

CHAPTER 1169
Procedure for Authorizing a Conditional Use

- 1169.01 Nature of conditional uses; intent.
- 1169.02 Written applications.
- 1169.03 Actions of the Planning Commission.
- 1169.04 Conditional use approval.
- 1169.05 Fees for conditional uses.

CROSS REFERENCES

Zoning certificates required - see P. & Z. 1129.03
Variances: conditions and procedures - see P. & Z. 1131.01 et seq., 1191.15
Flood plain zoning, conditional uses and variances - P. & Z. 1191.06 et seq., 1191.15

1169.01 NATURE OF CONDITIONAL USES; INTENT.

Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such zoning districts.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans. (Ord. 29-72. Passed 5-2-72.)

1169.02 WRITTEN APPLICATIONS.

~~Two copies of a provided application form shall be filed with the Zoning Officer not less than twenty days prior to the date of the public hearing.~~ **WRITTEN APPLICATION SHALL BE MADE TO THE ZONING ADMINISTRATOR WHO SHALL TRANSMIT SUCH APPLICATION TO THE PLANNING COMMISSION.**

- (a) Description of Property and Intended Use. The application shall include the following statements:
 - (1) A legal description of the property.
 - (2) The proposed use of the property.
 - (3) A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 - (4) A statement of the relationship of the proposed use to adjacent property and land use.
 - (5) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Commission.

- (b) Plot Plan. The application shall be accompanied by three copies of a plot plan, drawn to an appropriate scale, clearly showing the following:
 - (1) The boundaries and dimensions of the lot.
 - (2) The size and location of existing and proposed buildings and/or structures.
 - (3) The proposed use of all parts of the lot, buildings and/or structures, including accessways, walks, off-street parking and loading spaces, and landscaping.

EXHIBIT A

- (4) The relationship of the proposed development to the development standards.
- (5) The use of land and location of structures on adjacent property.
(Ord. 29-72. Passed 5-2-72.)

**1169.03 ADVERTISED PUBLIC HEARING.
BEFORE APPROVING OR DENYING THE APPLICATION BEFORE IT, THE PLANNING COMMISSION SHALL HOLD AT LEAST ONE PUBLIC HEARING ON SUCH APPLICATION, NOTICE OF WHICH SHALL INCLUDE PLACE, TIME, DATE AND NATURE OF SUCH APPLIED FOR IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY DURING THE CALENDAR WEEK PRIOR TO THE PUBLIC HEARING. NOTICE OF SAID HEARING SHALL ALSO BE MAILED BY ORDINARY MAIL TO THE STREET ADDRESSES OF CONTIGUOUS PROPERTY OWNERS OF THE PROPERTY FOR WHICH SAID HEARING IS BEING HELD. THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS ENTITLED TO NOTICE OF THE PUBLIC HEARING SHALL BE FURNISHED BY THE APPLICANT.**

1169.03 1169.04 ACTIONS OF THE PLANNING COMMISSION.

The Planning Commission shall hold a public hearing and act on a conditional use in one of the following ways:

- (a) Approval. The Planning Commission shall approve an application for a conditional use if the following four conditions are met:
 - (1) The proposed use is a conditional use of the zoning district and the applicable development standards established in this Zoning Ordinance are met.
 - (2) The proposed development is in accord with appropriate plans for the area.
 - (3) The proposed development will not have undesirable effects on the surrounding area.
 - (4) The proposed development will be in keeping with the existing land use character and physical development potential of the area.
- (b) Approval with Modification. The Commission may approve, with modification, an application for a conditional use if the proposed use is a conditional use of the zoning district and the applicable development standards are met, but plot plan modification is required:
 - (1) To be in accord with the appropriate plans for the area; and
 - (2) To prevent undesirable effects on adjacent property and the surrounding area.

Such modification may be a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required. Recommendations regarding the modification of plans or other appropriate actions shall be stated with the reasons for each recommendation.

- (c) Disapproval. The Commission shall only disapprove an application for a conditional use for any one of the following reasons:
 - (1) The proposed use is not a conditional use of the zoning district, or the applicable development standards are not and cannot be met.
 - (2) The proposed development is not in accord with appropriate plans of the area.
 - (3) The proposed development will have undesirable effects on the

- surrounding area.
- (4) The proposed development is not in keeping with the existing land use character and physical development potential of the area. (Ord. 77-82. Passed 8-3-82.)

~~1169.04~~ **1169.05** CONDITIONAL USE APPROVAL.

Upon a favorable finding, the Commission shall approve a conditional use application within thirty days following the public hearing.

- (a) Conditional Use Permit. A Zoning Certificate may be issued only for an approved conditional use within the period one year from the date of final approval by the Commission.
- (b) Building Permit. A Building Permit may be obtained only for the development in accordance with the approved plot plan. (Ord. 29-72. Passed 5-2-72.)

~~1169.05~~ **1169.06** FEES FOR CONDITIONAL USES.

Fee to Cover Administrative Costs and Advertising. A fee of fifty dollars (\$50.00) shall be paid to the City, for each application for a conditional use, provided however, that public parks, playgrounds and recreation areas, operated by membership organizations for the benefit of their organization and not for profit, shall not be subject to the hereinabove required fee. The fee for an amended application shall be one-half the cost of the original application fee. (Ord. 980120. Passed 5-4-98.)