

What you need to know about...



CONDITIONAL USES

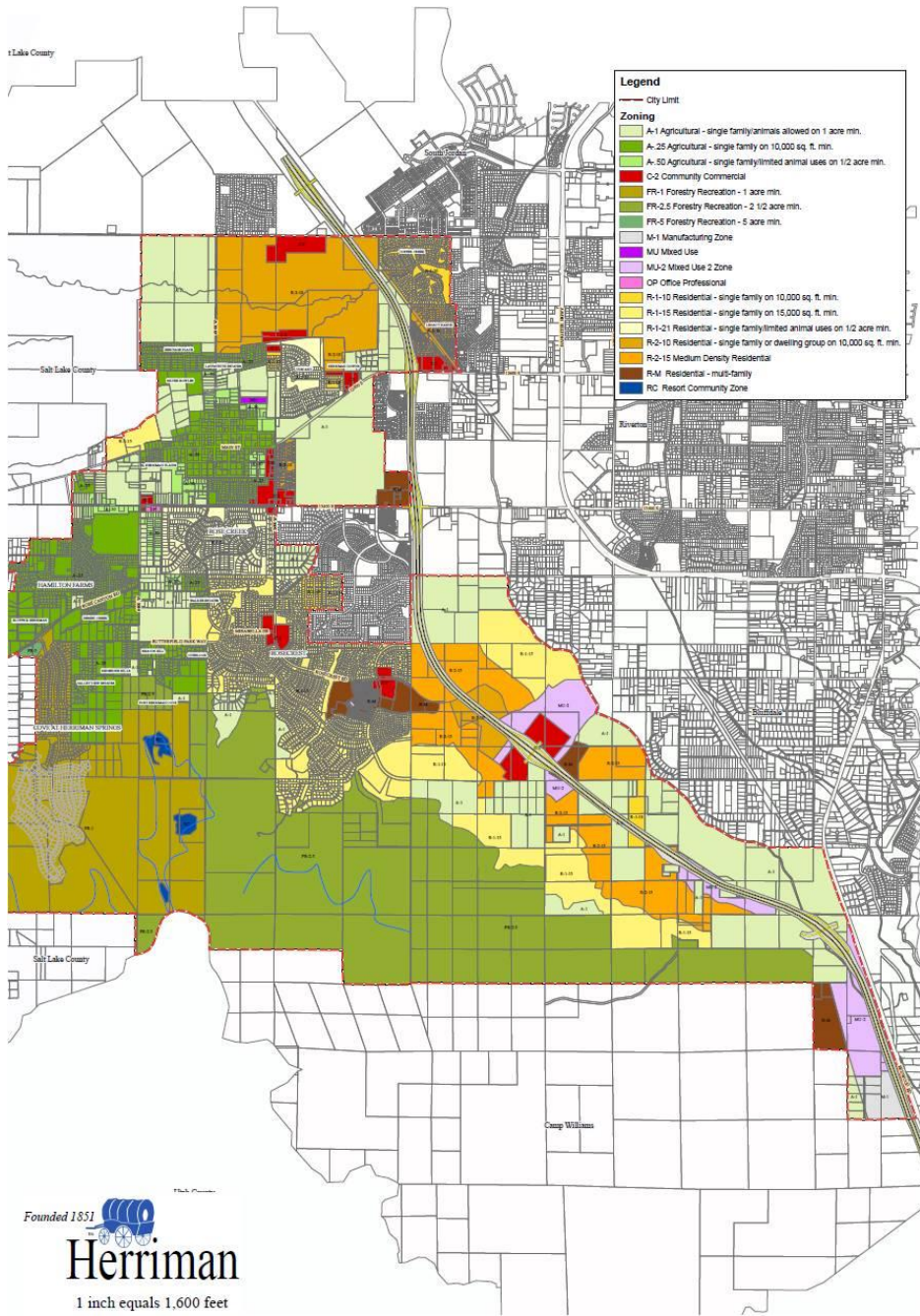




You will learn today:

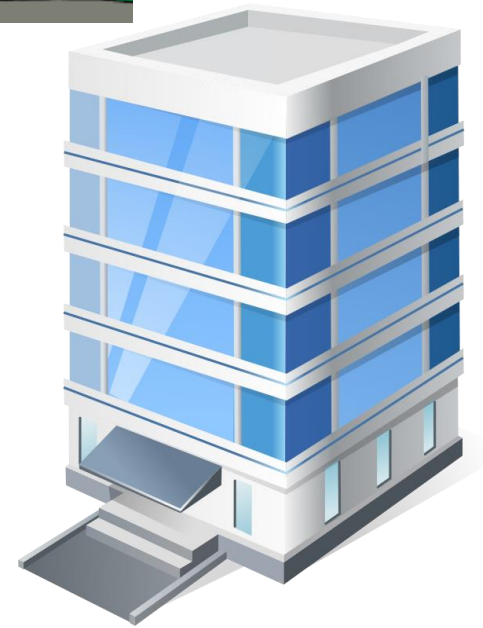
1. What is a CUP?
2. How do we use them?
3. Why we need to make sure our code is up to date if we use them.

