

SUBCHAPTER 71

CONDITIONAL USES

71.005 Power to Grant Conditional Uses

The Planning Commission shall have the power to grant conditional uses listed in this ordinance.

71.010 Procedures

A conditional use is a land-use action. The procedures governing a request for a conditional use shall be those set forth in Chapter 11 of this ordinance, "Land-Use Actions".

71.015 Conditions for Granting a Conditional Use

A conditional use may be granted only if the following conditions are found to exist:

- A. The conditional use that is requested is listed as a conditional use in the zone in which the subject property is located.
- B. Granting of the conditional use will not be materially detrimental to the public welfare or to improvements or residents in the neighborhood of the subject property.
- C. Granting of the conditional use will be consistent with the purpose of the zone in which the subject property is located and with the applicable Comprehensive Plan designation and policies.

71.020 Limiting Conditional Uses

In granting a conditional use, the Planning Commission may impose conditions. Such conditions shall include, but not be limited to, limitations on the duration of the conditional use, restrictions on the dimensions of structures, and restrictions regarding the location of structures. Such conditions shall apply to the applicant for the conditional use and to any purchasers, renters, lessees, or subsequent owners of the subject property. A violation of such conditions shall constitute a violation of this ordinance.

71.025 Effective Date of Conditional Use

A conditional use granted by the Planning Commission under the provisions of this ordinance shall become effective 12 days after the mailing of notice of the Planning Commission's action unless such action is appealed to the City Council. An appeal of the Planning Commission's decision shall stay such action until the appeal has been heard by the City Council.

71.030 Exercise of a Conditional Use

A conditional use granted under the provisions of this ordinance shall be effective only if exercised within 180 days of the effective date. Failure to exercise the conditional use within 180 days of the effective date renders the conditional use void. Extensions of this time period may be granted by a majority vote of the Planning Commission. Such extensions shall not exceed 180 days. Requests for such extensions shall be submitted in writing to the City Manager at least 30 days prior to the expiration of the effective period of the conditional use.

71.035 Cessation of a Conditional Use

The discontinuance of any activity authorized by a conditional use for a continuous period exceeding 180 days shall be deemed an abandonment of such conditional use. The property affected by the conditional use shall thereafter be subject to all of the applicable provisions and requirements of this ordinance.

71.040 Transfer of a Conditional Use

Any conditional use granted to property owner under the provisions of this ordinance is transferable to subsequent owners of the same property unless otherwise provided at the time of the granting of the conditional use.

71.045 Expansion of a Conditional Use

Any conditional use granted under the provisions of this ordinance shall be granted only for the use or activity as described in the application for the conditional use or as prescribed by the Planning Commission. The enlargement or alteration of a conditional use beyond this size, area, or intensity described in the application or prescribed by the Planning Commission shall be considered a conditional use and shall be subject to all of the provisions of this chapter.