

## **7200 - CONDITIONAL USE PROCEDURE**

*Municode link:* [http://library.municode.com/HTML/12090/level2/APXBZO\\_7000ADPR.html#APXBZO\\_7000ADPR\\_7200COUSPR](http://library.municode.com/HTML/12090/level2/APXBZO_7000ADPR.html#APXBZO_7000ADPR_7200COUSPR)

### **7205 - Purpose**

The purpose of the conditional use procedure is to allow for review of uses which would not be appropriate generally or without certain restrictions throughout a zoning district but which, if controlled as to the number, area, location or relation to the neighborhood, would promote the health, safety, and welfare of the community. The procedure is intended to allow broad public review and evaluation of the proposed development and to ensure adequate mitigation of potentially unfavorable impacts. Sections 7200 through 7299 shall be known as the conditional use procedure.

### **7210 - Jurisdiction**

The director of community development shall be responsible for the administration of the conditional use procedure; and the planning and zoning commission shall be responsible for review, evaluation and action on all applications.

### **7215 - Submission Requirements**

An application for a conditional use permit shall be submitted to the director of community development, along with any applicable fee required by section 7650, at least 21 days prior to the regular meeting of the planning and zoning commission. The application shall include the same submission requirements for site plan review in section 7115.

### **7220 - Public Hearing and Notice**

The director of community development shall schedule a public hearing at the next regular meeting of the planning and zoning commission and shall provide notice as prescribed in section 7620.

### **7225 - Report of The Director Of Community Development**

The director of community development shall review the application and submit a report to the planning and zoning commission. This report shall be made available to the applicant at least ten days prior to the public hearing.

### **7230 - Action by the Planning And Zoning Commission**

The planning and zoning commission shall review the application against the review and evaluation criteria established in section 7235 and approve, conditionally approve, or disapprove the conditional use application.

### **7235 - Review and Evaluation Criteria**

The conditional use application shall be reviewed and evaluated using the following criteria:

- A. Conformance with applicable regulations and standards established by the zoning ordinance.

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- B. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
- C. Potentially unfavorable affects [effects] or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
- D. Location, lighting, and type of signs, and relation of signs to traffic control, and adverse effect on adjacent properties.
- E. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.

### **7240 - Conditional Approval Process**

The planning and zoning commission may place conditions upon the issuance of a conditional use permit and may condition its approval to ensure compliance with the intent of this provision. Such conditions shall include, but are not limited to:

- A. Limits on the floor area of a use.
- B. Limits of the hours of operation of a use.
- C. Limits on activities within the use.
- D. Approval of building elevation designs.
- E. Approval of uses ancillary to the primary use.
- F. Site ingress and egress.
- G. Approval of site circulation plan.
- H. Location of parking.
- I. Location of loading and docking facilities.
- J. Need for fencing and type of required fencing or other screening devices.
- K. Location, height and dimensions of signs.
- L. Other conditions which may be appropriate to ensure compatibility with adjacent or neighboring land uses and traffic patterns.

### **7245 - Appeals Process**

A decision of the planning and zoning commission may be appealed to the city council by filing such appeal with the director of community development, along with any fee required by section 7650, within ten days of the planning and zoning commission decision. The appeal shall be placed on the agenda of the next regularly scheduled meeting of the city council, but not less than 15 days from the date of receipt of such appeal, using the public notice procedure prescribed in section 7625.

### **7250 - Lapse of Approval**

A conditional use permit shall be valid for one year from the date of approval unless prior to such expiration date a building permit is issued and construction is commenced and diligently pursued towards completion.

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A conditional use permit may be renewed for an additional year by the planning and zoning commission upon application. Such renewal may be subject to additional conditions of approval.

**7255 - Modification of Conditional Use Permit**

Minor modifications of a conditional use permit may be modified if the director of community development determines such conditions will not change the intent and affect of the approval by the planning and zoning commission.