

## CHAPTER 7 - CONDITIONAL USE PERMITS

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### **7.01: PURPOSE.**

The purpose of a conditional use permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety and to require conditions related to the establishment of said use necessary to carry out the intent and purpose of the Ordinance.

### **7.02: APPLICATION AND PROCEDURE.**

A conditional use permit requires a public hearing and is to be processed in accordance with the procedures set forth in Chapter 9 (Zoning Application Procedures) of this Ordinance. The information required for all zoning applications generally consists of items outlined in Chapter 9 (Zoning Application Procedures) of this Ordinance, and shall be submitted unless exempted by the City.

### **7.03: CRITERIA.**

The Planning Commission shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce any adverse effects, and shall make a recommendation to the City Council within the guidelines as mandated by State Statutes. At a minimum, the Planning Commission shall consider the following standards as it would apply to the particular use at the proposed location. The request:

- A. Will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the City.
- B. Will be harmonious with the applicable specific and general objectives of the Comprehensive Plan of the City and this Ordinance.
- C. The proposed use is or will be compatible with future land use map of the Comprehensive Plan of the City.
- D. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.
- E. The proposed use will not tend to or actually depreciate the area in which it is proposed.
- F. Will not be hazardous or disturbing to existing or future neighboring uses.
- G. Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems, and schools.
- H. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

- I. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
- J. Will have vehicular approaches to the property which are so designed as not to create traffic congestion or an interference with traffic or surrounding public thoroughfares.
- K. Traffic generation by the proposed use is within capabilities of streets serving the property.
- L. Will have adequate facilities to provide sufficient off-street parking and loading space to serve the proposed use.
- M. The proposed use conforms with all performance standards contained within this Ordinance.
- N. Will not result in the complete or extreme destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- O. Will conform to the type of uses that are generally permitted within the district.

#### **7.04: CONDITIONAL APPROVAL.**

In recommending or approving any conditional use permit, the City may impose conditions which are considered necessary to meet the standards of this Ordinance and to protect the best interests of the surrounding area or the City as a whole. Violation of any such condition is a violation of this Ordinance. These conditions may include but are not limited to the following:

- A. Ingress and egress to property and proposed structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
- B. Negative or undue effects on nearby property as they may relate to off-street parking and loading areas, economic effects, noise, glare, or odor.
- C. The location and design of refuse and service areas as they may relate to the site, public right of ways and nearby properties.
- D. Location, availability and compatibility of utilities.
- E. Diking, fencing, berming, screening, landscaping or other facilities to protect adjacent or nearby property.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
- G. Required yard setbacks and other open space.
- H. General compatibility with adjacent and other property in the district.

#### **7.05: LAPSE OF PERMIT.**

If within one year after granting a conditional use permit, as permitted by the conditional use permit, shall not have been completed or utilized, then such a conditional use permit shall become null and void unless a petition for extension of time in which to complete or to utilize the use has been granted by the City Council. Such extension shall be required in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original conditional use permit. The request for extension shall state facts showing a good faith attempt to complete or use the use permitted in the conditional use permit. Such petition shall be presented to the City Council for decision.

**7.06: SHORELAND MANAGEMENT DISTRICT.**

The Commission of the Department of Natural Resources or its assigned agent (Area Hydrologist) shall be notified in writing and said notice shall be postmarked at least ten (10) days in advance of the public hearing of any request of a conditional use permit included within the Shoreland Management District. Notice of final action for any of the applications identified above shall be sent to the Commissioner of the Department of Natural Resources and postmarked within ten (10) days of final action.