

## **Chapter 17.48 CONDITIONAL USES**

### **17.48.010: PURPOSE AND INTENT:**

The purpose and intent of conditional uses is to allow certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in that location and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner. (Ord. 93-003 § 4-1)

### **17.48.020: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:**

The planning commission shall not authorize a conditional use permit unless a public hearing is held and evidence is presented to establish:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community; and
  
- B. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings, and structures when considering traffic generation, parking, building design and location, landscaping and signs; and
  
- C. That the proposed use will comply with the regulations and conditions specified in this title for such use; and
  
- D. That the proposed use conforms to the goals, policies and governing principles and land use of the master plan for Farr West City;
  
- E. That the proposed use will not lead to the deterioration of the environment, or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect, to any appreciable degree, public or private property including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole. (Ord. 93-003 § 4-2)

### **17.48.030: APPEALS:**

- A. The decision of the planning commission may be appealed to the city council by filing such appeal within fifteen (15) days after the date of the notice of decision sent with the application.
  
- B. The city council 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 city council

shall be final. (Ord. 97-10 § 2: Ord. 93-003 § 4-3)

#### **17.48.040: 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 or her duties, the building inspector may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with said permit conditions pertaining thereto. (Ord. 93-003 § 4-4)

#### **17.48.050: PERMIT EXPIRATION:**

Unless there is substantial action under a conditional use permit within a period of one year of its issuance, as determined by the planning commission, the conditional use permit shall expire. The planning commission may grant a maximum extension of six (6) months under exceptional circumstances. (Ord. 93-003 § 4-5)

### **A-1 RESIDENTIAL ZONE**

#### **17.20.040: PERMITTED CONDITIONAL USES:**

Permits for ~~the following~~ conditional uses shall be authorized only after approval thereof has been given by the city council upon recommendation by the planning commission.

The planning commission review of ~~the following~~ conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development in accordance with existing and future needs. In making a recommendation on ~~these~~ conditional uses, the planning commission shall consider, ~~among other things, the character of the zone, parking, the existing zoning and use of the surrounding property, the present and future requirements for street, off street parking,~~ and off street parking in relation to exits and entrances from public streets, pedestrian and vehicular traffic circulation, availability of water and other utilities, and other public requirements. The ~~planning commission and/or~~ city council may impose reasonable conditions as are necessary to protect ~~the rights of~~ surrounding property ~~owners and tenants~~ and to carry out the purposes of this chapter and characteristics of this zone.

**Conditional uses may include but are not restricted to the following:**

Athletic fields and swimming areas (other than private residential swimming pools).

Churches.

Parks and playgrounds.

Schools, both public and private. (Ord. 93-003 § 8-1(4))

## **A-1-R RESIDENTIAL ZONE**

### **17.24.050: PERMITTED CONDITIONAL USES:**

Permits for ~~the following~~ conditional uses shall be authorized only after approval **thereof** has been given by the city council upon recommendation by the planning commission.

The planning commission review of ~~the following~~ conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development in accordance with existing and future needs. In making a recommendation of ~~these~~ conditional uses, the planning commission shall consider, ~~among other things, the general objectives and character of the zone.~~ **the existing zoning and use of the surrounding property**, the present and future requirements for street, off street parking, and off street parking in relation to exits and entrances from public streets, pedestrian and vehicular traffic circulation, availability of water and other utilities, and other public requirements. The **planning commission and/or** city council may impose reasonable conditions as are necessary to protect **the rights of** surrounding property **owners and tenants** and to carry out the purposes of this chapter and characteristics of this zone.

**Conditional uses may include but are not restricted to the following:**

Athletic fields and swimming areas (other than private residential swimming pools).

Churches.

Parks and playgrounds.

Schools, both public and private. (Ord. 99-12 § 4: Ord. 93-003 § 8-2(7))

## **R-1-15 RESIDENTIAL ZONE**

### **17.28.040: PERMITTED CONDITIONAL USES:**

Permits for conditional uses shall be authorized only after approval thereof has been given by the city council upon recommendation by the planning commission.

The planning commission review of conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development in accordance with existing and future needs. In making a recommendation on conditional uses, the planning commission shall consider the existing zoning and use of the surrounding property, the present and future requirements for street, off street parking, and off street parking in relation to exits and entrances from public streets, pedestrian and vehicular traffic circulation, availability of water and other utilities, and other public requirements. The **planning commission and/or** city council may impose reasonable conditions as are necessary to protect **the rights of** surrounding property **owners and tenants** and to carry out the purposes of this chapter and characteristics of this zone.

Conditional uses may include but are not restricted to the following:

Athletic fields and swimming areas (other than private residential swimming pools).

Churches.

Parks and playgrounds.

Schools, both public and private. (Ord. 93-003 § 8-3(4))

## **R-1-22 RESIDENTIAL ZONE**

### 17.30.040: PERMITTED CONDITIONAL USES:

Permits for ~~the following~~ conditional uses shall be authorized only after approval thereof has been given by the city council upon recommendation by the planning commission.

