

1 13.06.040: **PUBLIC NOTICE:**

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3 A. In General:

4 1. The city shall provide notice of any public hearing or meeting required for consideration of  
5 a land use application under this title.

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7 2. The agenda of any public hearing or public meeting required for consideration of a land  
8 use application under this title shall be posted at least twenty four (24) hours in advance of the  
9 public meeting:

10 a. In three (3) public places within the city;

11 b. On the city's internet website; and

12 c. On the Utah public notice website created under Utah Code Annotated section  
13 63F-1-701, as amended.

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15 3. Any additional notices as set forth in this chapter for a particular land use application shall  
16 be provided by the city as per this section.

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21 B. Applicant Notice:

22 1. For a land use application, the city shall:

23 a. Notify the applicant of the date, time, and place of the public hearing or meeting  
24 to consider the application;

25 b. Provide to the applicant a copy of the staff report regarding the applicant or the  
26 pending application at least three (3) business days before the public hearing or meeting;  
27 and

28 c. Notify the applicant in writing of any final action on a pending application.

29 2. If the city fails to comply with the requirements of subsection B1a or B1b of this section,  
30 or both, an applicant may waive the failure so that the application may stay on the public hearing  
31 or public meeting agenda and be considered as if the requirements had been met.

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38 C. Intent to Prepare General Plan Amendment:

39 1. Prior to the first work meeting of any subcommittee, task force, joint council/planning  
40 commission or other similar planning session regarding a proposed general plan or a general  
41 plan amendment, the city shall give ten (10) calendar days' notice of its intent, by mail to the  
42 following:

43 a. To all affected entities;

44 b. To the Automated Geographic Reference Center;

45 c. To the Wasatch Front regional council; and

46 d. On the Utah public notice website.

47 2. Notice under subsection C1 of this section shall:

48 a. Include a written description of the proposed amendment;

- b. Include a map or description of the geographic area that will be affected by the general plan amendment;
- c. Invite submission of information for the city to consider in the process of preparing, adopting, and implementing a general plan amendment concerning impacts that the use of land in the proposed general plan amendment may have;
- d. Include the address of the city's internet website, and the name and telephone number of a source from which more information can be obtained concerning the city's proposed general plan amendment.

D. Public Hearings for Legislative Procedures:

1. The city shall give notice of the date, time, and place of the first public hearing to consider the following legislative applications:

- a. The adoption of a general plan or general plan amendment;
- b. The adoption of a land use ordinance or text amendment to the adopted land use ordinance;
- c. The adoption of a zoning map or amendment to the adopted zone map; or
- d. Acceptance of a final plat or amended final plat which includes the creation, amendment or vacation of a public street.

2. At least ten (10) calendar days before the first public hearing, the notice required under subsection D1 of this section shall be:

- a. Mailed to all affected entities;
- b. Published in a newspaper of general circulation in the area;
- c. Posted on the city's official website; and
- d. Mailed to the record owner of:
  - (1) Land directly affected by the proposed general plan amendment and/or rezone;
  - (2) All lots within five hundred feet (500') of the subject property; and
- e. As required by subsections A and B of this section.

3. At least ten (10) calendar days before any subsequent public hearing on a legislative land use application as required under subsection D1 of this section, notice shall be given:

- a. As required by subsections A and B of this section, and
- b. Mailed to the record owner of:
  - (1) Land directly affected by the proposed general plan amendment and/or rezone;
  - (2) All lots within five hundred feet (500') of the subject property.

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2 E. Public Hearings For Administrative Or Quasi-Judicial Procedures: Before a public hearing or  
3 public meeting regarding an administrative or quasi-judicial land use application as required by  
4 ~~section 13.06.030 of this chapter~~ Chapters 13.08 and 13.09 of this title, the city shall provide  
5 notice of the date, time and place of the public hearing as required by subsections A and B of  
6 this section, and at least ten (10) calendar days prior to the meeting, the notice shall be mailed to  
7 the record owner of:  
8  
9 1. Land directly affected by the proposed land use application; and  
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11 2. All lots within five hundred feet (500') of the subject property.  
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13 F. Public Meetings:  
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15 1. The city shall provide notice of the date, time and place of the public meeting at which a  
16 land use application is to be considered by posting the agenda of the meeting twenty four (24)  
17 hours prior to the meeting:  
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19 a. On the city's internet website;  
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21 b. On the Utah public notice website; and  
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23 c. Physically posted in at least three (3) public locations within the city.  
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25 G. Notice Challenge: If notice given under the authority of this section is not challenged within thirty  
26 (30) days after the meeting or action for which notice is given, the notice is considered adequate  
27 and proper.

