

Conditional Use Permit Instruction Sheet

The Governing Body may from time to time on its own motion or on petition, after public notice and hearing as provided herein, authorize in specific cases such conditional uses as is expressly allowed in the various districts. Before granting any conditional use, the same shall be referred by the governing body to the commission for public hearing and recommendation.

Application

An application in writing for such conditional use shall be filed with the commission, accompanied by such data and information as may be prescribed by the commission so as to assure the fullest possible presentation of facts for the permanent record.

- (1) On the application, the property for which the conditional use is sought shall be designated by legal description and general street location.
- (2) Accompanying the application, a certified list (from an abstract company) of the names and addresses of all property owners within 200 feet of the designated property (excepting public streets and ways) shall be provided by the petitioner. If the proposed designated property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.
- (3) A filing fee of \$200 and a publication fee of \$75 shall be paid to the city clerk upon the filing of each application for each lot, tract, or parcel included in the application for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the person making such payment and the records thereof shall be kept in such a manner prescribed by law.

Hearing

The commission shall establish the time and place of the public hearing.

- (1) Giving at least 20 days notice of the time and place of the public hearing.
- (2) In addition to such public notice, written notice of such conditional use shall be mailed to all property owners and applicable addresses within 200 feet of the property (excepting public streets and ways) and an opportunity granted to interested parties to be heard at the public hearing. If the proposed designated property is located adjacent to the city's limits, the area of notification of the action shall be extended to at least 1,000 feet in the unincorporated area.

Consideration

The objective of permitting specific conditional uses within a district is to provide adequate consideration of the conditions in terms of this article to assure:

- (1) That proposed uses will not be contrary to the public interest.
- (2) That the spirit of the article is observed.
- (3) That public safety and welfare is secured.
- (4) That substantially equal treatment under the law is preserved.

Criteria

The following criteria shall be evaluated in terms of this objective as they relate to the specific case being considered and such stipulation as deemed appropriate by the commission shall be defined.

- (1) Access and traffic load and/or flow.
- (2) Noise, light and odor.
- (3) Screening.
- (4) Parking, refer to parking section.
- (5) Services (public utilities).
- (6) Public health and safety.
- (7) Adequacy of facility and lot size.
- (8) Signs.
- (9) Review by fire marshal for designation.
- (10) Other considerations as appropriate.

Action

Following the conclusion of the public hearing, the commission shall have 60 days in which to make recommendation to the governing body who shall have 30 days in which to take action. The recommendation from the commission shall define those conditions to be met in allowing the conditional use, or deny the application – stating the reason for such denial.

Protest

Regardless of whether the commission recommends approval or denial of a conditional use, if a protest against such conditional use be filed in the office of the city clerk within 14 days after the date of the conclusion of the public hearing pursuant to such publication notice, the protest has been duly signed and acknowledged by the owners of 20% or more of the total notification area, such conditional use shall not be permitted except by at least three-quarters vote of all the members of the council.