**CONDITIONAL USE PERMIT GUIDE AND APPLICATION**

***APPLICATION CHECKLIST:***

1. Completed **application form**.

2. **Only the owners of the property in question may request the conditional use permit**. If someone other than the owner will be handling the application, approval from the owner of said property giving them authority to do so is required.

3. A paper copy of a **scaled** **site plan** of the subject property clearly dimensioned, showing the zoning of adjacent properties and, if applicable, **building locations along with provisions for parking, loading and unloading, circulation, access, landscaping, and screening.**  Also, a map drawn to scale showing subject property clearly outlined in the center of a circle with a radius of one-quarter mile.

4. Application fee $100.00.

5. A legible typed legal description of property.

***PROCEDURE:***

1. The Application should be filed at City Hall. A completed application must be provided for the permit to be considered. See the application checklist above for a list of needed items to complete an application. No application will be accepted without payment-in-full of the application fee.

2. City staff will review the application and set a date for a public hearing within 30 days of the filing of the application (typically the 2nd Tuesday of each month). The public hearing is conducted to allow neighboring property owners to comment on the application.

3. Notice of the public hearing must be posted in the newspaper 15 days in advance of the public hearing. The applicant is responsible for covering the cost of the publication. The city shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than 15 days prior to the hearing.

4. Within 30 days of the public hearing the Planning Commission (typically immediately following the public hearing) will make a finding to approve or deny the Conditional Use Permit application. To approve the application the Planning Commission must find the following:

* The establishment, maintenance, or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
* The proposed Conditional Use will not harm other property in the neighborhood.
* The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties.
* The size of the site is adequate for the proposed use.
* Traffic generated by the use will not unduly burden transportation facilities within the neighborhood.
* Adequate buffering devices such as fencing, landscaping, or grading are sufficiently used to protect adjacent property.
* The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate.
* Landscaping and screening of the proposed Conditional Use shall be in accordance with the Zoning Code.
* The size and shape of the site; including size, shape, and arrangement of the proposed structure(s) is in accordance with the Zoning Code.
* Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.

5. The Planning Commission may include conditions or restrictions upon the creation of a conditional use permit in order to maintain the integrity of the zoning code. Violation of any condition imposed by the planning commission shall constitute grounds for revocation of the permit. Changes to the use of the property not covered by the original permit will require approval of a new permit.

6. A conditional use permit granted shall become void under these circumstances:

* If the permit for any use has been discontinued for a period of greater than 120 days
* In the case where any of the specific terms and conditions of a permit are violated or not observed, a 30-day written notice shall be addressed to the applicant indicating the nature of the non-compliance and the applicant’s right to appeal. If no appeal is filed in 30 days and the non-conformance not corrected in 45 days, the permit shall be revoked.

7. If denied by the Planning Commission, the application may not be reheard for 1 year from the date of the denial, unless the planning commission finds that a substantial change in conditions has occurred.

**CONDITIONAL USE PERMIT APPLICATION**

Property Owner

Name/Signature:

Spouse

Name/Signature:

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Address:

Reason for Conditional Use:

Legal Description:

Property Zoning: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

The undersigned property owner designates the following agent or attorney to represent the applicant at all hearings:

Name Address City State Phone No.

Property Owner Signature Spouse Signature

Property Owner Mailing Address City State Zip

Phone: \_