

Section 1401—Purpose:

The following provisions are provided to allow the review of those uses that are identified as a Permitted Use (identified herein as either “P-1” or P-2 Uses) in the Table of Uses, Chapter 31, herein. The nature and proposed location of a Permitted Use may be such that certain use and location requirements may be necessary to protect adjacent properties and the general health, safety, and welfare of the City.

Section 1402—Authority:

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

Section 1403—Initiation:

All requests to establish a P-1 or P-2 Use shall be initiated by filing a Permitted P-1 or P-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 Permitted P-1 or P-2 Use Application for review and decision by the Zoning Administrator or Commission, as applicable. An agent of the property owner, or a lessee of the property, may present a Permitted P-1 or P-2 Use Application to the Zoning Administrator or Commission, as applicable, for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

Section 1404—Allowed Permitted Uses:

1. Uses identified as a Permitted P-1 Use, identified as a P-1 Use in the Table of Uses, Chapter 30, herein, may be approved by the Zoning Administrator, with or without

requirements, with findings that the Permitted P-1 Use will be conducted in compliance with all requirements of this Chapter and Ordinance.

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

Section 1405—Application Requirements – Determination of Application Completeness Required:

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

Section 1406—Review and Approval Procedures – P-1 and P-2 Use Applications:

1. The procedures for the review and consideration of a Permitted P-1 Use Application are identified by Figure 14-1 herein.
2. The procedures for the review and consideration of a Permitted P-2 Use Application are identified by Figure 14-2 herein.
3. As provided by Section 1402, the Zoning Administrator is identified as the Land Use Authority for Permitted P-1 Use Applications and is authorized by this Chapter to render a decision for a Permitted P-1 Use Application, with findings.
4. As provided by Section 1402, the Commission is identified as the Land Use Authority for Permitted P-2 Use Applications and is authorized by this Chapter to render a decision for a Permitted P-2 Use Application, with findings.
5. The Zoning Administrator for Permitted P-1 Use Applications, and the Commission for Permitted P-2 Use Applications, may approve, approve with requirements, or deny a Permitted P-1 or Permitted P-2 Use Application, as applicable, with findings of compliance or non-compliance with this Ordinance, and other Land Use Ordinances and requirements, as applicable.

Section 1407—Permitted P-1 Use Application Requirements:

All Permitted P-1 Use Applications shall include and provide the following information:

1. A complete Permitted P-1 Use Application, available from the Office of the City Recorder.
2. Permitted P-1 Use Application Fees. The Permitted P-1 Use Application shall include the payment of all Permitted P-1 Use Application fees, as established by the Council.
3. Two (2) 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;
4. The location and dimension of the property boundaries and all proposed uses, buildings and structures, and all existing buildings or structures located on the property.
 - 4.1. 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.
 - 4.2. 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.
 - 4.3. The location and dimension of all existing and proposed ingress and egress points and off-street parking and loading areas.
 - 4.4. 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.
 - 4.5. The location of all existing or proposed fences and walls, identifying height and fencing materials.
 - 4.6. 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.

Section 1408—Approval Standards for a P-1 Use Application by the Zoning Administrator:

The Zoning Administrator shall review the Permitted P-1 Use Application and determine, from the materials presented by the Applicant, the proposed Permitted P-1 Use complies with the following:

1. The proposed use is an allowed Permitted P-1 Use within the Zoning District.
2. The proposed Permitted P-1 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 heights, and all other requirements applicable in the Zoning District.
3. Complies with all site plan requirements as may be applicable, as provided by Chapter 18, herein.
4. Complies with all applicable dedication requirements of the City and provides all necessary infrastructure, as required.

Section 1409—Required Findings for Approval or Denial of a Permitted P-1 Use Application by the Zoning Administrator:

1. If the Zoning Administrator finds that the Permitted P-1 Use Application complies with all the requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, the Permitted P-1 Use Application shall be approved, with or without use and/or site plan requirements necessary to comply with this Ordinance, and all other Land Use Ordinances and requirements, as applicable. Following the approval of a Permitted P-1 Use Application by the Zoning Administrator, with or without requirements, a Building Permit Application may be reviewed and a Building Permit issued if such Building Permit Application is found to comply with the Building Codes, as adopted.
2. If the Zoning Administrator finds that the Permitted P-1 Use Application does not comply with all the requirements of this Ordinance as adopted, and all other Land Use Ordinances and requirements, as applicable, the Permitted P-1 Use Application shall be denied and no approval, permit, or license shall be issued by the Zoning Administrator, or other City Official, including a Building Permit.

