

4.3.3. Procedures and Fees for Conditional Use Permits and Planned District Zoning

4.3.3.1. *Title and Purpose*

This Section shall be known as the **Conditional Use and Planned District Zoning Procedure**. The purpose of this procedure is to provide for review and discretionary approval of uses or development sites typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the City at large.

The Conditional Use Procedure and Planned District Zoning process is intended to encourage broad public review and evaluation of site development features and operating characteristics, and to ensure adequate mitigation of potentially unfavorable impacts.

4.3.3.7. *Action by the Planning Commission*

The Planning Commission shall act on the application not more than twenty (20) days following the closing of the public hearing on a Planned District zoning or Conditional Use Permit application.

- **[a]** The Commission may recommend to **grant** a Conditional Use Permit or **approve** a Planned District zoning or
- **[b]** **amendment** as applied for or in a **modified** form or subject to **conditions**, or
- **[c]** may recommend **denial** of the application to the City Council. The Commission shall notify the applicant of its recommendation by mail.

4.3.3.9. *Conditions of Approval*

The Planning Commission may recommend and **the City Council** may **establish conditions of approval**.

Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; and such other conditions as the Commission or City Council may deem necessary to insure compatibility with surrounding uses to preserve the public health, safety, and welfare, and to enable the Commission to make the findings required by the preceding Section.

4.3.3.8. Review and Evaluation Criteria

The Planning Director, the Planning Commission and the City Council shall review and evaluate and make the following findings before granting a Conditional Use Permit or Planned District zoning using the following criteria:

1. **Comparison with applicable regulations** and standards established by the Comprehensive Land Use Regulations applicable to the proposed use and site.

2. **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.

3. **Potentially unfavorable effects or impacts** on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed these which reasonably may result from use of the site by a permitted use.

4. **Modifications to the site plan which would result in increased compatibility**, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.

5. **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.

6. **Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.**

7. **Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.**

8. **Adequacy and convenience of off-street parking and loading facilities** and protection of adjacent property from glare of site lighting.

9. **Conformity with the objectives of these regulations** and the purposes of the zone in which the site is located.

10. **Compatibility of the proposed use and site development**, together with any modifications applicable thereto, with existing or permitted uses in the vicinity

11. **That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts** on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

12. **That the proposed use, together with the conditions will not be detrimental to the public health, safety, or welfare, or community aesthetics, or materially injurious to properties or improvements in the vicinity.**