



Kane County Land Use Authority

76 North Main Street
Kanab, Utah 84741
Phone (435) 644-4966
planning@kane.utah.gov

Conditional Use Permit Amendment

***Call Land Use Office for fees**

***In the event additional engineering costs are accrued by the County related to a specific project the project applicant will be responsible for all additional engineering fees.
(KCLUO 9-15A-2C)**

Applicant's Information

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail address: _____

Property Information

Parcel # _____ Zone: _____ Total acreage: _____

REASON FOR AMENDMENT: _____

Property Owner's information (if different than applicant)

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail address: _____

**A notarized affidavit by owner that the applicant has authority to act
on their behalf is required**

There shall be no presumption of approval of any aspect of the process. Each application for a Conditional Use Permit shall have all required submittals before it is accepted as a complete application. It is highly recommended that the applicant or their authorized agent be present at the Planning Commission meeting that the Conditional Use Permit is an agenda item. Electronic appearance is acceptable if prior arrangements are made.

I (We) understand that the Land Use Authority shall not authorize a Conditional Use Permit unless the evidence presented is such as to establish that such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, and the proposed use will comply with the regulations and conditions specified in the Kane County Land Use Ordinance for such use. (9-15A-(1-7))

Signature of owner or applicant

Date

Land Use Authority Action:

Approve

Deny

Planning Commission Chairman

Date

ARTICLE A. CONDITIONAL USES  

9-15A-1: PURPOSE:

9-15A-2: CONDITIONAL USE PERMIT PROCESS:

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9-15A-1: PURPOSE:  

A conditional use, because of its unique characteristics or potential impact on the County, surrounding neighbors or adjacent land uses, may not be compatible in some areas of Kane County, Utah, or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-15A-2: CONDITIONAL USE PERMIT PROCESS:  

An approved conditional use permit shall be required for each conditional use listed in this title. No building permit, other permit or license shall be issued for a conditional use by any officer or employee of Kane County unless a conditional use permit shall have been approved by the Kane County Land Use Authority. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

- A. Application: 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 twenty one (21) calendar days prior to the next scheduled Planning Commission meeting. The Administrator will schedule the conditional use permit request on the Planning Commission's agenda. (Ord. O-2018-21, 11-26-2018)
- B. 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. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- C. Fee: The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Board of County Commissioners. In the event additional engineering costs are accrued by the County related to a specific project the project applicant will be responsible for all additional engineering fees. (Ord. O-2016-4, 10-15-2018)
- D. 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.
- E. 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:
 - 1. 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;
 - 2. Assurance the use will:

- a. Comply with the intent, spirit and regulations of this title and Kane County General Plan;
- b. Make the use harmonious with other neighboring uses in that zone;
3. 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, odor, dust, visibility, safety, and aesthetic considerations;
4. Evidence that all required public facilities have adequate capacity to serve the proposed conditional use;
5. Limiting the hours, days, place and/or manner of operation;
6. Requiring size or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, glare, erosion, odor and/or dust;
7. Requiring larger setback areas, lot area, and/or lot depth or width;
8. Limiting the building height size or lot coverage, and/or location on the site;
9. Designating the size, number, location and/or design of vehicle access points or parking areas;
10. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:
 - a. An essential link exists between a legitimate governmental interest and each exaction; and
 - b. Each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;
11. Requiring landscaping, screening, drainage, water quality facilities and/or improvements of parking and loading areas;
12. Limiting the number, size, location, height and/or lighting of signs;
13. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
14. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
15. Requiring and designating the size, height, location and/or materials for fences;
16. 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;
17. Requiring the protection and preservation of groundwater recharge areas;
18. Limiting noise generation;
19. Minimizing environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities;
20. Requiring turn lane improvements at street intersections when:
 - a. An unsafe condition would be created by the development without the improvements; or

