

Section 1501—Purpose:

The following provisions are provided to allow the review of those uses that are identified as a Conditional Use (identified herein as either “C-1” or C-2 Uses) in the Table of Uses, Chapter 30, herein. The nature and proposed location of a Conditional Use may be such that certain use and location conditions may be necessary to protect adjacent properties and the general health, safety, and welfare of the City.

Section 1502—Authority:

1. As provided for by the Act, the Commission is hereby authorized to act as the Land Use Authority to review and render a decision approving, approving with conditions, or denying all C-1 Use Applications to establish a C-1 Conditional Use. All C-1 Use Applications are required to be reviewed by the Development Review Committee (DRC) prior to the Commission rendering any decision for all C-1 Use Applications.
2. As provided for by the Act, the Council is hereby authorized to act as the Land Use Authority to review and render a decision approving, approving with conditions, or denying all C-2 Use Applications to establish a C-2 Conditional Use. All C-2 Use Applications are required to be reviewed by the Development Review Committee (DRC) and receive a recommendation by the Commission prior to the Council rendering any decision for all C-2 Use Applications.

Section 1503—Initiation:

All requests to establish a C-1 or C-2 Use shall be initiated by filing a Conditional C-1 or C-2 Use Application, in the Office of the City Recorder, which may include a Building Permit Application, available from the Zoning Administrator. A property owner may present a Conditional C-1 or C-2 Use Application for review and decision by the Commission or Council, as applicable. An agent of the property owner, or a lessee of the property, may present a Conditional C-1 or C-2 Use Application to the Commission or Council, as applicable, for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

Section 1504—Allowed Conditional Uses:

1. Uses identified as a Conditional C-1 Use, identified as a C-1 Use in the Table of Uses, Chapter 30 herein, may be approved by the Commission, with or without reasonable conditions, with findings that the Conditional C-1 Use will be conducted in compliance with all requirements of this Chapter and this Ordinance.
2. Uses identified as a Conditional C-2 Use, identified as a C-2 Use in the Table of Uses, Chapter 30 herein, may be approved by the Council, with or without reasonable conditions, with findings that the Conditional C-2 Use will be conducted in compliance with all requirements of this Chapter and this Ordinance.

Section 1505—Application Requirements – Determination of Application Completeness Required:

All Conditional C-1 or C-2 Use Applications shall comply with all requirements of this Chapter and this Ordinance, and all other applicable Land Use Ordinance and requirements. All Conditional C-1 or C-2 Use Applications shall be determined complete by the City Recorder, as provided by Section 1206, herein. For Conditional C-1 or C-2 Use Applications determined to be incomplete, the City Recorder shall comply with the requirements of Section 1207, herein.

Section 1506—Review and Approval Procedures – C-1 and C-2 Use Applications:

1. The procedures for the review and consideration of a Conditional C-1 Use Application are identified by Figure 15-1 herein.
2. The procedures for the review and consideration of a Conditional C-2 Use Application are identified by Figure 15-2 herein.
3. As provided by Section 1502, the Commission is identified as the Land Use Authority for Conditional C-1 Use Applications and is authorized by this Chapter to render a decision for a Conditional C-1 Use Application, with findings.
4. As provided by Section 1502, the Council is identified as the Land Use Authority for Conditional C-2 Use Applications and is authorized by this Chapter to render a decision for a Conditional C-2 Use Application, with findings.

Section 1507—Conditional C-1 Use Application Requirements:

All Conditional C-1 Use Applications shall include and provide the following information:

1. A complete Conditional C-1 Use Application, available from the Office of the City Recorder.

2. Conditional C-1 Use Application Fees. The Conditional C-1 Use Application shall include the payment of all Conditional C-1 Use Application fees, as established by the Council.
3. Two (2) 36 inch x 24 inch copies and ten (10) 11 inch x17 inch size copies of a site plan for the Subject Property, identifying the location of all proposed uses, buildings and structures, drawn at a scale as required by the Zoning Administrator, identifying the following;
 - 3.1. The location and dimension of the property boundaries and all proposed uses, buildings and structures, and all existing buildings or structures located on the Subject Property, and existing buildings located within one-hundred (100) feet of the Subject Property.
 - 3.2. The setbacks requirements, as required by the Zoning District for the proposed uses, buildings, and structures in which the Subject Property is located, and the exterior dimensions of all proposed buildings and structures.
 - 3.3. The location of all roads and streets serving the Subject Property, or proposed to serve the Subject Property, and including any permits or authorizations, as required by the City, Sevier County or the Utah Department of Transportation, as applicable.
 - 3.4. The location and dimension of all existing and proposed ingress and egress points and off-street parking and loading areas.
 - 3.5. All public and private rights-of-way and easements located on, or adjacent to the Subject Property, proposed to be continued, created, relocated, or abandoned shall be shown. Every existing right-of-way and easement grant of record for underground facilities, as defined by Section 54-8a-2 Utah Code Annotated, 1953, as amended, and for all other utility facilities, and all proposed rights-of-way and easement grants of record for utility facilities shall be shown.
 - 3.6. The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.
 - 3.7. The location of all existing or proposed fences and walls, identifying height and fencing materials, and comply with the requirements for Fences and Walls, as provided by Chapter 18, herein.
 - 3.8. Site landscape plan(s) shall be provided, identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes.

