

FAIRVIEW*City*

ZONING ORDINANCE

A Land Use Ordinance of Fairview City

Adopted by the Fairview City Council - Ordinance #2008-01

EFFECTIVE DATE

11.03.2008

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FAIRVIEW^{City}

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PART A

LAND USE APPLICATIONS

ZONING DISTRICTS

TABLE OF USES

PART A

LAND USE APPLICATIONS—ZONING DISTRICTS—TABLE OF USES

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CHAPTER 1

TITLE, PURPOSE, DECLARATION OF INTENT AND EFFECTIVE DATE

SECTION 101—SHORT TITLE:

This Ordinance shall be known and may be referred to as the Fairview City Zoning Ordinance. The Fairview City Zoning Ordinance may, in subsequent chapters and sections, be referred to as "Ordinance," "the Ordinance," "this Ordinance" or "Zoning Ordinance."

SECTION 102—AUTHORITY:

The City Council (hereinafter "Council") of Fairview, Utah adopts this Ordinance pursuant to the State of Utah Municipal Land Use, Development, and Management Act, and as provided at §10-9a et seq. Utah Code Annotated, 1953, as amended (U.C.A.) (hereinafter "the Act") and all other authorities and provisions of Utah and Federal statutory and common law as applicable. This Ordinance constitutes the Zoning Ordinance authorized by the Act. This Ordinance constitutes part or a component of the Fairview City Land Use Ordinances, as provided and authorized by the Act.

SECTION 103—DECLARATION:

This Ordinance provides for the establishment of Zoning Districts, with associated land use requirements and standards, and other provisions for the guidance, management, and regulation of land uses, buildings and structures, and related activities occurring within the municipal boundaries of Fairview City. This ordinance is declared to be consistent with and to meet the requirements of the Act.

SECTION 104—PURPOSE:

This Ordinance is provided to implement the goals and policies of the Fairview City General Plan and the other purposes as provided for by the Act. This Ordinance contains standards, provisions and requirements intended to protect the health, safety, and welfare of the citizens and businesses of Fairview City, to guide and manage future growth and development, and to promote the orderly use of lands located within the City. It is the purpose of this Ordinance to provide

a means of ensuring predictability and consistency in the use and development of all lands located within the City. These purposes are met by:

1. Guiding growth and development in an orderly manner consistent with the goals and policies of the City, as identified in the Fairview City General Plan.
2. Providing for the implementation of the Fairview City General Plan.
3. Preserving the natural beauty and resources, including open space, wildlife habitat, clean air and water.
4. Providing opportunities for the establishment of appropriate business activities to meet the needs of residents and others.
5. Preventing the overcrowding of land.
6. Preventing damage and injury from disasters such as fire, flood, geologic and seismic hazards, and other dangers.
7. Directing and managing the type, distribution, and intensity of uses and activity.
8. Providing required public services, facilities, and amenities.
9. Protecting landowners from potential adverse impacts from adjoining uses, and
10. Securing economy and efficiency in the allocation and expenditure of public funds and resources.

SECTION 105—APPLICABILITY:

1. Applications accepted by the City as complete for any approval, permit or license required by the provisions of this Ordinance shall be processed, reviewed and approved or denied, subject to the provisions of this Ordinance, and all amendments thereto, and other applicable Ordinances of the City, as applicable and in effect at the time the application is determined to be complete by the Zoning Administrator, as required by this Ordinance.
2. No building or structure shall be erected, and no existing building or structure shall be moved, altered or enlarged nor shall any land, building or premises be used, designed or intended to be used for any use, activity, purpose, or in any manner other than as allowed by this Ordinance.

3. The provisions of this Ordinance shall apply to all lands located within the municipal boundaries of Fairview City, unless exempted by the provisions of this Ordinance or other lawful exemption.
4. The provisions of this Ordinance shall be held to be the minimum requirements necessary to protect the public health, safety, and welfare of the citizens of Fairview City, and achieve the purposes of this Ordinance.

SECTION 106—CONFLICT:

This Ordinance shall not nullify any laws, ordinances, or requirements that are more restrictive, but shall prevail notwithstanding such laws, ordinances, or requirements that are less restrictive.

SECTION 107—PERMITS AND LICENSES TO CONFORM TO THIS ORDINANCE:

All officials, employees, and agents with the duty or authority to issue approvals, permits, or licenses required by this Ordinance shall require that such approvals, permits, or licenses conform to the provisions of this Ordinance and shall not issue any approvals, permits, or licenses for use(s), activity(ies) building(s), or structure(s) for any purpose in conflict with the provisions of this Ordinance. Any approval, permit, or license issued in violation of this Ordinance shall be invalid and void.

SECTION 108—EFFECTIVE DATE:

This Ordinance shall take effect on November 3, 2008 following its adoption by the Fairview City Council.

SECTION 109—OMISSIONS NOT A WAIVER:

An omission to specify or enumerate in this Ordinance those provisions of general law applicable to all Utah municipalities shall not be construed to be a waiver of the benefits of any such provisions.

SECTION 110—REPEALER AND EFFECT:

Upon its adoption by the Fairview City Council and upon its effective date this Ordinance shall repeal provisions of the Fairview City Zoning Ordinance, existing on the effective date of this Ordinance and shall govern and apply to the use of all lands located within the municipal boundaries of Fairview City, Utah. The provisions of this Ordinance shall be construed to carry out the purposes of this Ordinance and the purposes of the State of Utah enabling laws, including the Act, and to avoid conflict with the laws of the United States of America, the State of Utah, or any other limitations imposed by law. If any chapter, section, subsection, provision, sentence or clause of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance, which shall remain in effect.

CHAPTER 2

DEVELOPMENT APPLICATIONS AND PROCEDURES

SECTION 201—PURPOSE:

Development Applications and procedures of Fairview City are formulated and intended to achieve the purposes of this Ordinance, as identified by Section 104 herein, through the application of the provisions of this Ordinance.

SECTION 202—APPLICABILITY:

A Land Use Application or a Building Permit Application shall be required for all uses, expansion of uses, and construction or modifications for all properties located within the municipal boundaries of Fairview City, unless exempt, as provided by the Building Codes, as adopted. All Land Use Applications and Building Permit Applications shall be presented to the City on the applicable application form(s) available from the City.

SECTION 203—APPLICATION FORMS:

The Council shall provide application forms and may identify submittal requirements and processing procedures for the acceptance and filing of such applications.

SECTION 204—DEVELOPMENT APPLICATION PROCEDURES:

The steps in the review and consideration of the various development applications, permits, and licenses authorized by this Ordinance may be identified by the Council and provided with the applicable application form.

SECTION 205—PERMITS REQUIRED:

The standards and requirements of this Ordinance, as applicable, shall apply to all uses or development activity located or proposed within the City. No use or development activity may be commenced or undertaken unless all necessary approvals, permits, and licenses have been issued in accordance with the provisions of this Ordinance, as applicable.

SECTION 206—DEVELOPMENT APPLICATION INITIATION:

An application for a required development approval, permit, or license shall be initiated by submitting the appropriate application(s) to the Zoning Administrator.

SECTION 207—DETERMINATION OF APPLICATION COMPLETENESS:

After the receipt of an application, the Zoning Administrator shall determine if the application is complete, as shown in Figure 2-1. If the Zoning Administrator determines that the application is incomplete, the Zoning Administrator shall notify the applicant in writing, identifying the deficiencies of the application, and advising the applicant that no action will be taken by the Land Use Authority until the deficiencies have been corrected.

If the applicant fails to correct the specified deficiencies within thirty (30) days from the date of notification by the Zoning Administrator, the application shall be deemed withdrawn and the application, and any applicable application fees shall be returned to the applicant.

SECTION 208—PAYMENT OF TAXES AND CHARGES REQUIRED:

All development approvals may be conditioned so that no building permit is issued until all delinquent taxes and charges have been paid to date of approval.

SECTION 209—WITHDRAWAL OF APPLICATION:

An applicant may withdraw Land Use Application at any time prior to a decision on the application. Application fees shall not be refundable if prior to withdrawal:

- 1) A review of the Land Use Application has been commenced by the Development Review Committee (hereinafter "DRC"); or
- 2) Notice of a public hearing or public meeting to consider the application has been mailed, posted, or published.

SECTION 210—SCOPE OF LAND USE APPLICATION APPROVALS:

- 1) The rights conferred by a approval upon the filing of a complete Land Use Application and approval by the Land Use Authority shall be limited to those

rights granted in the applicable provisions of this Ordinance and subject to any revisions, requirements, or conditions attached thereto.

- 2) A Land Use Application approval shall be considered void one hundred and eighty (180) days after approval by the Land Use Authority unless construction or the activity has commenced.

SECTION 211—AMENDMENT TO DEVELOPMENT PERMITS:

All proposed amendments to a Land Use Application approval, permit, or license issued under the authority of this Ordinance shall be reviewed in accordance with the procedures established for the Land Use Application approval of the original approval, permit, or license.

SECTION 212—REAPPLICATION FOLLOWING DENIAL:

If an application for a development approval, permit or license is denied for failure to meet the requirements of this Ordinance, an application for all or a part of the same property shall not be considered for a period of at least one (1) year from the date of denial unless the subsequent application is for an approval, permit, or license that is substantially different from the previously denied application, the prior denial was based upon a mistake of fact, or on a motion duly passed by the Council to act immediately and identifying a valid public purpose to do so.

SECTION 213—INSPECTIONS:

In order to review information relevant to an application, permit, or license, City Staff or other City Official(s) may, upon the permission of the owner, enter upon any public or private premises and make an inspection thereof.

SECTION 214—FEE FOR PROCESSING APPLICATIONS:

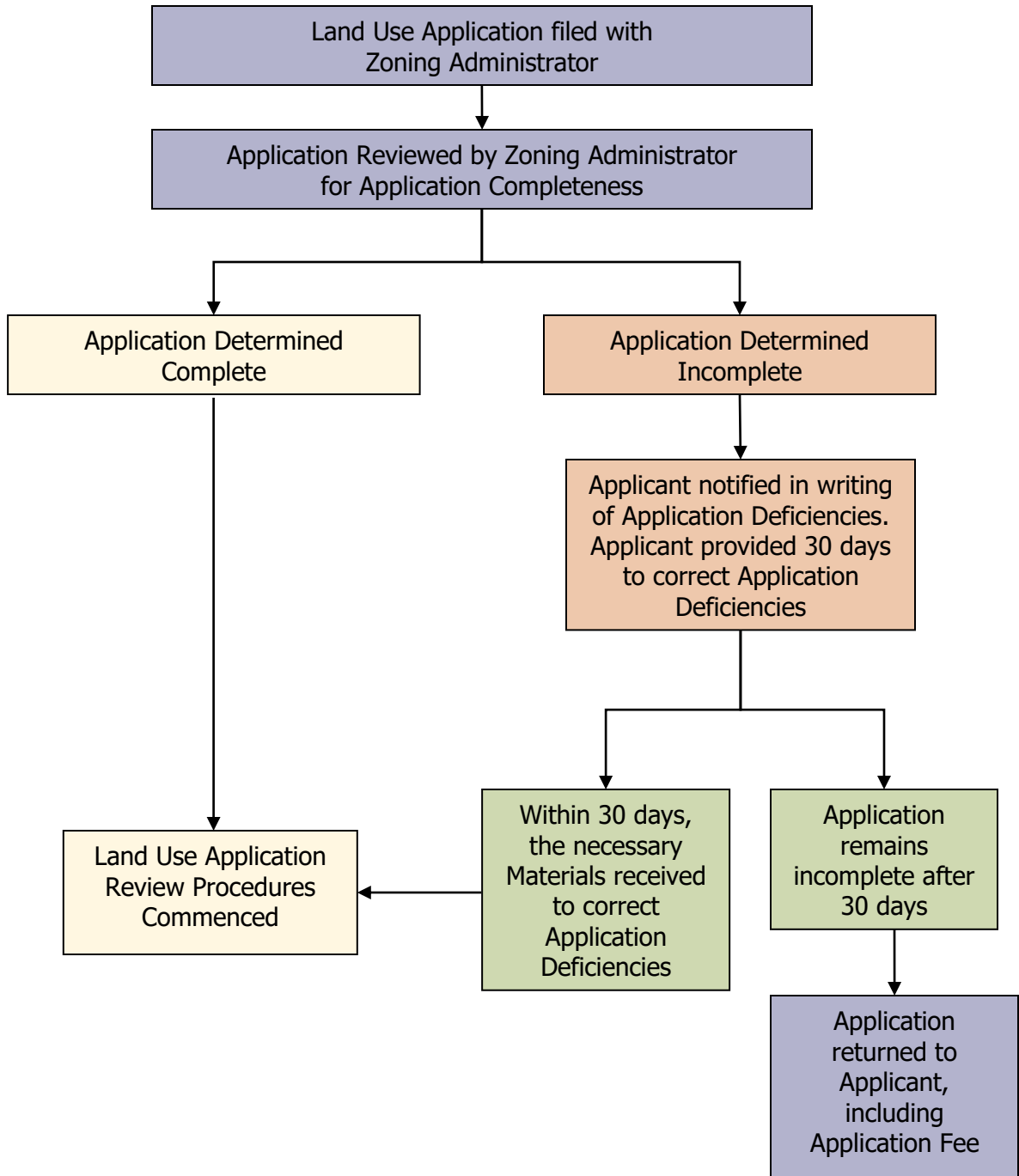
The Council may establish, by resolution, a fee schedule for the processing and review of all applications, permits, and licenses required by this Ordinance, designed to recover the actual or anticipated costs of review and processing of the application. The fee schedule may be amended from time to time by resolution of the Council. The fee schedule may include an administrative processing fee and application fees, as applicable, for the various applications,

permits, and licenses required by this Ordinance. Fees shall not be required for applications initiated by a Land Use Authority.

