

FOR OFFICE USE ONLY

Fees received by: _____ Date of submittal: _____

Amount paid: _____ Receipt number: _____

Fees: CASH OR CHECK ACCEPTED

Conditional Use, amendment or existing site: **\$250.00**

Conditional Use, all other: **\$500.00**

Newspaper Public Notice Fee (per advertisement): **\$75.00** qty: _____

Mailed Notices: **\$1.00 per notice**, to be invoiced after mailing



CITY OF
SARATOGA SPRINGS

CONDITIONAL USE PERMIT APPLICATION
Updated March 2015

Applicant & Conditional Use Information

PROJECT NAME: _____

Property owner: _____ **Contact Person:** _____

Address: _____ **City:** _____ **Zip:** _____

Phone: _____ **Cell:** _____

E-mail Address: _____

Applicant / Authorized Agent: _____

Address: _____ **City:** _____ **Zip:** _____

Phone: _____ **Cell:** _____

E-mail Address: _____

Location or address of the proposed Conditional Use permit: _____

Description of the proposed Conditional Use: _____

Anticipated Mitigation Measures: _____

Supporting Materials

In an effort to provide the best service and most efficient review of your application, no planning application will be accepted unless an appointment is made and the application is determined to be complete, containing all items on the application checklist. To schedule an application submittal appointment, please contact the Planning Department Administrative Assistant at 801-766-9793 x126.

Plans will be routed for review the first business day after they are received. Once routed, most applications will receive a response within 10 business days. A Comment Review Meeting (CRM) may be scheduled 10 business days after the plans are routed and are generally held Thursday mornings. Reviews may occasionally take longer for large projects or those with complex circumstances; in these instances the City will notify the applicant of the extended review period.

Staff Use Only:

- Anticipated review of 10 business days Anticipated review of more than 10 business days

19.15.02. Conditional Use Permit.

1. **Required.** A Conditional Use permit shall be required for all uses listed as a Conditional Use in the zone regulations. A Conditional Use permit may be revoked upon failure to comply with conditions precedent of the original approval of the permit or failure to comply with the City Code.
2. **Application.** Application for a Conditional Use permit shall be made by the property owner or his duly authorized agent to the Planning Department.
3. **Accompanying Data.**
 - a. Applications for Conditional Uses in New or Expanded Structures and Sites shall be accompanied by:
 - i. a Site Plan application and supporting materials, and
 - ii. a description of the use, and
 - iii. the Planning Director may require additional information to be presented on the Project Plan so long as the information is reasonably necessary to determine whether the proposed conditional use complies with City ordinances, regulations, and standards.
 - b. Applications for Conditional Uses in Existing Structure and Sites shall be accompanied by:
 - i. a Project Plan which represents existing building siting, parking, vehicular circulation, landscaping, lighting, fencing, trash enclosures, signage, and storm drainage, and any site changes necessary for the new use.
 - ii. The Planning Director may require additional information to be presented on the Project Plan so long as the information is reasonably necessary to determine whether the proposed conditional use complies with City ordinances, regulations, and standards.

The materials listed below shall be provided with the application:

Applicant Use	City Staff Use	Please check the applicable box to indicate the materials have been included with the application.
		Fees: <i>CASH OR CHECK ACCEPTED</i> Conditional Use, amendment or existing site: \$250.00 Conditional Use, all other: \$500.00 Newspaper Public Notice Fee (per advertisement): \$75.00 qty: _____
		Fee for mailed notices: <i>CASH OR CHECK ACCEPTED</i> \$1.00 per postcard notice, to be invoiced after mailed by City staff. Notice of the public hearing(s) shall be mailed to property owners within 300 feet of the subject property. Invoice(s) shall be paid by applicant within 30 days of the date of the invoice.
		Description: A Description of the use.
		Site Plan: <ul style="list-style-type: none"> • For new development a Site Plan Application is required to accompany this application. • For existing development or a request to change an existing Conditional Use Permit, a Project Plan is required, which represents existing building siting, parking, vehicular circulation, landscaping, lighting, fencing, trash enclosures, signage, and storm drainage, and any site changes necessary for the new use (site changes may result in the need for an site plan amendment application).
		General Standards: A written statement addressing the standards in Section 19.15.05 (see pg. 3).
		Special Standards: A written statement addressing the standards in Section 19.15.06 (see pg. 4), if applicable.
		Mitigation: A statement of proposed Mitigation measures, if necessary. Refer to Sections 19.15.05, 19.15.06, and 19.15.07 (included on pgs. 3-5).
		Electronic Files: An electronic copy of all drawings in a PDF format and all statements in Word format shall be submitted.

