

CONDITIONAL USE PERMIT APPLICATION

FORM MUST BE COMPLETED IN INK



DATE STAMP FOR CITY USE ONLY	<u>TO BE FILLED OUT BY APPLICANT</u>
	PROJECT NAME (if any):
	PROJECT STREET ADDRESS OR ACCESS STREET:
	<u>FOR CITY USE ONLY</u>
	APPLICATION NUMBER:
	DATE RECEIVED:
APPLICATION FEE: \$200.00	
TREASURER'S RECEIPT NUMBER:	

All applications are subject to review by city staff for completeness. Staff will notify the applicant of deficiencies or completeness within fifteen days.

I. TYPE OF CONDITIONAL USE

- | | |
|---|--|
| <input type="checkbox"/> Carport Side Setback | <input type="checkbox"/> C-4 Dwellings |
| <input type="checkbox"/> Moved Building | <input type="checkbox"/> Twin Home |
| <input type="checkbox"/> Secondary Dwelling | <input type="checkbox"/> Wireless Telecommunications Facility |
| <input type="checkbox"/> Small Lot | <input type="checkbox"/> Drive-up Window for Financial Institution in C1 |
| <input type="checkbox"/> Transitional Use | <input type="checkbox"/> Historic Home Expansion in C3 |
| <input type="checkbox"/> Bed and Breakfast | |

II. SITE PLAN OR SUBDIVISION APPROVAL

Is site plan or subdivision approval required for this project?

- Site Plan
- Subdivision

III. APPLICANT

Please check one of the following: ___ owner ___ agent ___ other

Name: _____

Mailing Address: _____

Phone #: _____ Fax #: _____ E-mail: _____

IV. GENERAL INFORMATION

Property Address/Location _____

Existing Zone _____

Detailed Explanation of Proposed Use _____

CITY OF MOAB

CONDITIONAL USE PERMIT APPLICATION

FORM MUST BE COMPLETED IN INK



This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that my application is not deemed complete until City Staff has reviewed the application and has notified me that it has been deemed complete.

Signature of Applicant: _____ Date _____

Name of Applicant (please print) _____

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

Name of Applicant (please print) _____

Mailing Address _____

Signature _____ Date _____

SUBMITTAL REQUIREMENTS

- The street address and legal description of the property affected.
- Any and all plans, information, operating data and expert evaluation necessary to clearly explain the location, function and characteristics of any building or proposed use.
- A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the City Council.
- Stamped envelopes addressed to all adjacent property owners within three hundred (300) feet of the subject property boundary lines. (No return address please)
- A narrative describing the project.
- Any supplement requirements applicable for the requested conditional use permit.



CARPORT SIDE SETBACK

17.09.680 Conditional use-Carports located within the site setback area of primary dwellings.

Carports may be permitted as a conditional use to locate in one side setback area of a primary dwelling but may not extend into the primary dwelling's required front setback area. If there is an extension of the primary dwelling or other construction within any side setback area of the primary dwelling, locating a carport in that same setback area is not allowed. Carports may be constructed to the adjacent property line if the structure meets building code. Twelve feet maximum height limit is imposed on carports locating in the side setback area. Height is defined as the vertical distance measured from the average grade of the site to the highest point of the roof.

Carports are required to obtain a building permit and to submit site plans that accurately describe existing dimensions of the side setback area and the dimensions of the proposed structure. The property owner or owners adjacent to the proposed carport shall be notified by the applicant prior to planning commission review. Additional conditions may be established by the planning commission to protect the safety, integrity and aesthetics of the area. (Ord. 01-11 (part), 2001)

SUBMITTAL REQUIREMENTS:

- Site Plan has been submitted describing exact dimensions of the proposed structure and the side setback area
- Building Permit has been submitted
- Letter from adjacent property owner stating that they were notified of the intent to build a carport in setback area
- Maximum height of 12 feet
- Open on a minimum of two sides
- Drainage maintained on property

CONDITIONAL USE PERMIT APPLICATION

FORM MUST BE COMPLETED IN INK



SMALL LOTS

17.09.560 Conditional use--Small lots.

Where a parcel of land at the time of the adoption of the ordinance codified in this title is at least one and eight-tenths times as large in area as required for a lot in the zone, the planning commission may permit the division of a parcel into two lots, provided:

- A. Such division will not cause undue concentration of buildings;
- B. The characteristics of the zone in which the lot is located will be maintained;
- C. In the opinion of the planning commission, values in the area will be safeguarded. (Ord. 06-01 (part), 2006: prior code § 27-3-28(C))

SUBMITTAL REQUIREMENTS:

- Site Plan has been submitted describing exact dimensions of the proposed subdivision
- The division does not cause undue concentration of buildings
- The characteristics of the zone are maintained
- Values in the area are safeguarded



MOVED BUILDINGS

17.09.600 Conditional use--Moved buildings.

A. No building shall be moved within the city which building has had prior use, without an application being filed therefore with the zoning administrator. Such application shall contain the following information:

- Location and address of the old and new site;
- Plot plan of the new location, also showing adjacent lots on all sides of the property and indicating all structures and improvements on such lots;
- Plans and specifications for the proposed improvements at the new locations, including plans for landscaping treatment when required by the zoning administrator;
- Certification by the zoning administrator that the structure is sound enough to be moved and that the condition, location and use of the building will comply with the zoning ordinance and all other applicable codes and ordinances.

