



**ORDINANCE NO. O-24-05**

**AN ORDINANCE AMENDING TITLE 9 OF THE GARLAND CITY CODE SPECIFICALLY CHAPTER 16 IN ITS ENTIRETY AND THE RENAMING OF THE CHAPTER TO CONDITIONAL USES & SITE PLANS**

**WHEREAS**, the Garland City Planning and Zoning Commission has recommended that the site plan and conditional use review, approval, process, procedures, and standards be updated; and

**WHEREAS**, public hearings were held on August 13, 2024 and September 4, 2024 to receive public input and comment regarding the proposed amendment to the City's Zoning Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Garland, Utah, as follows:


**Section 1.** That Garland City Code be amended and to now include the following:

- 1) The adoption of Chapter 16 as shown on Attachment 1.

The provisions of this ordinance shall take effect upon passage, signature of the mayor and after being posted or published as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF GARLAND, UTAH, THIS 4<sup>th</sup> DAY OF SEPTEMBER 2024.**



By:   
Linda Bourne, Mayor

ATTEST:   
Sharlet Anderson, Recorder



*[Handwritten signature]*  
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Voting by the City Council

	"YES"	"NO"
Jeanette Atkinson	<input type="checkbox"/>	<input type="checkbox"/> absent
Sharla Nelson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joshua Munns	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tena Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Losee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bourne (if tied)	<input type="checkbox"/>	<input type="checkbox"/>

**Attachment 1**  
**(Chapter 16: Conditional Uses and Site Plans)**

## **Chapter 16 - Conditional Uses and Site Plans**

### **9-16-1 Purpose and Intent.**

A. The purpose and intent of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that particular zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are conducted, designed, laid out, and constructed on the proposed site in a particular manner.

B. The purpose and intent of site plan review is to assure compatible and complimentary design of sites, buildings and infrastructure that further the goals and policies of the City's General or Master Plans.

C. It is intended that site plans for conditional uses be included with and reviewed simultaneous with conditional use permit review.

### **9-16-2 Conditional Use Permit.**

A. A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations.

B. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

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

D. A conditional use permit may be revoked by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit.

E. The consideration of a conditional use permit shall also include the consideration of a site plan as contained in this chapter and the Planning Commission may impose any conditions or requirements designated or specified to meet the provisions of this chapter and the City's General or Master plans.

### **9-16-3 Site Plan Approval Required.**

A. Site plan approval shall be required of all proposed uses (except single family dwellings and related accessory buildings) in the Commercial, Manufacturing/Industrial, and Multi-Family (RM) Zones prior to issuance of a building permit. The location of buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the design features and materials of the buildings and site, the provision of off-street parking space, the provision for driveways for ingress and egress, the provision of landscaping and open space on the site, desired or necessary connections to adjacent sites, access to adjacent roadways, and the display of signs shall be in accordance with a site plan or plans or subsequent amendment thereof as approved by the planning commission prior to issuance of a building, or land use permit. In approving site plans, the Planning Commission may impose any conditions or requirements designated or specified to meet the provisions of this chapter and Garland City's General or Master plans.

B. A site plan shall include all items as designated by the city in check lists supplied with the application forms and as needed to evaluate the requirements of this chapter and the zone in which it is located. In considering any site plan, the Planning Commission shall endeavor to assure safety and convenience of traffic movement both within the land area considered and in relation to street access, harmonious and beneficial relation among the buildings and uses in the land area considered, and the satisfactory and harmonious relation between such area and contiguous land and buildings and with adjacent neighborhoods.

C. The requirements established in the site plan approval, and the zoning regulations of the city shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant.

**9-16-4 Review Procedure.**

A. Application on forms provided by the city for a conditional use permit or site plan approval shall be made to the City.

B. Detailed location, site and building plans according to the check list provided with the application forms shall accompany the completed application forms.

C. Once a completed application and all the required site plan documents have been submitted to the City, the submittal package shall be forwarded to appropriate staff or agencies for review and comment. The applicant will receive review comments and will need to address the review comments and resubmit revised plans to the City. Once the revised plans are received, the City will forward the re-submittal package to the appropriate staff and agencies for the second review and any remaining comments will be generated and provided to the applicant.

D. Once the review comments have been appropriately addressed, and upon recommendation from the reviewing committee, who may do so with conditions or list of requirements, the applicant shall be scheduled for review and consideration at the next applicable Planning Commission meeting.

E. The Planning Commission may approve, deny or approve with conditions.

**9-16-5 Review Criteria.** The Planning Commission shall not approve a conditional use permit or site plan unless evidence is presented to establish that:

A. Such use will not, under the circumstance of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding and/or planned future uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs; and

B. Conditional Use Permit and Site Plan review considerations listed in Diagram 9-16-A were included in the analysis; and

C. The proposed use will comply with the regulations and conditions specified in this title for such use including the design standards of the city and the standards of this chapter; and

D. The proposed use conforms to the goals, policies, governing principles, and the land

uses found in the General Plan of the city; and

E. The proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity, or the community or area as a whole.

**9-16-6 Determination.** The Planning Commission may review any application for a conditional use or site plan to be located within any zone in which the particular use is allowed by the use regulations of that zone. In reviewing any conditional use or site plan application, the Planning Commission shall include such requirements and conditions necessary for the protection of adjacent properties and the public welfare, and those needed to be in conformance with the General Plan, city ordinances, and the standards of this chapter.

