

**Chapter 19.84
CONDITIONAL USES**

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19.84.010 Definition.

A "conditional use" is a land use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

19.84.020 Approval standard.

A. No Presumption of Approval. The listing of a conditional use in any table of permitted and conditional uses as found in various chapters of this title does not constitute an assurance or presumption that any such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the conditional use is appropriate at the particular location.

B. Standard for Approval. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

19.84.030 Site plan and permit required.

A. A conditional use permit shall be required for all uses listed as conditional uses in the zoning district regulations where they are, or will be, located, and if the use is specified as a conditional use elsewhere in this title. Failure to comply with any of the conditions imposed in the permit will result in an order to show cause for revocation. The permit may be revoked by the planning commission upon evidence that any condition has not been met.

B. A conditional use has the potential for adverse impact on the use and enjoyment of adjacent properties and uses if the proposed conditional use is located and laid out without careful planning. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review of development proposals is required for all conditional uses in all zoning districts in the city.

19.84.040 Fee.

The application for any conditional use permit shall be accompanied by the appropriate fee under this code.

19.84.050 Application.

A. The conditional use process is initiated upon submittal of a conditional use permit application to the department. The planning commission may authorize the director to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

B. All applications for a conditional use permit shall include:

1. The applicant's name, address, telephone numbers and interest in the property;

2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

3. The street address and legal description of the subject property;

4. The zoning classification, zoning district boundaries and present use of the subject property;

5. A vicinity map with North, scale and date, indicating the zoning classifications and current uses of properties within 300 feet of the boundaries of the subject property. When a conditional use permit will be considered by the planning commission, the application shall also include a current plat map showing the names and addresses of all property owners appearing on the tax rolls of the Salt Lake County Assessor within 300 feet of the boundaries of the subject property.

6. A plat or a survey of the parcel of land, lots block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the piece or parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land;

7. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape

architect, planner or engineer on the project;

8. A complete description of the proposed conditional use;

9. A plan or drawing drawn to scale of twenty feet to the inch (20' = 1 inch) or larger which includes the following information of the proposed use:

(a) actual dimensions of the subject property;

(b) exact sizes and location of all existing and proposed buildings or other structures;

(c) driveways;

(d) parking spaces;

(e) safety curbs;

(f) landscaping;

(g) location of trash receptacles;

(h) drainage features and environmental features; and

(i) a table showing all land uses and open space with square feet and percentage of total property for each use.

10. A traffic impact analysis (when deemed necessary by the department);

11. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit;

12. Envelopes, mailing labels and first class postage for all property owners located within 300 feet of the subject property when a conditional use permit will be considered by the planning commission; and

13. Such other further information or documentation as the director may deem to be necessary for a full and proper consideration and disposition of the particular application.

19.84.060 Staff report.

Once the department has determined the application is complete, a staff report evaluating the conditional use application

shall be prepared and forwarded to the planning commission.

19.84.070 Public hearing.

A public hearing may be held if the chairman of the planning commission deems a hearing to be in the public interest.

19.84.080 Determination.

A. Following any public hearing, the planning commission shall consider the application in a public meeting. The staff's written recommendation shall be considered, among other factors. The planning commission may either approve the proposed conditional use; approve the proposed conditional use subject to specific modifications or conditions; postpone decision pending consideration of additional information to be submitted by the applicant; or deny the proposed conditional use.

B. In approving a conditional use, the planning commission may impose such requirements and conditions as it deems necessary for the protection of adjacent properties and the public welfare. The planning commission shall only approve with conditions, or deny a conditional use, based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in the specific zoning district. The planning commission shall not approve issuance of a conditional use permit unless the evidence presented is such as to establish the following:

1. That the proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;

2. That such use will not, under the circumstances of the particular case, be

detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;

3. That the use will comply with the intent, spirit, and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;

4. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;

5. That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;

6. That protection of property values, the environment, and the tax base for the city will be assured;

7. That the use will comply with the city's general plan;

8. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;

9. That the internal circulation system of the proposed development is properly designed;

10. That existing and proposed utility services will be adequate for the proposed development;

11. That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;

12. That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's general plan, subdivision ordinance, land use ordinance, and any applicable design standards;

13. That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;

14. That the proposed use preserves historical, architectural and

environmental features of the property;
and

15. That operating and delivery hours will compatible with adjacent land uses.

16. The foregoing approval standards shall be subject to any contrary requirements of *Utah Code Ann.* § 10-9a-507, as amended.

