

ARTICLE 7. CONDITIONAL USE PERMIT

SECTION 7.005. Purpose. A conditional use in an activity which is basically similar to the uses permitted in a particular zone, but which may not be entirely compatible with the permitted uses. Therefore, a conditional use must be reviewed to ensure that it is, or can be made to be compatible with the other permitted uses in the zone.

SECTION 7.010. Authorization to Grant or Deny Conditional Uses. Conditional uses listed in this ordinance may be permitted, enlarged, or altered in accordance with the standards and procedures set forth in Sections 7.010 through 7.040.

1. In permitting a conditional use or the modification of a conditional use, the City Manager may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which are considered necessary to protect the public health, safety, or general welfare of the surrounding area or the city as a whole. These conditions may include:
 - a. Increasing the required lot size or yard dimension.
 - b. Limiting the height of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location, and lighting of signs.
 - g. Requiring fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
 - i. Measures to control noise, vibrations, odors, or similar nuisances.
 - j. Limitations on time of day certain activities may be conducted.
 - k. A time period in which a proposed use shall be developed.
 - l. A limit of total duration of use or activity.
 - m. Posting of a performance bond of up to the value of the improvement in order to assure that the other conditions of the permit are satisfied.
 - n. A contractual agreement to assure that the subject property will participate in the cost of future street and public facility improvements which benefit the subject property.
 - o. Other conditions as deemed necessary.

2. In the case of a use existing prior to the effective date of this ordinance and clarified in this ordinance as a conditional use, a change in use or in lot area or an alteration of a structure shall conform with the requirements for issuance of a conditional use permit.
3. The City Manager shall approve, deny or return the request for revising, if the conditional use request requires further review and study. Denied applications cannot be resubmitted within twelve (12) after date of denial, unless documentation or evidence is provided, which demonstrates the applicant has mitigated or addressed all the points for the basis of denial.

SECTION 7.030. Procedure for Taking Action on a Conditional Use Application. A property owner may initiate a request for a conditional use by filing an application with the City Manager, using the procedures and forms prescribed pursuant to Section 11.070, Applications, and paying a nonrefundable filing fee.

SECTION 7.040. Time Limit on a Permit for a Conditional Use. Authorization of a conditional use shall be void after one (1) year or such lesser time as the authorization may specify unless substantial construction or conditions of approval pursuant thereto has taken place. Substantial construction shall mean construction of the permanent, main building structure beyond the stage of exterior walls and roof to such a degree that the estimated value of the structure exceeds 75% of the estimated building value as determined for construction permit purposes. On request, authorization may be extended for an additional period not to exceed one (1) year.

SECTION 7.050. Revocation of a Permit for a Conditional Use.

1. Any permit for a conditional use may be revoked by the City Manager or Planning Commission for violation of any conditions of issuance or other ordinances or regulations.
2. Before the Planning Commission may act on such a revocation, it shall hold a public hearing thereon. The revocation of a conditional use by the City Manager may be appealed to the Planning Commission. The revocation of a Conditional Use by the Planning Commission may be appealed to City Council.
3. Within five (5) days after a decision has been rendered with reference to the revocation, the City Manager shall provide the applicant with written notice of the decision.