- 3.9. Site and Building Signage Plans. Information and plans shall be provided identifying all proposed site and building signage including the design, height, size, materials, and colors of all building and site signs.
- 3.10. Site and Building Lighting Plans. Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting.
- 3.11. Mechanical Equipment and Solid Waste Facilities. The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening shall be identified.
- 3.12. Additional plans and drawings requested by the Zoning Administrator as determined necessary to determine compliance or non-compliance with this Ordinance, and other Land Use Ordinances and requirements, including all Building Codes, as adopted, and as may be applicable.
4. **Required Subject Property Information**. located on the Site and Building Plan sheet(s), or on separate sheets, as may be proposed by the Applicant, or as required by the Zoning Administrator for readability, the following information shall be provided:
 - 4.1. The identification of known natural features including, but not limited to, jurisdictional wetlands, as identified by the United States Army Corps of Engineers, areas of slope exceeding ten percent (10%) grade, flood plains and flood channels, as identified by a Federal or State Agency, all water courses, areas where ground water is located within three (3) feet of the ground surface, water bodies, marshy or swampy areas, drainage ways, and any other natural features, as required by the Zoning Administrator or City Engineer for the Subject Property, including the total area of each
 - 4.2. The location of any known man-made features on, or contiguous to the Subject Property, including existing platted lots, all utility easements, railroads, power lines and power poles, telephone and other telecommunication lines and facilities, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas.
 - 4.3. The location and size of existing and proposed culinary water and sanitary sewer lines and the location of all wells and springs, if any, and the location of all secondary water locations, as required by the City Engineer, as applicable, overlaid with the proposed subdivision layout plan.
 - 4.4. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.

- 4.5. The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed street lights.
- 4.6. The location of all existing and proposed street trees and other landscape plantings identifying the location and type of all street trees, shrubs and other landscape materials and plantings.
5. **Preliminary Grading Plan.** For all Subject Property of one (1) acre or larger, a preliminary grading plan shall be provided indicated by solid-line contours, using two (2) foot intervals, imposed on dashed line contours, also using two (2) foot intervals, of the existing topography for the entire Subject Property. For Subject Properties that have predominately-level, topography one (1) foot contour intervals may be required by the City Planner or City Engineer.
6. **Preliminary Erosion Control Plan.** When required by the Zoning Administrator or City Engineer, a Preliminary Erosion Control Plan shall be provided and included with the Permitted P-2 Application.
7. **Preliminary Easement Plan.** A Preliminary Easement Plan, identifying the location, size, and use of all existing and proposed easements.
8. **Evidence of Availability of Necessary Services.** The following information is required to be presented as part of the Conditional C-1 or C-2 Use Application, necessary to establish the availability of required services to the Subject Property.
 - 8.1. Culinary Water Requirements. As required and provided by the Act, the City Engineer is hereby designated as the Culinary Water Authority for the City. The City Engineer shall review the proposed culinary water system, and shall provide a written approval to the feasibility of the proposed culinary water system and all culinary water sources for the proposed subdivision to Commission. It shall be the responsibility of the Applicant to provide all information and materials, as required by the City Engineer, necessary to review and provide a written approval of the feasibility of the proposed culinary water system and culinary water sources.
 - 8.2.
 - 8.3. Sanitary Sewer Requirements. As required and provided by the Act, the City Engineer is hereby designated as the Sanitary Sewer Authority for the City. The City Engineer shall review the proposed sanitary sewer system and shall provide a written approval to the feasibility of the proposed sanitary sewer system for the proposed subdivision to the Commission. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Engineer necessary to review and provide a written approval of the feasibility of the proposed sanitary sewer system.

