

Article 3A Conditional Use Permits

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10-3A-1 Purpose

Each district lists conditional uses that may be allowed if found to be compatible with surrounding land uses. Every use that requires a conditional use permit is declared to possess characteristics such as to require review and appraisal by the commission and Council to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. (Ord. 313-08, 6-9-2008)

10-3A-2 Minimum Standards

An approved conditional use permit shall at least meet the minimum bulk standards such as, but not limited to, setback requirements, lot size and building height of the underlying district. Exceptions to those requirements must be sought through the variance procedure. (Ord. 313-08, 6-9-2008)

10-3A-3 Application For Permit

An application for a conditional use permit shall be filed with the Administrator by at least one owner or lessor of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of the applicant.
- B. Legal description of the property.
- C. Description of existing use.
- D. Zone district.
- E. Description of the proposed conditional use.
- F. Site plan.
- G. An objective narrative statement evaluating the effects on adjoining property and proposed methods to mitigate those effects; a discussion of the general compatibility with adjacent and other properties in the vicinity.
- H. Certificate of ownership (see section 10-2-2 of this title for definition).
 - I. A list of all property owners and their mailing addresses who are within three hundred feet (300') of the external boundaries of the land being considered which must be provided by and certified to by a licensed title company doing business in Adams County, Idaho.
- J. Application fees. (Ord. 313-08, 6-9-2008)

10-3A-4 Hearing Procedures

Following the acceptance of the complete conditional use permit application by the Administrator and prior to granting a conditional use permit, a public hearing shall be held to review the conditional use permit request.

- A. Notice Of Hearing: At least fifteen (15) days prior to the date of the public hearing, the Administrator shall cause notice of time and place and a summary of the proposed conditional use to be published in the

official newspaper or paper of general circulation within the City and its impact area. Notice by first class U.S. mail shall be sent to all property owners within at least three hundred feet (300') of the external boundaries of the subject property at least fifteen (15) days prior to the public hearing date. The Administrator shall cause notice to be posted upon the subject site not less than seven (7) days prior to the public hearing.

B. Commission Recommendation:

1. Conditional use permits shall be heard by the commission. The commission shall consider the facts and circumstances of each conditional use application and shall make a recommendation based upon the following standards:
 - a. Will, in fact, constitute a conditional use as established in this title for the zoning district involved.
 - b. Will be harmonious with and in accordance with this title and the general objective of the Comprehensive Plan.
 - c. Will not alter the intended character of the area.
 - d. Will not be detrimental to public health and safety or adjacent property.
 - e. Will not result in the destruction, loss or damage of a natural, environmental, scenic or historic feature of major importance.
2. In recommending approval of any conditional use permit, the commission may identify appropriate conditions, bonds and safeguards in conformity with this title. Conditions may include, but shall not be limited to, specific requirements that would:
 - a. Minimize adverse impacts on other development.
 - b. Control the sequence and timing of development.
 - c. Control the duration of development.
 - d. Assure proper maintenance of development.
 - e. Require the provision for on site and off site facilities or services.
 - f. Require more restrictive standards than those required by this title.
 - g. Require financial guarantees. (Ord. 313-08, 6-9-2008)
 - h. Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing service within the planning jurisdiction. (2018 Code)
3. Within fifteen (15) days following the public hearing, the commission shall forward its recommendation for approval, conditional approval, or denial to the Council or table the item for further review. The recommendation shall be in writing and shall specify:
 - a. The standards used in evaluating the application.
 - b. The reason(s) for the recommendation. (Ord. 313-08, 6-9-2008)

C. Council Action: At the next regularly scheduled Council meeting, the Council shall grant or deny the permit or delay a decision for up to thirty (30) days for further study or hearing. A hearing held by the Council is subject to the same notice requirements and hearing procedures followed by the commission's public hearing. All associated fees shall be assessed to the applicant. Denial of a special use permit or approval of a special use permit with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided by section 67-8003, Idaho Code, consistent with requirements established thereby. (Ord. 313-08, 6-9-2008; amd. 2018 Code)

10-3A-5 Expiration Of Permit

Unless a longer time is specifically established as a condition of approval, a conditional use permit shall be considered void twelve (12) months following the effective date of the permit if construction is not being diligently pursued toward completion. (Ord. 313-08, 6-9-2008)

10-3A-6 Suspension Or Revocation Of Permit

A conditional use permit may be suspended or revoked upon determination by the commission during their regularly scheduled meeting that a violation of the conditions of approval has occurred. The commission shall then hold a public hearing subject to the same notification requirements as outlined in section 10-3A-4 of this article to determine the extent of the violations and the appropriate corrective action. (Ord. 313-08, 6-9-2008)

10-3A-7 Conditional Use Granted To Property And Nontransferable To Another Parcel

A conditional use permit is granted to the subject property and shall remain valid upon a change in ownership with all attached conditions. Conditional use permits are not transferable from one parcel to another. (Ord. 313-08, 6-9-2008)

10-3A-8 Multiple Uses On One Parcel

The Council may grant more than one conditional use permit to a single parcel of property or may grant conditional use permits to a single parcel of property that currently contains a principal use allowed outright by that district. (Ord. 313-08, 6-9-2008)