B. The application must then be approved by the planning commission. Before approving such application and authorizing the issuance of a permit, the city council must find:

1. That the building will have no appreciable detrimental effect on the living environment and property values in the area into which the structure is to be moved;
2. That the building is in conformity with the quality of buildings existing in the area into which it is proposed to be moved;
3. That such building and the lot on which the building is to be located will conform to the requirements of the zoning ordinance and other applicable codes, ordinances, and regulations;
4. That its location on the lot does not in any substantial way adversely affect buildings or uses in abutting properties;
5. That all landscaping, walkways and masonry work about the premises and the required dedications and improvements for streets and facilities and buildings shall be provided in conformity with the standards of the city;
6. That a bond or other assurance has been posted as a guarantee that the building and grounds will be improved as stipulated by the planning commission before the building is occupied and that the vacated site will be restored to a safe and sightly condition. The amount of the bond or other assurance shall be at least equal to the cost of employing a contractor to make the improvements to the buildings and premises as required by the planning commission. The requirements of this provision shall also apply to the moving of mobile homes, demountable homes, manufactured homes and similar movable structures, except when being moved from outside the city into a mobile home park. (Ord. 06-01 (part), 2006; prior code § 27-3-28(G))

CITY OF MOAB

CONDITIONAL USE PERMIT APPLICATION

FORM MUST BE COMPLETED IN INK



TRANSITION USE

17.09.610 Conditional use--Transition use.

Uses which are permitted on either portion of a lot, which lot is divided by a zone boundary line or which is coterminous with a zone boundary line may be permitted to extend to the entire lot, but not more than one hundred feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the planning commission must find that the comprehensive plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby. (Ord. 06-01 (part), 2006: prior code § 27-3-28(H))

CITY OF MOAB

CONDITIONAL USE PERMIT APPLICATION

FORM MUST BE COMPLETED IN INK



TWIN HOMES

17.09.630 Conditional use--Twin homes.

The planning commission may approve twin-home ownership as defined in subdivision e of subsection 17 of Section 17.06.020 (definition of dwelling, two-family) of any two-family dwellings where two-family dwellings are a permitted use in a particular zone; such approval to be subject to such conditions as the planning commission may impose on the particular application for it. (Ord. 06-01 (part), 2006: prior code § 27-3-28(J))

CITY OF MOAB

CONDITIONAL USE PERMIT APPLICATION

FORM MUST BE COMPLETED IN INK



C-4 GROUND FLOOR DWELLINGS

C-4 General Commercial Zone

Dwellings and apartment houses require conditional use approval, except that dwellings above the ground floor shall be permitted. The conditions for permitting dwellings, apartments and court apartments include the following: They shall follow the area, width and location requirements of the R-3 zone, they shall be located at least one hundred fifty feet from a major street or highway and they shall follow other conditions deemed necessary by the planning commission and city council;



BED AND BREAKFAST FACILITY

17.70.070 Preconditions for conditional use permit.

- A. Bed and breakfast facilities, rooming and/or boarding houses may be allowed by conditional use permits where applicant can show evidence of compliance with outlined standards and procedures and where there is clearly minimal negative impact on adjacent residential properties and neighborhoods. An inspection by the building inspector, fire chief and health department shall be required prior to the issuance of a permit and as often as necessary for enforcement of this chapter. No person shall operate a bed and breakfast unless the person holds a valid permit and business license. For purposes of obtaining a conditional use permit, rooming and/or boarding houses shall abide by the same regulations as a bed and breakfast facility.
- B. A letter of application sworn before a notary public shall be provided by the owner(s) stating that such owner will occupy the facility, as provided for herein. The letter shall be recorded by the city recorder with a certified copy to accompany the application. The letter shall also be submitted to the planning commission for its consideration.
- C. The conditional use permit for a bed and breakfast facility shall be granted annually from the date of the original permit. At the end of the one-year period, renewal shall be granted by the planning commission if all other conditions required at the time of approval remain unchanged.
- D. A change in ownership as defined herein will require a new conditional use permit.
- E. Applicant must provide plot plans and building or floor plans one-quarter inch to the foot showing the bed and breakfast facility, parking and landscaping. Applicant must show that the facility meets minimum performance standards for off-street parking and landscaping as specified in Section 17.70.080(B). Plans shall be approved by the building inspector, zoning administrator, fire chief and health department.
- F. Applicant must complete the bed and breakfast home occupation form in order to complete the conditional use permit application process. The home occupation form must contain specific information from eight adjacent property owners in regard to the proposed bed and breakfast and whether those eight property owners agree or disagree with the proposed bed and breakfast home occupancy use. (Ord. 06-01 (part), 2006; Ord. 00-02 (part), 2000)