- 8.4. Roads and Streets. All proposed roads and streets shall be designed as required by the "Richfield City Public Works Standards." including the installation of all required curb, gutter, sidewalk, and other street improvements. The City Engineer shall review the proposed street and road designs for compliance with the requirements of the City and provide a written recommendation to the Commission. If the Subject Property will be accessed directly from a State Highway, an appropriate access permit, as required by the State of Utah Department of Transportation, shall be provided. If the Subject Property will be accessed directly from a County Road, an appropriate access permit, or other authorization, as required by Sevier County shall be provided. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Engineer, necessary to review and provide a written recommendation of the proposed road and street system and designs.
- 8.5. Storm Drainage and Flood Control Facilities. The Conditional C-1 or C-2 Use Application shall identify the storm drainage and flood control system. The proposed storm drainage and flood control system shall make provision for the continuation of existing facilities, as required by the Commission. All storm drainage and flood control system facilities shall be designed as required by the Richfield City Public Works Standards. The City Engineer shall review the proposed storm drainage and flood control system for compliance with the requirements of the City and shall provide a written recommendation to the Commission. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Engineer, necessary to review and provide a written recommendation of the proposed storm drainage and flood control system.
- 8.6. Fire Protection, Suppression, and Access Facilities. The Conditional C-1 or C-2 Use Application shall identify the proposed fire protection, fire suppression, and fire access facilities. Proposed fire protection, fire suppression, and fire access facilities shall make provision for the continuation of existing facilities, as required by the Commission. All subdivision fire protection, fire suppression, and fire access facilities shall be designed as required by the Richfield City Public Works Standards. The City Fire Marshall shall review the proposed fire protection, fire suppression, and fire access facilities for compliance with the requirements of the City and shall provide a written recommendation to the Commission. It shall be the responsibility of the Applicant to provide information and materials, as required by the City Fire Marshall, necessary to review and provide a written recommendation of the proposed fire protection, fire suppression, and fire access facilities.
- 8.7. Special Service District or Special Service Area. If the Subject Property is located within the boundaries of a Special Service District or a Special Service Area, a written recommendation from the governing board of such District or Area shall be provided with the Conditional C-1 or C-2 Use Application, which

recommendation may identify any potential impacts resulting from the proposed use.

9. **Building Plans.** Building plans and drawings shall be provided, as required, to meet the Building Codes, as adopted, and as may be applicable. The exterior elevations of every side of all proposed buildings and structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board including color chips and material samples.
10. **Construction Plans.** Information shall be provided identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.
11. A narrative, accompanied by necessary tables and other information, describing the proposed Conditional Use, to assist the Zoning Administrator, City Staff, Commission and Council in reviewing the Conditional Use Application identifying the following:
 - 11.1. A calculation, identifying all pervious and impervious areas.
 - 11.2. A description of all proposed uses and buildings, including the total site area and building square footage, by building.
 - 11.3. Projected traffic trips associated with the proposed Conditional Use.

Section 1508—Approval Standards for a Conditional C-1 Use Applications by the Commission and Conditional C-2 Use Applications by the Council:

The Commission for Conditional C-1 Use Applications and the Council for Conditional C-2 Use Applications shall review the Application and determine if the Application, from the materials presented by the Applicant, the proposed Conditional Use complies with the following:

1. The proposed use is an allowed Conditional C-1 Use or C-2 Use within the Zoning District.
2. The proposed Conditional C-1 Use or Conditional C-2 Use, and the accompanying site plan complies with all requirements of the Zoning District, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the Zoning District.
3. The proposed Conditional C-1 Use or Conditional C-2 Use complies with all site plan requirements, as may be applicable, as provided by Chapter 18, herein.

4. The proposed Conditional C-1 Use or Conditional C-2 Use complies with all applicable dedication requirements of the City and provides all necessary infrastructure, as required.
5. The proposed Conditional C-1 Use or Conditional C-2 Use meets, and will be conducted in compliance with all requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements.
6. The property on which the proposed Conditional C-1 Use or Conditional C-2 Use will be conducted is of adequate size to permit the conduct of the proposed use in a manner that will not be detrimental to adjoining and surrounding properties.

Section 1509—Reasonable Conditions Authorized for the Approval of a Conditional C-1 Use Application by the Commission or a Conditional C-2 Use Application by the Council:

As provided by the Act, a Conditional C-1 Use or Conditional C-2 Use Application shall be approved by the Commission or Council, as applicable, if reasonable conditions are proposed, or can be imposed by the Commission or Council, to mitigate the reasonably anticipated detrimental effects of the proposed Conditional Use in accordance with applicable standards. Such reasonable conditions and applicable standards may relate to the location, construction, maintenance, operation, site planning, building architecture, traffic management and control, hours of operation, and other items of the proposed Conditional Use, and deemed reasonable by the Commission or Council.

