

ORDINANCE 2023-02

AN ORDINANCE OF THE WILLARD CITY COUNCIL ADOPTING AN
ORDINANCE ADDING CHAPTER 12-105 CONDITIONAL USES

WHEREAS The Willard City Council determined to address an ordinance regarding Conditional Uses after rescinding a previous ordinance ; and

WHEREAS the Willard City Planning Commission held a public hearing regarding the proposed ordinance to seek public input; and

WHEREAS the Willard City Planning Commission recommended adoption of the attached Conditional Use ordinance with recommendations; and

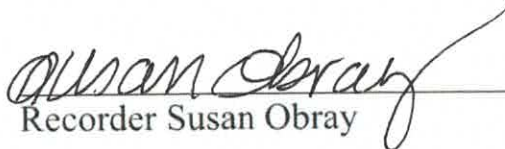
WHEREAS the Willard City Council has met and discussed the proposed Conditional Use ordinance and made amendments as they deemed appropriate; and

NOW THEREFORE BE IT ORDAINED that the Willard City Council approves the following:

1. The attached ordinance adopting Chapter 12-105 attached hereto is hereby adopted and incorporated into the Willard City Code.
2. This Ordinance shall be effective immediately upon approval and posting as required by law.

Willard City

ATTEST:


Recorder Susan Obray


By _____
Mayor Travis Mote



CHAPTER 12-105. CONDITIONAL USE

12-105-1. Purpose of Conditional Use Provisions

The purpose of the issuance of a conditional use permit is to allow the proper integration into Willard City of land uses which may be suitable only under special conditions and in specific locations in Willard City or in the applicable zoning district, or only if such uses are designed or conducted in a particular manner.

12-105-2. Permit Required

A Conditional Use Permit shall be required for all uses listed as conditional uses in the zoning district use regulations or elsewhere in this Chapter.

12-105-3. Application

A Conditional Use Permit Application shall be made to the City Planner on forms provided by the City Planner. Only property owners or their duly authorized agents shall make application for a Conditional Use Permit. No Conditional Use Permit may be processed without the submission of an application, payment of the processing fee, and providing all supporting materials as required by the City Planner, the Conditional Use Review Committee, and this Chapter.

12-105-4. Required Documents

The Conditional Use Permit Application shall be submitted with the material listed in this Section. The City Planner and/or the Conditional Use Review Committee may determine and require items not listed herein be submitted in order to evaluate the proposed conditional use application. The application for the Conditional Use Permit shall include at least the following:

1. A written statement explaining details surrounding the proposed Conditional Use Permit Application is consistent with all the standards and requirements of this Chapter and other applicable sections of the Willard City Zoning and Land Use Ordinances.

12-105-5. Public Notice

No public hearing need be held. However, a hearing may be held if the City Planner, Conditional Use Review Committee or the Planning Commission deem a public hearing to be necessary and in the public interest. When such public hearing is required, the City will send notice by mail, at the applicant's sole cost and expense, to all property owners within 500 feet from the location where the proposed conditional use is to be conducted, inform them of the nature of the intended use, the date, time and place of the public hearing, name and address of the applicant and location of the intended use. A complete list of names and addresses of all impacted property owners shall be forwarded to the City by the applicant and where such list is inaccurate or incomplete the conditional use may be denied or revoked.

12-105-6. Conditional Use Review Committee

Upon submission of a Conditional Use Permit Application, the City Planner will determine the completeness of the application. If the Conditional Use Application is complete, the City Planner

will forward the application and all supporting materials to the Conditional Use Review Committee. The Conditional Use Review Committee shall be comprised of the following individuals: The Chief of Police, Fire Chief, City Attorney, a member of the Planning Commission, Director of Public Works, City Planner, City Engineer, and City Manager. Upon review of the application, proposed site plan if required, and any other necessary documentation or information, the Conditional Use Permit Review Committee will transmit a recommendation for the proposed Conditional Use Permit to the Planning Commission.

12-105-7. Factors to be considered by the Conditional Use Review Committee

In considering an application for a Conditional Use Permit, the Conditional Use Review Committee should analyze the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed Conditional Use Permit meets the standards set forth in this Chapter:

1. The suitability of the specific property for the proposed use;
2. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;
3. Whether the proposed use or facility may be injurious to potential or existing development in the vicinity;
4. The economic impact of the proposed facility or use on the surrounding area;
5. The aesthetic impact of the proposed facility or use on the surrounding area;
6. The present and future requirements for transportation, traffic, water, sewer, and other utilities for the proposed site and surrounding area;
7. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection and pedestrian and vehicular circulation;
8. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;
9. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and
10. The impact of the proposed facility or use on the health, safety and welfare of the City, the area and persons owning or leasing property in the area.