The planning commission review of ~~the following~~ conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development in accordance with existing and future needs. In making a recommendation on ~~these~~ conditional uses, the planning commission shall consider **the existing zoning and use of the surrounding property**, the present and future requirements for street, off street parking, and off street parking in relation to exits and entrances from public streets, pedestrian and vehicular traffic circulation, availability of water and other utilities, and other public requirements. The **planning commission and/or** city council may impose reasonable conditions as are necessary to protect **the rights of surrounding property owners and tenants** and to carry out the purposes of this chapter and characteristics of this zone.

**Conditional uses may include but are not restricted to the following:**

Athletic fields and swimming areas (other than private residential swimming pools).

Churches.

Parks and playgrounds.

Schools, both public and private. (Ord. 99-10 § 1)

## **C-2 GENERAL COMMERCIAL ZONE**

### 17.36.030: **PERMITTED** CONDITIONAL USES:

Permits for ~~the following~~ conditional uses shall be authorized by the city council ~~after review and approval~~ **upon recommendation** by the planning commission.

The planning commission review of ~~the following~~ conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development in accordance with existing and future needs. The planning commission shall consider, ~~among other things, the character of the zone,~~ **the existing zoning and use of the surrounding property,** the present and future requirements for streets, off street parking, off street parking in relation to exits and entrances from public streets, pedestrian and vehicular traffic circulation, availability of water and other utilities, sensitive soils, and other public requirements. The planning commission **and/or city council** may impose reasonable conditions as are necessary to protect **the rights of surrounding property owners and tenants** and to carry out the purposes and characteristics of this zone. ~~The city at their discretion by two-thirds (2/3) vote may or may not approve the conditional use on an individual basis as they are presented due to the impacts, if any, beyond their property line. Impacts may include, but are not limited to, such items as noise, odors, safety, pollution and negative visual appearance as determined by the city.~~

**Conditional uses may include but are not restricted to the following:**

Construction services.

Dry cleaning and laundry facilities.

Light indoor manufacturing with retail sales.

Major automobile repair, including body work.

Motels, hotels, temporary lodging facilities.

Public and quasi-public uses.

Warehousing and storage units.

Wireless telecommunications facilities (subject to [chapter 17.50](#) of this title). (Ord. 04-03 § 2: Ord. 03-01 § 1: Ord. 93-003 § 8-5(3))

## **M-1 MANUFACTURING ZONE**

17.40.030: **PERMITTED** CONDITIONAL USES:

Permits for ~~the following~~ conditional uses shall be authorized by the city council ~~after review and approval~~ **upon recommendation** by the planning commission.

The planning commission review of ~~the following~~ conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development in accordance with existing and future needs. The planning commission shall consider, ~~among other things, the character of the zone,~~ **the existing zoning and use of the surrounding property,** the present and future requirements for streets, off street parking, off street parking in relation to exits and entrances from public streets, pedestrian and vehicular traffic circulation, availability of water and other utilities, sensitive soils, and other public requirements. The **planning** commission **and/or city council**

may impose reasonable conditions as are necessary to protect the rights of surrounding property owners and tenants and to carry out the purposes and characteristics of this zone.

Conditional uses may include but are not restricted to the following:

Assembling.

Automobile wrecking.

Compounding.

Construction services.

Dry cleaning and laundry facilities.

Major automobile repair, including body work.

Packaging.

Pawnbrokers.

Primary metal industries.

Processing.

Public and quasi-public uses.

Rubber and plastic products.

Salvage yards.

Storing of products.

Surplus storage.

Testing.

Warehousing and storage units.

Wireless telecommunications facilities (subject to [chapter 17.50](#) of this title).

Existing uses of this nature would be allowed to remain but are controlled by precedents in Utah supreme court case law and are considered prior existing nonconforming uses. (Ord. 04-03 § 3; Ord. 98-02 § 2; Ord. 93-003 § 8-6(3))

## **M-2 MANUFACTURING ZONE**

17.42.030: PERMITTED CONDITIONAL USES:

Permits for the following conditional uses shall be authorized by the city council after review and approval upon recommendation by the planning commission.

The planning commission review of the following conditional uses shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development in accordance with existing and future needs. The planning commission shall consider, among other things, the character of the zone, the existing zoning and use of the surrounding property, the present and future requirements for streets, off street parking, surrounding zones and property uses, the availability of utilities, and other public requirements. The planning commission and/or city council may impose reasonable conditions as are necessary to protect the rights of surrounding property owners and tenants and to carry out the purposes and characteristics of this zone.

Conditional uses may include but are not restricted to the following:

Assembling.

Automobile wrecking.

Construction services.

Major automobile repair, including body work.

Pawnbrokers.

Primary metal industries.

Salvage yards.

Surplus storage.

Warehousing and storage buildings. (Ord. 02-03 § 1)