Section 1410—Permitted P-2 Use Application Requirements:

All Permitted P-2 Use Applications shall include and provide the following information:

1. A complete Permitted P-2 Use Application, available from the Office of the City Recorder.

2. Permitted P-2 Use Application Fees. The Permitted P-2 Use Application shall include the payment of all Permitted P-2 Use Application fees, as established by the Council.
3. Ten (10) 11 inch x 17 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, and prepared by a licensed architect or engineer, 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 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. Proposed storm drainage and flood control system including proposed pipe sizes, inlets, detention areas, and drainage arrows.

- 4.5. The location of all existing and proposed fire hydrants, including the sizes of all existing and proposed water lines serving all fire hydrants.
- 4.6. The location of all existing and proposed streetlights identifying the location, type, height, and light output of all existing and proposed street lights.
- 4.7. 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 Permitted P-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. 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.

- 8.3. 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.
- 8.4. Storm Drainage and Flood Control Facilities. The Permitted P-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.
- 8.5. Fire Protection, Suppression, and Access Facilities. The Permitted P-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.
- 8.6. 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 Permitted P-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. **Additional Plans and Drawings.** When required, additional plans and drawings necessary to demonstrate the proposed use meets the Building Codes, as adopted, and as may be applicable.

Section 1411—Approval Standards for a P-2 Use Application by the Commission:

The Commission shall review the Permitted P-2 Use Application and determine if the Application, from the materials presented by the Applicant, the proposed Permitted P-2 Use complies with the following:

1. The proposed use is an allowed Permitted P-2 Use within the Zoning District.
2. The proposed Permitted P-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. Complies with all site plan requirements as may be applicable, as provided by Chapter 18, herein.
4. Complies with all applicable dedication requirements of the City and provides all necessary infrastructure, as required.

Section 1412—Required Findings for Approval or Denial of a Permitted P-2 Use Application by the Commission:

1. If the Commission finds that the Permitted P-2 Use Application complies with all the requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, the Permitted P-2 Use Application shall be approved, with or without use and/or site plan requirements necessary to comply with this Ordinance, and all other Land Use Ordinances and requirements, as applicable. Following the approval of a Permitted P-2 Use Application by the Commission, with

or without requirements, a Building Permit Application may be reviewed and a Building Permit issued if such Building Permit Application is found to comply with the Building Codes, as adopted.

2. If the Commission finds that the Permitted P-2 Use Application does not comply with all the requirements of this Ordinance, and all other Land Use Ordinances and requirements, as applicable, the Permitted P-2 Use Application shall be denied and no approval, permit, or license shall be issued by the Commission, or other City Official, including a Building Permit.

Section 1413— Effect of Approval of a Permitted P-1 or P-2 Use Application:

The approval of a Permitted P-1 Use or Permitted P-2 Use Application by the Zoning Administrator or Commission, as applicable, shall authorize the establishment of the approved Permitted Use, subject to any requirements of approval. The approval of a Permitted P-1 Use or a Permitted P-2 Use shall not be deemed an approval of any other application, permit, or license.

Section 1414—Appeal:

Any person aggrieved by a decision of the Zoning Administrator regarding a Permitted P-1 Use Application, or a decision of the Commission regarding a Permitted P-2 Use Application may appeal such decision as provided by Chapter 26 herein.

Section 1415—Revocation or Amendment of a Permitted P-1 or P-2 Use Application Approval:

1. A Permitted P-1 or P-2 Use Application approved in accordance with the provisions of this Chapter may be revoked by the Zoning Administrator for a Permitted P-1 Use Application approval, or the Commission for a Permitted P-2 Use Application approval if any of the following apply;
 - 1.1. One (1) or more of the requirements of approval have not been met.
 - 1.2. The approval was obtained in a fraudulent manner.
 - 1.3. The use for which the approval was granted has now ceased for at least six (6) consecutive calendar months.
 - 1.4. The permit is used to violate any law or ordinance.
2. The Zoning Administrator shall notify the approved Permitted P-1 or P-2 Use holder by certified mail of any violation of approval. If no attempt to correct the violation is made within ten (10) calendar days after notification, the Permitted P-1 or P-2 Use