SECTION 215—EFFECT OF APPLICATION:

If an application is filed and determined complete by the Zoning Administrator prior to the adoption of this ordinance, the previous ordinance will be in effect.

FIGURE 2-1
Procedures for Determination of Application Completeness



CHAPTER 3

PUBLIC NOTICE REQUIREMENTS

SECTION 301—PURPOSE:

As provided by the Act, the City is required to provide notice of all public hearings and all public meetings to consider legislative or administrative matters. The notice requirements of the City for all public hearings and all public meetings for Land Use Applications established by this Ordinance are provided, by this Chapter.

SECTION 302—REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER GENERAL PLAN AND GENERAL PLAN AMENDMENT APPLICATIONS:

- 1) **Public Hearings.** The City Recorder for public hearings by the Commission to consider a General Plan Amendment Applications shall provide notice as follows:
 - a) Notice of date, time, and place of the public hearing, at least ten (10) calendar days before the public hearing, which notice shall be:
 - i) Published in a newspaper of general circulation in the City;
 - ii) Mailed to each "affected entity" as defined herein.
 - iii) Posted in at least three (3) public locations within the City; or on the City's official website; and
 - b) Notice of the date, time, and place of the public hearing shall be mailed at least ten (10) days before the public hearing to each Applicant for a General Plan Amendment Application, as required by Section 307 herein, and the Act.
- 2) **Public Meetings.** The City Recorder for public meetings to consider a General Plan Amendment Application shall provide notice as follows:
 - a) Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - i) Submitted to a newspaper of general circulation in the City;

- ii) Posted in at least three (3) public locations within the City; or on the City's official website.
- b) Notice of the date, time, and place of each public meeting shall be provided at least twenty four (24) hours before the public meeting to each Applicant for a General Plan Amendment Application, as required by Section 307 herein, and the Act.

SECTION 303—REQUIRED NOTICE OF PUBLIC HEARINGS AND PUBLIC MEETINGS TO CONSIDER LAND USE ORDINANCES, LAND USE ORDINANCE AMENDMENT APPLICATIONS, OFFICIAL MAPS, AND OFFICIAL MAP AMENDMENT APPLICATIONS:

- 1) **Public Hearings.** The City Recorder to consider a Land Use Ordinance Amendment Application or Official Map Amendment Application shall provide notice as follows:
 - a) Notice of the date, time, and place of the public hearing at least ten (10) calendar days before the public hearing which the notice shall be:
 - i) Published in a newspaper of general circulation in the City.
 - ii) Mailed to each "affected entity" as defined herein.
 - iii) Posted in at least three (3) public locations within the City; or on the City's official website.
 - b) Notice of the date, time, and place of each public hearing shall be mailed at least ten (10) days before the public hearing to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by Section 307 herein, and the Act.
- 2) **Public Meetings.** The City Recorder for public meetings to consider a Land Use Ordinance Amendment Application or Official Map Amendment Application shall provide notices follows:
 - a) Notice of the date, time, and place of the public meeting, at least twenty-four (24) hours before the meeting, which notice shall be:
 - i) Posted in at least three (3) public locations within the City, or on the City's official website.

- b) Notice of the date, time, and place of each public meeting shall be provided at least twenty-four (24) hours before the public meeting to each Applicant for a Land Use Ordinance Amendment Application or Official Map Amendment Application, as required by Section 307 herein, and the Act.

SECTION 304—REQUIRED NOTICE FOR OTHER PUBLIC HEARINGS:

When required by the provisions of this Ordinance, the Zoning Administrator for public hearings before the Commission, and the City Recorder for public hearings before the Council, shall provide notice of the public hearing as follows:

- 1) Notice of the date, time, and place of each public hearing shall be at least ten (10) calendar days before the public hearing, which shall be:
 - a) Published in a newspaper of general circulation in the City.
 - b) Mailed to each “affected entity” as defined herein.
 - c) Posted in at least three (3) public locations within the City; or on the City’s official website.
- 2) Notice of the date, time, and place of each public hearing shall be mailed at least ten (10) days before the public hearing to each Applicant, as required by Section 307 herein, and the Act.

SECTION 305—COURTESY NOTICE FOR PUBLIC HEARINGS:

For public hearings required by this Ordinance, the City Recorder may provide actual notice provided by regular United States mail and postmarked at least ten (10) calendar days prior to the public hearing to all owners of property located within three hundred (300) feet of the property that is the subject of a General Plan, Land Use Ordinance, or Official Map(s) Amendment Application.

SECTION 306—REQUIRED NOTICE FOR OTHER PUBLIC MEETINGS:

When required by the provisions of this Ordinance the Zoning Administrator for a public meeting by the Commission and a public meeting by the BOA, and the City Recorder for public meetings by the Council, shall provide notice of the public meeting as follows:

- 1) Notice of the date, time, and place of each public meeting, shall be at least twenty-four (24) hours before the public meeting, which notice shall be:
 - a) Posted in at least three (3) public locations within the City; or on the City's official website.
- 2) Notice of the date, time, and place of each public meeting shall be provided at least twenty-four (24) hours before the public meeting to each Applicant, as required by Section 307 herein, and the Act.

SECTION 307—REQUIRED APPLICANT NOTICE:

For each Land Use Application, the City Recorder shall notify the Applicant(s) of the date, time, and place of each public hearing and public meeting to consider the application and of any decision on the application.

SECTION 308—NOTICE CHALLENGE:

Except for the Courtesy Notice, as provided by Section 305, if notice given under authority of this Chapter, and authority of the Act, is not challenged as provided by the Act, within thirty (30) calendar days after the meetings or action for which notice is given, the notice is considered adequate and proper.

CHAPTER 4

PROCEDURES TO AMEND THE CITY'S GENERAL PLAN

SECTION 401—PURPOSE:

This Chapter identifies and provides the procedures for the review of Applications to amend the City's General Plan and Land Use Ordinances.

The Fairview City General Plan, with accompanying Maps, is considered an advisory policy document for the purposes of land use decision-making, including the guidance of growth and development occurring in the City and the provision of required infrastructure and services provided by the City.

SECTION 402— COUNCIL LAND USE AUTHORITY FOR GENERAL PLAN AMENDMENT APPLICATIONS:

The Council is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all General Plan Amendment Applications.

SECTION 403—AMENDMENTS TO FAIRVIEW CITY GENERAL PLAN: INITIATION:

All requests to amend the City's General Plan shall be made on the applicable Land Use Application. A property owner, resident, business owner, the Council, Commission, Zoning Administrator, or other City Staff may submit a proposed General Plan Amendment Application. An agent of a property owner, or a lessee of the property, may submit a General Plan Amendment Application, provided such application is accompanied by a property owner affidavit of authorization.

SECTION 404—REVIEW PROCEDURES FOR GENERAL PLAN AMENDMENT APPLICATIONS:

- 1) The procedures for the review and consideration of a General Plan Amendment Application by the Council are identified by Figure 5-1, herein.

SECTION 405—GENERAL PLAN AMENDMENT APPLICATION REQUIREMENTS:

All General Plan Amendment Applications shall include and provide the following information:

- 1) A complete General Plan Amendment Application.
- 2) All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate the rationale and basis for the proposed General Plan Amendment.
- 3) Statements identifying how the General Plan, as adopted, is in error or deficient, and how the proposed General Plan Amendment will correct any effort or deficiency.
- 4) All other information, as may be required by the Commission, or Council necessary to review the General Plan Amendment Application.

SECTION 406—MINIMUM REQUIREMENTS AND FINDINGS FOR GENERAL PLAN AMENDMENT APPLICATIONS:

In considering a General Plan Amendment Application, the Commission in formulating a recommendation and the Council in deciding a General Plan Amendment Application shall consider the following factors, among others:

- 1) The effect of the proposed amendment on the overall well-being of the City.
- 2) The effect of the proposed amendment on the public health, welfare, and safety.
- 3) The effect of the proposed amendment on the interests of the City and its residents.
- 4) The ability of the City, and all other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.
- 5) Compatibility of the proposed uses, if applicable, with nearby and adjoining properties.
- 6) The suitability of the properties for the uses and activities proposed.

- 7) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the City's Land Use Ordinances, and any other Ordinances required to implement the amendment.

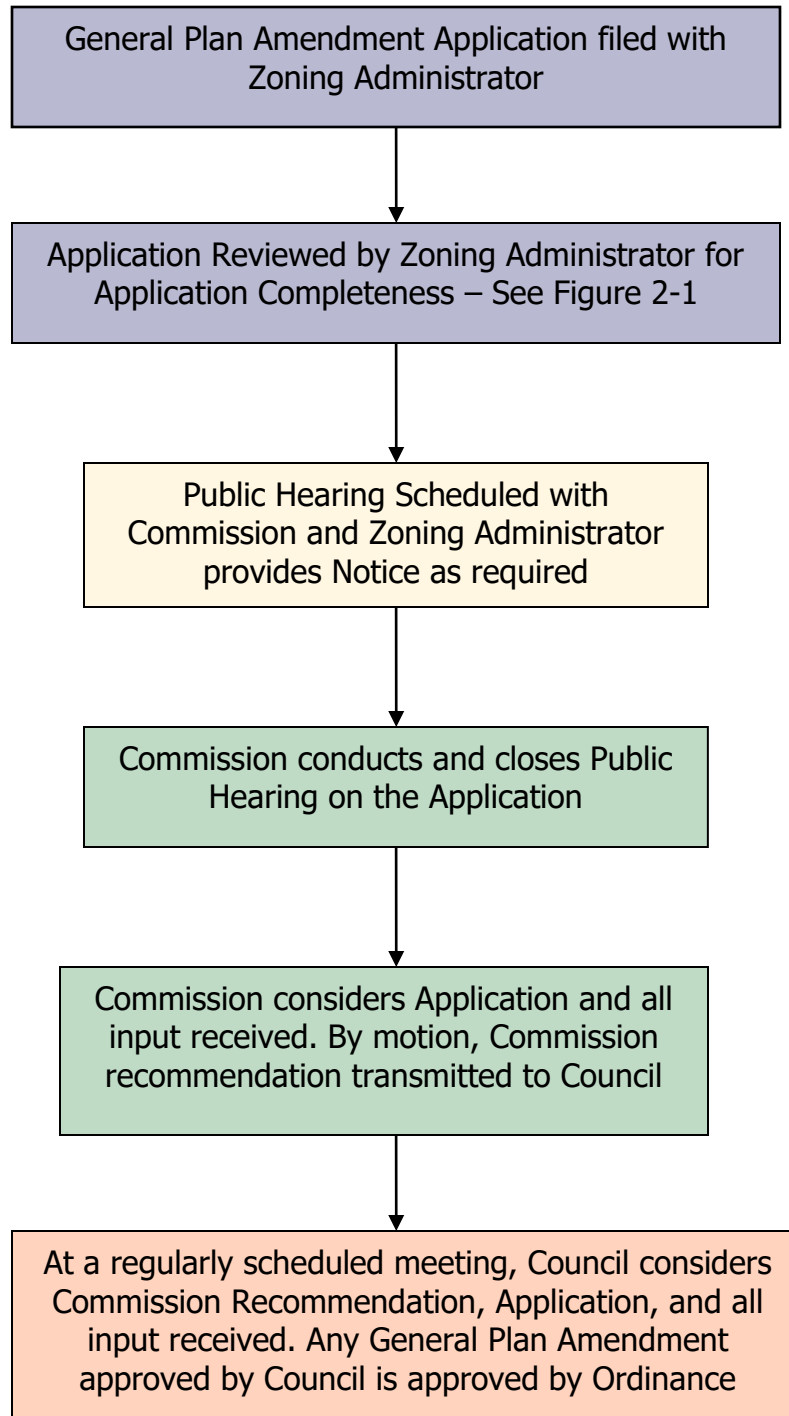
SECTION 406—EFFECT OF APPROVAL OF A GENERAL PLAN AMENDMENT APPLICATION:

The approval of a General Plan Amendment Application shall not authorize the development of land. After the Council has approved a General Plan Amendment Application by Ordinance, no development shall occur until the required approvals, permits and licenses have been issued by a Land Use Authority, as applicable, consistent with the requirements of the City's Land Use Ordinances, and other Ordinances, as applicable.

SECTION 407—APPEALS:

Any person aggrieved by a decision of the Council for any General Plan Amendment Application may appeal the decision to the Appeal Authority as identified by Chapter 24, herein.

FIGURE 4-1
General Plan Amendment Application Procedures



CHAPTER 5 PROCEDURES TO AMEND THE CITY'S LAND USE ORDINANCES

SECTION 501—PURPOSE:

This Chapter identifies and provides the procedures for the review of Applications to amend the City's Land Use Ordinances, including Applications to amend this Ordinance, including a Rezone (Zoning Districts Map amendment) or Official Map Amendment.