12-105-8. Standards and Criteria for Conditional Use Permit

Upon receiving a recommendation from the Conditional Use Permit Review Committee, the Planning Commission shall consider the following general standards and criteria prior to approving or denying a conditional use permit:

1. The Conditional Use is authorized in the zoning district where the use is proposed;
2. The use applied for at the proposed location is necessary or desirable to provide service or facility that will contribute to the general well-being of the area and Willard City;
3. Compatibility of the proposed use with the interest, function and policies established in the Willard City General Plan;
4. Compatibility of the proposed use within the character of the site, neighboring properties and other existing and proposed development.
5. Streets and other means of access to the Conditional Use are adequate to carry anticipated traffic and shall not materially reduce the level of service on adjacent streets;
6. The Conditional Use shall not unreasonably interfere with the lawful use of surrounding property;
7. Fencing, screening and landscaping, and other adequate buffering, is provided as needed to protect adjacent property from light, noise and visual impacts associated with the proposed use;
8. The availability of or ability to provide adequate services, drainage, parking, fire protection, and safe transportation access.
9. The proposed conditional 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 or interests to property or improvements in the vicinity;
10. In the event the Planning Commission determines that the standards of this Chapter cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the applicable standards and criteria, the Planning Commission may deny the request for a conditional use permit.
11. Within and adjoining the proposed site, the Planning Commission may impose reasonable conditions as deemed necessary for the protection of the site location and adjacent properties and the public interest.

12-105-9. Reasonable Conditions Imposed

The Planning Commission may issue a Conditional Use Permit to be located within any zoning district in which the particular Conditional Use is allowed by the use regulations of this Chapter. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions as required by law and as may be necessary for the protection of neighboring properties and the general welfare of the public. Such conditions of approval may include, but shall not be limited to, limitations or requirements as to a street dedication, the height, size, location and design of structures, landscaping, density, ingress/egress, fencing, parking, screening, buffering parking, hours of operation, or lighting.

12-105-10. Expiration

A Conditional Use Permit shall expire one (1) year after the date of approval and shall be null and void unless the property owner or their duly authorized agent has obtained a Building Permit, where required, or a Business License or other permits or licenses required for the operation. A one (1) year extension may be granted by the Planning Commission when deemed to be in the public interest.

12-105-11. Revocation

A Conditional Use Permit may be revoked by the Planning Commission upon failure to comply with the conditions of the permit, for any violation of this Title occurring on the site for which the permit was approved, or if the use is not maintained or abandoned. Prior to taking action concerning revocation of a Conditional Use Permit, a meeting shall be held by the Planning Commission. Notice of the meeting and the grounds for consideration of revocation shall be mailed to the permittee at least ten (10) days prior to the hearing.

12-105-12. Appeals

Any applicant shall have the right to appeal the decision of the Planning Commission to the designated Hearing Officer under the procedure outlined in Willard City Zoning Code Chapter 12-101-2. Any decision of the Hearing Officer may be appealed by the applicant or City to the District Court within thirty (30) days from the issuance of the written decision.

12-105-13. Review

The Planning Commission may review compliance with an issued Conditional Use Permit at regular intervals at the discretion of the Planning Commission or upon recommendation of the City Planner.

12-105-14. No Presumption of Approval

The listing of a conditional use in any district does not constitute an assurance that the conditional use shall be approved by the Planning Commission or City Planner. Each conditional use application shall be evaluated individually to determine compliance with the standards set

forth in this chapter, the standards of the district where the proposed use shall be located, and any standards applicable to the conditional use.

CHAPTER 12-111 MULTIPLE USE, AGRICULTURAL OR RURAL, AND RESIDENTIAL DISTRICTS

12-111-4. Uses Not Listed

The Table in this Section provides a listing of permitted and conditionally permitted uses for multiple use, agricultural, and residential zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

CHAPTER 12-112 COMMERCIAL AND MANUFACTURING ZONES, C-N, C-G AND M

12-112-2. Use Regulations

In the following Section of this Chapter, uses of land or buildings which are allowed in the various districts are shown as “permitted uses,” indicated by a “P” in the appropriate column, or as “conditional uses,” indicated by a “C” in the appropriate column. If a use is not listed then it is either not allowed in a given district or it is indicated in the appropriate column by a dash, “-.” No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained in the Commercial or Manufacturing zones except as provided for in this ordinance. If a regulation applies in the district, it is indicated in the appropriate column by a numeral to show the linear or square feet, or acres required, or by the letter “A.” If the regulation does not apply, it is indicated in the appropriate column by a dash “-”

12-112-3. Uses Not Listed

The Table in this Section provides a listing of permitted and conditionally permitted uses for Commercial and Manufacturing zones within the city. The Table in this section is not comprehensive. In the event a sought-after use is not listed, the City Planner is empowered to interpret the list and determine if the unlisted use is substantially similar in character, origin, and impact to a listed use. In making this determination, the City Planner may, at their sole discretion, ask the Planning Commission for its review and interpretation.

