

ORDINANCE # 372

LAND USE ORDINANCE AMENDMENTS

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF HARRISVILLE CITY, UTAH BY REPEALING CHAPTER FIVE IN ITS ENTIRETY RELATING TO CONDITIONAL USES AND REPLACING IT WITH THE NEW CHAPTER FIVE, CONDITIONAL USES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, Utah Code Annotated §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Utah Code Annotated Title 10 Chapter 9a enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on November 9, 2005, to take public comment on the proposed ordinance, and subsequently gave its recommendation to the City Council to approve this ordinance;

WHEREAS, the City Council received that recommendation from the Planning Commission and held its public meeting on November 22, 2005;

NOW, THEREFORE, be it ordained by the Harrisville City Council as follows:

- Section 1: Repealer. Chapter Five entitled Conditional Uses is hereby repealed in its entirety.
- Section 2: Land Use Ordinance re-enactment. Chapter Five entitled Conditional Uses is hereby re-enacted to read as shown in Exhibit A.
- Section 3: Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
- Section 4: Effective Date: This Ordinance shall be effective 14 days after posting or publication.

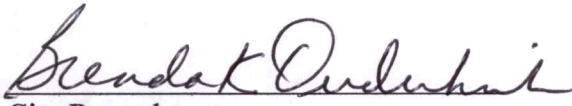
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PASSED, ADOPTED AND ORDERED POSTED, this 22nd day of November, 2005



Mayor Fred W. Oates

ATTEST:



City Recorder

Ordinance 372
EXHIBIT A

CHAPTER 5

CONDITIONAL USES

- 5-1. Purpose and Intent.
- 5-2. Conditional Use Permit.
- 5-3. Review Procedure.
- 5-4. Determination.
- 5-5. Basis for Issuance Of Conditional Use Permit.
- 5-6. Appeal.
- 5-7. Building Permit.
- 5-8. Amendment of Conditional Use Permit
- 5-9. Expiration
- 5-10. Revocation

5-1. **Purpose and Intent.** Certain land uses may have unique characteristics or potential impacts to the surrounding land uses and the health, safety, welfare and aesthetics of the community that would not be compatible unless such impacts can be reasonably mitigated. A conditional use is a means to determine appropriate mitigation which may make such use allowable at a particular location.

5-2. **Conditional Use Permit.** A conditional Use Permit shall be required for all uses listed as Conditional Uses in the land use regulations. A Conditional Use Permit shall define all requirements determined appropriate to mitigate the impacts created by the use in order to make it acceptable at the specific location. A conditional use permit shall make the approved use allowable at the specific location and the right of the approved use with its conditions shall run with the property, unless the permit has expired or been revoked or altered without approval.

5-3. **Review Procedure:**

1. Application for a Conditional Use Permit shall be made at the city offices for consideration by the Planning Commission
2. Detailed location, site, and building plan shall accompany the complete application forms provided by the City. For structures in existence, only a location and site plan need be provided.
3. The application together with all pertinent information shall be considered by the Planning Commission at its next regularly scheduled meeting.
4. The Planning Commission, when considering a conditional use permit application, shall hold a public hearing. Notice of the public hearing shall be mailed a minimum of seven (7) days prior to the public hearing to all property owners of record according to the Weber County Assessor records within six hundred (600) feet of the property lines of the proposed use and notice of such hearing shall be posted in three (3) public spaces in the municipality forty-eight (48) hours prior to the meeting to consider the proposed use.

5-4. **Determination.** The Planning Commission shall approve a conditional use permit if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects on the proposed use. If reasonably anticipated detrimental effects of a proposed conditional use can not be substantially mitigated by the imposition of reasonable conditions to achieve compliance with applicable standards the conditional use may be denied.