The Commission for Conditional C-1 Use Applications and the Council for Conditional C-2 Use Applications may impose reasonable conditions related to any of the following use, site planning, or building items, necessary to mitigate the reasonably anticipated detrimental effects of the proposed Conditional Use;

1. Size, configuration, and location and design of the site plan.
2. Site ingress and egress to existing and proposed roads and streets.
3. The provision of public facilities and amenities, including, but not limited to roads and streets, culinary water, sanitary sewer, storm drainage, public safety, fire protection, parks, and other infrastructure and services.
4. The location and amount of off-street parking and loading areas.
5. Site circulation pattern for vehicular and pedestrian traffic.
6. Building size and location, building design and exterior building features, building materials, building lighting, building colors, and other building architecture items.

7. The location and design of all site features, including proposed signage, lighting, and refuse collection.
8. The provision of useable open space, public features, and recreational amenities.
9. The provision of public access.
10. Fencing, screening and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts.
11. Measures directed at minimizing or eliminating potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
12. Measures designed to protect the natural features of the site, including but not limited to, wetlands and drainage ways, ground water protection, cut and fill limitations, wildlife habitat and historic and archeological site protection and other natural site features.
13. The regulation of operating hours for activities affecting normal schedules and functions.
14. Identifying a time for regular review and monitoring, as determined necessary, to ensure the Conditional Use continues to operate in compliance with all conditions of approval.
15. Such other reasonable conditions determined necessary to allow the operation of the proposed Conditional Use, at the proposed location in compliance with all requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable.

Section 1510—Required Findings for Approval or Denial of a Conditional C-1 Use Application by the Commission:

1. As required by the Act, if the Commission for Conditional C-1 Use Applications, or the Council for Conditional C-2 Use Applications finds that the proposed Conditional Use Application complies with all the requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, with or without reasonable conditions being proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Conditional Use, the Conditional Use shall be approved by the Commission or Council, as applicable. Following the approval of a Conditional C-1 Use or C-2 Use Application, by the Commission or Council, as applicable, with or without reasonable conditions, the Applicant may apply for other necessary approvals, licenses, or permits necessary to implement the Conditional Use Application approval.

2. As required by the Act, if the Commission for Conditional C-1 Use Applications, or the Council for Conditional C-2 Use Applications finds that 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 this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, the Conditional Use Application may be denied. If a Conditional C-1 Use or C-2 Use Application is denied, by the Commission or Council, as applicable, no other approvals, licenses, or permits shall be approved that are related to the proposed Conditional Use.

Section 1511—Effect of Approval of a Conditional C-1 Use or Conditional C-2 Use Application:

The approval of a Conditional C-1 Use Application by the Commission or a Conditional C-2 Use Application by the Council shall authorize the establishment of the approved Conditional Use, subject to all reasonable conditions of approval. Approval of a Conditional C-1 Use or a Conditional C-2 Use shall not be deemed an approval of any other application, license, or permit.

Section 1512—Appeal:

Any person aggrieved by a decision of the Commission regarding a Conditional C-1 Use Application, or a decision of the Council regarding a Conditional C-2 Use Application may appeal such decision as provided by Chapter 26 herein.

Section 1513— Revocation or Amendment of a Conditional C-1 or Conditional C-2 Use Application Approval:

A Conditional C-1 or C-2 Use Application approved in accordance with the provisions of this Chapter may be revoked by the Commission for a Conditional C-1 Use Application approval, or the Council for a Conditional C-2 Use Application approval if any of the requirements of approval are not met, or if the permit is used to violate any law or ordinance.

The Zoning Administrator shall notify the approved Conditional C-1 or C-2 Use holder by certified mail of any violation, or if a violation exists in any requirements of approval. If no attempt to correct the violation is made within ten (10) days after notification, the Conditional C-1 or C-2 Use approval may be revoked by the Commission for Conditional C-1 Use approvals, or the Council for C-2 Use approvals if any of the following apply;

