

**GRANTSVILLE
ORDINANCE 2022-06**

AMENDING CONDITIONAL USE PERMIT REGULATIONS

**AN ORDINANCE AMEND GRANTSVILLE CITY CODE 7.5 AND 7.8
GOVERNING POWERS AND DUTIES OF THE ZONING ADMINISTRATOR
RELATED TO CONDITIONAL USE PERMITS**

WHEREAS, the Grantsville City Zoning Administrator is authorized to grant, attach conditions to, or deny conditional use permits, subject to carefully circumscribed limitations; and

WHEREAS, the City Council hereby seeks to clarify, modify, and amend such grant of authority as described herein; and

WHEREAS, the City Council hereby finds this Ordinance supports the City's health, safety and general welfare.

NOW THEREFORE, be it ordained by the Council of the Grantsville, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “7.5 Application” of the Grantsville Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

7.5 Application

(1) A conditional use permit application shall be made to the Zoning Administrator no later than 21 days prior to a scheduled Planning Commission meeting. The Planning Commission may authorize the Zoning Administrator to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary. The Zoning Administrator is also authorized to issue conditional use permits for family food production, the raising of animals and commercial uses in existing buildings, when appropriate, but may also defer any such application to the Planning Commission for its determination, in the sole discretion of the Zoning Administrator.

(2) All applications for a conditional use permit shall include (Amended 1/03):

- (a) The applicant’s name, address, telephone numbers and interest in the property;
- (b) 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;
- (c) The street address and legal description of the subject property;

- (d) The zoning classification, zoning district boundaries and present use of the subject property;
- (e) 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 Tooele County Assessor within 300 feet of the boundaries of the subject property.
- (f) 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;
- (g) The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;
- (h) A complete description of the proposed conditional use;
- (i) 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:
- i. actual dimensions of the subject property;
 - ii. exact sizes and location of all existing and proposed buildings or other structures;
 - iii. driveways;
 - iv. parking spaces;
 - v. safety curbs;
 - vi. landscaping;
 - vii. location of trash receptacles; and
 - viii. drainage features and environmental features.
- (j) Traffic Impact Analysis;
- (k) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit;
- (l) 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
- (m) Such other further information or documentation as the Zoning Administrator may deem

to be necessary for a full and proper consideration and disposition of the particular application.

Amended 01/03 by Ordinance 2003-02

AFTER AMENDMENT

7.5 Application

(1) ~~A conditional use permit application shall be made to the Zoning Administrator no later than 21 days prior to a scheduled Planning Commission meeting.~~ The Planning Commission may authorize the Zoning Administrator to grant, attach conditions to, or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary. The Zoning Administrator is also authorized to issue conditional use permits for family food production, the raising of animals and commercial uses in existing buildings, when appropriate, but may also defer any such application to the Planning Commission for its determination, in the sole discretion of the Zoning Administrator.

(2) The Zoning Administrator shall send out the appropriate notification for all conditional use permits. If comments are received that indicate a concern about the proposed conditional use, the conditional use shall be sent to Planning Commission for its consideration.

(3) The Zoning Administrator does not have authority to approve commercial conditional use permits requiring construction of new facilities or requiring exceptions or variances to the city ordinances and standards.

(4) All applications for a conditional use permit shall include ~~(Amended 1/03):~~

- (a) The applicant's name, address, telephone numbers and interest in the property;
- (b) 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;
- (c) The street address and legal description of the subject property;
- (d) The zoning classification, zoning district boundaries and present use of the subject property;
- (e) A vicinity map with North, scale and date, indicating the zoning classifications and current uses of properties within ~~300~~500 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 Tooele County Assessor within ~~300~~500 feet of the boundaries of the subject property.
- (f) 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;
- (g) The proposed title of the project and the names, addresses and telephone numbers of the

architect, landscape architect, planner or engineer on the project;

(h) A complete description of the proposed conditional use;

(i) 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:

i. actual dimensions of the subject property;

ii. exact sizes and location of all existing and proposed buildings or other structures;

iii. driveways;

iv. parking spaces;

v. safety curbs;

vi. landscaping;

vii. location of trash receptacles; and

viii. drainage features and environmental features.

(j) Traffic Impact Analysis;

(k) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit;

(l) Envelopes, mailing labels and first class postage for all property owners located within ~~300~~500 feet of the subject property when a conditional use permit will be considered by the Planning Commission: and

(m) Such other further information or documentation as the Zoning Administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.

