

Chapter 19.72

CONDITIONAL USE PERMITS

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19.72.010 Purposes of provisions—Regulations generally.

A. There are some uses which, because of their potential impact on neighboring properties or, because of their public service nature, should receive commission review in each case. In this manner, detailed consideration can be given to factors affecting the suitability of the proposed location. The conditional uses are specified within Chapters 19.12 through 19.68 of this title.

B. The commission shall permit these uses if, in addition to meeting the off-street parking regulations, development requirements and all other requirements of this title, the conditions set forth in this chapter are met. (Ord. 557 § 3 (part), 1985)

19.72.020 Conditions of approval.

A. The commission shall consider the suitability of the property, the character of the surrounding property and the economic and aesthetic effects of the proposed use upon the property and neighboring property. The use will be permitted if it is in harmony with the general purpose and intent of this title and where the use will be in keeping with the uses generally authorized for the zone in which the use is to take place. The commission shall require the conditional user to take those steps necessary so that the permitted conditional use will not be offensive because of injurious and noxious noise, vibrations, smoke, gas, fumes or odors or will not be hazardous to the community because of danger of fire or explosion.

B. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.

C. In addition to the conditions of subsections (A) and (B) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and size and character of the site shall facilitate maximum benefit and service to the public. (Ord. 557 § 3 (part), 1985)

19.72.030 Application.

A written application shall be filed with the planning and zoning commission through the building official. This application shall state the nature of the request and that the proposed use meets the conditions stated in the pertinent section of this title. (Ord. 557 § 3 (part), 1985)

19.72.040 Site plan request.

Where necessary to determine compliance with the listed conditions, the building official shall request a specific and detailed site plan. (Ord. 557 § 3 (part), 1985)

19.72.050 Investigation and report to commission.

The building official shall investigate and report to the commission on the extent to which the use requested meets the conditions stated in this title. (Ord. 557 § 3 (part), 1985)

19.72.060 Hearing and notices.

The commission shall set a date for and hold a public hearing upon each properly submitted application. Such hearing shall be held not later than sixty days following the date of filing of such application. At least fifteen days before the hearing a public notice specifying the subject, time and place of the hearing shall be posted at three public places. In addition, at least fifteen days' notice of the time and place of the hearing shall be mailed to all parties in interest and to all property owners within six hundred feet of the property involved that is subject to the application; and, if the property described lies within a recorded subdivision, to all persons holding a legal interest in the property within that subdivision. The six hundred foot area of notification may be increased by the commission if the use of the property could impact a larger area. In any operation requiring the use of blasting agents, the minimum area of notification shall be all property owners within one thousand five hundred feet of the property involved. The failure of any person to receive any notice required under this section, where the records of the city indicate the notice was provided in a timely and proper manner, shall not affect the validity of any proceeding under this section. (Ord. 699 § 3 (part), 1993; Ord. 600 § 3 (part), 1987; Ord. 557 § 3 (part), 1985)

19.72.070 Public inspection of application.

From the time of filing such application until the time of such hearing, the application, together with all plans and data submitted, shall be available for public inspection in the office of the building official. (Ord. 557 § 3 (part), 1985)

19.72.080 Commission decision.

Within thirty days after the hearing, the commission shall grant or reject the request for a conditional use permit. The commission's decision shall be based on the compliance of the request with the conditions listed in this title. The decision of the commission and the reasons therefore shall be entered in the records of the commission and shall be available to the public. (Ord. 557 § 3 (part), 1985)

19.72.090 Issuance of permit—Conditions.

In granting a conditional use permit, the commission shall state the conditions required. Any such condition must be complied with. Violation of any condition shall result in revocation of the permit and further use of the property or maintenance of any building thereon shall constitute a violation of this title and shall be punishable accordingly. (Ord. 557 § 3 (part), 1985)

19.72.100 Expiration of permit.

Any conditional use permit approved by the planning commission shall expire unless the privilege granted is utilized within one year after the granting of the conditional use permit. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section. The planning commission may extend the

time for action by the permittee for a period not exceeding one year upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than two times without an additional public hearing. (Ord. 626 § 3 (part), 1988; Ord. 557 § 3 (part), 1985)

19.72.110 Suspension or revocation.

The planning commission may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any provisions of this code. (Ord. 626 § 3 (part), 1988)