1. One (1) or more of the conditions of approval have not been met.

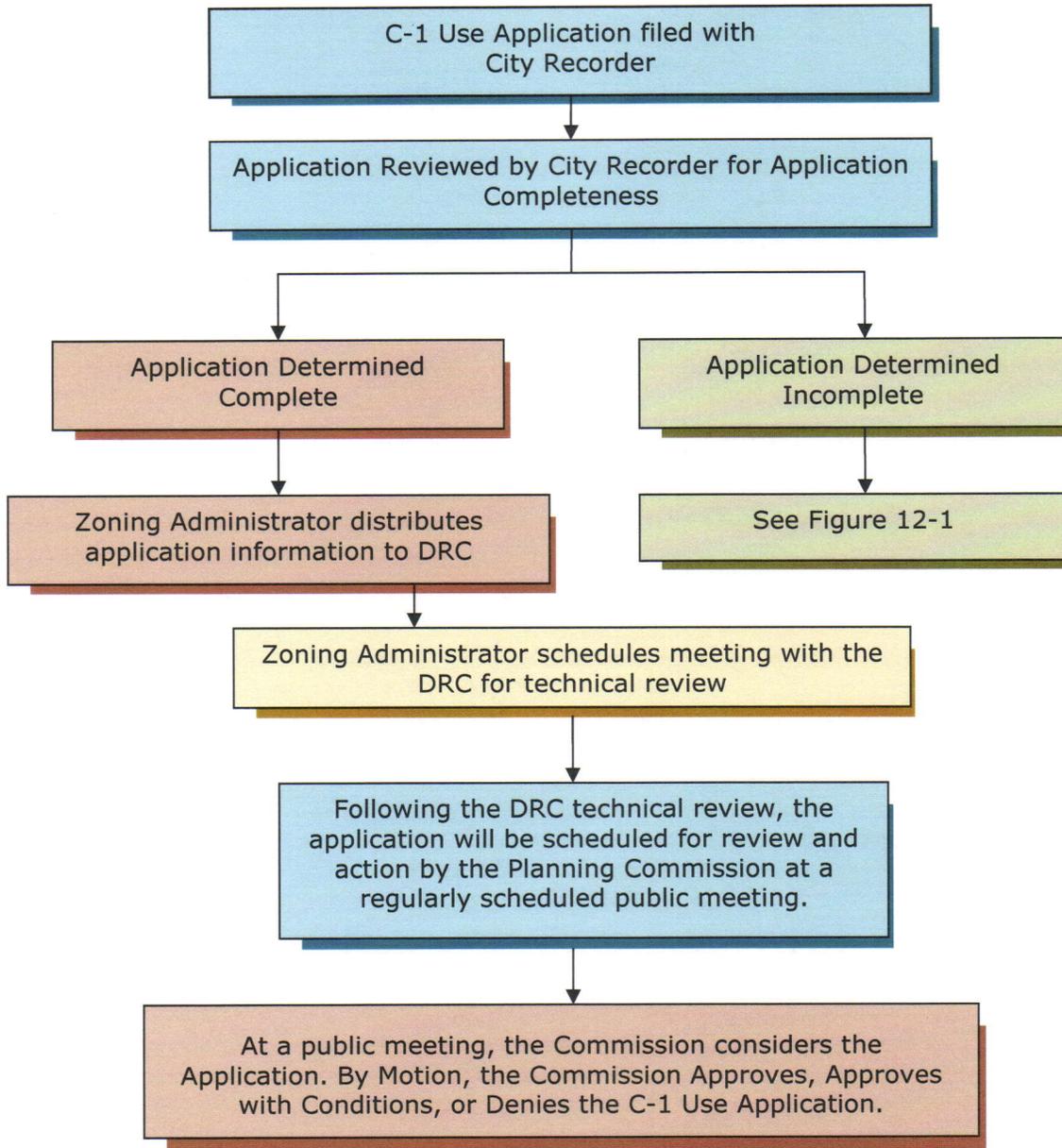
2. The approval was obtained in a fraudulent manner.
3. The use for which the approval was granted has now ceased for at least six (6) consecutive calendar months.
4. The permit is used to violate any law or ordinance.

No Conditional C-1 Use Application approval and no Conditional C-2 Use Application approval shall be amended. If an amendment to an approved Conditional C-1 Use or C-2 Use Application is required by the Applicant, a new Conditional C-1 Use Application or new Conditional C-2 Use Application shall be required to be filed in the Office of the Zoning Administrator and approved by the Commission or Council, as applicable, as provided and required by this Chapter.

Section 1514—Expiration:

As provided by the Act, the continuing validity of a Conditional C-1 Use or C-2 Use Application approval is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence. For the purposes of this Ordinance, and this requirement, the approval of a Conditional C-1 Use or C-2 Use Application shall be effective for a period of one hundred eighty (180) calendar days, at the end of which time the Applicant shall have proceeded to implement the Conditional C-1 Use or C-2 Use Application approval. If the Conditional C-1 Use or C-2 Use Application approval is not commenced within one hundred eighty (180) calendar days from the date of approval by the Commission or Council, as applicable, the Conditional C-1 Use or C-2 Use Application approval shall expire and shall be rendered void.

Figure 15-1
Conditional C-1 Use Application Procedures



**Figure 15-2
Conditional C-2 Use Application Procedures**

