Chapter 21.71 Conditional Use Permit

Sections:

21.71.010 Scope and purpose of chapter.
21.71.020 Application for conditional use permit.
21.71.030 Review criteria.
21.71.040 Approval of conditional use.
21.71.050 Commission Hearing and Procedures.
21.71.060 Permit Issued by Planner.
21.71.070 Time limitations.

21.71.010 Scope and purpose of chapter. a. This chapter applies to the review and approval of conditional use permit applications when a conditional use permit is required by other provisions of the zoning code.
b. A conditional use permit may be granted to approve land uses and structures with special design or site requirements, operating characteristics, or potential adverse effects on surroundings. Approval may occur through Planning Commission review and, where necessary, the imposition of special conditions of approval.
c. Nothing in the zoning code shall be construed to require the granting of a conditional use permit. (Ord. 08-29, 2008).

21.71.020 Application for conditional use permit. a. An application for a conditional use permit shall be submitted to the City Planner on a form provided by the City. The application shall include:
1. Name and mailing address of the owner of the subject lot.
2. Name and mailing address of the applicant for the permit.
3. A legal description and the street address of the subject lot.
4. A narrative description of all proposed uses and structures, specifically identifying those that require conditional use permit approval.
5. A level one or higher site plan prepared according to HCC Chapter 21.73. In addition to the requirements of HCC Chapter 21.73, the site plan shall show the location of all outdoor areas to be used for the conditional use.
6. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots.
7. All additional information (including any permits, plans and analyses) required by other provisions of the zoning code applicable to the proposed use within the subject zoning district.
8. Any additional information the City Planner may require to determine whether the application satisfies the criteria for issuance of a permit.
9. If the applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (i) apply for the conditional use permit and (ii) bind the owner to the terms of the conditional use permit, if granted.
10. The applicant's signed certification that all the information contained in the application is true and correct.
b. The City Planner will determine if the application is complete. If not complete, the City Planner will advise the applicant what corrective actions should be taken to complete the application. (Ord. 08-29, 2008).

21.71.030 Review criteria. The applicant must produce evidence sufficient to enable meaningful review of the application. Unless exceptions or other criteria are stated elsewhere in this code, the application will be reviewed under these criteria:
a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.
b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.
c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.
d. The proposal is compatible with existing uses of surrounding land.
e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.
f Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable

neighborhood character.
g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.
h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.
i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.
j. The proposal will comply with all applicable provisions of the Community Design Manual. (Ord. 08-60 §2008; Ord. 08-29, 2008).

21.71.040 Approval of conditional use. a. The Planning Commission will review and may approve, approve with conditions, or deny an application for conditional use permit. The application shall not be approved unless it is established that the proposal, with conditions if necessary, satisfies the applicable review criteria.
b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:
1. Special yards and spaces.
2. Fences, walls and screening.
3. Surfacing of vehicular ways and parking areas.
4. Street and road dedications and improvements (or bonds).
5. Control of points of vehicular ingress and egress.
6. Special restrictions on signs.
7. Landscaping.
8. Maintenance of the grounds, buildings, or structures.
9. Control of noise, vibration, odors, lighting or other similar nuisances.
10. Limitation of time for certain activities.
11. A time period within which the proposed use shall be developed and commence operation.
12. A limit on total duration of use or on the term of the permit, or both.
13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.
14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot. (Ord. 08-29, 2008).

21.71.050 Commission Hearing and Procedures. a. When the application is determined to be complete, the City Planner shall schedule a public hearing before the Planning Commission and provide notice of the application as specified in HCC Chapter 21.94. The public hearing shall be held within 45 days after determining the application is complete.
b. The Commission shall, within 45 days of the close of the public hearing, approve, approve with conditions, or disapprove the application. The Commission shall promptly issue written findings and reasons supporting its decision.
c. In the event the Commission fails to act within 45 days of the close of the public hearing, the application is considered approved with such conditions or limitations as may have been recommended by the City Planner. The applicant for a conditional use permit may consent in writing to extend the period for action by the Commission.
d. Approval of the conditional use shall require the affirmative vote of five members of the Commission.
e. If a conditional use permit is denied, the written findings and reasons for that decision shall be approved by those who voted against the permit, even if the number against is less than a majority of the Commission. (Ord. 08-29, 2008).

21.71.060 Permit Issued by Planner. The City Planner shall promptly issue a conditional use permit in accordance with a decision of the Commission approving an application. (Ord. 08-29, 2008).

21.71.070 Time limitations. Failure of the applicant to meet any time limits imposed by the conditional use permit are grounds for revocation of the conditional use permit by the Commission, after notice to the permittee and public hearing. An extension of any time limit may be granted by the Commission following a public hearing on the matter. The Commission may grant extensions for any cause it deems sufficient. (Ord. 08-29, 2008).

(Homer 09/08)

21.72.010--21.72.030(b)

Source URL (retrieved on *2013-06-19 04:46*):
http://www.cityofhomer-ak.gov/cityclerk/chapter-2171-conditional-use-permit