ZONING

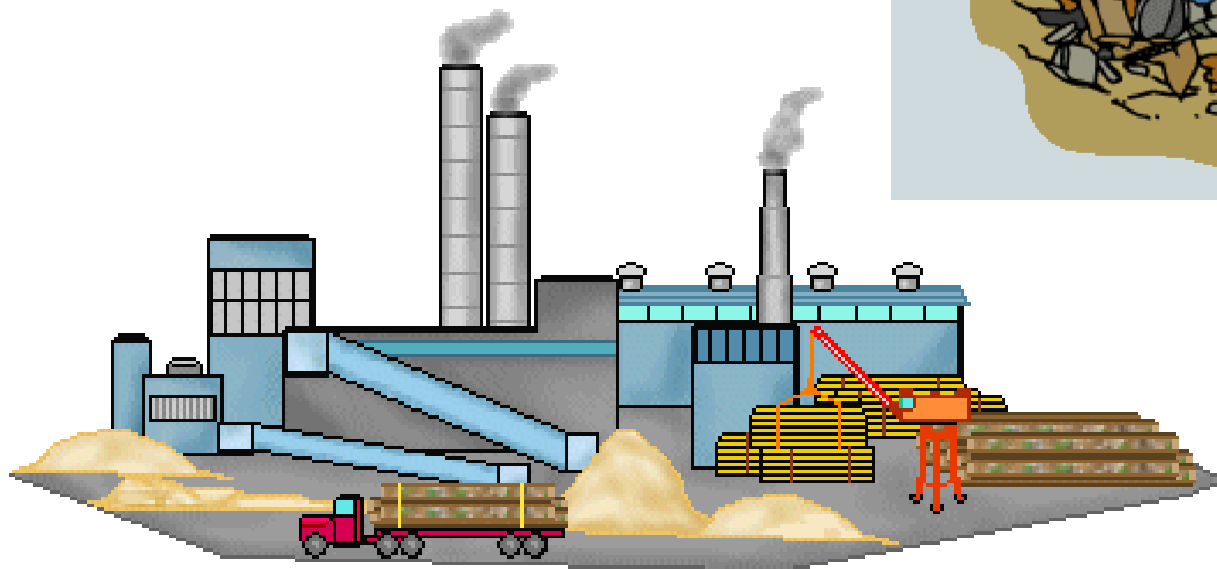


ZONING!

Permitted



Prohibited



Conditional



Permitted with
conditions.....



Utah State Code

10-9a-507. Conditional uses.

(1) A land use ordinance may include conditional uses and provisions for conditional uses **that require compliance with standards set forth in an applicable ordinance.**

Utah State Code



10-9a-507. Conditional uses.

(2) (a) 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**.

Utah State Code

10-9a-507. Conditional uses.

(2) (b) 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 applicable standards, the conditional use **may** be denied.

mit·i·gate

To moderate in force or intensity; alleviate.
To become milder.



DOES NOT MEAN ELIMINATE!

Potential Standards

- Generally focused on off site impacts:
- The safety of people and/or property.
- Health and sanitation—Trash disposal, manure management.
- Environmental concerns—dust, chemicals, run-off
- Traffic
- Light
- Hours of operation
- Parking

Standards first, then Conditions

- A standard of review could be “Off-site effects of Lighting”
- An ensuing condition related to that standard could be “No flood lights are allowed”

Findings of Fact

Findings of fact (aka just “findings”) are the foundation of a decision. They are unique to each permit.

1. Findings should be part of a motion and recorded carefully in the minutes of the meeting. They cannot legally be added at a later date.
2. When action is taken to the court, the judge will read the minutes of your meeting, looking specifically at your process and your findings. If both are in order and relevant, the case usually goes no further. Seldom does the judge consider the merits.

A written record also helps with compliance and future owners as conditional use permits run with the land.



Public Input

1

Remember,
ALLOWED with
conditions

2

Revise Code to
eliminate
Conditional Uses
you hope to deny

3

Write standards in
Code ahead of time

4

Be as specific as
possible ahead of
time

5

Remember,
MITIGATE not
ELIMINATE impacts

6

Don't require
hearings if you
don't have to

7

Articulate clear
findings and get
them on the record

Summary



You learned today:

1. What is a CUP?
2. How do we use them?
3. Why we need to make sure our code is up to date if we use them.