

SECTION 22 CONDITIONAL USES

A. PURPOSE

The purpose of the Conditional Use procedure is to allow for review of uses which would not be appropriate generally or without certain restriction throughout a zoning district, but which, if controlled as to the number, area, location or relation to the neighborhood would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts.

B. SUBMISSION REQUIREMENTS AND PROCEDURE

An application for a Conditional Use Permit shall be submitted to the Director of Planning, along with any applicable fee required by Section 38, in accordance with rules established by the Planning and Zoning Commission prior to the established application filing deadline for the next regular meeting of the Planning and Zoning Commission. The application shall include the same information required in Section 21 for a development site plan. The Director of Planning shall schedule a public hearing at the next regular meeting of the Planning and Zoning Commission and shall provide notice to property owners of real property lying within two hundred feet (200') of the property on which a conditional use is sought. Such notice shall be mailed to property owners no less than ten (10) days before the date set for the public hearing. Notice of the public meeting shall be posted at least seventy-two (72) hours prior to the public hearing in accordance with State law.

The Director of Planning shall review the application and submit a report to the Planning and Zoning Commission. This report shall be made available to the applicant prior to the public hearing.

The Planning and Zoning Commission shall review the application against the Review and Evaluation Criteria and approve, conditionally approve, or deny the Conditional Use Application.

C. REVIEW AND EVALUATION CRITERIA

The Conditional Uses application shall be reviewed and evaluated using the following criteria:

1. Conformance with applicable regulations and standards established by this Zoning Ordinance.
2. Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
4. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.

5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses anticipated in the area considering existing zoning and land uses.

D. APPEALS

A decision by the Planning and Zoning Commission may be appealed to the City Council by filing written notice of such appeal with the City Secretary within ten (10) days of the Planning and Zoning Commission decision. The appeal shall be placed on the agenda of the next available regularly scheduled meeting of the City Council. An appeal may be submitted by an applicant if a conditional use is denied or approved with restrictions. An appeal may be submitted by the owners of twenty percent (20%) of the property within two hundred feet (200') of the subject property if an application is approved as requested or in the opinion of the appellants, the application was approved with insufficient restrictions.

E. LAPSE OF APPROVAL AND MODIFICATIONS

A Conditional Use Permit shall be valid for one (1) year from the date of approval unless prior to such expiration date a building permit is issued and construction occurs or the actual use, if not requiring a building permit, is commenced. The expiration date may be extended by the Planning and Zoning Commission upon application. The notification procedures specified in B. SUBMISSION REQUIREMENTS AND PROCEDURE shall be followed for consideration of any requested continuance.

Approval of a Conditional Use Permit automatically expires upon change in ownership of the land, unless the Commission or City Council determines as part of its specific approval of a Conditional Use Permit, that transfer of the authorization to a subsequent owner is in the best interest of the City. The Planning and Zoning Commission may grant continuance of the conditional use upon application to the Commission. The notification procedure specified in B. SUBMISSION REQUIREMENTS AND PROCEDURE shall be followed for consideration of any requested extension.

Minor modifications of a Conditional Use Permit may be made if the Director of Planning determines that such modifications will not change the intent and effect of the approval by the Planning and Zoning Commission.