

Chapter 16.50

CONDITIONAL USES

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16.50.010 Authorization to grant or deny conditional uses.

A conditional use listed in this title shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of the ordinance codified in this title as a conditional use, a change in the use, or reduction in lot area, or an alteration of the structure, shall require the prior issuance of a conditional use permit. In judging whether or not a conditional use permit shall be approved or denied, the Planning Commission shall weigh the proposal's positive and negative features that would result from authorizing the particular development at the location proposed and to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

- A.** The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the city;
- B.** The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features;
- C.** All required public facilities and services exist to adequately meet the needs of the proposed development;
- D.** The proposed use will not alter the character of the surrounding areas in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone. (Ord. 740 section 10.3.75 (A), 1984)

16.50.020 Application for conditional uses.

Application procedures shall be as described in Chapter 16.89. (Ord. 899 section 1, 1993; Ord. 740 10.3.75(B), 1984; Ord. 981 section 5, 1997; Ord. 1019 section 15, 1999; Ord. 1080, 2001)

16.50.03 Public hearing required.

Each properly filed application for a conditional use permit shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII. (Ord. 740 section 10.3.75 (C), 1984)

16.50.040 Placing conditions on a permit.

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- A.** Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;
- B.** Establishing a special yard, other open space or lot area or dimensions;
- C.** Limiting the height, size or location of a building or other structure;
- D.** Designating the size, number, location, and nature of vehicle access points;
- E.** Improving the street and/or expanding the rights-of-way;
- F.** Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area;
- G.** Limiting or otherwise designating the number, size, location, height and lighting signs;
- H.** Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I.** Requiring diking, screening, landscaping or other facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J.** Designating the size, height, location and materials for a fence;
- K.** Protecting and preserving existing trees, vegetation, water, resources, wildlife habitat or other significant natural or open space areas;
- L.** Limiting the number, location, and design of street accesses and requiring shared access when appropriate;
- M.** Other conditions to assure that the development complies with standards and criteria listed in section 16.50.010. (Ord. 740 section 10.3.75 (D), 1984; Ord. 1019 section 6, 1999)

16.50.050 Notification of action.

The City Planner shall notify the applicant in writing of the action of the Planning Commission within five days after the decision has been rendered. (Ord. 740 section 10.3.75(E), 1984)

16.50.060 Standards governing conditional uses.

A conditional use shall ordinarily comply with the standards of the zone for uses permitted outright, except as specifically modified by the Planning Commission in granting the conditional use permit, or as otherwise provided as follows:

- A. Building Height.** The height limitations of any zone may be exceeded by a conditional use to a maximum height of seventy-five feet; provided that each yard is increased over the yard requirement by the addition of five feet for every five feet or fraction thereof of additional height over the maximum height allowed in the zone.
- B. Utility Substation or Pumping Station.** The minimum lot size of the zone in which a public utility is to be located may be waived by the Planning Commission only on finding that the waiver will not result in unacceptable levels of noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site of such small lots.
- C. Signs.** Signs may be permitted for a conditional use, in keeping with the nature of the use. The Planning Commission may require the applicant to submit details of proposed signs to allow for consideration with the use permit for the structure or use. (Ord. 740 section 10.3.75(F), 1984; Ord. 1237, 2007)

16.50.070 Revocation of conditional use permits.

- A. Automatic Revocation.** All conditional use permits shall be automatically revoked if not exercised within one year from the date of approval, or such additional time as is specified by the granting body at the time of approval. Conditional use permits shall not be deemed exercised until the use of the property permitted by the conditional use permit has actually commenced or, in the event that such use involves the construction of a building, that all required permits for said building have been obtained.
- B. Revocation for Noncompliance.** Any conditional use permit may be revoked by the City Council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.
- C. Extension of approval.** A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:

 - 1. Not change the original application.
 - 2. Explain specifically why an extension is needed.
 - 3. Be approved by the Planning Commission as a new business item.

4. If approved, those with standing on the original application shall be notified of the extension by mail. Those so noticed may obtain a public hearing on the extension by filing a request in writing within ten (10) days of the notice date. The public hearing shall follow the notice requirements and procedure for conditional use permits. The cost of notification and any required public hearing must be borne by the applicant.

An extension shall not be granted for more than one (1) year. (Ord. 740 section 10.8.20(C), 1984; Ord. 955 section 31, 1996; Ord 1237, 2007)