The Fairview City Land Use Ordinances, including this Ordinance, with the accompanying Zoning Districts Map, is considered the City's land use laws for the purposes of land use decision-making, including the guidance of growth and development occurring in the City, and the provision of required infrastructure and services.

SECTION 502—COUNCIL LAND USE AUTHORITY FOR LAND USE ORDINANCE AMENDMENT APPLICATIONS:

The Council is authorized as the Land Use Authority responsible to review and approve, approve with revisions, or deny all Land Use Ordinance Amendment Applications.

SECTION 503—INITIATION:

All requests to amend the City's Land Use Ordinances, including this Ordinance and a Rezone (Zoning Districts Map amendment) or Official Map Amendment shall be made on the applicable Land Use Application. A property owner, a resident, a business owner, the Council, Commission, Zoning Administrator, or other City Staff may submit a Land Use Ordinance Amendment Application. An agent of a property owner, or a lessee of the property, may submit a Land Use Ordinance Amendment Application, provided such application is accompanied by a property owner affidavit of authorization.

SECTION 504—REVIEW PROCEDURES FOR LAND USE ORDINANCE AMENDMENT APPLICATIONS:

The procedures for the review of a Land Use Ordinance Amendment Application by the Council are identified by Figure 5-1 herein.

SECTION 505—LAND USE ORDINANCE AMENDMENT APPLICATION REQUIREMENTS:

All Land Use Ordinance Amendment Applications shall include and provide the following information:

- 1) A complete Land Use Ordinance Amendment Application.
- 2) All information and materials, as determined necessary by the Applicant, and sufficient to identify and demonstrate the rationale and basis for the proposed Land Use Ordinance Amendment.
- 3) Statements identifying how the Land Use Ordinance, as adopted, is in error or deficient, and how the proposed Land Use Ordinance Amendment will correct any error or deficiency.
- 4) All other information, as may be required by the Commission, or Council necessary to review the Land Use Ordinance Amendment Application.

SECTION 506—MINIMUM REQUIREMENTS AND FINDINGS FOR LAND USE ORDINANCE AMENDMENT APPLICATIONS:

In considering a Land Use Ordinance Amendment Application, the Commission in formulating a recommendation and the Council in deciding a Land Use Ordinance Amendment Application shall consider the following factors, among others:

- 1) The effect of the proposed amendment on the overall well-being of the City.
- 2) The effect of the proposed amendment on the public health, welfare, and safety.
- 3) The effect of the proposed amendment on the interests of the City, and its residents.
- 4) The ability of the City, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the proposed uses and activities allowed by the proposed amendment.
- 5) Compatibility of the proposed uses, if applicable, with nearby and adjoining properties.
- 6) The suitability of the properties for the uses and activities proposed.

- 7) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any other revisions to the City's Land Use Ordinances, and any other Ordinances required to implement the amendment.

**SECTION 507—EFFECT OF APPROVAL OF A LAND USE ORDINANCE
AMENDMENT APPLICATION:**

The approval of a Land Use Ordinance Amendment Application shall not authorize the development of land. After the Council has approved a Land Use Ordinance Amendment Application by Ordinance, no development shall occur until the required Land Use Application approvals, permits and licenses have been issued by a Land Use Authority, as applicable, consistent with the requirements of the City's Land Use Ordinances, and other Ordinances, as applicable.

SECTION 508—APPEALS:

Any person aggrieved by a decision of the Council for any Land Use Ordinance Amendment Application may appeal the decision to the Appeal Authority as identified by Chapter 24, herein.

SECTION 509—TEMPORARY LAND USE REGULATIONS:

As provided by the Act the Council may, without receiving a Commission recommendation and without a public hearing, adopt a temporary land use regulation for a part or all of the areas within the City if the Council makes a finding of a compelling, countervailing public interest, or the area is unregulated.

**SECTION 510—EFFECT OF A PENDING A LAND USE ORDINANCE,
OFFICIAL MAP AMENDMENT, OR TEMPORARY LAND USE REGULATION:**

- 1) An applicant is entitled to action on a Land Use Application by the Land Use Authority, as applicable, if the application conforms to the requirements all Land Use Ordinances, in effect on the date the Zoning Administrator determines the application complete and all fees have been paid unless:
 - a) The Land Use Authority, on the record, finds a compelling, countervailing public interest would be jeopardized by approving the application; or

- b) In the manner provided by this Chapter, and before the Land Use Application is filed, the City has formally initiated proceedings to amend a Land Use Ordinance, including this Ordinance, or Official Map in a manner that would prohibit or otherwise effect the approval of the application, as submitted; or
 - c) The Council, as provided by Section 509, has adopted a temporary land use regulation affecting the application.
- 2) An application for any Land Use Application approval, permit, or license affected by a pending Land Use Ordinance, Official Map Amendment, or Temporary Land Use Regulation shall be subject to the following:
- a) The application shall not be acted upon until one hundred eighty (180) days from the date when the pending Land Use Ordinance, Official Map Amendment, or Temporary Land Use Regulation was first noticed on a Commission or Council agenda, unless:
 - i) The applicant voluntarily agrees to amend the Land Use Application to conform to the requirements of the pending amendment or temporary land use regulation; or
 - ii) One hundred eighty (180) days have passed since the amendment proceedings were initiated or the adoption of the temporary land use regulation; or
 - iii) A decision concerning the proposed amendment is made sooner than one hundred eighty (180) days since the amendment proceedings were initiated.
- 3) Upon a decision on a Land Use Ordinance or Official Map Amendment Application by the Council, all decisions for any approval, permit or license filed during the period the Land Use Ordinance or Official Map Amendment is pending, or thereafter, shall conform to the requirements of the Land Use Ordinance or Official Map, as amended.
- 4) A Land Use Authority shall process an application without regard to proceedings initiated to amend a Land Use Ordinance or Official Map if:
- a) One hundred eighty (180) days have passed since the proceedings were initiated; and

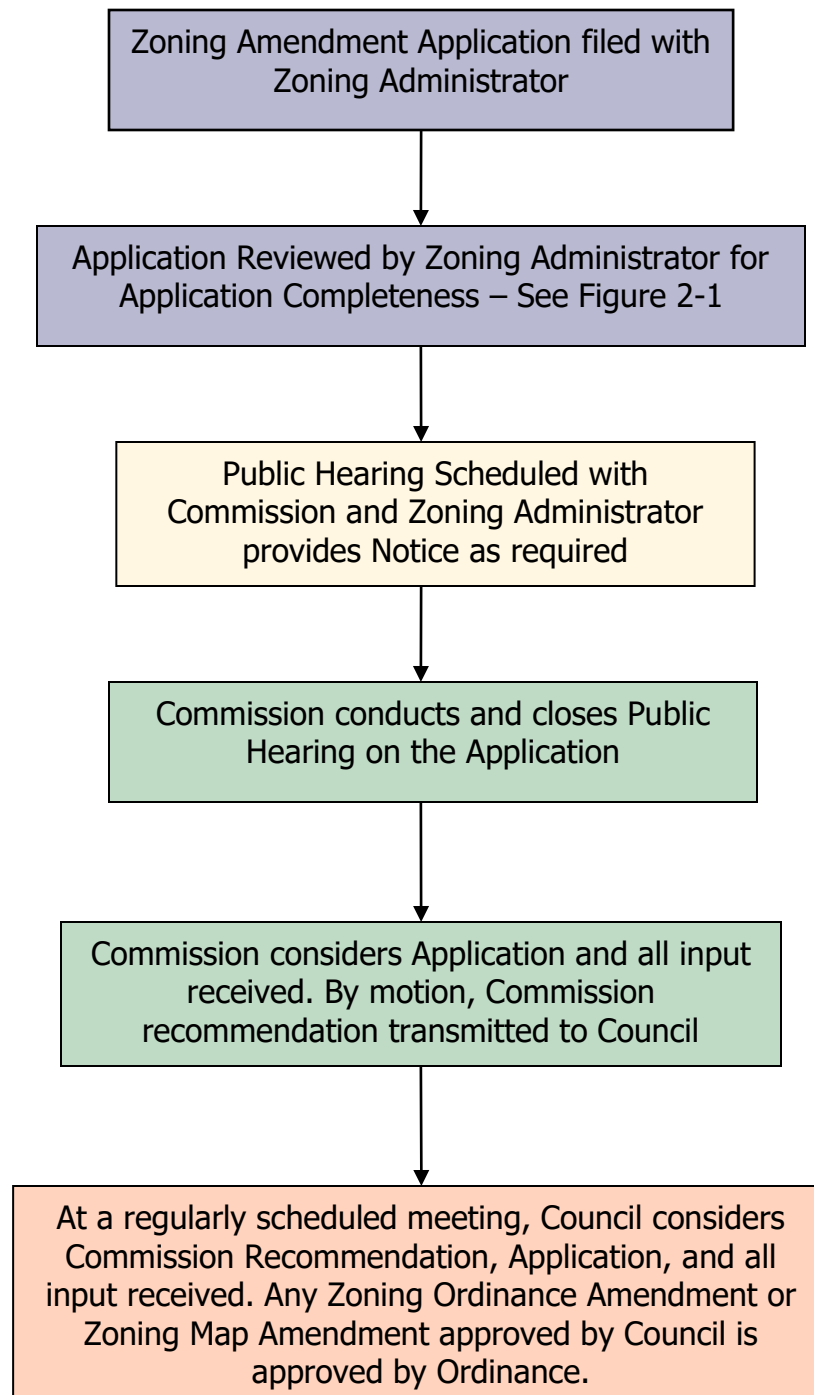
- b) The proceedings have not resulted in an enactment that would prohibit action on the application, as submitted; or
 - c) One hundred eighty (180) days have passed since the adoption of the temporary land use regulation.
- 5) An application shall be deemed "filed" when the application is determined complete by the Zoning Administrator.
- 6) When a proposed Land Use Ordinance or Official Map Amendment Application is pending, an application for any Land Use Application approval, permit, or license, as required by the Land Use Ordinances of the City, which may be affected by the proposed amendment, shall not be entitled to rely on the existing Land Use Ordinances or Official Map, which may be amended.

SECTION 511—ZONING ADMINISTRATOR MAY PROVIDE NOTICE OF PENDING LAND USE ORDINANCE OR OFFICIAL MAP AMENDMENTS TO APPLICANTS:

The Zoning Administrator may provide applicants affected by a pending Land Use Ordinance Amendment Application, Official Map Amendment Application, or temporary zoning regulation that:

- 1) Identifies that a Land Use Ordinance, Official Map Amendment Application is pending with the Commission and/or Council or a temporary zoning regulation is in effect.
- 2) The Land Use Application approval, permit, or license may be affected by the pending Land Use Ordinance or Official Map Amendment, or temporary zoning regulation, which may require revisions and changes to the application upon adoption of the pending Land Use Ordinance or Official Map Amendment.
- 3) A copy of the pending Land Use Ordinance or Official Map Amendment Application, or temporary zoning regulation is available for inspection in the office of the Zoning Administrator.

FIGURE 5-1
Zoning Ordinance Amendment Application and
Official Map Amendment Application Procedures



CHAPTER 6

ESTABLISHMENT OF ZONING DISTRICTS

SECTION 601—ZONING BY DISTRICTS

In accordance with the requirement of the Act, that zoning within municipalities be by districts, Fairview City, as shown on the Fairview City Zoning Districts Map, is divided into zoning districts that govern the use, intensity and other requirements for the use of all lands located within the City. The map accompanying this Ordinance, the Fairview City Zoning Districts Map, incorporated herein by reference, identifies the number, shape, location, and area of each zoning district provided by the City. All uses, activities, building and structures, and all required approvals, permits, and licenses shall comply with the provisions, standards, and requirements of the applicable zoning district.

To achieve the purposes of this Ordinance, the following zoning districts are provided:

- 1) Residential Agricultural District(RA)
 - a) Single-Family Residential
 - b) Two-Family Residential
- 2) Multi-Family Residential District(RMF)
 - a) Multi-Family Residential
- 3) Commercial District(BC)
 - a) Business Commercial
- 4) Special Purpose District
 - a) Sensitive Lands (SL)

SECTION 602—ZONING DISTRICTS PURPOSES:

The Fairview City Zoning Districts are provided and achieve the following purposes:

- 1) The Residential Agricultural District (RA) is provided to allow the raising of livestock and/or the growing of crops and to preserve the established uses associated with agricultural activities. The RA District is provided to allow low-density and medium-density residential neighborhoods with a quality of openness and provide for certain rural amenities, including; but not limited to keeping domestic livestock and providing agricultural opportunities on larger

lots. The principal land use is single-family and two-family dwellings and incidental and accessory uses located in a rural environment.

- 2) The Multi-Family Residential District (RMF) is provided to allow the establishment of a variety of dwelling unit types from single-family to multiple-family units with their associated necessary public services and activities. This district is provided to facilitate the orderly transition from less intensive, lower density uses to more intensive, higher density uses.
- 3) The Business Commercial (BC) District is provided to accommodate opportunities for a mix of retail and service commercial uses within the District.
- 4) The Sensitive Lands District (SL) is established to protect and regulate existing or proposed uses of environmentally sensitive lands such as; but not limited to, floodplains, wetlands, fault lines, or any other land identified as a naturally sensitive area.