4. **Granting of a Permit.** In considering an application for a Conditional Use permit, the Land Use Authority may deny a permit or may grant a permit subject to the requirements of this Chapter. The granting of a Conditional Use permit shall not exempt the applicant from other relevant provisions of this Chapter, other ordinances, regulations, or standards of the City, or the Utah Code.
5. **Fee.** The application for any Conditional Use permit shall be accompanied by a fee set by resolution of the City Council, and applicants shall pay the cost to post and mail public hearing notices.

19.15.03. Approval Process.

The approval process for a Conditional Use permit shall be as follows:

1. Conditional Use Permit for a Use in a New or Expanded Structure or Site:
 - a. Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Department shall place the Conditional Use application and related Site Plan application on the next available Planning Commission agenda for a public hearing. The Planning Commission shall review each application and make a recommendation to the City Council to approve, approve with conditions, or deny the application, or the Planning Commission may defer action if

an applicant fails to appear at the public hearing or meeting or there is insufficient application information provided.

- b. The City Council is the Land Use Authority, and shall review each application at a public meeting and approve, approve with conditions, or deny the application, or may defer action if an applicant fails to appear at the public meeting or there is insufficient application information provided to determine whether City ordinances and regulations are met.
2. Conditional Use Permit for a Use in an Existing Structure or Site:
 - a. Upon receipt of a completed application and subsequent review for application completeness by the Planning Department, the Planning Director shall review the application for compliance with the standards in this Title.
 - b. If the application does not include external changes to the site, the Planning Director shall be the Land Use Authority and shall approve, approve with conditions, or deny the application, or may defer action if there is insufficient application information provided.
 - c. If the application includes external changes to the site, a site plan amendment shall be required, the Conditional Use Permit shall follow the same process as the related site plan, and the Land use authority for the site plan shall become the Land Use Authority for the Conditional Use Permit.

19.15.04. Determination.

1. The Land Use Authority may only permit a Conditional Use to be located within zone where the particular Conditional Use is listed as a Conditional Use by the use regulations of this Title.
2. 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 the standards contained in this Chapter.
3. If 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 the standards contained in this Chapter, the conditional use may be denied.

19.15.05. General Standards and Considerations Governing Conditional Uses.

In reviewing an application for a Conditional Use permit, the following considerations and standard shall be applied:

1. The siting of the structure or use, and in particular:
 - a. the adequacy of the site to accommodate the proposed use or building and all related activities;
 - b. the location and possible screening of all outdoor activities;
 - c. the relation of the proposed building or use to any adjoining building with particular attention to protection of views, light, air, and peace and quiet;
 - d. the location and character of any display of goods and services; and
 - e. the size, nature, and lighting of any signs.
2. Traffic circulation and parking, and in particular:
 - a. the type of street serving the proposed use in relation to the amount of traffic expected to be generated;
 - b. the adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrance and exits; and
 - c. the amount, timing, and nature of traffic generated by the proposed conditional use.

3. The compatibility of the proposed conditional use with its environment, and in particular:
 - a. the number of customers or users and the suitability of the resulting activity level to the surrounding uses;
 - b. hours of operation;
 - c. adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.;
 - d. adequacy of provisions for protection of the public against any special hazards arising from the intended use;
 - e. the expected duration of the proposed building, whether temporary or permanent, and the setting of time limits when appropriate; and the degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity.

4. The Conditional Use shall meet the following standards:
 - a. the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - b. the use will be consistent with the intent of the land use ordinance and comply with the regulations and conditions specified in the land use ordinance for such use;
 - c. the use will be consistent with the character and purposes stated for the land use zone involved and with the adopted Land Use Element of the General Plan;
 - d. the use will not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult to provide essential services by the City, including roads and access for emergency vehicles and residents, fire protection, police protection, schools and busing, water, sewer, storm drainage, and garbage removal; and
 - e. the proposed use will conform to the intent of the City of Saratoga Springs General Plan.

5. When necessary, the land use authority may attach conditions to ensure compatibility with the surrounding area and to mitigate harmful effects. Such conditions may include the following:
 - a. additional parking;
 - b. water, sewer, and garbage facilities;
 - c. landscape screening to protect neighboring properties;
 - d. requirements for the management and maintenance of the facilities;
 - e. changes in layout or location of uses on the lot; and
 - f. any other condition the land use authority finds necessary to reasonably ensure that the proposed Conditional Use will comply with the standards noted above.