5-5. **Basis for Issuance of Conditional Use Permit.** The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. That such use will not, at the particular location be detrimental to the health, safety, and general welfare of persons nor injurious to property or improvements of the surrounding land uses or community, but will be compatible with the existing surrounding uses, buildings, and structures. In determining compatibility and mitigation of detrimental effects, the Planning Commission shall consider:
 - a. The location of parking lots, access ways, delivery areas and on site vehicle circulation patterns created by the site design and their relationship to adjoining uses and whether or not such site design adversely impacts the surrounding uses by exposing them to loss of privacy, objectionable views of large paved or graveled areas or loading and unloading areas and whether or not there are design considerations or property improvements that can mitigate these impacts;
 - b. The location of the use does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns the Planning Commission shall consider:
 - i. the orientation of driveways and if they direct traffic to the major streets or the local streets and if directed to the local streets the impact it creates to the safety, purpose and character of the local street;
 - ii. parking locations and size and if they encourage street side parking and walking to the proposed use which impacts adjacent land uses; and
 - iii. hours of peak land use creating traffic volumes at times of the day or night that would impact the surrounding uses.
 - c. The design of the building or buildings and the exterior building materials proposed to be used on the building and if the design and materials are similar in visual qualities such as, but not limited to, roof line shapes, building material color, reflectivity, and other visual qualities in order to ensure that the building design is not out of character with the surrounding area or creates a visual nuisance that impacts adjacent properties;
 - d. The hours of operation of the proposed use when compared with the hours of activity of the surrounding uses and the potential of such hours of operation to create noise, light or other nuisances not acceptable to the

- enjoyment of the existing surrounding uses or common to the surrounding uses;
- e. The location and size of outdoor storage areas and their relationship to adjacent land uses and if such storage creates adverse impacts to the surrounding uses in terms of visual appearance, noise, dust, odor, fire potential or hazardous material storage and the safe distances or other measures taken to screen or absorb the impacts on the proposed site; and
 - f. The location of exterior lighting and signage will not be directed to or impact adjacent residential uses
2. That the proposed use will comply with the land use regulations specified in this Ordinance for such use in the specific zone the use is proposed in;
 3. That the proposed use conforms to the goals, policies and governing principles and land use of the Master Plan for Harrisville City.
 4. That the proposed use will not lead to the deterioration of the environment by emitting pollutants to the ground or air of such a type or of such a quantity so as to detrimentally effect, public or private property including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole.

5-6. **Appeal.** Any person aggrieved by the decision of the Planning Commission may appeal the decision to the City Council, designated as the Appeal Board by filing such appeal within 15 days after the date of the final action of the Planning Commission. The Appeal Board may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the Appeal Board shall be final.

5-7. **Building Permit.** Upon receipt of a Conditional Use Permit, the developer shall take such permit to the Building Inspector who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Inspector may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permit conditions pertaining thereto.

5-8. **Amendment of a Conditional Use Permit.** Once approved, the development granted a conditional use permit shall not enlarge the building or uses on the property from what had been approved, change the approved plan, extend to other properties, increase intensity, or relocate to other properties except by approval of the planning commission amending the conditional use permit. Application and review of a proposed amendment to the conditional use permit shall follow the same procedures as outlined in this chapter for an original application.

5-9. **Expiration.** Unless there is substantial action under a Conditional Use Permit within a period of one year from the date of the Planning Commission approval or the date of an approved appeal, the Conditional Use Permit shall expire. The Planning Commission may grant a maximum extension of six months to the Conditional Use permit provided the request is made prior to the expiration date of the permit and that it can be shown that there are unusual conditions or exceptional circumstances which cause the need for the requested extension. A conditional use permit shall also expire if a permitted use or a different conditional use replaces

the use approved by the first conditional use permit or that the use approved by the conditional use permit is discontinued for a continuous period of one year.

5-10. **Revocation.** A conditional use permit may be revoked if any of the conditions or terms are violated; however, the person who has right to the conditional use permit shall first be given an opportunity to show cause before the Planning Commission why the permit should not be revoked. A violation of a condition or term of the conditional use permit shall constitute a violation of this code, and the revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the violation. The decision of the planning commission to revoke a conditional use permit may be appealed to the city council, in writing, within fifteen (15) days of the Commission's decision.