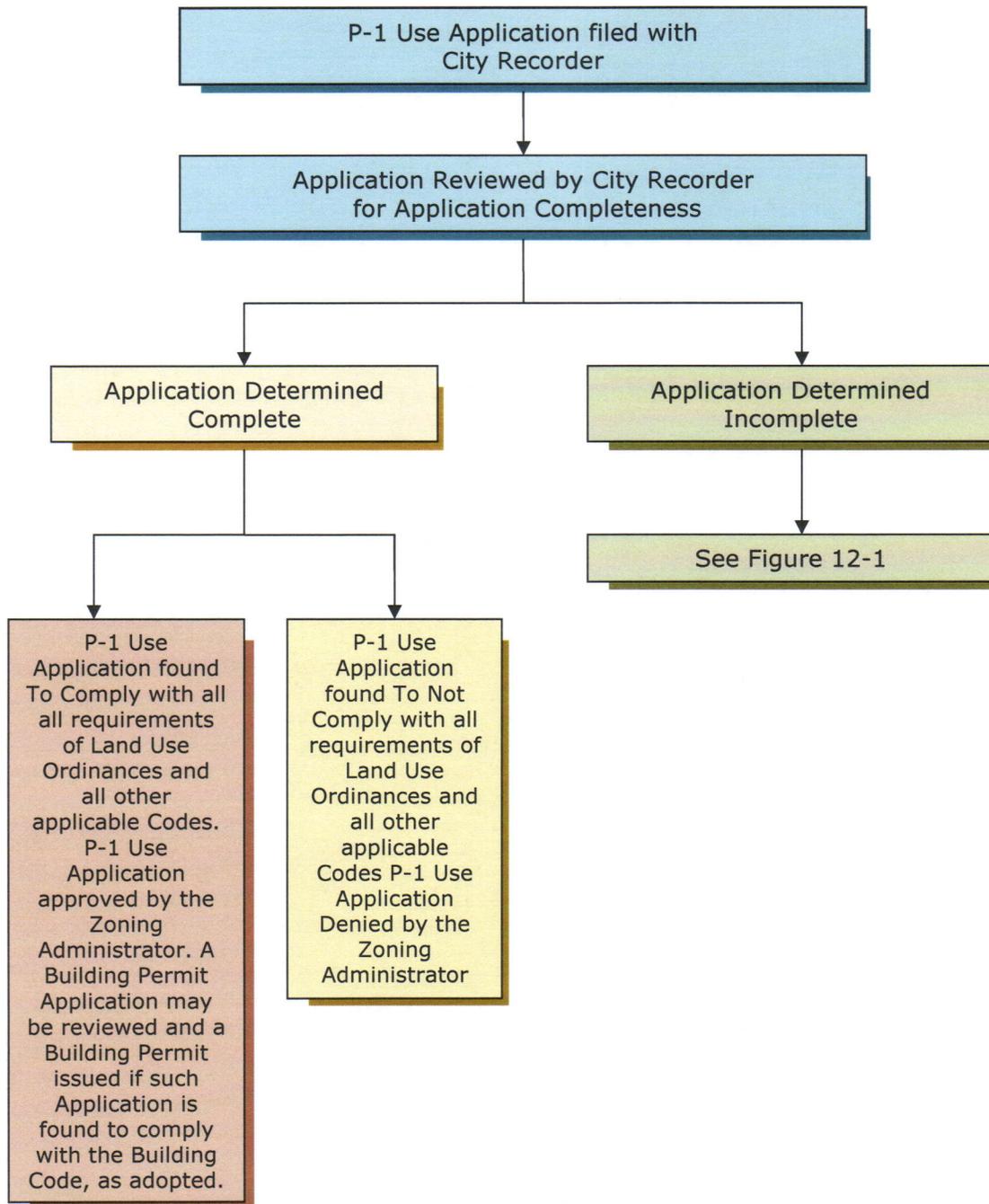
approval may be revoked by the Zoning Administrator for Permitted P-1 Use approvals, or the Commission for P-2 Use approvals.

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

Section 1416—Expiration:

As provided by the Act, the continuing validity of a Permitted P-1 Use or P-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 Permitted P-1 Use or P-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 Permitted P-1 Use or P-2 Use Application approval. If the Permitted P-1 Use or P-2 Use Application approval is not commenced within one hundred eighty (180) calendar days from the date of approval by the Zoning Administrator or Commission, as applicable, the Permitted P-1 Use or P-2 Use Application approval shall expire and shall be rendered void.

Figure 14-1
Permitted P-1 Use Application Procedures



**Figure 14-2
Permitted P-2 Use Application Procedures**

