality of Life
p. Others as defined by Local, State or Federal laws, regulations and policies

9-23-3 Authority

This policy is authorized under Section 17-27a-102 Utah Code unannotated which grants a County Commission wide discretion in its legislative function to provide for the physical development of the unincorporated territory within its jurisdiction.

9-23-4 Purpose

This policy is designed, enacted and adopted as a part of the Kane County Land Use Ordinance for the purpose of regulation the use of land on basis of the impact thereof on the County, its communities or surrounding areas, and other matters in accordance with the Kane County General Plan.

9-23-5 Jurisdiction.

The territorial jurisdiction under this policy shall include all lands in Kane County, lying outside the corporate limits of the incorporated municipalities, National Parks, Monuments, State Parks, etc.

9-23-6 No project may be approved until:

1) The Land Use Authority Administrator, Building Official, and GIS/Transportation Director (hereinafter called staff) review the proposed project.

2) The Land Use Authority has determined either:

a. That no Impact Analysis Statement need be filed due to the absence of any apparent significant adverse impact, or
b. That based on the information contained in the Impact Analysis Statement filed with the Land Use Authority Administrator, the proposed project will not adversely affect the services, and activities, matters, and General Plan Policies described and referred to within the County and its incorporated municipalities.

9-23-7 When an Impact Analysis Statement is Required.

1) Review by Staff. Every application for a project requiring any County action shall be filed with the Land Use Authority Administrator who along with the staff shall review the application to determine if the proposed project may have any significant impact on the County and its incorporated municipalities.

2) Staff Approval. In the event that the staff shall determine that the project will have no significant impact on the County and its incorporated municipalities, the staff shall initiate the processing of the application in accordance with applicable County regulations. In the event that the staff approves the proposed project, they shall report on such approval to the Land Use Authority. When the proposed project requires approval of the Land Use Authority, or the County Commission, such processing of the application shall not presuppose approval.

3) Report to Land Use Authority of Significant Impact. Within 30 days after the application is referred to the staff or not later than the second regular meeting of the Land Use Authority after the applications is filed, whichever is longer, the staff shall report to the Land Use Authority, whether or not, in their opinion, the proposed project may have any significant impact on the County and/or its incorporated municipalities.

4) Threshold Decision by Land Use Authority. After hearing the staff's report and any other information presented at the Land Use Authority meeting, the Land Use Authority shall make a threshold decision as to whether or not it shall be necessary for an applicant to prepare an Impact Analysis Statement, as set out below.

In the event the Land Use Authority determines that the proposed project will not create any apparent significant adverse impact, the Land Use Authority shall set forth its specific findings and shall approve the processing of the project without requiring the applicant to prepare an Impact Analysis statement, [see 24-8]. Such approval for processing shall not presuppose approval of the proposed project where other; rules, resolutions and regulations apply.

In the event the Land Use Authority does determine the proposed project would create apparent significant adverse impact, the Land Use Authority shall specify a

list of the services, activities, and matters for which the Impact Analysis Statement is to be prepared. Such list not to exceed eight items. In addition, the Land Use Authority shall identify these policies contained in the County General Plan which the Land Use Authority deems applicable and to which the Impact Analysis Statement must comment.

The threshold decision shall be made at or before the next regular meeting of the Land Use Authority following the meeting at which the staff made their report.

9-23-8 Impact Analysis Statement.

1) Content of Statement. An Impact Analysis Statement shall contain a description of:

   a. The proposed project and development schedule;

   b. A description of the impact, both short and long-term, of the proposed project on those services, activities, matter and County General Plan policies specified by the Land Use Authority in its threshold decision.

   c. A description of the impact of the proposed project on those additional services, activities, and matters which the applicant may select;

   d. Any additional information which may be required by the Land Use Authority.

   e. Any mitigation or tradeoffs which might be proposed by the applicant to reduce or eliminate an “adverse impact”. Any such proposed mitigation plan shall include sufficient detail to enable the Land Use Authority to evaluate its potential effectiveness and a proposed means to insure to the County that the applicant can and will effectually mitigate the “adverse impact”;

   f. A description of alternatives considered for the proposed project.

2) Submission Notice and Review of Statement.

   a. Time and number of Copies. After the Land Use Authority has determined that the Impact Statement shall be prepared, the applicant shall file 15 copies of an Impact Analysis Statement with the Land

Use Authority Administrator on a form and in the manner which may be prescribed by the Land Use Authority.

b. Filing Fee. The Impact Analysis Statement shall be accompanied by a fee in an amount determined by the County Commission as adequate to cover the cost to the County for review, reproduction, publication and postage.

c. Notification or Distribution. The Land Use Authority shall immediately distribute for comment and review when applicable; one copy of each impact Analysis Statement to any persons or agency that the Land Use Authority has reason to believe may be affected by or interested in the proposed project.

d. Attachment to Statement. As a minimum, statements by the appropriate Public Official or agency shall be attached to the Impact Analysis Statement showing:

1. The effect of the proposed project on the cost of providing and maintaining any of the services and activities which were specified by the Land Use Authority in its threshold decision.

2. Estimated additional County, municipal and district tax and assessment revenues specifically generated from the proposed project which supports such services and activities.

3. The source or sources of any additional County, municipal, or district revenue which will compensate for any deficit between the cost of providing and maintaining such service and activities on the one hand and the appropriate revenue specifically generated from the proposed project on the other.

