

CHAPTER 1275
Conditional Use Approval Criteria

1275.01	Conditional uses.	1275.03	Approvals or disapproval of conditional use permit.
1275.02	Standards to be met for approval of conditional uses.		

1275.01 CONDITIONAL USES.

The formation and enactment of this Zoning Code is based upon the division of the City into districts in each of which are permitted uses which are mutually compatible, as delineated in Section 1266.06. In addition to such permitted and specified uses, however, certain other uses have been listed in specific districts as being necessary or desirable, provided they are appropriately regulated.

- (a) Authority of Planning Commission. The Planning Commission may approve conditional uses as identified in Section 1266.06 according to the criteria established in Section 1275.02.
- (b) Permit Applications; Fee. Applications for conditional approval shall be made to the Planning Commission on forms supplied by the Zoning Administrator, accompanied by a site plan and by the required application fee as established by City Council resolution.
- (c) Application Content. The application shall identify the applicant, a description of the property under consideration for conditional use along with an affidavit verifying ownership of said property, a site plan drawn in accordance with Section 1276.02, and a list of all property owners of record within 300 feet of the parcel under review for development.
- (d) Public Hearing. The Planning Commission shall hold a public hearing on the application according to procedures delineated in Section 1260.08.
(Ord. 2006-08. Passed 10-10-06.)

1275.02 STANDARDS TO BE MET FOR APPROVAL OF CONDITIONAL USES.

The Zoning Administrator shall not authorize the issuance of a building permit for conditional uses unless the Planning Commission, after reviewing requests for approval of said conditional use has determined that all of the following conditions exist on the property.

- (a) The proposed conditional use shall be served adequately by essential public facilities and services such as highways and/or streets, police and fire protection, drainage structures, and refuse disposal or the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- (b) The proposed conditional use shall not be hazardous or disturbing to existing or future neighboring uses.
- (c) The proposed conditional use shall not create excessive additional requirements at public cost for the provision of public facilities and/or services.

- (d) The proposed conditional use is harmonious with and in conformance with the general objectives, intent, and purposes of this Zoning Code.
- (e) The proposed conditional use shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- (f) The proposed conditional use shall meet all other requirements of the City's Code of Ordinances. If the facts of the case do not establish beyond a reasonable doubt that the proposed conditional use will meet the standards set forth in this Zoning Code, then the Planning Commission shall not grant a conditional use permit.
(Ord. 2006-08. Passed 10-10-06.)

1275.03 APPROVALS OR DISAPPROVAL OF CONDITIONAL USE PERMIT.

Upon holding a public hearing, the Planning Commission shall promptly notify the applicant in writing of its approval or disapproval, including a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed.

- (a) Disapproval. In the case of a finding that the requirements of Section 1276.02 do not or will not be met by the proposed conditional use, the Planning Commission shall inform the applicant of the specific standards not met and the procedure for reconsideration.
- (b) Approval. If approved, the Zoning Administrator shall issue a conditional use permit, and he or she shall so inform the Building Inspector of that fact.
- (c) Expiration of Permit. Any conditional use permit granted under this Zoning Code shall become null and void and fees forfeited unless construction and/or use is commenced within 365 days and completed within 575 days of the date of issuance.
- (d) Cancellation of Permit. A violation of a requirement, condition, or safeguard shall be considered a violation of the Zoning Code and grounds for termination or cancellation of such conditional use permit.
(Ord. 2006-08. Passed 10-10-06.)