

Attachment - E
Conditional Use Standards

10-5-11: Conditional Uses

- A. Purpose: This section sets forth procedures for considering and approving conditional uses.
- B. Authority: The Planning Commission is authorized to approve conditional uses as provided in this section.
- C. Initiation: An application for a conditional use may be submitted by a property owner or lessee as provided in this section. An agent of a property owner or lessee shall provide a notarized authorization.
- D. Procedure: A conditional use application shall be considered and processed as provided in this section and as required by applicable provisions of sections 10-5-4, "General Requirements", 10-5-5, "Public Hearings And Meetings", and 10-5-6, "General Decision-Making Standards", of this chapter.
 - 1. An application shall be submitted to the Community Development Director or designee along with any applicable fee established by the City's schedule of fees. The application shall include at least the following information:
 - a. The name, address, and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries, and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A site plan which meets the requirements of section 10-5-12 of this chapter;
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards of subsection E of this section;
 - h. Such other and further information or documentation as the Community Development Director or designee may reasonably deem necessary for proper consideration and disposition of a particular conditional use application.
 - 2. After an application is determined to be complete, the Community Development Director shall:
 - a. Give public notice as required by section 10-5-5 of this chapter, Utah Code section 10-9a-205 (Notice of public hearings and public meetings on adoption or modification of land use regulation); and
 - b. Prepare a staff report evaluating the application.
 - 3. The Planning Commission shall hold a public meeting and after due consideration shall approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the site plan to approval standards.
 - 4. A record of all conditional use permits shall be maintained in the Office of the Community Development Director or designee.

F Approval Standards

E. Approval Standards.

1. The proposed conditional use shall comply with City, State, and Federal codes as applicable to the site where the conditional use will be located.
2. The proposed conditional use is consistent with the applicable objectives, goals, and policies of the General Plan.
3. The proposed conditional use and associated plans include substantial mitigation of reasonably anticipated detrimental effects arising from the conditional use, including, but not limited to:
 - a. Detrimental effects of decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards, including other reasonable mitigation as determined by a qualified traffic engineer.
 - b. Detrimental effects on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems, including other reasonable mitigation as determined by the City's engineering staff, contracted engineers, and utility service providers.
 - c. Detrimental effects on connectivity and safety for pedestrians and bicyclists.
 - d. Detrimental effects by the use due to its nature including (1) noise that exceeds sound levels normally found within the neighborhood or surrounding zone, (2) odors beyond what is normally considered acceptable within the neighborhood or surrounding zone, and (3) environmental impacts such as dust, fumes, smoke, odor, noise, vibrations, chemicals, toxins, pathogens, gases, heat, light, electromagnetic disturbances, and radiation. Detrimental effects by the use may also include hours of operation and the potential to create an attractive nuisance.
 - e. Detrimental effects that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people arising from, but not limited to, waste disposal, fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, sensitive lands, environmental health hazards, or wetlands, as determined by City Engineer, City geologist and other qualified specialists.
 - f. Detrimental effects of modifications to or installation of signs and exterior lighting that conflict with neighborhood compatibility.
 - g. Detrimental effects arising from incompatible designs in terms of use, scale, intensity, height, mass, setbacks, character, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.
 - h. Detrimental effects on the tax base and property values.
 - i. Detrimental effects on the current level of economy in governmental expenditures.
 - j. Detrimental effects on emergency fire service and emergency vehicle access.
 - k. Detrimental effects on usable open space.

- I. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
4. Conditions may be imposed as necessary to conform the proposed conditional use permit to the requirements set forth in subsection E of this section. Such conditions shall be expressly set forth in the approval authorizing the conditional use.
- F. Appeal: Any person adversely affected by a final decision of the Planning Commission regarding a conditional use may appeal that decision to the Appeal Authority as provided in section 10-5-24 of this chapter.
- G. Effect Of Approval: Approval of a conditional use shall authorize an applicant to apply for any other authorization or permit required under this title which first requires a conditional use. Approval of a conditional use shall not be deemed an approval of any other procedure or permit required by this title or this Code.
1. An approved conditional use is for the benefit of the property where the use is located and shall not be construed as personalty of the applicant or property owner.
 2. Unless otherwise provided under this title, and subject to the provisions relating to amendment, revocation, or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- H. Amendment: The procedure for amending a conditional use shall be the same as the original procedure set forth in this section.
- I. Revocation: A conditional use may be revoked as provided in subsection 10-7-7F of this title.
1. In addition to the grounds set forth in subsection 10-7-7F of this title, any of the following shall be grounds for revocation of a conditional use:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on an approved site plan; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be amended or revoked. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- J. Expiration: A conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within two (2) years after approval or if abandoned. Abandonment may be presumed to have occurred if:
1. The use has been discontinued for one year or more; or
 2. The primary structure associated with the conditional use remains vacant for a period of one year. (Ord. 2017-54, 12-13-2017)

HISTORY

Amended by Ord. [2022-13](#) on 4/13/2022