CHAPTER 7

PERMITTED USE APPLICATIONS AND PROCEDURES

SECTION 701—PURPOSE:

This Chapter identifies and provides the procedures for the review of Permitted Use Applications and required to determine compliance with the applicable requirements and provisions of this Ordinance.

SECTION 702—ZONING ADMINISTRATOR AUTHORITY TO APPROVE PERMITTED P-1 USE APPLICATIONS.

The Zoning Administrator is authorized to review and approve or deny all Permitted P-1 Use Applications for the following uses:

- 1) Single-Family Dwellings.
- 2) Two-Family Dwellings.
- 3) All Accessory Buildings.
- 4) All uses proposing to occupy an existing building(s).
- 5) All uses proposing to remodel the interior of an existing building(s).

SECTION 703—COMMISSION AUTHORITY TO APPROVE PERMITTED P-2 USE APPLICATIONS:

The Commission is authorized to review and approve or deny all Permitted P-2 Use Applications for the following uses:

- 1) All uses proposing to establish a Permitted Use proposing new construction.
- 2) All uses proposing to remodel the exterior or propose structural modifications of an existing building(s).
- 3) Multi-Family Dwellings.

SECTION 704—INITIATION:

All requests to establish a Permitted Use as identified in the Tables of Uses, Chapter 10 herein, shall be made on the applicable application form provided by the City. A property owner may submit a Permitted Use Application to the Zoning Administrator. An agent of the property owner, or a lessee of the property, may submit a Permitted Use Application to the Zoning Administrator, provided such application is accompanied by a property owner affidavit of authorization.

SECTION 705—PERMITTED USE APPLICATION REQUIRED:

Applications to establish a Permitted Use are required to comply with all requirements of this Ordinance, including the procedures and requirements for Permitted Use approval, as provided herein.

An application to establish a Permitted Use shall be determined complete by the Zoning Administrator, as provided by Section 207, herein. For applications determined to be incomplete, the Zoning Administrator shall comply with the requirements herein.

SECTION 706—REVIEW PROCEDURES OF THE ZONING ADMINISTRATOR OR COMMISSION FOR PERMITTED P-1 AND P-2 USE APPLICATIONS:

The procedures for the review of a Permitted P-1 Use Application by the Zoning Administrator are identified by Figure 7-1 herein. The procedures for the review of a Permitted P-2 Use Application by the Commission are identified by Figure 7-2, herein.

SECTION 707—PERMITTED P-1 USE APPLICATION REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, AND ALL ACCESSORY BUILDINGS:

All applications to establish a Permitted P-1 Use to establish, or expand Single-Family Dwelling, Two-Family Dwelling, and all Accessory Buildings shall include and provide the following information:

- 1) A complete Permitted P-1 Use Application.
- 2) Two (2) eleven (11) inch x seventeen (17) inch size copies of a site plan with the proposed building(s) drawn at a scale as required by the City Engineer, identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses and buildings, and all existing buildings or other structures located on the property.
 - b) The required setbacks for the Zoning District and the exterior dimensions of all proposed buildings and structures.
 - c) The location of all roads and streets serving the site, or proposed to serve the site.

- d) The location and dimension of all existing and proposed ingress and egress points and required off-street parking spaces and loading areas, as applicable.
- e) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- f) The location of all existing or proposed fences and walls, identifying height and materials shall be shown.
- g) Necessary building plans sufficient to meet the requirements of the Building Codes, as adopted.

SECTION 708—PERMITTED P-1 USE APPLICATION REQUIREMENTS FOR A USE OCCUPYING AN EXISTING BUILDING(S), A USE PROPOSING TO REMODEL THE INTERIOR OF AN EXISTING BUILDING(S):

All applications to establish a Permitted P-1 Use proposing to occupy an existing building(s) or proposing to remodel the interior of an existing building(s) shall include and provide the following information:

- 1) A complete Permitted P-1 Use Application.
- 2) Five (5) eleven (11) inch x seventeen (17) inch size copies of a site plan with the proposed building(s) drawn at a scale as required by the City Engineer, identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses and buildings, and existing buildings or other structures located on the property. Existing property lines and existing fence lines shall be shown.
 - b) The required setbacks for the Zoning District and the exterior dimensions of all proposed buildings and structures.
 - c) The location of roads and streets serving the site, or proposed to serve the site.
 - d) The location and dimension of all existing and proposed ingress and egress points and required off-street parking spaces and loading areas, as applicable.

- e) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- f) Any proposed modifications in signage on the building or site.
- g) Necessary building plans sufficient to meet the requirements of the Building Codes, as adopted.
- h) The exterior elevations of all proposed structural modifications to the existing building shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board including color chips and material samples. The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.
- i) Information and plans shall be provided identifying all proposed new building lighting identifying the type, design, location, intensity, height, and direction of all building lighting.

SECTION 709—PERMITTED P-2 USE APPLICATION REQUIREMENTS TO ESTABLISH A PERMITTED USE PROPOSING NEW CONSTRUCTION:

All applications to establish a Permitted Use proposing new construction shall include and provide the following information:

- 1) A completed Permitted P-2 Use Application, as provided by the City.
- 2) Five (5) copies of a Site Plan, drawn at a scale as required by the City Engineer, prepared by a licensed engineer or architect identifying the following:
 - a) The location and dimension of the property and all proposed uses and buildings, existing buildings located on the property, and existing buildings located within one-hundred (100) feet of the property.
 - b) The location of all proposed future building(s) and construction shall be shown, as applicable.
 - c) Existing property lines and existing fence lines shall be shown.
 - d) The location of all zoning district boundaries.

- e) The location and dimension of all existing and proposed natural features including drainage ways and flood plains.
 - f) Existing topography and the proposed finished grade of the site, shown as required by the City Engineer.
 - g) The required setbacks for the Zoning District and exterior dimensions of all proposed buildings and structures.
 - h) The location of roads and streets serving the site, or proposed to serve the site, and including any permits as required by Sanpete County or the Utah Department of Transportation, as applicable.
 - i) The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
 - j) The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.
 - k) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- 3) Located on the Site Plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Zoning Administrator for readability, the following information shall be provided:
- a) **Infrastructure and Utility Plans.** All existing and proposed culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the City, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the City Engineer. Access to all utilities and points of utilities connections shall be shown.
 - b) **A Landscape Plan(s).** Landscape plan(s), prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, including all proposed plant materials, including their locations and sizes. All proposed plant materials should be drought tolerant.

- c) **Fences and Walls.** The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
 - d) **Building Plans.** The exterior elevations of every side of all proposed structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board including color chips and material samples. The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.
 - e) **Site and Building Signage Plans.** Information and plans shall be provided identifying all proposed site and building signage including the design, height, size, materials, and colors of all building and site signs.
 - f) **Site and Building Lighting Plans.** Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting. A photometric plan of the site, including all site and building lighting, may be required by the Commission.
 - g) **Refuse Collection Areas.** The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening.
 - h) **Erosion Control Plan(s).** Information and plans identifying proposed temporary and permanent erosion control measures.
 - i) **Construction Plans.** Construction Plan(s) identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.
- 4) A narrative, accompanied by necessary tables and other information, describing the proposed Permitted Use Application, to assist the Zoning Administrator, Development Review Committee, and Commission review of the Permitted Use Application including:
- a) A calculation, identifying all pervious and impervious areas.
 - b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.
 - c) Projected increase in traffic trips.
 - d) Projected water and sewer demand.

- e) How the proposed site plan and proposed uses comply with the Fairview City General Plan.

SECTION 710—SITE AND BUILDING DESIGN STANDARDS FOR NEW CONSTRUCTION OR STRUCTURAL MODIFICATIONS TO AN EXISTING BUILDING(S):

To achieve the purposes of this Ordinance, site and building design standards as follows:

- 1) Site and Building Design Standards. These standards are related to the design of both the site and buildings and include building design, location of buildings, access locations, parking and loading areas, landscaping treatments, buffer areas, signs and sign location, site and building lighting, and other site and building features. Site and building design standards are required standards, are in addition to the other standards set forth in this Ordinance, and are indicated by the verb "shall."
 - a. All Permitted Use Applications shall balance the proportion and scale of the proposed buildings and structures to the site, adjacent buildings and structures, and streets from which the building will be accessed or viewed. Building plans, elevations and cross-section drawings, photographs, or other studies or models may be required to illustrate or fully explain how a proposed buildings and structures will address these issues. It is the vision of the City that all buildings, and their associated facilities and improvements, will enhance the built environment of the City.
- 2) Site and Building Design Guidelines. Guidelines are additional actions that may be taken to enhance the development site and building design. Guidelines use the verb "should" (rather than "shall") signifying that the guidelines are desirable objectives. The application of the guidelines will depend on the nature of the proposed site and building and the surrounding area, as may be determined necessary by the Land Use Authority.
 - a. All site plan(s) for Permitted Use Applications should provide site functionality for the integration of the proposed buildings with existing, or planned, pedestrian and vehicular circulation patterns and provides for a system of interconnected streets, walkways, trails, and parking areas.

- i. Naturally Occurring Site Features. All Permitted Use site plans should recognize and preserve, as practicable, the natural features and sensitive areas occurring on the site including areas of historic value, unusual or hazardous topography, or lands subject to flooding. All natural features should be preserved, as practical, and integrated into the site plan design.
- ii. Site Access. The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles should be designed to maximize safety and convenience.
- iii. Trash and Refuse Collection Areas. All solid waste and refuse collection areas should be located to minimize any impact on adjacent property owners or users. Such areas shall be screened from view. All dumpster and refuse enclosures shall be a minimum of six (6) feet high, constructed of materials to match the primary buildings on the site, and provide latching gates for screening the opening to the enclosure.
- iv. Noise Impact. Site design shall include provisions and strategies for limiting noise, particularly to adjacent property. The occupants of a proposed development should be protected from noise from both outside and within the site through screening, setbacks, and building materials. Noise generating equipment shall be located and buffered to minimize potential on-site and off-site impacts.
- v. Flood Channels and Drainage Ways. Drainage ways shall be retained and protected in their naturally occurring condition, where possible, and integrated into the open space areas of the site and may include areas for use as trails or parks. Flood channels and drainage ways may be contoured to be gentle and rounded and may incorporate the use of rocks, boulders, and landscaping to increase interest.
- vi. Site Landscaping and Screening Treatments. Landscape improvements should mitigate building and parking lot impact, add aesthetic interest, and add to site and building character. Landscaping should complement the architecture of the building and provide visual interest and variety, provide screening elements, add to year round site

beautification, highlight building design features, and conserve water.

- vii. Site Lighting Standards. All outside lighting, including parking areas, should be “down lighting” so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. The use of motion sensors and timers is encouraged.
- viii. Site and Building Sign Standards. The placement and design of all allowed signs shall be found to be compatible with building design and architecture. All signs shall be provided as an integral site and building design element and shall be compatible with the style of the buildings in terms of location, scale, color, and lettering style.

SECTION 711—FINDINGS FOR APPROVAL OF A PERMITTED USE APPLICATION:

The Land Use Authority, as applicable, shall review the Permitted Use Application and shall determine:

- 1) The proposed use is a Permitted Use within the zoning district, as identified in the Table of Uses, Chapter 10, herein.
- 2) The proposed use complies with all requirements applicable to the zoning district, including the minimum area, yard setbacks, height, and all other requirements applicable in the zoning district.
- 3) The site plan associated with the proposed use complies with all site plan and building requirements, as provided and required by this Chapter.
- 4) The proposed use and site plan complies with all applicable dedication requirements of the City and provides the necessary infrastructure, as required.

SECTION 712—FINDINGS AND STANDARDS FOR APPROVAL OF A PERMITTED USE APPLICATION BY THE LAND USE AUTHORITY:

In determining whether a Permitted Use Application meets the approval standards of Section 711 herein, the Land Use Authority shall consider the extent

to which the Permitted Use Application is consistent with the provisions of this Ordinance and other applicable Local, State and Federal regulations. The Land Use Authority may be guided by, but are not required or limited to, the following review criteria in the exercise of their decision-making authority in deciding a Permitted Use Application:

- 1) Does the proposed Permitted Use site plan, including the proposed site and building design and layout, comply with all requirements of this Ordinance, and all Federal State, and Local requirements, as applicable?
- 2) Is the Permitted Use site plan, and proposed site and building design and layout, consistent with the Fairview City General Plan, as adopted?
- 3) Are the Permitted Use Application materials provided in sufficient detail and in an understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of size, location, area, height, bulk, setbacks, landscaping features, off-street parking, traffic and pedestrian circulation patterns, or any other building or site planning feature or detail?
- 4) Are alternative site planning and building design and layouts options available that would allow the proposed uses and buildings to be established on the site to more fully achieve the purposes of this Ordinance, and to enhance the functionality and attractiveness of the site and add attractiveness to the City?
- 5) Are alternative site planning and building design and layouts options available that would lessen the impact of the proposed uses on adjoining and nearby properties?
- 6) Does the proposed Permitted Use site plan, including the proposed site and building design and layout preserve and enhance, as practicable, characteristics of the site, including drainage ways, site topography, sufficient to preserve or add attractiveness and quality to the property and its environs?
- 7) Are building and site planning techniques utilized, as identified herein, sufficient to achieve a quality development to add value and desirability to the built environments of Fairview City?