17.70.080 Requirements for conditional use permit.

- A. The bed and breakfast facility shall not unduly increase local traffic in the immediate neighborhood. Road design and access shall be considered in the planning commission's recommendation. Construction and alterations of bed and breakfast facilities shall not alter the residential character of residential zones and of the dwelling.
- B. The parcel shall also be of sufficient size to be in scale with the number of people using the facility. All bed and breakfast rentals must provide adequate parking (required one off-street parking space per rental bedroom) in addition to needed parking for owners of the facility, have a maximum thirty-day stay, and meals shall be served to guests only (bed and breakfast: zoning R2, R3, R4).
- C. All units shall have a parcel to finished dwelling unit ratio that exceeds five to one (or no dwelling unit in excess of twenty percent of the total parcel size area).
- D. No bed and breakfast facility shall rent for compensation more than seven rooms, except that suites that do not use a public corridor or passageway between suite bedroom areas shall be counted as one room.
- E. No bed and breakfast facility shall allow more than two adults in any rental room unless the bedroom square footage is larger than three hundred square feet and does not use a public corridor or passageway between suite bedroom areas.
- F. Signs are limited to one nonflashing sign not larger in area than two hundred twenty-six square inches. If lighted, the light shall be defused or shielded.
- G. All bed and breakfast facilities shall pay water and sewer rates according to the rate formulas contained in Sections 13.24.010 and 13.24.020.
- H. All bed and breakfasts must collect and pay an applicable transient room tax, sales tax and city gross business license fee.
- I. The bed and breakfast facility shall conform to fire, building and health codes and be licensed in conformance with all city ordinances. Any other appropriate or more stringent conditions deemed necessary for bed and breakfast facilities protecting public health, safety, welfare and the residential character of residential zones may be required by the planning commission. (Ord. 00-02 (part), 2000).



SECONDARY DWELLINGS

17.69.010 Intent.

The intent and purpose of this section is to encourage secondary dwellings, with occupancy space for one or two persons, as an affordable housing opportunity for immediate family. Protecting the existing quality of life found in the R-2, R-3, R-4 and RA-1 residential zones throughout the community is of foremost importance. While preservation of single-family dwellings is of paramount importance, increasing affordable housing opportunities will benefit the community in its entirety. The following provisions are intended to facilitate secondary dwellings while minimizing land use conflicts and environmental degradation. (Ord. 99-18 (part), 1999)

17.69.020 Area requirements.

Secondary dwellings shall not occupy more than twenty-five percent of the rear yard. (Ord. 99-18 (part), 1999)

17.69.030 Location requirements.

The secondary dwelling shall be setback at least twelve feet from the rear of the main dwelling and adhere to the required setbacks of the underlying zone. (Ord. 06-13 (part), 2006; Ord. 04-03, 2004; Ord. 99-18 (part), 1999)

17.69.040 Regulations of secondary dwellings within residential zones.

Any request for secondary living quarters within residential zones shall be reviewed and approved by the planning commission upon recommendation of the zoning administrator. The following criteria must be established prior to building permit issuance:

- Size. The maximum size for secondary living quarters shall be no more than seven hundred square feet with no more than one bedroom.
- Parking. One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line. No parking shall be permitted in the front setback area.
- Secondary Dwellings Per Lot. No more than one secondary dwelling may be located on a lot.
- Property to Remain Undivided. Properties with secondary dwelling permits shall remain recorded as one lot.
- Maximum Occupancy. The maximum occupancy of the secondary dwelling shall be no more than two.
- No Separate Leases. The owner of the property shall occupy one unit. The secondary dwelling shall not be sold separately.
- Deed Restriction. A deed restriction must be filed with the county recorder which states:

A permit for a secondary dwelling was issued to _____, the current owner of this property on _____. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one unit on the property may be rented; the other must be occupied by the owner. Prospective purchasers who intend to reside in one of the units on the property may apply to the Planning Department for a secondary dwelling permit. If all of the conditions required by zoning have continually been met, a new permit will typically be granted. The owner shall strictly adhere to the prohibition of the use of the secondary dwelling as nightly or short-term rental.

- Nightly Rentals. Secondary dwellings are intended to long-term rental of six consecutive months or more, to the same individual, and may not be used for nightly rentals. (Ord. 06-13 (part), 2006; Ord. 99-18 (part), 1999)

17.69.050 One-year review.

The permit for secondary dwellings shall be subject to a yearly review by the zoning administrator. The review shall occur one year after issuance of the secondary dwelling permit. The zoning administrator may revoke the secondary dwelling permit for noncompliance with the criteria of this chapter. The permittee may appeal the determination to the board of adjustment, which will evaluate the zoning administrator's determination of noncompliance and decide if the permit revocation should occur. (Ord. 99-18 (part), 1999)