19.84.090 Effect of approval.

The approval of a proposed conditional use shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the city, such as subdivision approval, a building permit, a certificate of occupancy, etc.

19.84.100 Appeals.

Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the appeals hearing officer, whose decision shall then be final. All appeals to the appeals hearing officer must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the appeals hearing officer may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the appeals hearing officer.

19.84.110 Inspection.

Following the issuance of a final conditional use permit:

A. The department may accept an application for approval of a building

permit (if applicable), and shall insure that development is undertaken and completed in compliance with the conditional use permit, the city's building code, and any other applicable laws or ordinances.

B. The director shall make periodic inspections to assure compliance with all applicable conditions of approval. An investigation report will be issued to any conditional use permittee that is out of compliance. If the discrepancy is not corrected in an allotted time of not less than ten days, then an order to show cause will be issued for action by the planning commission.

19.84.120 Time limits.

A. A conditional use permit for temporary uses may be issued for a maximum period of six months, with renewals at the discretion of the planning commission for no more than three successive periods thereafter.

B. Unless there is substantial action under a conditional use permit within a maximum period of one year after its issuance, said permit shall expire. The planning commission may grant one extension of up to six months, when deemed in the public interest, upon application by the permittee before expiration of the permit. The approval of a proposed conditional use permit by the planning commission shall authorize only the specific use for which it was issued.

19.84.130 Amendment.

Once granted, a conditional use permit, or a conditional use thereunder, shall not be enlarged, changed, extended, increased in intensity, or relocated unless an application is made to amend the existing permit, and approval is given by the planning commission, except as provided below:

A. The director may administratively consider, approve, or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. Such administrative determinations may be made only where the following conditions exist:

1. All additions, modifications or changes are determined not to have significant impact beyond the site.

2. Any decision of the director may be appealed within 30 days to the planning commission.

B. The planning commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the director determines not to make an administrative determination as provided in (a) above and where the following requirements are met:

1. The proposed modification or amendment complies with the intent and purpose of this chapter.

2. Reasonable conditions may be attached if, and to the extent that, the planning commission finds that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violates the intent and requirements of this title. Impacts must be of the magnitude that, without the mitigation or elimination thereof, the amendment to the conditional use permit could not be granted.

3. All decisions of the planning commission regarding approval, denial the imposition of special conditions may be appealed to the appeals hearing officer as provided in this title.

19.84.140 Revocation.

A. The planning commission may revoke a conditional use permit if the conditions of the permit are not fully complied with. Prior to such a revocation,

the chairman of the planning commission, after receiving information showing there is reason to believe that the conditions of the permit are not being followed, shall issue an order to show cause to the owner or person in control of the property or use in question. Such order shall specify the alleged conditions that are not in compliance, inform the owner or other responsible party that the subject conditional use permit may be revoked, and affording an opportunity for presentation of any relevant contrary evidence.

B. After a hearing, the planning commission may revoke the conditional use permit, allow the use to continue, or add new terms and conditions to an existing permit. Any decision of the planning commission shall include findings of fact and its ruling. Following its decision, the planning commission shall have the right of action to compel offending structures or uses to be removed at the cost of the violator or owner. Nothing in this section shall be construed to prevent the planning commission from otherwise reviewing conditional use permits or be construed to prevent persons from being prosecuted under the criminal provision of this code for failure to comply with the terms of a conditional use permit.

C. Any person or firm aggrieved by the decision of the planning commission regarding the revocation or amendment of a conditional use permit may appeal such decision to the appeals hearing officer, whose decision shall be final. Any decision of the appeals hearing officer concerning revocation of a conditional use permit may be appealed to District Court within 30 days after the appeals hearing officer's decision.