SECTION 713—DECISION OF A PERMITTED USE APPLICATION BY THE LAND USE AUTHORITY:

- 1) Upon a finding by the Land Use Authority that the Permitted Use Application, with the accompanying site plan and the proposed use, building(s), or structure(s) comply with the standards and requirements of this Chapter, and

the proposed use, building(s), or structure(s) can be adequately serviced by the existing, or proposed infrastructure and services, the building plans shall be reviewed for compliance with the Building Codes, as adopted by the City. If the Permitted Use Application complies with all the requirements of this Ordinance, the Building Codes, as adopted, and all other applicable Land Use Ordinances, the Permitted Use Application shall be approved, with or without requirements and revisions determined necessary by the Land Use Authority for compliance to the requirements of this Ordinance. The Land Use Authority shall notify the applicant of the decision, as required by Section 307, herein.

- 2) If the Permitted Use Application does not comply with the requirements of this Ordinance, Building Codes, and all other applicable Land Use Ordinances, the Land Use Authority, as applicable, shall not approve the Permitted Use Application, and no building permit shall be issued. The Land Use Authority shall notify the applicant of the decision, as required by Section 307, herein.

SECTION 714—EFFECT OF APPROVAL:

Approval of a Permitted Use Application by a Land Use Authority shall authorize the establishment of the approved use, subject to any requirements and revisions of the Land Use Authority necessary to comply with all Land Use Ordinances of the City. Only when the Permitted Use Application has been approved by the Land Use Authority, as applicable, may any building, activity, construction, or occupancy be commenced. Approval of a Permitted Use Application shall not be deemed an approval of any other application, permit, or license.

SECTION 715—PERMITTED USE APPROVAL AMENDMENT:

The procedure for amending any Permitted Use Application approval shall be the same procedure required to approve the Application in the first instance.

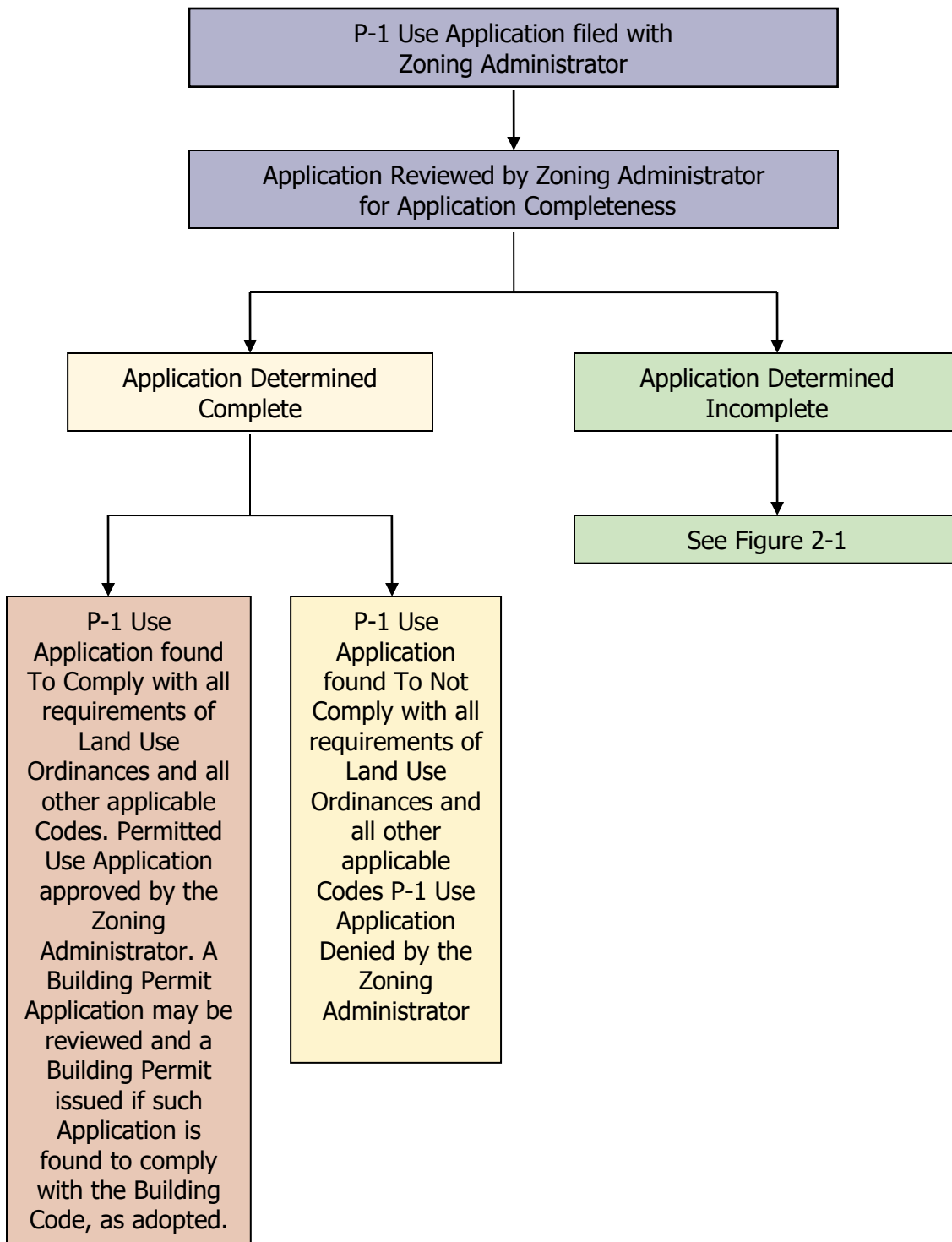
SECTION 716—EXPIRATION:

A Permitted Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced or established within one hundred eighty (180) days from the date of approval by the Land Use Authority. If work has not commenced, or a use established within one hundred eighty (180) days from the date of the application approval; the approval, as approved, shall be void and a new Permitted Use Application required.

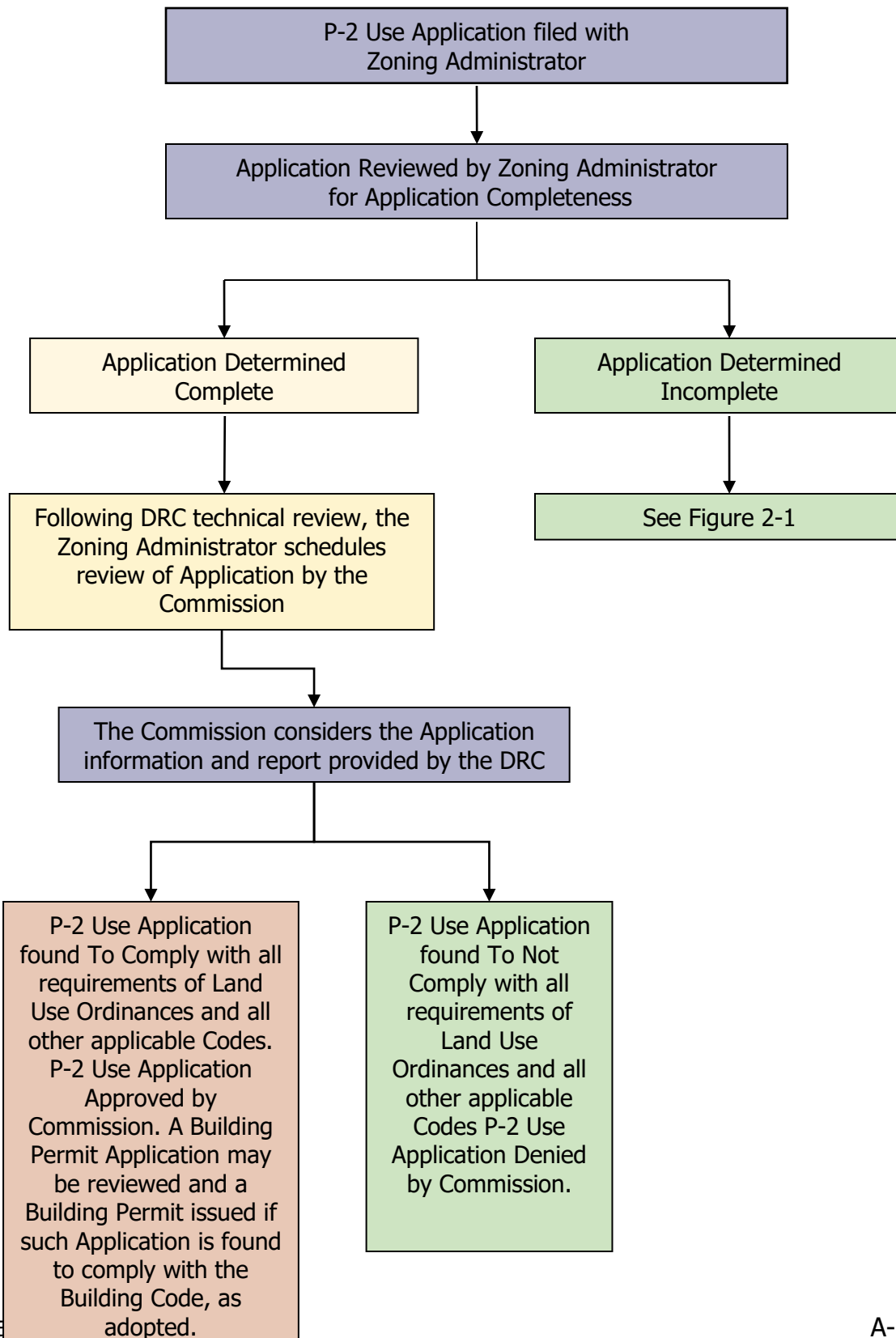
SECTION 717—APPEALS:

Any person aggrieved by a decision of a Land Use Authority for any Permitted Use Application may appeal the decision to the Appeal Authority as identified by Chapter 24, herein.

Figure 7-1
Permitted P-1 Use Application Procedures



**Figure 7-2
Permitted P-2 Use Application Procedures**



CHAPTER 8

CONDITIONAL USE APPLICATIONS AND PROCEDURES

SECTION 801—PURPOSE:

This Chapter identifies and provides the procedures for the review of Conditional Use Applications and required to determine compliance with the applicable requirements of this Ordinance.

SECTION 802—COUNCIL AUTHORITY TO APPROVE CONDITIONAL USE APPLICATIONS:

The Council, following a Commission recommendation, is authorized to review and approve or deny all Conditional Use Applications.

SECTION 803—INITIATION:

All requests to establish a Conditional Use, as identified in the Tables of Uses, Chapter 10 herein, shall be made on the applicable application form provided by the City. A property owner may submit a Conditional Use Application to the Zoning Administrator. An agent of the property owner, or a lessee of the property, may submit a Conditional Use Application to the Zoning Administrator, provided such application is accompanied by a property owner affidavit of authorization.

SECTION 804—CONDITIONAL USE APPLICATION REQUIRED:

Applications to establish a Conditional Use are required to comply with all requirements of this Ordinance, including the procedures and requirements for Conditional Use approval, as provided herein.

An application to establish a Conditional Use shall be determined complete by the Zoning Administrator, as provided by Section 207, herein. For applications determined to be incomplete, the Zoning Administrator shall comply with the requirements herein.

SECTION 805—REVIEW PROCEDURES OF THE COUNCIL FOR CONDITIONAL USE APPLICATIONS:

The procedures for the review of a Conditional Use Application by the Council are identified by Figure 8-1, herein.

- 1) **Commission Recommendation.** The Commission shall review all information provided and formulate a recommendation to the Council on the Conditional Use Application. The Commission may recommend approval of the Conditional Use Application as presented, approval of the Conditional Use Application with conditions, or denial of the Conditional Use Application.
- 2) **Council Decision.** The Council shall consider the recommendation of the Commission, report(s) provided by the DRC, and all other input received on the application. The Council may approve, approve with conditions, or deny the Conditional Use Application.

SECTION 806—CONDITIONAL USE APPLICATION REQUIREMENTS TO ESTABLISH A CONDITIONAL USE OCCUPYING AN EXISTING BUILDING(S), REMODELING THE INTERIOR OF AN EXISTING BUILDING(S), OR PROPOSING STRUCTURAL MODIFICATIONS TO THE EXTERIOR OF AN EXISTING BUILDING(S), AS APPLICABLE:

- 1) A complete Conditional Use Application, as provided by Fairview City.
- 2) Five (5) eleven (11) inch x seventeen (17) inch size copies of a site plan with the proposed building(s) drawn at a scale as required by the City Engineer, identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses and buildings, and all existing buildings or other structures located on the property. Existing property lines and existing fence lines shall be shown.
 - b) The required setbacks for the Zoning District and exterior dimensions of all proposed buildings and structures.
 - c) The location of roads and streets serving the site, or proposed to serve the site.
 - d) The location and dimension of all existing and proposed ingress and egress points and required off-street parking spaces and loading areas, as applicable.

- e) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- f) Any proposed changes to the exiting building and site signage.
- g) Necessary building plans sufficient to meet the Building Code requirements, as adopted.
- h) The exterior elevations of all proposed structural modifications to the existing building shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board including color chips and material samples. The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.
- i) Information and plans shall be provided identifying all proposed new building lighting identifying the type, design, location, intensity, height, and direction of all building lighting.