6. The Land Use Authority shall make its decision based upon the facts presented for the record; expressions of support or protest alone shall not constitute the basis of approval or denial.

19.15.06. Special Standards and Considerations Governing Particular Uses.

In addition to the general standards and considerations set forth in 19.15.08, Refer to the Land Development Code, Section 19.15.16 for additional standards for the following uses:

- Automobile refueling stations and car wash operations
- Temporary Subdivision Sales Offices
- Non-residential Group Day Care and Preschool Center
- Residential Pre-school
- Private or Quasi-public School
- Vehicle Storage

19.15.07. Optional Conditions.

Applicants for Conditional Use permits shall meet all applicable requirements of this Title. In addition, the City Council may establish conditions as outlined herein to meet the concerns of safety for persons and property, health and sanitation, environment, master plan proposals, and neighborhood needs, performance, and administration. More specifically, the City Council may require:

1. **Conditions Relating to Safety of Persons and Property.**
 - a. Building elevations and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
 - b. The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.
 - c. Increased setback distances from lot lines where the Planning Commission determines it to be necessary to ensure the public safety and to ensure compatibility with the intended characteristics of the zone as outlined in applicable land use ordinances.
 - d. Appropriate design, construction, and location of structures, buildings, and facilities in relation to any earthquake fault which may exist on the property, and limitations and restrictions on the use and location of uses due to special site conditions, including geologically hazardous areas, flood plains, fault zones, and landslides areas.
 - e. Limitations and control of the number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and appearance and harmony with adjacent development.
 - f. Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
 - g. Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

2. **Conditions relating to Health and Sanitation.**
 - a. A guarantee of sufficient culinary water to serve the intended land use and a water delivery system meeting standards adopted by the City.
 - b. A wastewater disposal system and a solid waste disposal system meeting standards adopted by the Land Use Authority.
 - c. Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the vicinity and to provide for an orderly development of land.

3. **Conditions Relating to Environmental Concerns.**
 - a. Limitations and restrictions on the use and location of uses in sensitive lands.
 - b. Processes for: the control, elimination, or prevention of land, water, or air pollution; the prevention of soil erosion; and control of objectionable odors and noise.
 - c. The planting of ground cover or other surfacing to prevent dust and erosion.
 - d. Restructuring of the land and planting of the same as directed by the Planning Commission when the Conditional Use involves cutting or filling the land, and where such land would be adversely affected if not restructured.

4. **Conditions Relating to Compliance with the Intent of the General Plan and Land Use Ordinances and Characteristics of the Vicinity or Neighborhood.**
 - a. The removal of structures, debris, or plant materials incompatible with the intended characteristics of the zone outlined in this Title.
 - b. The screening of yards or other areas as protection from obnoxious land uses and activities.
 - c. Landscaping to ensure compatibility with the intended characteristics of the zone as outlined in this Title.

- d. Limitations or controls on the location, heights, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or unsightly development.
- e. The relocation of proposed or existing structures as necessary to provide for future streets on the Transportation Master Plan of Saratoga Springs, adequate sight distance for general safety, groundwater control, or similar problems.
- f. Provision for, or construction of, recreational facilities necessary to satisfy needs of the Conditional Use.
- g. Population density and intensity of land use limitations where land capability or vicinity relationships make it appropriate to do so to protect health, safety, and welfare.
- h. Other improvements which serve the property in question and which may compensate, in part or whole, for possible adverse impacts to the zone from the proposed Conditional Use.

19.15.08. Inspection.

Following issuance of a Conditional Use permit by the Land Use Authority, the City staff shall ensure that development is undertaken and completed in compliance with the Conditional Use permit and building permit.

19.15.09. Time Limit.

The Conditional Use Permit shall expire by operation of law without any action by the City unless construction or the use itself begins within one year of issuance and continues so as not to result in an expired building permit under applicable building codes. Construction must be complete within two years after issuance of the permit; otherwise, the permit shall expire by operation of law without any action by the City.

Applicant Acknowledgment:

I hereby certify that I have read the information contained in this application form and that I have provided the required application materials.

Applicant's Signature: _____ Date: _____

Applicant Certification

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that the City of Saratoga Springs may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Saratoga Springs Land Development Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I agree to reimburse the City of Saratoga Springs all amounts incurred by the City in excess of the base fee required by the Consolidated Fee Schedule to review and process this submitted application and agree to comply with Resolution No. R 08-21 and R 11-22.

I also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Property Owner's Signature: _____ Date: _____

Applicant's Signature: _____ Date: _____