

CHAPTER 09**CONDITIONAL USE PERMITS**

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Section 09.010. Issuance and Purpose.

Conditional use permits may be issued as provided by this Code for any of the uses or purposes for which Conditional Use permits are required as identified in Tables 05-030-A and 05-030-B.

The purpose of the issuance of a Conditional Use permit is to allow the proper integration into the City of Lehi of uses, which may be suitable only in specific locations in a zoning district, or only if such uses are designed, arranged, or conducted on the site in a particular manner.

Section 09.020. Public Hearing Required.

All applications for a Conditional Use permit shall be made in accordance with the provisions of this Code and shall be the subject of a public hearing for which public notice requirements shall be the same as for a zone district amendment as identified in Section 04-050 and Section 03-080 of this Code.

Section 09.030. Application Requirements.

A. Application. All requests for a Conditional Use permit shall be made on the application form provided by the City detailing the nature of the Conditional Use request.

B. Site Plan. The applicant shall also provide the necessary information identified in Chapter 11 for the submission and review of a plat or site plan, whichever is applicable. The Lehi City Planning Commission is authorized to render a final decision on the issuance of a Conditional Use permit, following the review and receipt of a recommendation from the Development Review Committee. The Development Review Committee shall also notify and advise the City Council on Conditional Use applications prior to Planning Commission consideration.

Section 09.040. Conditions for Approval.

(Amended 7/11/06)

The Planning Commission in approving a conditional use application may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits for the Conditional Use permit as deemed necessary for the protection of adjacent properties and the public interest. The Commission may require guarantees or other evidence that such conditions are being, or will be, met and complied with.

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.

If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Section 09.050. Findings and Conditions.

A. Findings. The Commission may grant a conditional use permit in compliance with this Code and recognizing the requirements of Chapter 12 and Chapter 13 of this Code if, from the application and the facts presented at the public hearing, it finds:

1. The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.
2. The proposed use will be located and conducted in a manner in compliance with the goals and policies of the Lehi City General Plan and the purposes of this Code.
3. That the property on which the use, building, or other structure is proposed to be established is of adequate size and dimensions to permit construction of the facilities and the conduct of the use in such a manner that it will not be detrimental to adjoining properties and the area.

B. Conditions. In approving a Conditional Use permit the Commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the Lehi City General Plan and this Code, and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses in the general vicinity. These conditions may include;

1. That the site will be suitably landscaped and maintained and that the design, setbacks, fences, walls and buffers of all buildings and other structures are adequate to protect property and preserve and/or enhance the appearance and character of the area.
2. That all buildings or other structures are architecturally attractive and add to the quality of the area.
3. Provision of parking facilities, including vehicular ingress and egress and the surfacing of parking areas and driveways to specified standards.
4. Street and highway dedication and improvements, including sidewalks, curbs and gutters.
5. Water supply and fire protection.
6. The mitigation of nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electro-magnetic disturbances and radiation.
7. The regulation of operating hours for activities affecting normal neighborhood schedules and functions.
8. Regulation of signs.
9. Provisions for a guarantee, bond or other surety that the proposed conditional use will be maintained and operated in compliance with all approval conditions and requirements.
10. Such other conditions determined necessary by the Commission to allow the establishment and operation of the proposed conditional use in an orderly and efficient manner and in compliance with all elements of the General Plan, and the intent and purpose of this Code.

Section 09.060. Revocation or Modification of a Conditional Use Permit.

If there is cause to believe that grounds for revocation or modification of an approved conditional use permit exist, the Commission shall hold a public hearing on the question of modification or revocation of a conditional use permit granted under the terms and the provisions of this Chapter and this Code. Notice of such hearing shall be the same as would be required for

consideration of a new conditional use application.

A conditional use permit may be revoked if the Commission finds that one or more of the following conditions exist:

- A. The conditional use permit was obtained in a fraudulent manner.
- B. The use for which the conditional use permit was granted has now ceased for at least six (6) consecutive calendar months.
- C. One or more of the conditions of the conditional use permit have not been substantially met.

Additionally, the conditions under which a conditional use permit was approved may be modified by the Commission, without the consent of the property owner or operator, if the Commission finds that the use or related development constitutes or is creating a demonstrated nuisance.

Section 09.070. Model Homes *(New 07/09/02)*

A temporary conditional use permit for a model home may be issued by the Planning Commission with the following criteria:

- A. Model homes will be permitted in all residential zones for the marketing of lots or structures in the subdivision in which they are located.
- B. Model homes must be converted to a residential dwelling when the subdivision is more than 80% developed or has been occupied as a model home for 3 (three) years, whichever comes first.
- C. Adequate off-street parking is provided.
- D. A signage plan is provided, indicating the size and location of all signs.
- E. Hours of operation must be noted and approved.
- F. A model home may not be used as a general real estate office, construction management office, or an off-site sales office.
- G. The number of model homes per subdivision will be reviewed by the Planning Commission on a site specific, case-by-case basis.