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2 Chapter 13.07: **DEVELOPMENT REVIEW AND APPROVAL FOR LEGISLATIVE PROCEDURES**  
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5 13.07.020: **GENERAL PLAN:**  
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7 F. Review Procedure:  
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9 1. When the application is determined to be complete, the community development director shall  
10 forward the application to the technical review committee for its review and recommendation.  
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12 2. Upon receipt of a recommendation from the technical review committee, the community  
13 development director shall forward the application to the planning commission for its review and  
14 recommendation.  
15

16 a. The planning commission shall send notice and hold a public hearing on the  
17 proposed amendment as per Section 13.06.040 of this title.  
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19 b. After the public hearing, the planning commission may modify the proposed  
20 amendment and shall forward the proposed amendment with their recommendation to the  
21 city council.  
22

23 3. Following receipt of the planning commission recommendation, the city council shall hold  
24 a public hearing on the proposed amendment as per subsection 13.06.040 D3 of this title.  
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26 4. The city council shall act on the application as provided in subsection G of this section.  
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29 13.07.030: **TEXT AND ZONING MAP AMENDMENT**  
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31 F. Review Procedure:  
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33 1. After the application for a text or zoning map amendment is complete, the community  
34 development director shall forward the application to the technical review committee for its  
35 review and recommendation.  
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37 2. Upon receipt of a recommendation from the technical review committee, the community  
38 development director shall forward the application to the planning commission for its review and  
39 recommendation.  
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41 a. The planning commission shall hold a public hearing on the proposed amendment.  
42 Notice of the public hearing shall be given as required by section 13.06.040 D of this title.  
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44 b. After the public hearing, the planning commission may modify the proposed  
45 amendment and shall thereafter forward the proposed amendment with a recommendation to the  
46 city council.  
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48 3. Following receipt of the planning commission recommendation, the city council shall hold  
49 a public hearing on the proposed amendment. Notice of the public hearing shall be given as  
50 required in section 13.06.040 D of this title.

1 Chapter 13.08: **DEVELOPMENT REVIEW AND APPROVAL FOR ADMINISTRATIVE PROCEDURES**

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3 13.08.010: THREE-STEP REVIEW:  
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- 5 A. Relevant Applications: The following land use applications as required by this chapter shall be  
6 submitted and reviewed in three (3) steps:  
7 1. Subdivisions,  
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9 2. Amendments to recorded subdivisions,  
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11 3. Site plans, and  
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13 4. Planned unit developments.  
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- 15 B. Approval Process: The requirements associated with each step shall be reviewed by the  
16 community development director and the technical review committee before an application and  
17 recommendations are forwarded to, and considered by, the appropriate land use authority. The  
18 necessity of submitting revised and additional information, documents, and/or drawings shall be  
19 determined by the land use authority or by the community development director with advice from  
20 the technical review committee. The steps in the approval process are as follows:  
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22 1. Step 1: Conceptual (public hearing required),  
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24 2. Step 2: Preliminary, and  
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26 3. Step 3: Final.  
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- 28 C. Conceptual Review and Approval:  
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30 1. The community development director shall review the application for compliance with  
31 applicable regulations. The community development director shall notify the developer of the  
32 staff recommendation of approval or denial (for noncompliance) of the application review findings  
33 and comments, and the need for other information that may assist the technical review  
34 committee to make its recommendation to the planning commission.  
35  
36 2. When the community development director determines, after review of the application,  
37 that one or more of the application requirements and procedural steps are not applicable to the  
38  
39 3. The applicant shall address identified items and resubmit the information to the  
40 community development director.  
41  
42 4. When the community development director determines the application is complete, the  
43 application shall be forwarded to the technical review committee for review and recommendation.  
44  
45 5. The community development director shall notify the developer of the recommendation of  
46 the technical review committee approval or denial (for noncompliance) of the application and the  
47 need for other information that may assist the technical review committee to make its  
48 recommendation to the planning commission.  
49  
50 6. Upon recommendation from the technical review committee, the community development  
51 director shall forward the application to the planning commission.  
52  
53 7. The planning commission shall hold a public hearing as per chapter 13.06 of this title.  
54 Notice of the public hearing shall be given as required by section 13.06.040 E of this title. After  
55 review of the application, the planning commission shall:  
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- a. Approve the application, with or without additional requirements or conditions,
- b. Continue review of the application pending further investigation, or
- c. Deny the application.

8. A conceptual decision by the planning commission does not carry appealable entitlement under the provisions of this title; instead, the planning commission's decision shall provide guidance for compliance with the requirements of this title and direction prior to a submission for preliminary approval.

9. Except as provided in subsection F of this section, the applicant may apply for preliminary approval only after conceptual approval is granted. Conceptual plan approval shall be valid for one year from the date on which the conceptual plan was approved. Resubmission of the conceptual plan may be required by the planning commission prior to filing an application for preliminary approval.

