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## ARTICLE 13. CONDITIONAL USES

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### Section 1300. Conditional Use Requires Planning Commission Approval

Conditional use approval from the Planning Commission shall be required prior to the issuance of Zoning Certificates for certain types of uses, so classified because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements or special nature relative to size, design, location and mode of operation that each use be considered individually. Such use shall not be permitted by right. Uses which are conditionally permitted in Article 4 must conform to all requirements of the zoning district, and may be permitted only if they conform to standards provided in this Article. See Article 17 for application requirements and procedures.

### Section 1301. Criteria for Conditional Use

The Planning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location shall conform to the following standards:

- (a) **Harmony With Neighborhood Character.** Will be in harmony with the existing or intended character of the neighborhood and that such use will not change the essential character of the area; and
- (b) **No Adverse Impacts on Neighbors.** Will not adversely affect the use of the adjacent property; and
- (c) **No Hazard to Health, Safety and Welfare.** Will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood; and
- (d) **Adequate Public Facilities.** Will be served adequately by public facilities and services such as, but not limited to, streets, police and fire protection, drainage facilities, water, sewer or schools; and

(c) **Conforms with Intent of Zoning Ordinance.** Will be in accordance with the general or specific objectives, and the purpose and intent of the Zoning Ordinance.

**Section 1302. Action by the Planning Commission**

If after review of the information available the Commission finds that in its opinion a request does not meet the above criteria, the request shall be denied. In granting any conditional use permit, the Planning Commission may impose such conditions in connection therewith as it may deem necessary to protect the public welfare and convenience, preserve the purpose and intent of this Article, and protect the character of the neighboring properties. Such conditions may include, but shall not be limited to, the regulation of:

- setbacks
- screening and buffers
- noise
- hours of operation
- access and traffic
- parking
- glare
- vibration
- odors
- dust
- smoke
- hazardous materials
- waste disposal

**Section 1303. Terms of Approval of Conditional Uses**

**1303.1 Conditional Use Permit Runs With the Land, Not the Owner or Tenant.** If a Conditional Use approved by the Commission is sold, leased or transferred, the successor or assigns shall be operated in the same manner as described in the original application, and shall be bound by the same conditions as approved by the Planning Commission. Any alteration of the conditionally permitted use by the successor or assign shall require approval by the Planning Commission of a new, separate conditional use permit.

**1303.2 Expiration of Conditional Use Approval.** Conditional-use approval shall expire if the use shall cease for a period of six (6) months after it has been established.