SECTION 807—CONDITIONAL USE APPLICATION REQUIREMENTS TO ESTABLISH A CONDITIONAL USE PROPOSING NEW CONSTRUCTION:

All applications to establish a Conditional Use proposing new construction shall include and provide the following information:

- 1) A complete Conditional Use Application, as provided by the City.
- 2) Stamped, addressed envelopes for all owners of property located within three hundred (300) feet of the property, the subject of the Conditional Use Application. (A list of property owners is available from the Sanpete County Recorder's Office).
- 3) Five (5) copies of a site plan, drawn at a scale required by the City Engineer, prepared by a licensed engineer or architect identifying the following:
 - a) The location and dimension of the property boundaries and all proposed uses and buildings, and all existing buildings or other structures located on the property. Existing property lines and existing fence lines shall be shown.
 - b) The location of all proposed buildings shall be shown, if applicable, to

provide for the function and compatibility of the entire site at full build-out. The required setbacks for the Zoning District and exterior dimensions of all proposed buildings and structures shall be shown.

- c) The location of all Zoning District boundaries.
 - d) The location and dimension of all existing and proposed natural features including, but not limited to, scenic views, existing vegetation, wetlands, drainage ways, flood plains, water bodies, and wildlife habitat areas.
 - e) Existing topography and the proposed finished grade of the site shown as required by the City Engineer.
 - f) The proposed setbacks and exterior dimensions of all proposed buildings and structures.
 - g) The location of roads and streets serving the site, or proposed to serve the site, and including any permits as required by Sanpete County or the Utah Department of Transportation, as applicable.
 - h) The location and dimension of all proposed ingress and egress points, off-street parking, and loading areas, including the total number of parking and loading spaces.
 - i) The location and dimension of all pedestrian and biking facilities, including sidewalks and trails, if any.
 - j) All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.
- 4) Located on the Site Plan sheet(s), or on separate sheets, as may be proposed by the applicant, or required by the Zoning Administrator for readability, the following information shall be provided:
- a) **Infrastructure and Utility Plans.** All existing and proposed culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the City, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the City Engineer. Access to all utilities and points of utilities connections shall be shown.
 - b) **A Landscape Plan(s).** Landscape plan(s), prepared by a registered landscape architect, identifying all proposed landscape, screening and

- buffering features, including all proposed plant materials, including their locations and sizes. All proposed plant materials should be drought tolerant.
- c) **Fences and Walls.** The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
 - d) **Building Plans.** The exterior elevations of every side of all proposed structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades. This information shall include a proposed building materials and colors board including color chips and material samples. The location of all associated mechanical and ancillary equipment, if any, shall be provided, including any screening treatments proposed.
 - e) **Site and Building Signage Plans.** Information and plans shall be provided identifying all proposed site and building signage including the design, height, size, materials, and colors of all building and site signs.
 - f) **Site and Building Lighting Plans.** Information and plans shall be provided identifying all proposed site and building lighting identifying the type, design, location, intensity, height, and direction of all site and building lighting. A photometric plan of the site, including all site and building lighting, may be required by the Commission and/or Council.
 - g) **Refuse Collection Areas.** The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening.
 - h) **Erosion Control Plan(s).** Information and plans identifying proposed temporary and permanent erosion control measures.
 - i) **Construction Plans.** Construction Plan(s) identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s), as applicable.
- 2) A narrative, accompanied by necessary tables and other information, describing the proposed Conditional Use Application, to assist the Zoning Administrator, Development Review Committee, Commission, and Council review of the Conditional Use Application including:
- a) A calculation, identifying all pervious and impervious areas.
 - b) A description of all proposed uses and buildings, including the total site area and building square footage, by building.

- c) Projected increase in traffic trips.
- d) Projected water and sewer demand.
- e) How the proposed site plan and proposed uses comply with the Fairview City General Plan.

SECTION 808— SITE AND BUILDING DESIGN STANDARDS TO ESTABLISH A CONDITIONAL USE:

- 1) Site and Building Design Standards. These standards are related to the design of both the site and buildings and include building design, location of buildings, access locations, parking and loading areas, landscaping treatments, buffer areas, signs and sign location, site and building lighting, and other site and building features. Site and building design standards are required standards, are in addition to the other standards set forth in this Ordinance, and are indicated by the verb "shall."
 - a) All Conditional Use Applications shall balance the proportion and scale of the proposed buildings and structures to the site, adjacent buildings and structures, and streets from which the building will be accessed or viewed. Building plans, elevations and cross-section drawings, photographs, or other studies or models may be required to illustrate or fully explain how a proposed buildings and structures will address these issues. It is the vision of the City that all buildings, and their associated facilities and improvements, will enhance the built environment of the City.
- 2) Site and Building Design Guidelines. Guidelines are additional actions that may be taken to enhance the development site and building design. Guidelines use the verb "should" (rather than "shall") signifying that the guidelines are desirable objectives. The application of the guidelines will depend on the nature of the proposed site and building and the surrounding area, as may be determined necessary by the Land Use Authority.
 - a) All site plan(s) for Conditional Use Applications should provide site functionality for the integration of the proposed buildings with existing, or planned, pedestrian and vehicular circulation patterns and provides for a system of interconnected streets, walkways, trails, and parking areas.

- (i) Naturally Occurring Site Features. All Conditional Use site plans should recognize and preserve, as practicable, the natural features and sensitive areas occurring on the site including areas of historic value, unusual or hazardous topography, or lands subject to flooding. All natural features should be preserved, as practical, and integrated into the site plan design.
- (ii) Site Access. The location and number of access points to the site, the interior circulation pattern, and the separation between pedestrians and vehicles should be designed to maximize safety and convenience.
- (iii) Trash and Refuse Collection Areas. All solid waste and refuse collection areas should be located to minimize any impact on adjacent property owners or users. Such areas shall be screened from view. All dumpster and refuse enclosures shall be a minimum of six (6) feet high, constructed of materials to match the primary buildings on the site, and provide latching gates for screening the opening to the enclosure.
- (iv) Noise Impact. Site design shall include provisions and strategies for limiting noise, particularly to adjacent property. The occupants of a proposed development should be protected from noise from both outside and within the site through screening, setbacks, and building materials. Noise generating equipment shall be located and buffered to minimize potential on-site and off-site impacts.
- (v) Flood Channels and Drainage Ways. Drainage ways shall be retained and protected in their naturally occurring condition, where possible, and integrated into the open space areas of the site and may include areas for use as trails or parks. Flood channels and drainage ways may be contoured to be gentle and rounded and may incorporate the use of rocks, boulders, and landscaping to increase interest.
- (vi) Site Landscaping and Screening Treatments. Landscape improvements should mitigate building and parking lot impact, add aesthetic interest, and add to site and building character. Landscaping should complement the architecture of the building and provide visual interest and variety, provide screening elements, add to year round site

beautification, highlight building design features, and conserve water.

- (vii) Site Lighting Standards. All outside lighting, including parking areas, should be “down lighting” so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. The use of motion sensors and timers is encouraged.
- (viii) Site and Building Sign Standards. The placement and design of all allowed signs shall be found to be compatible with building design and architecture. All signs shall be provided as an integral site and building design element and shall be compatible with the style of the buildings in terms of location, scale, color, and lettering style.

SECTION 809—REASONABLE CONDITIONS FOR APPROVAL FOR A CONDITIONAL USE:

The Council may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, and other items for the approval of a Conditional Use Application deemed necessary by the Council, acting as a Land Use Authority, to mitigate possible detrimental effects of the proposed use, to secure the purposes of this Ordinance, and to protect adjacent properties and the public interest. These reasonable conditions may include;

- 1) Size, configuration, and location of the site, and site plan design and layout.
- 2) Site ingress and egress to existing and proposed roads and streets.
- 3) The provision of adequate public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protection, and other utilities.
- 4) The location and amount of off-street parking and loading areas.
- 5) Site circulation pattern for vehicular and pedestrian traffic.
- 6) Building(s) size and location, building design and exterior building features, building materials, and building colors.

- 7) The location and design of all site features, including proposed building(s), signage, lighting, and refuse collection.
- 8) The provision of useable open space, public features, and recreational amenities.
- 9) Fencing, screening, buffering, and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from adverse impacts.
- 10) Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
- 11) Measures designed to protect the natural features of the site, including wetlands and drainage ways, and ground water protection.
- 12) The regulation of operating hours for activities affecting normal schedules and functions.
- 13) Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.
- 14) Such other conditions determined reasonable and necessary by the Council to allow the operation of the use, at the proposed location in compliance with the requirements of this Ordinance, all other Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

SECTION 810—FINDINGS AND CONDITIONS:

The Council may approve a Conditional Use Application if, from the application and the facts presented, the Council finds:

- 1) The use is a Conditional Use within the zoning district, as identified in the Table of Uses, Chapter 10 herein.
- 2) The use complies with the requirements applicable to the zoning district in which the use is located, including minimum area, setbacks, height, and all other requirements, as applicable.

- 3) The use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local regulations.
- 4) The property on which the Conditional Use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.

SECTION 811—EFFECT OF APPROVAL:

The approval of a Conditional Use Application shall approve the establishment of the use only. A Conditional Use Application approval shall not authorize the establishment of any building, construction, or occupancy. Only when the Council has approved, or approved with conditions, the Conditional Use Application, and all necessary Building Permit Applications have been approved shall any building, activity, construction, or occupancy be established, subject to any conditions of approval. The approval of a Conditional Use Application shall not be deemed an approval of any other application, permit, or license.

SECTION 812—APPEAL:

Any person aggrieved by a decision of the Council regarding a Conditional Use Application may appeal the decision to the authorized Appeal Authority as provided by Chapter 24, herein.

SECTION 813—EXPIRATION:

A Conditional Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced within one hundred eighty (180) days from the date of approval. If work has not commenced, or a use established within 180 days from date of Conditional Use Application approval, the approval shall be void and a new Conditional Use Application required.

SECTION 814—CONDITIONAL USE APPLICATION APPROVAL AMENDMENT:

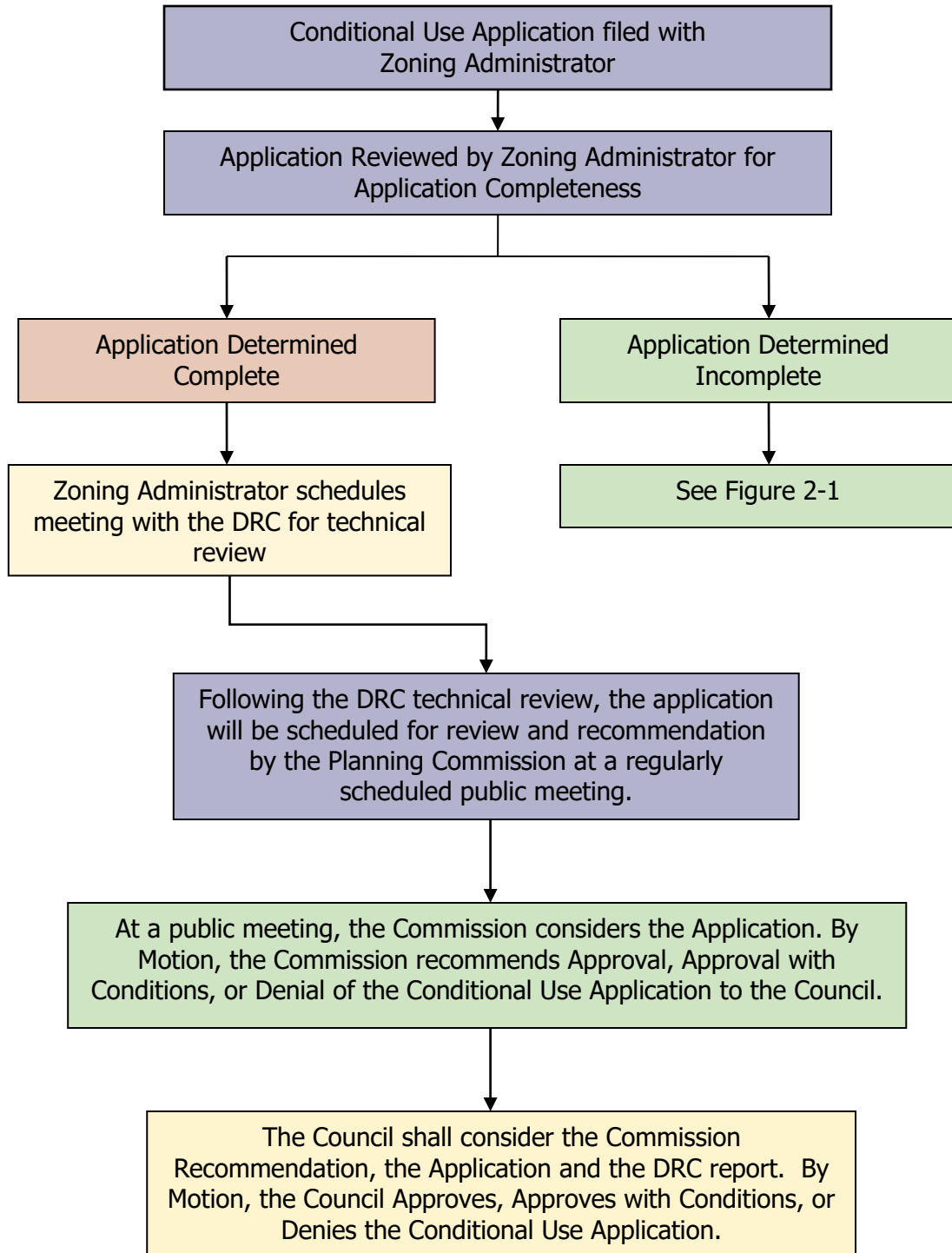
The procedure for amending any Conditional Use Application approval shall be the same procedure as required for approval of the Conditional Use Application in the first instance.

