

SECTION 2.4.0051 - CUP or C - CONDITIONAL USE PERMITS

CONDITIONAL USES:

The purpose of this district is to allow certain uses in districts that under most circumstances would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Conditional Use Permit (CUP)

Application shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of five hundred feet (500'). The City shall make available application forms specifying drawing requirements. The Director of Development Services, City Manager, Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

SECTION 2.4.0051.1 - CONDITIONAL USE PERMIT REGULATIONS:

- A. In recommending that a Conditional Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested CUP, the Planning and Zoning Commission and City Council may consider the following:
1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
 2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
 3. The nature of the use is reasonable;

4. Any negative impact on the surrounding area has been mitigated;
 5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.
- B. In granting a Conditional Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such Conditional Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.
 - C. No Conditional Use Permit shall be granted unless the applicant, owner and grantee of the Conditional Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Conditional Use Permit, as attached to the site plan drawing (or drawings) and reviewed by the Planning and Zoning Commission and approved by the City Council.
 - D. A building permit or Certificate of Occupancy shall be applied for and secured within one (1) year from the time of granting the Conditional Use Permit, provided however, that the City Council may authorize an extension. After one (1) year from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan for compliance. If the site plan is determined to be invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Conditional Use Permit. A public hearing is required for consideration of the new site plan.
 - E. No building, premise, or land used under a Conditional Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Conditional Use Permit is granted for such enlargement, modification, structural alteration, or change.
 - F. The Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Conditional Use Permit.
 - G. When the City Council authorizes granting of a Conditional Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use mid [sic] prefixed by a "C" designation.

SECTION 2.4.0051.2 - USE REGULATIONS:

- A. Uses permitted by CUP are specified in Article 6.5 Building Types

SECTION 2.4.0051.3- PRIOR CUP ORDINANCES REMAINING IN EFFECT:

Prior to adoption of this Ordinance, the City Council had established various Conditional Use Permits, some of which are to be continued in full force and effect. The permits or parts of permits approved prior to this Ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Conditional Use Permits shown on the Zoning Map at the date of adoption of this ordinance.