

CHAPTER 22-C

**CONDITIONAL USES**

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**22C-1. Purpose and Intent**

The purpose of this chapter is to establish standards for land uses listed in each zone as a conditional use, and to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional".

The purpose and intent of Conditional Uses is to allow in certain areas, compatible integration of such uses as special exceptions but which are related to the permitted uses of the a zone, but which may be suitable and desirable only in certain locations in that particular zone due to conditions and circumstances peculiar to that location and/or only if such uses as designed, laid out and constructed on the proposed site in a particular manner. are generally related to permitted uses, but due to their unique characteristics or potential impacts on surrounding uses or the goals of the general plan may be appropriate only in certain locations and/or under specific conditions that mitigate potential impacts. If impacts cannot be mitigated, the conditional use may not be compatible in some areas. Conditional uses are intended to allow greater flexibility by providing a wider variety of uses in a zone, while at the same time allowing conditions to be applied, if conditions of mitigation or elimination of detrimental impacts would make the use compatible with surrounding development.

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**22C-2. Conditional Use Permit**

A Conditional Use Permit shall be required for all uses listed as a Conditional Uses in the Zone regulations Weber County Zoning Ordinance. The conditional use permit shall list all requirements determined appropriate to mitigate the impacts created by the use in order to make it acceptable at the specific location.

In the event a change is proposed from the conditions of the original approval, an amendment to the original conditional use permit shall be required. A conditional use permit shall run with the property, unless the permit has expired or has been revoked.

A Conditional Use Permit may be revoked by the County Commission after review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit.

~~1. Applications for a Conditional Use Permit shall be made submitted to the Planning Commission Division.~~

- ~~1. An application shall include:
  - ~~A. a completed application form, by the property owner or certified agent in writing upon the form(s) as designated by the Planning Director.~~
  - ~~B. an application fee for any conditional use permit shall be paid. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.~~
  - ~~C. a narrative addressing the Criteria of Issuance 22C-5,~~
  - ~~D. detailed location map,~~
  - ~~E. detailed building plans and site plans specifications shall be drawn to scale including electronic copies showing details and other applicable zoning requirements as which are outlined in Chapter 36 "Design Review" and Chapter 18C "Ogden Valley Architectural, Landscape and Screening Standards".~~
  - ~~F. Accompanying documents including water and waste water feasibility letters.~~
  - ~~G. Any additional pertinent information needed to adequately describe the proposal.~~
  - ~~H. A requirement that the applicant submit applicable impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.~~
  - ~~I. For those applications where no changes are proposed to an existing structure, the application requirements may be modified by the Planning Director.~~~~

~~2. A site plan showing details and other requirements as outlined in Chapter 36 "Design Review" shall accompany the completed application forms provided by the County~~

~~2. Application review:~~

~~A. The application review procedure for proposed conditional uses and the site plan will insure compliance with all applicable ordinances and mitigation of anticipated detrimental effects.~~

~~B. The application review procedure shall contain the following components:~~

- ~~1. A pre-application meeting, in which preliminary site plans are reviewed and discussed prior to finished plans being submitted for review;~~
- ~~2. A review of the application for completeness;~~
- ~~3. Referral of the application to all referral agencies;~~
- ~~4. A review of the proposed site plan for compliance with applicable sections of the zoning ordinance;~~
- ~~5. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.~~

~~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 may call a special public hearing on any application after adequate notice if it is deemed in the public interest.~~

~~5. This line was deleted as per Ord. #2002-20~~

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~~**22C-4. Determination**~~

~~The Planning Commission may deny or permit a Conditional Use to be located within any zone in which the particular Conditional Use is permitted by the use regulations of that zone. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.~~

~~**22C-5 4. Basis Criteria for Issuance of Conditional Use Permit**~~

~~Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:~~

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- ~~1. 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~~
  - ~~2. 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 complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs, and~~
1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.
- ~~3. That the proposed use will comply with the regulations and conditions specified in this the Zoning Ordinance and other applicable agency standards for such use, and~~
- ~~4. That the proposed use conforms to the goals, policies and governing principles and land use of the General Plan for Weber County.~~
- ~~5. That the proposed use will not lead to the deterioration of the environment or ecology of the general area, nor, nor will the use produce conditions or emit pollutants such as odor, vibration, light, dust, heat, smoke, or noise. Nor shall there be conditions or pollutants of such a type or be of such a quantity so as to detrimentally effect, to any appreciable degree, the public and or private properties including the operation of existing uses thereon, in the immediate vicinity of the community or the area as a whole, including the operation of existing uses thereon.~~
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### **22C-6 5. Appeal and Revocation**

The decision of the Planning Commission may be appealed to the County Commission by filing such appeal within 15 days after the date of the written decision of the Planning Commission.

The County Commission 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 County Commission shall be final.

A Conditional Use Permit may be revoked by the Planning Commission upon failure to comply with the conditional use permit.

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### **22C-7 6. Building Permit and Improvement Guarantee**

Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required letters and/or permits from the appropriate review agencies. Following the issuance of a Conditional Use Permit, the Building Official shall approve an application for a building permit and shall insure that development is undertaken and completed in compliance with said permits and conditions pertaining thereto. 2002-20

Prior to the issuance of a Certificate of Occupancy Permit, the developer shall provide a financial guarantee to Weber County, for the completion of any uncompleted improvements or conditions of approval, by requiring the posting of a bank issued letter of credit or escrow. The developer shall deposit funds into an escrow account with the Weber County Engineering Division for all offsite improvements and on site landscaping as per the approved site plan, in the event that a Certificate of Occupancy Permit or Business License is not required. 21-83, 2002-20

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### **22C-8 7. Expiration**

Unless there is substantial action under a ~~C~~conditional ~~U~~use permit within a maximum period of one (1) year of its

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issuance, the ~~C~~onditional ~~U~~se ~~P~~ermit shall expire. The Planning Commission may grant a maximum extension of six (6) months ~~under exceptional circumstances~~. Upon expiration of any extension of time granted by the Planning Commission, ~~or failure to complete all conditions and requirements of the Conditional Use Permit within an eighteen (18) month period of time~~, the approval for the ~~C~~onditional ~~U~~se ~~P~~ermit shall expire and become null and void.

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### **22C-9 8. Discontinued Use**

When an approved ~~C~~onditional ~~U~~se has been discontinued and/or abandoned for a period of one (1) year, the ~~C~~onditional ~~U~~se ~~P~~ermit becomes null and void. In order to restore the ~~C~~onditional ~~U~~se, a new application shall be filed for review and consideration by the Planning Commission.

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