A. ACCESSORY BUILDINGS/DWELLINGS/ MANUFACTURING/STORAGE	M	C-N	C-G
Accessory uses and buildings customarily incidental to the permitted uses.	P	C	P
Single-Family Dwelling	C	P	P
Multi-Family Twin Home	C	P	P
Multi-Family Attached	C	P	P

Multi-Family Stacked	C	P	P
Accessory Dwelling Units	P	P	P
Manufactured and Modular Homes	C	C	C
Manufacturing/Industrial Heavy	P	-	C
Manufacturing Light	P	C	C
Refineries	C	-	-
Renewable Energy Systems	C	C	C
Storage Facility/Units	P	-	C
Temporary Buildings	C	C	C
Warehousing/Distribution	P	C	C
Warehousing/Distribution Motor Fuels/Propane/Plant/Storage Facilities	C	-	C
B. PUBLIC FACILITIES/UTILITIES	M	C-N	C-G
Air BNB or any short-term lodging facility	C	C	C
Communication Towers and Antennas	C	C	C
Churches/Places of Worship	P	P	P
Educational Facilities	P	P	P
Public Utility Installations	P	P	P
C. RECREATION/ENTERTAINMENT	M	C-N	C-G
Bowling Alley	C	C	P
Dance Studio	C	C	C
Fitness Center	C	C	P
Golf Course	C	C	C
Recreation Center	P	C	P
Recreational Vehicle Park	-	-	C

Sexually Oriented Businesses: See Willard City General Ordinances Title 9-600.	C	-	-
Swimming Pool	C	C	C
Theater/Entertainment	C	C	C
D. RETAIL	M	C-N	C-G
Alcohol or Tobacco Specialty Store	C	-	C
Art and/or Art Supply	P	C	P
Book Store	P	P	P
Christmas Trees Sales	P	C	P
Clothing/Department Store	C	C	P
Convenience Store	P	C	P
Craft/Hobby Store	P	P	P
Fireworks Stand	C	C	C
Florist Shop/Nursery	C	C	P
Fruit Stand	P	P	P
Grocery Store	P	P	P
Hardware Store/Lawn & Garden	P	C	C
Pet Shop	C	C	P
Retail, Big Box Store	P	C	P
Retail, General	P	C	P
Shoe Store/Repair	P	C	P
Sporting Goods	P	P	P
E. RESTAURANT/FOOD ESTABLISHMENTS	M	C-N	C-G

Bakery	P	P	P
Candy/ Ice Cream Store	C	C	P
Private Club/Bar/Tavern	C	-	C
Restaurant/Fast Food	P	P	P
F. SERVICE	M	C-N	C-G
Agriculture, Existing	P	P	P
Agricultural Industry/Food	P	C	P
Automobile Service and Sales Station (Includes Fuel)	C	C	C
Bank/Credit Union/Financial	P	C	P
Barber/Beauty Salon/Tanning/Nails	P	P	P
Bed and Breakfast/ Air BNB	-	P	-
Business/ Professional Office	C	C	C
Car Wash	C	C	C
Check Cashing, Payday Lender, Title Loans	C	C	C
Childcare/Preschool: See Willard City General Ordinances Title 9-000 for Home Businesses.	C	C	C
Dry Cleaning	P	C	P
Fabrication/Welding	P	C	P
Hospital	P	P	P
Hotel/Motel	C	-	P
Kennel: See Willard City General Ordinances Title 13-00-0-00.	C	C	C
Locksmith/Key and Lock	P	C	P
Laundromat	P	P	P
Medical and Dental Clinic	P	C	P

Nursing Home	-	C	C
Pet Grooming	P	P	P
Pharmacy	P	C	P
Residential Facilities for Persons with Disabilities	P	C	P
Slaughterhouse	C	C	C
Tattooing/Body Art	P	C	P
Towing/Impound Yard	P	-	C
Transport/Trucking	P	C	P

12-112-4.

A. Height Regulations	M	C-N	C-G
The maximum height for all buildings and structures in districts regulated by this chapter shall be: In feet	50	35	50

12-112-5.

A. Area, Width, Frontage, Yard and Coverage Regulations	M	C-N	C-G
Any Parcel larger than one acre at the time of passage of this ordinance may be divided or developed only under planned unit commercial development approval	A	A	A
Regulations as may be required by conditional use permit or by planned unit development approval. Except that no commercial building shall be located closer than fifteen feet to any residential district boundary line or to any street line which continues as frontage into a residential district.	A	A	A
Except as may be allowed through planned unit development approval, buildings and structures may cover no more (percentage) of the lot area	50	30	50

than			
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12-112-6.

A. Special Provisions	M	C-N	C-G
Any area outside of a building used for any accessory activity other than off-street parking and loading shall be completely enclosed within a solid fence or wall of a height sufficient to completely screen such activity from street or from adjoining parcels	A	A	A
All uses shall be free from Objectionable noise, hazards, or nuisances	A	A	A
All uses shall be conducted from enclosed buildings except automobile service stations, automatic car wash, automobile and recreational vehicle or vehicle sales, lease, rental or repair, off-street parking and loading, plant material nurseries, outdoor restaurants, and commercial recreation, unless otherwise permitted by planned unit development or conditional use permit	A	A	A