- D. Preliminary Review and Approval: *(no changes)*
- E. Final Review and Approval: *(no changes)*
- F. Concurrent Review: *(no changes)*

1 Chapter 13.10: **SUBDIVISIONS**

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3 13.10.060: **NOTICING REQUIREMENTS:**

- 4  
5 A. Conceptual Review: For conceptual plat review of a subdivision the city shall notify the applicant  
6 and any third party of the date, time and place of the public hearing as outlined in chapter 13.06  
7 of this title.  
8  
9 B. Preliminary Plat Review: For preliminary plat review the city shall notify the applicant and any  
10 third party requesting notice of the date, time and place of the public meeting as outlined in  
11 chapter 13.06 of this title.  
12  
13 C. Final Plat Review:  
14  
15 1. In cases where the planning commission shall approve a final plat at a public meeting as  
16 required by subsection 13.10.070C3 of this chapter, the city shall provide notice as required by  
17 chapter 13.06.040F of this title.  
18  
19 2. In cases where the city council shall approve a final plat at a public ~~meeting~~ hearing as  
20 required by subsection 13.10.070C4 of this chapter, the city shall provide notice as required by  
21 chapter 13.06.040D3 of this title.  
22  
23 D. Vacating, Altering, Or Amending A Plat With Or Without A Public Street: The city shall provide  
24 notice of all public hearings and public meetings regarding the amendment, alteration or vacation  
25 of a recorded plat, with or without a public street, as required by subsection C of this section.

1 13.08.040: **CONDITIONAL USE PERMIT:**

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- 3 A. Purpose: This section sets forth the procedure for review and approval of a conditional use
- 4 permit. A conditional use permit shall be required for any use which is a conditional use in this
- 5 title.
- 6
- 7 B. Authority: The planning commission is authorized to approve conditional use permits as provided
- 8 in this section. The planning commission may delegate to the community development director
- 9 the authority to approve, modify, or deny a conditional use permit as provided in this section.
- 10
- 11 C. Initiation: A property owner, or the owner's agent, may apply for a conditional use permit. An
- 12 agent of a property owner shall provide a notarized authorization.
- 13
- 14 D. Submittal: An application for a conditional use permit shall be submitted as provided in chapter
- 15 13.03 of this title.
- 16
- 17 E. Review Procedures:
- 18 1. After the application for a conditional use permit is complete, the community development
- 19 director shall forward the application to the technical review committee for its review and
- 20 recommendation.
- 21
- 22 2. Upon receipt of a recommendation from the technical review committee, the community
- 23 development director shall forward the application to the planning commission for its review and
- 24 determination.
- 25
- 26 3. The planning commission shall hold a public hearing as per chapter 13.06 of this title.
- 27 After review of the application, the planning commission shall:
- 28 a. Approve the application, with or without additional requirements or conditions,
- 29
- 30 b. Continue review of the application pending further investigation, or
- 31
- 32 c. Deny the application.
- 33
- 34 ~~E.~~ Approval Standards: A conditional use shall be approved if reasonable conditions are proposed
- 35 by the applicant, or can be imposed by the land use authority, to mitigate the potential
- 36 detrimental effects of the proposed use in accordance with applicable standards set forth in this
- 37 section.
- 38
- 39 1. A conditional use shall:
- 40 a. Be consistent with policies set forth in the city's general plan applicable to the site
- 41 where the conditional use will be located.
- 42 b. Be allowed by the zone regulations where the conditional use will be located.
- 43 c. Be compatible with the character of the site, adjacent properties and uses, and
- 44 existing development within the vicinity of the site where the use will be located.
- 45 d. Provide vehicular access to the site without materially degrading the existing
- 46 level of service of the abutting streets.
- 47 e. Locate all driveways oriented to direct traffic to streets, major or local, without
- 48 impacting the safety, purpose, and character of these streets.
- 49 f. Locate on site parking areas and structures, particularly those locations likely to
- 50 encourage street side parking for the proposed use, in areas of the site that will not adversely
- 51 impact the reasonable use of adjacent properties.
- 52 g. Accommodate peak traffic to the site without impairing the use and enjoyment of
- 53 abutting properties.
- 54 h. Provide an internal circulation system designed to mitigate adverse impacts on
- 55 adjacent and abutting property from motorized, nonmotorized, and pedestrian traffic.

