

# 19

## **CONDITIONAL USE PERMITS**

### **19.01 Conditional Uses**

Any conditional use approved by the Planning Commission shall conform to the standards set forth for such uses below. These standards shall be construed to be the minimum requirements for any of the specified conditional uses, and the Planning Commission may require additional reasonable stipulations at their discretion. In all cases, the impact of the proposed use on adjacent properties shall be a major consideration.

#### A. Procedure

The Planning Commission may authorize by Conditional Use Permit those uses specifically designated as Conditional Uses in Chapters 3 through 10. The Planning Commission shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of such Conditional Use Permit.

#### B. Application

To obtain a Conditional Use Permit, the applicant shall file an application with the Zoning Administrator on a form furnished by the City. Every application shall contain the following information:

1. Legal description of the land on which such Conditional Use is requested, together with local street address.
2. Name and address of each owner of the property.
3. Name, address, phone number and signature of the applicant.
4. Zoning district classification under which the property is regulated at the time of such application.
5. Be accompanied with a site plan, unless waived by the Zoning Administrator.
6. Any other information concerning the property as may be requested by the Zoning Administrator or the Planning Commission.

#### C. Fees

Upon the filing of any application for a Conditional Use Permit with the Zoning Administrator, the applicant shall pay to the City the appropriate fee as designated by Resolution of the City Council.

#### D. Information on Site Plan

In addition to the following information, plans shall be drawn to scale upon substantial paper or provided electronically and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this Chapter and all relevant laws, ordinances, rules and regulations. The Zoning Administrator may waive the submission of plans, if he or she finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this Chapter.

1. The address of the property and the legal description.
2. The name of the project and/or business.
3. The scale and north arrow.
4. All existing and proposed buildings or additions.
5. Dimensions of all buildings.
6. Distance from all building lines to the property lines at the closest points.
7. Building height and number of stories.
8. Dimensions of all property lines.
9. Parking lots or spaces; designate each space, give dimensions of the lot, stalls and aisles.
10. Screening; show height, location, and type of material to be used.
11. The landscaped setback and trees; indicate species of trees and material to be used for landscaping.
12. Name and location of all adjacent streets, alleys, waterways and other public places.

Approved plans shall not be changed, modified, or altered without authorization from the Planning Commission giving final approval, and all work shall be done in accordance with the approved plans.

#### E. Review and Public Hearing Procedure

Prior to the approval of a Conditional Use Permit, the Zoning Administrator shall meet with the applicant to review the application. After review of the application, the Zoning Administrator shall make a recommendation to the Planning Commission to either approve or not approve said application. The Zoning Administrator's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.

The Zoning Administrator shall set the date, time and place for a public hearing to be held by the Planning Commission. No less than ten (10) days prior to the scheduled public hearing, the Zoning Administrator shall notify the landowner by mail, post notices at the City Office and on the property affected by the proposed Conditional Use Permit and publish notice of the public hearing in the legal newspaper of the City.

The following procedure shall be followed by the Planning Commission in considering the

recommendation of the Zoning Administrator:

1. The public hearing shall be held. Any applicant may appear in person, or by agent or attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.
2. Before any Conditional Use Permit shall be granted, the Planning Commission shall make written findings certifying compliance with the specific rules governing individual Conditional Uses and that satisfactory provision and arrangement has been made concerning the following, where applicable:
  - a. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - b. Off-street parking and loading areas where required;
  - c. Refuse and service areas, with particular reference to (a) and (b) above;
  - d. Utilities, with reference to locations, availability, and compatibility;
  - e. Screening and buffering with reference to type, dimensions and character;
  - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with other properties in the district;
  - g. Required yards and other open space;
  - h. General compatibility with adjoining properties and other property in the zoning district in which such use is to be located;
  - i. The goals and objectives of the most recently adopted Comprehensive Plan.

The Planning Commission shall decide whether to grant the conditional use with such conditions and safeguards as are appropriate or to deny a conditional use when not in harmony with the purpose and intent of these regulations. The decision of the Planning Commission shall be final unless an appeal is filed in accordance with Chapter 19.01(F).

#### F. Appeal of Planning Commission Decision

The decision rendered by the Planning Commission on a conditional use permit may be appealed to the City Council. The applicant or any other person aggrieved by the decision of the Planning Commission shall file a written appeal with the Zoning Administrator within five working days of the Planning Commission's oral decision. When an appeal is

filed, the Zoning Administrator shall present the Planning Commission's decision to the City Council for review. The Zoning Administrator shall set the date, time and place for a public hearing to be held by the City Council. No less than ten (10) days prior to the scheduled public hearing, the Zoning Administrator shall notify the landowner by mail, post notices at the City Office and on the property affected by the proposed Conditional Use Permit and publish notice of the public hearing in the legal newspaper of the City. The City Council shall vote to uphold, overrule or amend the decision of the Planning Commission.

G. Revocation of Conditional Use Permit

A conditional use permit may be revoked only for cause, consisting of failure to maintain the standards required for the initial conditional use permit. A notice of intent to revoke a conditional use permit shall be given in writing thirty (30) days prior to actual revocation and shall specify the area or areas of continued failure to meet requirements and maintain conditions the city may have imposed. If, during that period, proof of compliance is made by the holder of the conditional use permit, the conditional use permit shall be continued in force. If a hearing has been requested following receipt of notice of intent to revoke, the Planning Commission shall hold a public hearing on the matter and make a final determination on the revocation.

H. Expiration

A conditional use permit shall expire two years from the date upon which it becomes effective if no work has commenced. Upon written request to the Zoning Administrator and prior to the conditional use permit expiration date a one-year time extension for the conditional use permit may be granted by the Zoning Administrator.

A conditional use permit approved in accordance with Chapter 17 shall expire one year after the use discontinues on the premises, or the use is changed to another permitted use in the underlying district.