

## **Chapter 16.180 Conditional Use Permit**

### **16.180.000 Purpose and Scope**

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

### **16.180.005 Application and Fee**

A pre-application conference pursuant to the Application Review section of this chapter is required. The City Manager may waive this requirement.. An application for a Conditional Use Permit shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Depending on the scale of the project, the City may also determine that a simultaneous request for a Design Review permit pursuant to Chapter 16..175 is required. Conditional Use Permit requests shall be subject to the quasi-judicial public notice and public hearing requirements as described in the Application Review section of this chapter.

### **16.180.010 Review Criteria**

A conditional use may be authorized upon adequate demonstration by the applicant that the proposed use satisfies all relevant requirements of this Ordinance and the following general criteria:

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; and

- E. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

**16.180.015 Conditions of Approval**

In approving an application for a conditional use, the Planning Commission may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of the buildings and structures;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or nearby property;
- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space; and
- J. Prescribing a time limit within which to fulfill any established conditions.
- K. Prescribing limits on traffic, noise, vibrations, dust, fumes, or any other factors that may affect surrounding properties

**16.180.020 General Requirements**

Any conditional use authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a

zoning district standard shall have the effect of rezoning the property.

- B. A conditional use may be enlarged or altered pursuant to the following:
1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application; and
  2. Minor alterations of a conditional use may be approved by the City as a Limited Land Use permit pursuant to Chapter 16.170 if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.

#### **16.180.025 Compliance with Conditions**

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Planning Commission may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this ordinance.

#### **16.180.030 Revocation of a Conditional Use Permit**

A violation of any section of this ordinance or of any condition attached to the approval of a conditional use shall be punishable by revocation of the conditional use permit, or a fine not to exceed \$100, or by both such revocation and fine. Each day the violation is allowed to continue shall constitute a separate violation.