



CHAPTER 5

CONDITIONAL USES

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5. CONDITIONAL USES

2 PURPOSE AND INTENT

The purpose and intent of conditional uses is to allow 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 of that zone due to conditions and circumstances peculiar to that location and/or certain conditions which make the uses suitable and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner.

3 CONDITIONAL USE PERMIT

A Conditional Use Permit shall be required for all uses listed as Conditional Uses in the zone regulations. A conditional use permit is issued to the applicant at the address listed on the permit and shall not be transferable.

4 REVIEW PROCEDURE

1. Application for a Conditional Use Permit shall be made to the Planning Commission.
2. Detailed location, site and building plan shall accompany the complete application forms provided by the City.
3. The application together with all pertinent information shall be considered by the Planning Commission at its next regularly scheduled meeting.
4. The Planning commission shall call a Public Hearing on any Conditional Use request in accordance with the requirements of Section 1.3.^{20, 88}
5. Notification of such review shall be sent to the applicant and all property owners within a 300-foot radius of the property under review. Said notification shall not be less than seven (7) days prior to the Conditional Use application review, giving concerned parties adequate notice of the request to allow participation and input from said parties.

5 DETERMINATION

The Planning Commission may deny or permit a Conditional Use to be located within any zone in which the particular Conditional Use is permitted. Authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare. A record of all conditional use determinations shall be forwarded to the City Council.

6 BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT

The Planning Commission shall not authorize a conditional use permit unless evidence is presented to establish:

1. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and
2. That such use will not under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons and not injurious to property and improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, building and structures when considering traffic generation, parking, building design and location, landscaping, signs; and
3. That the proposed use will comply with the regulations and conditions specified in this ordinance for such use.

7 APPEAL

The decision of the Planning Commission may be appealed by any concerned party to the City Council²³ by filing such appeal within 15 days after the date of the notice of the decision is received by the applicant. The City Council²³ may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting an appeal.

8 BUILDING PERMIT

Upon receipt of a Conditional Use Permit, the applicant shall take such permit to the Building Inspector, who will review the permit and conditions attached. Based on this review and compliance with any other items that might develop in the pursuance of his duties, the Building Inspector may approve an application for

a building permit and shall insure that development is undertaken and completed in compliance with said permit and conditions pertaining thereto.

9 EXPIRATION

Unless there is substantial action under a Conditional Use Permit within a period of one year of its issuance, as determined by the Planning Commission, the Conditional Use Permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances.

10 REVOCATION

A Conditional Use Permit may be revoked by the Planning Commission for the following:

1. Failure to comply with the conditions imposed with the original approval of the permit.
2. Abandonment of the use for a continuous period of one year or longer.
3. Any change in the use for which the permit was issued which may adversely affect the surrounding area.

Before a permit is revoked, the Planning Commission shall hold a public hearing as outlined in Section 5.3.4 to allow sufficient public input. In the case of abandonment as listed in 2 above, the public hearing only needs to be held at the discretion of the Planning Commission.

11 APPEAL OF REVOCATION

The decision of the Planning Commission concerning the revocation of a permit may be appealed by any concerned party to the City Council²³ by filing such appeal within 15 days after the date of the notice of the decision is received by the permit holder. The City Council²³ may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting an appeal.