SECTION 815—REVOCATION OR MODIFICATION OF A CONDITIONAL USE PERMIT APPROVAL:

- 1) A Conditional Use Application approved in accordance with the provisions of this Ordinance may be revoked by the Council if any of the conditions of approval are not met, or if the permit is used to violate any law or ordinance.
- 2) The Zoning Administrator shall notify the applicant by certified mail of any Conditional Use Application approval violation. If no attempt to correct the violation is made within ten (10) days after notification, the Conditional Use Application shall be revoked by the Council and considered null and void. A Conditional Use Application approval may be revoked by the Council, if the Council finds that one or more of the following conditions exists:
 - a) The Conditional Use Application approval was obtained in a fraudulent manner.
 - b) The use for which the Conditional Use Application approval has now ceased for a minimum of twelve (12) consecutive months.
 - c) One or more of the conditions of the Conditional Use Application approval has not been complied with.

Additionally, the Council, may modify the conditions under which a Conditional Use Application approval if the Council finds that the use is creating a nuisance.

Figure 8-1
Conditional Use Application Procedures



CHAPTER 9

TEMPORARY USE APPLICATION AND PROCEDURES

SECTION 901—PURPOSE:

The following regulations are provided to accommodate those uses that are identified as a Temporary Use in the Table of Uses. The character and nature of a Temporary Use may be such that requirements may be necessary to protect adjacent properties and the general health, safety, and welfare of citizens of the City.

SECTION 902—AUTHORITY:

The Zoning Administrator is hereby authorized to review and render a decision approving, approving with requirements, or denying all Temporary Use Applications.

SECTION 903—INITIATION:

All requests to establish a Temporary Use, as identified in the Table of Uses, Chapter 10 herein, shall be made on the applicable application form provided by the City. A property owner may present a Temporary Use Application for review and decision by the Zoning Administrator. An agent of the property owner, or a lessee of the property, may present a Temporary Use Application to the Zoning Administrator for review and decision, provided such Application is accompanied by a property owner affidavit of authorization.

SECTION 904—REVIEW AND APPROVAL PROCEDURES:

- 1) The procedures for the review and consideration of a Temporary Use Application are identified by Figure 9-1, herein.
- 2) An application to establish a Temporary Use shall be determined complete by the Zoning Administrator, as provided by Section 207, herein. For Temporary Use Applications determined to be incomplete, the Zoning Administrator shall comply with the requirements of Section 208, herein.
- 3) The Zoning Administrator is authorized to render a decision on a Temporary Use Application upon a finding that the proposed use is identified as a Temporary Use in the Tables of Uses, and will be conducted in compliance

with all requirements of this Ordinance, all other applicable Land Use Ordinances, and all Federal, State, or Local regulations, as applicable.

SECTION 905—ALLOWED TEMPORARY USES:

The following uses may be approved as a Temporary Use by the Zoning Administrator with a finding that the use will be conducted in compliance with all the requirements of this Ordinance:

- 1) A use proposed to be established for a maximum period of forty-five (45) days, such use being discontinued after the expiration of forty-five (45) days.
- 2) A Special Event, for a period not to exceed forty-five (45) days, including;
 - a) Non-Profit fund-raising activities conducted by a registered Non-Profit Organization.
 - b) Organized Events, Educational, Historic, Religious and Patriotic Displays or Exhibits, including concerts, athletic or recreational events, festivals, arts and crafts fairs, and other organized events.

SECTION 906—EXEMPTIONS:

All family gatherings shall be exempt from the requirements of a Temporary Use Application approval and shall not require a Temporary Use Application.

SECTION 907—APPLICATION REQUIREMENTS TO ESTABLISH A TEMPORARY USE:

All Temporary Use Applications shall include and provide the following information:

- 1) A completed Temporary Use Application, as provided by Fairview City.
- 2) Two (2) eleven (11) x seventeen (17) inch copies of a site plan with the proposed uses drawn at a scale as required by the City Engineer, identifying the following;
 - a) The location and dimension of the property boundaries and all proposed uses, and existing buildings or other structures located on the property.

- b) The required setbacks for the Zoning District and exterior dimensions of any proposed buildings and structures.
- c) The location of all roads and streets serving the site, or proposed to serve the site.
- d) The location and dimension of all existing and proposed ingress and egress points and off-street parking.
- e) The types and sizes of all signage.

SECTION 908—EFFECT OF APPROVAL:

Approval of a Temporary Use Application by the Zoning Administrator shall authorize the establishment of the approved Temporary Use, subject to any requirements of approval. Approval of a Temporary Use Application shall not be deemed an approval of any other application, permit, or license.

SECTION 909—APPEAL:

Any person aggrieved by a decision of the Zoning Administrator regarding a Temporary Use Application may appeal the decision to the Appeal Authority as provided by Chapter 24, herein.

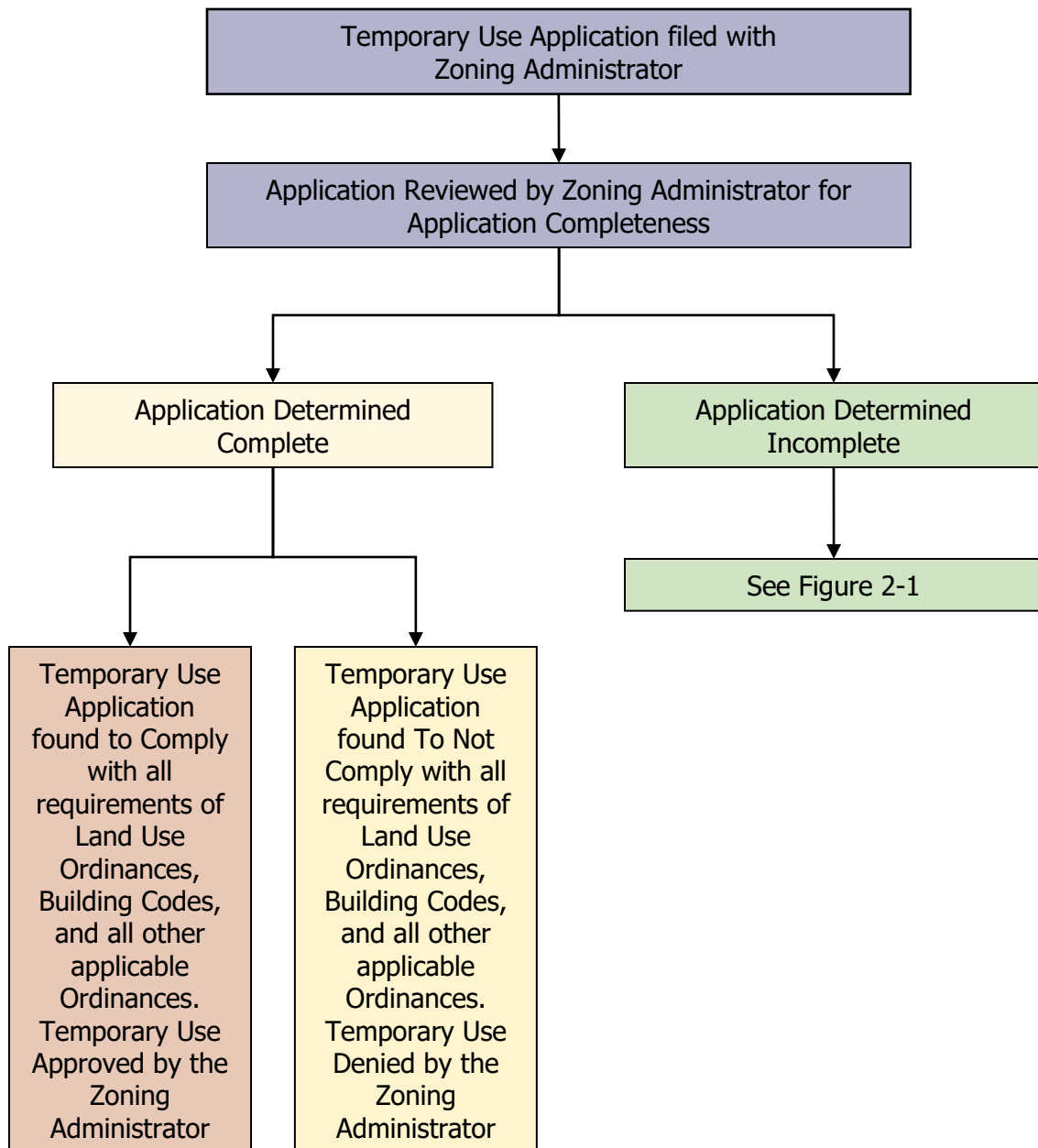
SECTION 910—TEMPORARY USE APPROVAL AMENDMENT:

No Temporary Use Application shall be amended. If an amendment to a Temporary Use Application is required, a new Temporary Use Application shall be required for review and processing by the Zoning Administrator as provided in this Chapter.

SECTION 911—EXPIRATION:

A Temporary Use Application approval shall expire and shall be invalid if the approved Temporary Use is not commenced within thirty (30) days from the date of approval.

Figure 9-1
Temporary Use Application Procedures



CHAPTER 10 TABLE OF USES

SECTION 1001 – TABLE OF USES:

The Fairview City Table of Uses identify the uses allowed within each Zoning District and provides a definition for each use allowed within the City. The Table of Uses identify uses allowed as a Permitted P-1 and P-2 Uses (identified as "P-1" and "P-2" in the Table of Uses), uses allowed as a Conditional Use (identified as "C" in the Table of Uses), and uses allowed as a Temporary Use (identified as "T" in the Table of Uses). Uses, identified as an "X" in the Table of Uses are determined to be a Prohibited Use in the Zoning District. Any use not included in the Table of Uses are hereby determined and declared Prohibited Uses within Fairview City.

The Table of Uses is provided as follows:

- 1) Table 10-1 – Residential and Non-Residential Zoning Districts

**TABLE 10-1
TABLE OF USES FOR ZONING DISTRICTS
FAIRVIEW CITY ZONING ORDINANCE**

Uses identified by the symbols “P-1” and “P-2” are determined to be Permitted Uses, subject to the requirements of Chapter 7 herein.

Uses identified by the symbols “C” are determined to be Conditional Uses, subject to the requirements of Chapter 8 herein.

Uses identified by the symbol “T” are determined to be Temporary Uses, subject to the requirements of Chapter 9 herein.

Uses identified by the symbol “X” are determined to be Prohibited Uses in the Zoning District (Zone).

Any Use that is not identified in the Table of Uses is hereby determined to be a Prohibited Use within Fairview City.