- 1 i. Restrict hours of operation of the proposed conditional use in relation to the  
2 hours of activity or operation of other nearby uses to mitigate noise, light, odor, or other  
3 nuisances that unreasonably impair the use and enjoyment of abutting and adjacent properties.  
4 j. Demonstrate existing or proposed utility and public services will be adequate to  
5 support the proposed use at normal service levels and is designed in a manner to avoid adverse  
6 impacts on adjacent and abutting land uses, public services, and utility resources.  
7 k. Install appropriate buffering, such as landscaping, setbacks, and building  
8 location, to protect adjacent land uses from light, noise, and visual impacts resulting from the  
9 proposed use.  
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11 2. A conditional use shall not:  
12 a. Contribute to a detrimental concentration of existing nonconforming or conditional  
13 uses substantially similar to the use proposed within one-fourth (1/4) mile of the exterior  
14 boundary of the subject property;  
15 b. Result in loss of privacy, objectionable views of large parking or storage areas; or  
16 views or sounds of loading and unloading areas; and  
17 c. Encroach on or cause erosion of the bank of a river or stream, or direct runoff  
18 into a river or stream without approval by the appropriate stormwater authority.  
19  
20 3. The proposed conditional use and associated development shall comply with all other  
21 applicable provisions of this title and this code.  
22  
23 FG. Conditions Of Approval: Such conditions shall:  
24 1. Be expressly set forth in the conditional use permit;  
25  
26 2. Not be used as a means to authorize a use intended to be temporary only;  
27  
28 3. Substantially further a legitimate public purpose;  
29  
30 4. Not require the applicant to carry a disproportionate burden in furthering the public  
31 purpose of the condition; and  
32  
33 5. In the case of land dedications and other contributions of property, be reasonably related  
34 and roughly proportionate to the use of the property for which the conditional use is authorized.  
35  
36 GH. Denial: If the anticipated detrimental effects of a proposed conditional use cannot be  
37 substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve  
38 compliance with applicable standards, the conditional use permit shall be denied.  
39  
40 HI. Appeal: A person adversely affected by a final decision of the planning commission regarding  
41 approval or denial of a conditional use permit may appeal the decision to the city council.  
42  
43 IJ. Effect Of Approval:  
44  
45 1. A conditional use permit shall not relieve an applicant from obtaining any other authorization,  
46 permit, or license required under this title or other title of this code.  
47  
48 2. A conditional use permit shall run with the land, unless otherwise specified in the approved  
49 conditional use permit, and is subject to the provisions relating to amendment, revocation, or  
50 expiration of a conditional use permit.  
51  
52 JK. Inspection: Following approval of a conditional use permit, the community development director  
53 shall ensure that development is undertaken and completed in compliance with the permit.  
54  
55 KL. Amendment: The procedure for amending an approved conditional use permit shall be the same  
56 as the original procedure set forth in this section.

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LM Revocation: A conditional use permit may be revoked as provided in chapter 13.09 of this title.

MN Expiration: A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within two (2) years after approval. A twelve (12) month extension may be approved by the land use authority subject to payment of an extension fee equal to the original filing fee.

1 Chapter 13.09: **QUASI-JUDICIAL PROCEDURES**

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3 13.09.020: **VARIANCE:**

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5 A. Purpose: This section sets forth the procedure for review and approval of a variance to the  
6 provisions of this title. Variance procedures are intended to provide a narrowly circumscribed  
7 means by which relief may be granted from particular unforeseen application of the provisions of  
8 this title that create an unreasonable hardship.

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10 B. Authority: The administrative appeals officer is authorized to hear and decide variances to the  
11 provisions of this title as provided in this section.

12  
13 C. Initiation: Any person or entity desiring a waiver or modification of the requirements of this title as  
14 applied to a parcel of property that the person or entity owns, leases, or holds some other  
15 beneficial interest may apply to the administrative appeals officer for a variance from the  
16 provisions of this title as provided in this section. An agent of a property owner shall provide a  
17 notarized authorization.

18  
19 D. Procedure: An application for a variance shall be considered and processed as provided in this  
20 subsection.

21  
22 1. Submission of an application for a variance shall be as provided in chapter 13.03 of this  
23 title.

24  
25 2. After the application is determined to be complete, the community development director  
26 shall forward the application to the technical review committee for its review and  
27 recommendation.

28  
29 3. Upon receipt of a recommendation from the technical review committee, the community  
30 development director shall forward the application to the administrative appeals officer.

31  
32 4. The administrative appeals officer shall hold a public ~~hearing~~ meeting as provided in  
33 section 13.06.030 of this title and after due consideration shall approve, approve with mitigation  
34 measures, or deny the application.

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36 5. A copy of an affidavit of each variance granted shall be recorded with the Salt Lake  
37 County recorder.

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39 6. A record of each variance shall be maintained in the community development  
40 department.

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42 E. *(no changes)*

43 F. *(no changes)*

44 G. *(no changes)*

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