4. The effect of the proposed project on the matter specified by the Land Use Authority in its threshold decision.

5. Such public official or agency shall be allowed a total of 45 days for review and comments. Said comment to be returned to the Land Use Authority for attachment to the original Impact Analysis Statement for review. Such comments are advisory only. Failure of said public official or agency to “comment”

with 45 days of receiving said statement shall, for the purpose of the hearing on the statement, be deemed to have identified no "significant adverse impact". This is not intended that positive comments should be withheld.

e. Notice that Statement has been Filed. The staff shall publish a one-time notice in at least one newspaper of general circulation within the County identifying the proposed project and stating that an Impact Analysis Statement has been filed, and identifying the location where copies of the Impact Analysis Statement may be examined.

f. Review Coordination. It is the intent of this chapter that review and hearing requirements of this Ordinance and any applicable County laws be conducted simultaneously when feasible.

9-23-9 Hearing and Findings by Land Use Authority; Notice.

1) Hearing by Land Use Authority. Within 60 days after the filing of an Impact Analysis Statement, the Land Use Authority shall conduct a public hearing on the statement and unless the statement is continued to the next regular meeting, shall make a finding as to the nature of the impact of the proposed project on the services, activities, matters, and Master Plan policies contained in the Impact Analysis Statement. No hearing shall be continued more than once without the consent of the applicant.

2) Notice of Land Use Authority Hearing. At least 30 days prior to the hearing, the Land Use Authority shall cause to be published a notice in at least one paper of general circulation with the County of the nature, date, time and place of said hearing.

3) Effect of Land Use Authority Findings.

a. In the event that the Land Use Authority finds that the impact of the proposed project will not significantly and adversely impact the services, activities, matters, and Master Plan policies specified by the Land Use Authority, the County may proceed with the required County approvals.

b. In the event that the Land Use Authority finds that the impact of the proposed project will significantly and adversely impact the services,

activities, matters, and Master Plan policies specified by the Land Use Authority, the County shall not proceed with the required County approvals.

c. The Land Use Authority may conditionally approve the proposed project subject to additional measures designed to mitigate the potential impact.

9-23-10 Appeal of Land Use Authority Findings to the Appeal Authority.

In the event that any person is aggrieved by the finding of the Land Use Authority, he may obtain review by the Appeal Authority as provided herein.

1) Notice of Appeal.

a. Within 10 days after the Land Use Authority makes any finding, in writing or any person aggrieved by said findings shall file a notice of appeal with the Land Use Authority.

b. Said notice of appeal shall set forth with particularity the manner in which the Land Use Authority's findings was not supported by the documents and testimony considered by the Commission.

2) Submission and Maintenance of Record.

a. The Land Use Authority will promptly forward a copy of such notice of appeal and a complete record of the proceedings before the Land Use Authority to the Appeal Authority. In addition, a duplicate copy of said notice and record shall be maintained by the staff in the Land Use Authority Office for review by members of the public.

b. Said record shall consist of the minutes of the appropriate Land Use Authority meeting(s), all documents considered by the Land Use Authority, and a copy of the Impact Analysis Statement, if submitted. In the event any person shall wish to have a verbatim transcript of the public hearing(s) before the Land Use Authority, it shall be the applicants responsibility to have such meeting recorded and transcribed by a certified court reporter.

3) Hearing by the Appeal Authority and notice thereof. Within 45 days after filing of notice of appeal, the Appeal Authority shall conduct a public hearing to review those findings of the Land Use Authority described in the notice of appeal. Notice of such hearing shall be served on all persons who have been served with a copy of the notice of appeal and shall be published in a paper of general circulation within the County no later than 30 days before the hearing.

4) Ruling by the Appeal Authority. The ruling by the Appeal Authority may affirm, reverse, or remand for further action the findings of the Land Use Authority. When making its decision, the Appeal Authority shall specifically state their findings which will then become a part of the record maintained in the official minutes of the Appeal Authority.

9-23-11 Waiver.

1) No Re-submission. The Land Use Authority shall waive the provision of this regulation and the staff shall initiate processing of the application for any County action whenever:

a. An Impact Analysis Statement has been previously submitted for a project involving substantially the same subject matter, said statement, accurately indicating a time table and magnitude for subsequent applications, and

b. The Land Use Authority previously found that no significant Adverse impact would result from the project then proposed, and

c. There has been no substantial change in conditions since the previous finding by the Land Use Authority.

2) Clearly Inapplicable. Upon written application, the Land Use Authority may waive the provisions of this regulation whenever it finds that the purposes of this policy clearly do not require the submission of an Impact Analysis Statement even though submission may appear to be required by the terms of this policy.

3) Substitution of Statement. Upon written application, the Land Use Authority may waive the requirements for the preparation of an Impact Analysis

Statement if the Land Use Authority shall find that a sufficiently similar statement has been prepared by or for another level of government.

9-23-12 Rules and Forms.

The Land Use Authority may adopt such rules and forms as may be necessary and reasonable for the implementation of this policy.

24-13 Conformance with Existing Laws.

Nothing in this policy shall be considered as relieving the applicant of responsibility for compliance with other rules, resolutions, regulations, or Ordinances of the County, State or Federal Governments. The proposed project shall also, when applicable, conform with the County's Master Plan.