**9-16-7 Installation and Guarantee of Improvements.**

A. Consistent with city approvals under this chapter, prior to any building permit being issued or any property being developed, subdivided or used, the property owner or developer shall agree to install all approved and required improvements, including but not limited to: landscaping, parking lots, fences, walls and utilities (sewer, water, gas lines, utilities, streets, storm sewer and others as set forth in the subdivision ordinances of the city) to the property line or such location as required by the city to facilitate the orderly and proper development of the surrounding property.

B. When such improvements are required an escrow guarantee for the public portion of those improvements shall be required under the requirements and conditions as set forth in the subdivision ordinances before building or development may begin.

C. Occupancy of any building or the beginning of any approved use shall not commence until all required improvements, whether public or private, are in place or unless additional escrow is established.

D. Any required public right of way or easement shall be deeded or dedicated to the city prior to the issuance of any permits for construction or use

**9-16-8 Building Permit.** Following the approval of a conditional use permit or site plan application, the Community Development Department may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with the approvals and conditions pertaining thereto.

**9-16-9 Amendments or Modifications of an Approved Conditional Use or Site Plan.**

A. Once granted, a conditional use shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new conditional use application is made and approved by the planning commission, except as next provided:

Modifications to an approved conditional use permit or site plan may only be granted when it can be determined that such changes or modifications are necessary to accommodate special circumstances related to the location, site, or implementation of

the approved development and where such modifications are found to be insignificant and minor so as not to measurably change the approved conditional use permit or the intent of conditions that may have been imposed. The request for amendment shall be made in writing and documented on the site plan of the project.

**9-16-10 Expiration.** Unless there is substantial action under a conditional use permit or site plan approval within a maximum period of 12 months of its issuance or approval, the approval or permit shall expire. The Planning Commission may grant a maximum extension of twelve months under exceptional circumstances.

**9-16-11 Conditional Use Permit Revocation or Nonrenewal.**

- A. A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit. If all conditions are not completed to the satisfaction of the planning commission prior to occupancy, no occupancy permit will be issued until all conditions are fulfilled to the satisfaction of the planning commission.
- B. In addition, the renewal of any conditional use permit may be denied at the annual or other periodic renewal time (e.g. at annual business license renewal), or at any other time regardless of the issue date of the permit, and any conditional use permit may also be revoked, for good cause. Good cause shall include, but not be limited to, the following, within the discretion of the planning commission: circumstances which are detrimental to or have a negative impact on the health, safety and welfare concerns of the citizens and residents of Garland City, incompatible zoning or land use, complaints of noise, odor, failure to comply with the conditions imposed at the time the original approval of the permit was given, the creation and existence of a public or private nuisance, failure of the permit holder or his/her agent or employees to comply with the conditions and requirements of applicable state, county and/or federal laws, rules and regulations, unlawful activities conducted and permitted on the premises for which the conditional use permit was issued and/or other legitimate factors.
- C. Prior to the revocation of a conditional use permit or the denial of an application to renew a conditional use permit, the permit holder shall be given a notice which shall state in substance that the planning commission intends to revoke the conditional use permit or deny the application to renew it, together with the reason or reasons therefor, at a regular or special meeting of the planning commission (which shall be at least 10 days and not more than 30 days from the date notice is sent) and the permit holder shall have the right to appear and hear the evidence against him/her, and will have the opportunity to present evidence as to why the permit should not be revoked or the renewal application denied.
- D. The provisions of the immediately preceding paragraph shall not apply to original applications for conditional use permits which have not previously been issued or approved by the planning commission, and such applicants need only be informed that their application has been denied and the reasons for such denial.

**9-16-12 Appeals.** For purposes of this chapter, the City Council shall be the Appeal Authority. All appeals of actions taken under the authority of this chapter shall be heard by the City Council. Appeal requests must be submitted to the City Recorder within 30 days of the action appealed.



**9-16-13 Fees and Charges:** The City Council shall establish all necessary fees and charges payable for subdivision applications, public notices, planning and engineering review, and inspection services of this Ordinance by Resolution. Such fees and charges may be amended from time to time, as considered necessary, by Resolution of the City Council. The applicant(s) for subdivision approval shall pay all costs that may be incurred by the City to review the Development Application materials (e.g. site plans, conditional use permits, subdivisions/plats, etc.) for conformity to the requirements of this Ordinance, other applicable City Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering and zoning practices. Such costs shall include those necessary for the provision of engineering services, provided by a licensed engineer, land planning and attorney services for review of required documents. All development review costs, including reviews and construction inspections, shall be the responsibility of the applicant/developer.

**Diagram 9-16-A**

***Conditional Use Permit and Site Plan Review Considerations***

1. Will the proposed use generate enough traffic to be detrimental or adversely affect general traffic patterns in the area?
2. Will the proposed development overload (heavy vehicle traffic) the carrying capacity for which local streets are designed?
3. Will internal traffic circulation adversely affect adjacent residential property?
4. Will parking facilities' location adversely affect adjacent residential property or internal circulation or access to public street circulation?
5. Will parking facilities be effectively screened from adjacent residential property?
6. Will building design be compatible with or complementary to already established adjacent structures?
7. Will the relationship of structures and parking be complementary to the aesthetics of the general area?
8. Will building location create a pedestrian traffic hazard by causing blind approaches to sidewalks?
9. If the development is adjacent to a residential zone or use, will the building location, lighting, parking or traffic circulation adversely affect the adjacent residential use or zone?
10. Will the proposed signs adversely affect the development itself and the overall aesthetics of the immediate area?
11. Will the proposed landscaping be sufficient to enhance the aesthetic acceptability of the development?
12. If the proposed use may emit pollutants of any type, will such pollutants detrimentally affect residential, commercial or manufacturing properties in the vicinity?
13. And other reasonable considerations related to the Site Plan or Conditional Use Permit.