- b. The projected increase in traffic generated by the new or expanded use will lower the level of service;
- 21. Providing for emergency access;
- 22. 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;
- 23. Requiring approval of septic and of water systems;
- 24. Requiring buildings to be built to specific requirements; (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)
- 25. Cell tower fall zone conditions and setbacks: The minimum lot area for such uses will include all lands within the circumference of the fall zone. If the fall zone requirements cannot be met, they can be mitigated by a hold harmless agreement with the surrounding property owners, the radius of which shall be the height of the tower. All cell towers must adhere to the zone setback requirements; (Ord. O-2019-4, 3-25-2019)
- 26. Recreation vehicle parks: a) business license required; b) Transient Room Taxes required; c) the use must be consistent with the environmental, commercial, and economical land use purposes stated in the General Plan, as amended; d) an official site plan that clearly demonstrates that the park will not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar unreasonable risks; the existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets shall be reviewed; e) RV parks and campgrounds/glamping sites must have State and/or County approved access off a State highway, County B or D road, BLM road or, if off a private road, roads will meet Wild Land Interface Urban Code standards and will require a road maintenance agreement between property owners and easement holders memorializing the mutual understanding that an increased use to the road will result and that proof of easements to property would be required; f) Health Department permit required if over forty (40) RV sites; the Department of Environmental Quality permit is also required for water and waste; g) must comply with Building Department and building permit regulations; h) on-site manager for RV parks and campgrounds; unless the campground is considered a primitive campground; i) requirements for the management and maintenance of facilities is adequate; j) the use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads and access for emergency vehicles and residents; fire protection; police protection; schools and school busing; drinkable water; sewer; storm drainage; and garbage removal; k) feasibility letters required for services extended to the RV parks and campgrounds to mitigate traffic safety conditions as to not adversely affect the use and surrounding areas; l) emergency access is adequate; m) a plan for fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses is adequate; n) exterior lighting is adequate and does not unduly disturb the surrounding areas; o) exceptions include rural unimproved subdivisions that can only be used for agricultural purposes as defined in Utah State Code 59-2-502; (Ord. O-2017-16, 1-8-2018)
- 27. The conditions in subsection E26 of this section apply for glamp-grounds; limited to seven (7) sites per parcel of land;
- 28. The conditions in subsection E26 of this section apply for campgrounds; limited to seven (7) sites per parcel of land. (Ord. O-2018-6, 7-9-2018)

As part of approving a conditional use permit, Kane County may require that a Traffic Impact Study (TIS) be completed for any development projects where it is deemed necessary. The traffic study shall, at a minimum, incorporate traffic engineering principles and standards as presented in national practices. Additional requirements and investigation may be imposed upon the applicant as necessary. The County shall determine the need and requirements for a traffic impact study. The requirements of the TIS may be expanded, reduced, or altered by the County based on the proposed project being analyzed. (Ord. O-2017-16, 1-8-2018)

F. Findings: In approving a conditional use permit, the Land Use Authority shall find:

1. That the proposed use is necessary or desirable and will contribute to the general well being of the community;
2. 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;
3. That the proposed use is in harmony with the intent of the General Plan and the zone in which it is located. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-15A-3: APPEALS:  

Appeal of any decision of the Land Use Authority shall be to the Appeal Authority. Appeal shall be in writing and shall be filed at the Office of the Land Use Authority not more than thirty (30) days after the written decision by the Land Use Authority. The Appeal Authority may affirm, modify or reverse the decision of the Land Use Authority. However, the Appeal Authority shall present, in writing, the reasons for its action. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-15A-4: INSPECTION:  

The building official/Land Use Administrator shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the permit. (Ord. O-2018-6, 7-9-2018)

9-15A-5: TIME LIMIT:  

Action authorized by a conditional use permit must commence within one year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The Land Use Authority may grant an extension for good cause shown which would require amending the original conditional use permit and going before the Planning Commission for approval. (Ord. O-2016-4, 10-15-2018)

9-15A-6: EXPANSION:  

No use or structure in which a conditional use is located may expand without the approval of the Kane County Land Use Authority. Before expanding, the applicant shall present to the Kane County Land Use Authority a development plan. No public hearing need be held. However, the Kane County Land Use Authority may deem a hearing necessary. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)

9-15A-7: REVOCATION:  

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and upon failure to comply with all local, State, and Federal laws, including remaining current on Property Tax payments. (Ord. 2013-5, 8-12-2013, eff. 8-27-2013)