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
Accessory Building. A building customarily incidental and clearly subordinate to the existing primary building and located on the same lot as the primary building, and meeting all requirements of the adopted Building Codes, and Land Use Ordinances (See Chapter 11).	P-1	P-1	P-1	X
Accessory Use. A use clearly incidental and subordinate to the existing primary use and customarily found in connection with the primary use and located on the same lot or in the same building as the primary use (See Chapter 11).	P-1	P-1	P-1	X
Agriculture. An area of five (5) contiguous acres, or larger, which is used for the commercial production, keeping, or maintenance for sale of plants and domestic animals typically found in central Utah, or lands devoted to a soil conservation or forestry management program, but excluding the keeping of exotic or prohibited animals, Agriculture excludes Commercial Plant Nursery, as defined	P-1	X	X	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
herein, and Concentrated Animal Feeding Operation, as defined by the Utah Code Annotated, 1953, as amended, and similar activities.				
Agricultural Building. A structure used solely in conjunction with an allowed agriculture use, and not used for human occupancy, and complying with the requirements of §58-56-4, Utah Code Annotated, 1953, as amended. To qualify as an agricultural building the structure must be located outside of a residential area, as defined by §58-56-4(1), Utah Code Annotated, 1953, as amended.	P-1	X	X	X
Animal Hospital (Veterinary Clinic) for Large Animals, With Holding Facilities. A facility for the diagnosis, treatment, hospitalization, and boarding of animals that includes outdoor holding facilities and may include indoor holding and boarding facilities.	X	X	C	X
Animal Hospital (Veterinary Clinic) for Large Animals, Without Holding or Boarding Facilities. A facility for the diagnosis, treatment, hospitalization, and boarding of animals that does not include indoor or outdoor holding or boarding facilities.	X	X	C	X
Animal Hospital (Veterinary Clinic) for Small Animals, Without Holding or Boarding Facilities. A facility for the diagnosis, treatment, hospitalization, and boarding of small animals, including cats and dogs that may include indoor holding or boarding facilities for a maximum of eight (8) small animals at any one time.	X	X	C	X
Assisted Living Facility: A facility licensed by the State of Utah that provides a combination of housing and personalized health care to its residents and is designed to respond to the individual needs of those who require help with the activities of daily living such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence for each resident.	C	C	C	X
Automotive Care. An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings. Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front-end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.	X	X	C	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
Bank, Credit Union or other Financial Institution. A financial company or corporation providing the extension of credit, and the custody, loan or exchange of money. A bank, credit union or other financial institution proposing to provide drive-through service shall be required to secure a Conditional Use approval for such drive through facility as provided herein.	X	X	C	X
Barn, Corral, Stable, Coop, or Pen. A structure or fenced area, and its associated buildings and structures, for the shelter, feeding, housing, or confinement of domestic animals, as defined herein	P-1	X	X	X
Bed and Breakfast Inn. A residential structure, located on a legal lot and offering transient lodging accommodations in separate guest rooms and where meals may be provided. A Bed and Breakfast Inn shall provide no more than five (5) guest rooms and shall meet all applicable requirements of the Building Code and Land Use Ordinances, as adopted by the City. A guest room is one (1) room having no kitchen facilities (See Chapter 12).	C	C	C	X
Billboard. A freestanding sign designed or intended to direct attention to a business, product, or service that is not provided, sold, offered, or existing on the property where the sign is located.	X	X	X	X
Campground. An area of land upon which two or more campsites are located, established or maintained for occupancy by a tent or recreational vehicle as a temporary dwelling unit, not to exceed forty-five (45) calendar days, for recreational or vacation purposes.	X	X	X	C
Change of Use – C Use (Proposing site plan changes or new construction). A change from an existing approved C Use to a new C Use, such use change proposing site plan modifications that may include construction of new buildings or structures on the site.	C	C	C	X
Change of Use – P-1 Use (Proposing no site plan changes or no new construction). A change from an existing approved P-1 Use to a new P-1 Use, such use change proposing no site plan modifications, including no construction of any new buildings or structures on the site.	P-1	P-1	P-1	X
Change of Use – P-2 Use (Proposing site plan changes or new construction). A change from an existing approved P-1 Use to a new P-1 Use, such use change proposing site plan modifications that may include construction of new buildings or structures on the site.	P-2	P-2	P-2	X
Child Care – Facility. A facility that provides child care in a place other than the owner’s home for five	P-2	P-2	P-2	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
(5) or more children for less than twenty four (24) hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the City Fire Marshall and this use shall comply with all business-licensing requirements of the City.. Child Care – Facility also includes Child Preschool providing instruction in a home for five (5) or more children for less than 24 hours a day.				
Child Care – Hourly. A person providing child care not in a personal residence for five (5) or more children for less than twenty four 24 hours a day, but not on a regular schedule; and receiving direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the City Fire Marshall and this use shall comply with all business-licensing requirements of the City. Child Care – Hourly also includes Child Preschool providing instruction for five (5) or more children for less than twenty four 24 hours a day.	P-1	P-1	P-1	X
<p>Child Care – Licensed Family. (1) A person who provides child care in a home for nine (9) to sixteen (16) children unrelated to the licensee for less than 24 hours a day, with a regularly scheduled, on-going enrollment, for direct or in-direct compensation must be licensed as a family group child care program, as required by the laws and rules of the State of Utah.</p> <p>(2) A person who provides child care in a home for less than nine (9) unrelated children for less than 24 hours per day, having a regularly scheduled, ongoing enrollment, for direct or indirect compensation may be licensed as a family child care program, as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the City Fire Marshall and this use shall comply with all business-licensing requirements of the City.</p> <p>A Fire Clearance shall be provided by the City Fire Marshall for a Child Care – Licensed Family and shall comply with all business-licensing requirements of the City. Child Care – Licensed Family also includes Child Preschool providing instruction in a home for nine (9) to sixteen (16) children unrelated to the licensee for less than 24 hours a day.</p>	P-2	P-2	P-2	X
Child Care – Residential Certificate. The care of children in the home of the provider for five (5) to	P-2	P-2	P-2	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
eight (8) children and having a regularly scheduled, ongoing enrollment, for direct or indirect compensation and licensed as required by the laws and rules of the State of Utah, A Fire Clearance shall be provided by the City Fire Marshall and this use shall comply with all business-licensing requirements of the City. Child Care – Residential Certificate also includes Child Preschool providing instruction in a home for five (5) to eight (8) children unrelated to the licensee for less than 24 hours a day.				
Church. A facility principally used as a location for people to gather for religious worship or other religious activities. One (1) accessory dwelling unit for the housing of the pastor or similar church leader of the church and their family shall be permitted as an Accessory Use.	C	C	C	X
Class A Retail Beer License - Off Premises Consumption. A Class A retail license shall entitle the licensee to sell beer on the licensed premises in the original containers for consumption off the premises only, in accordance with the Utah Alcoholic Beverage Control Act and the Ordinances of the City. A Class A License shall be conducted in compliance with all requirements for the issuance of such license.	X	X	C	X
Commercial Plant Nursery. The raising, growing and/or sale of plants, trees, shrubs, or vegetables to retail or wholesale customers. Such use may be conducted either partially or wholly within one (1) or more greenhouses.	C	X	P-2	X
Commercial Recreation (Indoor). An area or facility that offers entertainment or recreation within a building or structure. This use is limited to indoor bowling, video arcade, game arcade, paint-ball facility, archery, or shooting range, swimming pool, tennis facility, and baseball batting cages, and may include, as accessory uses, associated eating, and drinking areas, retail sales areas and staff offices.	X	X	C	X
Commercial Recreation (Outdoor). An area or facility that offers entertainment or recreation outside and may include, as accessory uses, associated eating and drinking areas, retail sales areas and staff offices. This use specifically excludes shooting range, go-cart, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.	X	X	C	X
Construction Sales and Service. An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lot or parcel other than a construction site. Typical	X	X	P-2	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, and swimming pool sales.				
Convenience Store. A retail establishment selling consumer products including prepackaged food and household items, having a gross building area of not more than 5,000 square feet. A convenience store may also provide associated retail sale of gasoline and other petroleum products. The maximum square footage of any canopies associated with gasoline pumps shall be no more than 3,000 square feet, or the gross square footage of the primary structure, whichever is less.	X	X	P-1	X
Day Care Center/Assisted Care Center. A facility which provides less than 24-hour assisted care or supervision for five (5) or more persons, 14 years of age and older and who are not related by blood, marriage or adoption to the owner or operator, with or without compensation for such care, and with or without a stated educational purpose.	C	C	C	X
Domestic Livestock. Limited to the domesticated horse (<i>Equus caballus</i>), domesticated cattle (<i>Bos taurus</i> and <i>Bos indica</i>), domesticated sheep (<i>Ovis aries</i>), domesticated goat (<i>Capra hircus</i>) and domestic fowl, but excluding the keeping of pigs (<i>Suidae</i>), peacocks, guinea fowl, emus and ostriches. Domestic Livestock do not include inherently or potentially dangerous animals, fowl, reptiles, or exotic animals	P-1	X	X	X
Dwelling Unit, Manufactured Home. A transportable factory built dwelling unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which: (1) In the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is 400 or more square feet; (2) Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; (3) Includes plumbing, heating, air-conditioning, and electrical systems; and (4) Is identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.	P-1	X	X	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
Dwelling Unit, Mobile Home: A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).	P-2	P-2	X	X
Dwelling Unit, Multiple-Family. A building containing three (3) or more dwelling units.	X	P-2	X	X
Dwelling Unit, Single-Family. A building containing one (1) dwelling unit.	P-1	P-1	X	X
Dwelling Unit, Two-Family. A building containing two (2) attached dwelling units (duplex).	P-1	P-1	X	X
Educational Facility. Public schools, colleges or universities qualified by the State of Utah Board of Regents or State of Utah Board of Education to provide academic instruction. Privately owned buildings and uses for educational or research activities that offer a curriculum for technical or vocational training, kindergarten, elementary, secondary or higher education.	C	C	C	X
Golf Course. An area used for the purposes of playing golf, but which may include associated restaurant, commercial retail sales areas, staff offices and course maintenance facilities.	C	C	C	X
Home Occupation. A use or activity conducted entirely within a dwelling and conducted by the persons residing in the dwelling. No outside help or assistance shall be allowed and the Home Occupation (Minor) shall not involve the use of any accessory building, garage, or yard space, outside of the dwelling (See Chapter 12).	P-2	C	X	X
Kennel - Class A. The keeping of four (4) to nine (9) dogs.	C	X	X	X
Kennel - Class B. The keeping of more than nine (9) dogs.	C	X	X	X
Kennel - Commercial. Any premises or establishment where ten (10) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis.	C	X	C	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
Kennel - Hobby. The keeping of three (3) dogs.	P-2	P-2	X	X
Major Facility of a Public Utility. Any overhead or underground electric transmission lines (greater than 115,000 volts), substations of electric utilities; gas regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas or petroleum derivatives; and their appurtenant facilities, or similar public or quasi-public use or activity, and found by the Commission to conform to the General Plan, or has been considered by the Commission and the Council has approved the proposed location and/or Major Facility of a Public Utility as an amendment to the General Plan.	P-1	P-1	P-1	C
Medical and Dental Clinic. An organization of doctors, dentists, or other health care professional providing physical or mental health service and medical or surgical care of the sick or injured but which does not include in-patient or overnight accommodations.	P-2	P-2	P-2	X
Minor Facility of a Public Utility. A water, sewer power, gas, telephone, cable television, electric transmission line (less than 115,000 volts), or other utility, distribution line, or facility, which is located underground and buried beneath the surface of the ground.	P-1	P-1	P-1	C
Nursing Home/Convalescent Care Center. A facility that provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility. A Nursing Home/Convalescent Care Center provides some level of skilled nursing or medical service to the residents.	C	C	C	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
Office. A building, room, or other space where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.	X	X	P-1	X
Open/Outdoor Storage. The storage of goods or product in an open, unenclosed area, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.	X	X	C	X
Personal Care Service. An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, custom tailoring and seamstress shops, electrolysis studios, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers.	P-2	P-2	P-2	X
Public Use. A use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including but not limited to, parks, recreational facilities, administrative and service offices and facilities, and public utilities, and found by the Commission to conform to the General Plan, or has been considered by the Commission and the Council has approved the proposed location and/or Public Use as an amendment to the General Plan. Public Uses do not include "Major Facility of a Public Utility" or "Animal Control Facility, or "Sewer Treatment Plant," as defined herein.	C	C	C	X
Residential Facility for Elderly Persons. A dwelling unit that does not operate as a business and is owned by one of the residents or an immediate family member of one of the residents, or the title is placed in trust for a resident, and that meets the requirements of Sec. 10-9a et. seq., Utah Code Annotated, as amended, meeting all applicable International Building Code, Health Code, and Land Use Ordinance requirements, and is occupied on a 24-hour-per-day basis by eight (8) or fewer elderly	P-2	P-2	X	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
<p>persons in a family-type arrangement. Adequate off-street parking shall be provided and the facility must be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.</p> <p>No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons; and placement in a residential facility for elderly persons is on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.</p>				
<p>Residential Facility for Persons with a Disability. A residence in which more than one (1) person with a disability resides; and is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Licensure of Programs and Facilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.</p> <p>Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such impairment. (§57-21-2(9)(a) Utah Code Annotated, 1953, as amended). Disability does not include current illegal use of, or addiction to any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802. (§57-21-2(9)(b) Utah Code Annotated, 1953, as amended). Disability does not include placement in lieu of confinement, rehabilitation, or treatment in a correctional facility.</p>	P-2	P-2	X	X
<p>Restaurant, Fast Food. A building or facility that sells food and beverages primarily over a counter, rather than by waitress or waiter; packages its food in wrappers, boxes or cartons regardless if the food is consumed on or off the restaurant premises; and typically provides a drive through/drive up facility.</p>	X	X	C	X
<p>Restaurant, Sit Down. A building or facility for the preparation, retail sale, and on-site consumption of food and beverages.</p>	X	X	C	X

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
Riding Arena. An area used for the purposes of riding and training of horses and ponies, and their riders, and which may include associated stables, corrals, outside training areas, and parking for horse trailers.	C	C	C	X
Sanitary Sewer Treatment Facility. A licensed facility that treats sanitary sewer effluent to a minimum level as established by state and/or federal environmental protection agencies.	X	X	X	X
Storage of Recreational Vehicles (Limited). The storage and parking of more than four (4) recreational vehicles, including motor homes, boats, caravans, trailers, or similar, in an unenclosed area for a period exceeding seventy two (72) hours, and owned by the property owner. (See Chapter 11).	P-2	P-2	P-2	X
Telecommunications Site/Facility. A facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on a structure. This use is not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located, but is required to meet location requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include Amateur Radio equipment that complies with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2 nd 952 (1985)" or amateur radio service adopted under 47 C.F.R. Part 97.	X	X	X	X
Temporary Use. A use or activity established for a maximum period of forty five (45) calendar days and conducted in compliance with all the requirements of this Ordinance, such use, or event being discontinued after the expiration of forty five (45) calendar days. Such use shall be allowed only after the issuance of a Temporary Use permit as established by the provisions of Chapter 9 of this Ordinance.	T	T	T	T

USES	ZONING DISTRICTS			
	RA	RMF	BC	SL
Youth Rehabilitation Residential Facility: A residential facility licensed by the State of Utah that provides twenty-four (24) hour supervision and a peer support structure to help individuals under the age of eighteen (18) acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such facilities provide supervision, counseling, and therapy through a temporary living arrangement and provide specialized treatment, habilitation, or rehabilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions or impairments.	C	C	X	X