

**ORDINANCE NO. 2015-11**

**AN ORDINANCE AMENDING THE VERNAL CITY MUNICIPAL CODE, CHAPTER 16.14 - CONDITIONAL USES.**

**WHEREAS**, the City Council finds that the regulation of certain uses within zones is necessary for orderly growth and conduct of business within the City, and;

**WHEREAS**, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City Code, and;

**WHEREAS**, the City Council has received input from the public at large in duly noticed open meetings, and has considered and discussed the advantages and disadvantages of such regulation.

**BE IT ORDAINED BY THE CITY COUNCIL OF VERNAL CITY, UTAH AS FOLLOWS:**

**Section 1. Chapter 16.14 is hereby amended to read as follows**

**16.14 CONDITIONAL USES**

**Section 2. Section 16.14.010 is hereby amended to read as follows**

**16.14.010 Purpose.**

~~A.~~ The purpose of conditional uses is to allow in 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 certain locations in that zone due to conditions and circumstances peculiar to that location, and/or upon certain conditions which make the uses suitable, and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner.

~~B. A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations. A conditional use permit may be revoked by the Planning Commission upon failure to comply with the conditions imposed with the original approval of the permit.~~

~~C. Application:~~

- ~~1. Application for a conditional use permit shall be made to the Planning Commission.~~
- ~~2. Detailed location, site and building plans shall accompany the completed application form provided by the City. For structures in existence, only a location plan needs to be provided.~~
- ~~3. A written description of the proposed use shall be provided.~~
- ~~4. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.~~
- ~~5. The Planning Commission shall take action on the application by the second regularly scheduled meeting of the Planning Commission after the application filing date.~~

~~D. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in~~

~~accordance with applicable standards. 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.~~

~~E. The Planning Commission shall consider factors specified for each conditional use elsewhere in this title, as well as the following, when reviewing all applications for a conditional use permit:~~

- ~~1. The impact of the use on the adjoining uses and public infrastructure; and,~~
- ~~2. The impact of the use on the health, safety and welfare of the community; and,~~
- ~~3. The ability of the use, as proposed, to operate in compliance with Vernal City Code; and,~~
- ~~4. How the use relates to the Vernal City general plan~~

~~F. The decision of the Planning Commission may be appealed by filing such appeal within fourteen (14) calendar days after the date of notice of decision is sent to the applicant. An appeal shall be applied for within the specified time at the Vernal City offices using a form provided by Vernal City with all applicable fees paid. Appeals shall be heard by the Appeals and Variances Hearing Officer.~~

~~G. Unless there is substantial action toward implementing the conditional use permit within a period of one (1) year of the date of its issuance, the conditional use permit shall expire. The Planning Commission may grant one (1) extension period of one (1) year. If the conditional use permit expires due to inaction, the applicant must reapply for a permit and pay all associated fees. (PZSC § 03-06-001)~~

### **Section 3. Section 16.14.020 is hereby amended to read as follows**

#### **16.14.020 Permit required.**

A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations. A conditional use permit may be revoked by the City Council after review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit. (PZSC § 03-06-002)

### **Section 4. Section 16.14.030 is hereby amended to read as follows**

#### **16.14.030 Permit application.**

- ~~A. Application for a conditional use permit shall be made to the Planning Commission.~~
- ~~B. Detailed location, site and building plans shall accompany the completed application form provided by the City. For structures in existence, only a location plan need be provided.~~
- ~~C. The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.~~
- ~~D. The Planning Commission shall call a public hearing on any application for a conditional use permit. The time and place of such hearing shall be published in a newspaper of general circulation in the City and posted on the City's web site. Written notices shall be mailed to each property owner within three hundred (300) feet of the property being considered for a conditional use. The timing of the delivery and posting of the notices shall be in accordance with state code. Such notices shall state the purpose of the hearing, address of property requesting conditional use, the type of use being considered, and the date, time and location of the hearing. The Planning Commission shall take action on the application by the second regular meeting of~~

~~the Planning Commission after the application filing date. A record of the hearing, together with a recommendation for the denial or issuance of the conditional use permit, with conditions of approval or reasons for denial shall be forwarded to the City Council.~~

~~A. Application for a conditional use permit shall be made to the Planning Commission.~~

~~B. Detailed location, site and building plans shall accompany the completed application form provided by the City. For structures in existence, only a location plan needs to be provided.~~

~~C. A written description of the proposed use shall be provided.~~

~~D. The application, together with all pertinent information, shall be considered by the Planning Commission at the next regularly scheduled meeting at least ten (10) days after the application is received and deemed complete. The Planning Commission shall take action on the application no later than the following regularly scheduled meeting after its first consideration.~~

(PZSC § 03-06-003)

**Section 5. Section 16.14.040 is hereby amended to read as follows**

**16.14.040 Determination for approval of conditional use.**

~~— The Planning Commission may deny or permit a conditional use to be located within any zone in which the particular conditional use is permitted. 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.~~

~~A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. 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.~~ (PZSC § 03-06-004)

**Section 6. Section 16.14.050 is hereby amended to read as follows**

**16.14.050 Permit basis for issuance.**

~~— The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish that:~~

~~— A. 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. 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~~

~~— C. The proposed use will comply with the regulations and conditions specified in this title for such use; and~~

~~— D. The proposed use conforms to the goals, policies and governing principles and land use of the City master plan; and~~

~~— E. 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 an 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.~~

~~The Planning Commission shall consider factors specified for each conditional use elsewhere in this title, as well as the following, when reviewing all applications for a conditional use permit:~~

~~A. The impact of the use on the adjoining uses and public infrastructure; and,~~

~~B. The impact of the use on the health, safety and welfare of the community; and,~~

~~C. The ability of the use, as proposed, to operate in compliance with Vernal City Code; and,~~

~~D. How the use relates to the Vernal City general plan~~

(PZSC § 03-06-005)

**Section 7. Section 16.14.060 is hereby amended to read as follows**

**16.14.060 Appeal.**

~~The decision of the Planning Commission may be appealed to the City Council by filing such appeal within fourteen (14) days after the date of notice of decision is sent to the applicant. 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.~~ ~~by filing such appeal within fourteen (14) calendar days after the date of notice of decision is sent to the applicant. An appeal shall be applied for within the specified time at the Vernal City offices using a form provided by Vernal City with all applicable fees paid. Appeals shall be heard by the Appeals and Variances Hearing Officer.~~ (PZSC § 03-06-006)

**Section 8. Section 16.14.070 is hereby amended to read as follows**

**16.14.070 Conditional use expiration.**

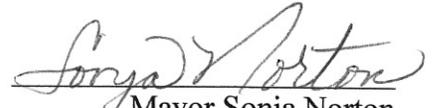
~~Upon receipt of a conditional use permit, the developer shall take such permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Official may approve an application for a building permit and shall ensure that development is undertaken and completed in compliance with the conditional use permit and conditions pertaining thereto.~~

~~Unless there is substantial action toward implementing the conditional use permit within a period of one (1) year of the date of its issuance, the conditional use permit shall expire. The Planning Commission may grant one (1) extension period of one (1) year. If the conditional use permit expires due to inaction, the applicant must reapply for a permit and pay all associated fees.~~ (PZSC § 03-06-007)

**SECTION A. REPEALER.** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code are hereby repealed.

**SECTION B. SEVERABILITY.** The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

**SECTION C. EFFECTIVE DATE.** This ordinance shall take effect the day after publication the 22nd day of July, 2015.

  
Mayor Sonja Norton

ATTEST:

  
Kenneth L. Bassett, City Recorder



Date of Publication: July 21, 2015