**Appendix – Revised Version of Chapter 8**

**CHAPTER 8 - CONDITIONAL USE PERMITS**

**Section 801 Issuance:** Conditional Use Permit~~s~~ (CUP) may be issued as provided by this ordinance for any of the uses identified as Potentially Compatible in the Table of Uses adopted in Chapter 6.

**Section 802 Applications, Public Hearing Required, Planning Commission Authorized to Render Conditional Use Decisions:**

1. All applications for a CUP shall be made on the ~~application~~ form provided by the Town and be accompanied by a site development plan that complies with the requirements of Section 803, below and any additional requirements of this ordinance. Applications that do not include a complete site development plan will not be accepted.
2. The Planning Commission is authorized to render a final decision on applications for a CUP. Prior to rendering such a decision, the Planning Commission shall conduct a properly noticed public hearing to receive comment on the application.

**Section 803 Site Development Plan Requirements:** A Site Development Plan shall be required to accompany all Conditional Use Applications. TheSite Development Plan shall provide the following;

1. A plan drawn to a scale identifying the location and dimensions of the property and any existing buildings or other structures, and fence lines.
2. A topographical map of the site identifying site features, as applicable, identifying areas of the site with greater than fifteen percent (15%) average slope and areas of the site with greater than thirty percent (30%) average slope with contour lines, at an interval of two (2) feet, and other features of the site, including but not limited to areas of natural vegetation, tree stands, water courses, drainage ways.
3. The location and dimension of all proposed buildings.
4. All proposed off-street parking areas including egress and ingress and including areas for off-street parking during construction.
5. The location of roads and utilities that are now serving the site or will be required to serve the site.
6. A Storm Water Plan.
7. A Landscape Plan identifying the treatments, including type and number of plant materials proposed for all areas not occupied by buildings and parking and identifying proposed screening and buffering treatments and a calculation of the amount of pervious and impervious area.
8. A Construction Plan identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use.
9. A Service Impact Assessment which shall include, but not be limited to, identifying requirements for Culinary Water, Sanitary Sewer, and anticipated traffic volumes, proposed accesses, and Utah Department of Transportation requirements and permits, as applicable.
10. Building Plans and Signs. The proposed material and colors of all exterior building facades shall be identified as well as all proposed site signage including the height and size of all signs. All signage must comply with the requirements of Section 1018 of this Ordinance.
11. Commercial Site Development Plans shall also be required to include all other materials needed to demonstrate compliance with the requirements of this ordinance, specifically including compliance with the standards of Chapters 10, 21, and 22.

**Section 804 Approval or Denial of a Conditional Use Permit Application by the Planning Commission:**

1. If the Planning Commission finds that a proposed Potentially Compatible use complies with all ~~the~~ requirements of this ordinance, specifically including, but not limited to, the standards of Chapter 21 or 22, whichever is applicable, it shall approve the application for a CUP.
2. In approving a CUP, the Planning Commission may impose any conditions needed to ensure compliance with the applicable standards. All conditions imposed must be clearly designed to ensure compliance with a specifically cited standard or standards of this ordinance.
3. Following ~~the~~ approval of a CUP, with or without conditions, the Applicant may apply for any other approvals, licenses, or permits necessary to implement the CUP approval.
4. If the Planning Commission finds that a proposed Potentially Compatible Use does not comply with the standards of this ordinance, specifically including, but not limited to, the standards of Chapter 21 or Chapter 22, whichever is applicable, the application for a CUP shall be denied. If a CUP is denied by the Planning Commission, no other approvals, licenses, or permits related to the proposed use shall be approved or issued.

**Section 805 Revocation or Modification of a Conditional Use Permit:** A CUP may be modified or revoked by the Planning Commission following a properly noticed public hearing at which the Planning Commission finds that one or more of the following conditions exists:

1. The CUP was obtained in a fraudulent manner or there has been a significant change in the use as it was represented in the application for a CUP.
2. The use for which the CUP was granted has ceased for at least six (6) consecutive calendar months.
3. The use is not in continuing compliance with one or more of the applicable standards of this ordinance.
4. One or more of the conditions ~~of~~ imposed on approval of the CUP has not been met.

**Section 806 Use of RV or Mobile Home for Living Purposes During Period of Construction of Permanent Dwelling:** Any person or entity who has obtained all permits and complied with all requirements necessaryfor the construction of a permanent dwelling on a lot in Boulder Town and who is in the processof constructing a permanent dwelling on such lot may obtain a Conditional Use Permit allowingthe user to reside in an RV or a mobile home on the lot where the permanent dwelling is beingconstructed for a period of up to one (1) year. The RV or mobile home must be connected towater and sewer service which has the approval of the Town of Boulder and by Southwest UtahPublic Health Department. The Town of Boulder may extend the period of conditional use afterone (1) year only upon being provided proof that substantial progress is being made on theconstruction of the permanent dwelling and evidence being presented that construction will becompleted within a reasonable time. (Added by the Adoption of Ord. #46B – passed 12/3/2003).