Amended 01/03 by Ordinance 2003-02

SECTION 2: **AMENDMENT** “7.8 Determination” of the Grantsville Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

7.8 Determination

(1) The Planning Commission, or upon authorization, the Zoning Administrator, may permit a use to be located within a zoning district in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances. The Zoning Administrator is also authorized to issue conditional use permits for family food production and the raising of horses in the R-1-21 and RM-7 zoning districts, when appropriate, but may also defer any such application to the Planning Commission for its determination, in the sole discretion of the Zoning Administrator. In authorizing any conditional use the Planning Commission or Zoning Administrator shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission or Zoning Administrator 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 a specific zoning district. The Planning Commission or Zoning Administrator shall not authorize a conditional use permit unless the evidence presented is such as to establish:

- (a) The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;
- (b) 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;
- (c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;
- (d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located;
- (e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;
- (f) That protection of property values, the environment, and the tax base for Grantsville City will be assured;
- (g) That the conditions shall be in compliance with the current comprehensive General Plan of Grantsville City;
- (h) That some form of a guarantee is made assuring compliance to all conditions that are imposed;
- (i) That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance;
- (j) The internal circulation system of the proposed development is properly designed;

- (k) Existing and proposed utility services are adequate for the proposed development;
- (l) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- (m) Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;
- (n) Landscaping is appropriate for the scale of the development;
- (o) The proposed use preserves historical, architectural and environmental features of the property; and
- (p) Operating and delivery hours are compatible with adjacent land uses.

AFTER AMENDMENT

7.8 Determination

(1) The Planning Commission, or upon authorization, the Zoning Administrator, may permit a use to be located within a zoning district in which a conditional use permit is required by the use regulations of that zoning district or elsewhere in these ordinances. The Zoning Administrator is also authorized to issue conditional use permits for family food production and the raising of ~~horses~~ animals, ~~in the R-1-21 and RM-7 zoning districts~~, when appropriate, but may also defer any such application to the Planning Commission for its determination, in the sole discretion of the Zoning Administrator. In authorizing any conditional use the Planning Commission or Zoning Administrator shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The Planning Commission or Zoning Administrator 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 a specific zoning district. The Planning Commission or Zoning Administrator shall not authorize a conditional use permit unless the evidence presented is such as to establish:

- (a) The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;
- (b) 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;
- (c) That the use will comply with the intent, spirit, and regulations of these ordinances and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans;
- (d) Make the use harmonious with the neighboring uses in the zoning district in which it is to be located;

- (e) That nuisances which would not be in harmony with the neighboring uses, will be abated by the conditions imposed;
- (f) That protection of property values, the environment, and the tax base for Grantsville City will be assured;
- (g) That the conditions shall be in compliance with the current comprehensive General Plan of Grantsville City;
- (h) That some form of a guarantee is made assuring compliance to all conditions that are imposed;
- (i) That the conditions imposed are not capricious, arbitrary or contrary to any precedence set by the Planning Commission on prior permits, which are similar in use and district, unless prior approvals were not in accordance with the provisions and standards of this ordinance;
- (j) The internal circulation system of the proposed development is properly designed;
- (k) Existing and proposed utility services are adequate for the proposed development;
- (l) Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- (m) Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;
- (n) Landscaping is appropriate for the scale of the development;
- (o) The proposed use preserves historical, architectural and environmental features of the property; and
- (p) Operating and delivery hours are compatible with adjacent land uses.

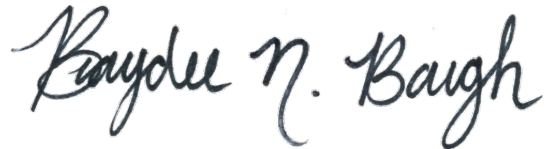
PASSED AND ADOPTED BY THE GRANTSVILLE COUNCIL MAY 04, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Jewel Allen	<u>X</u>	_____	_____	_____
Darrin Rowberry	<u>X</u>	_____	_____	_____
Scott Bevan	<u>X</u>	_____	_____	_____
Jolene Jenkins	<u>X</u>	_____	_____	_____
Jeff Hutchins	<u>X</u>	_____	_____	_____

Attest

Presiding Officer

Neil Critchlow, Mayor, Grantsville



Braydee Baugh, City Recorder
Grantsville

