

Chapter 17.68
Conditional Uses

Sections:

17.68.010 Purpose.

17.68.020 Processing.

17.68.030 Time Limits

17.68.010 Purpose. The purpose of the Chapter is to provide additional flexibility for certain uses that are similar or non-conflicting to the permitted uses in a particular zoning district. Proposed conditional uses may be permitted if the use is compatible with or can be conditioned to comply with the neighborhood or zoning district in which the application is sought.

17.68.020 Processing. Conditional use permits shall be processed as Class 2 Permits.

- A. In considering conditional use permits, the City shall have the discretionary authority to determine and recommend whether a conditional use permit should be granted, and grant conditional use permits with safeguards and limitations as are appropriate under this Title. The City may deny those applications that it finds not in harmony with the purpose and intent of adopted plans, policies and this Title. Each application is declared to be, and shall be considered as a separate and unique case.

- B. Conditions and safeguards may be prescribed which are in conformity with adopted plans and policies and this Title which are considered necessary to protect the best interest of the immediate neighborhood, surrounding area or the City as a whole. These conditions and safeguards may include, but are not limited to the following:
 - 1. Increasing the required lot size, setback or yard dimensions;
 - 2. Limit the height of buildings or structures;
 - 3. Control the number and location of vehicular access points;
 - 4. Require the dedication of additional rights-of-way for future public street improvements;
 - 5. Require the designation of public use easements or drainage easements and the recording of same;
 - 6. Increase the number of required off-street parking and/or loading spaces;
 - 7. Limit the size, shape, location and lighting of signs;
 - 8. Require view-obscuring fencing, landscaping, diking or other facilities to protect adjacent or nearby properties;

9. Designation of sites and/or size of open space or recreational areas;
10. Site reclamation upon discontinuance of use and/or expiration or revocation of the special exception permit;
11. Set a time for a public hearing to afford a review of the conditional use permit granted.
12. Limit the period of time that the Conditional Use Permit is allowed.
13. Require annual inspections be made to insure compliance with the permit and may require that the inspections be paid for by the owners of the conditional use facility
14. As defined in ZMC 17.04.020 (B) (48) and meeting the provisions of the animal control ordinances and the placement of livestock must meet the following standards through a Conditional Use Permit, and:
 - a. The Planning Official is authorized to interpret all provisions of this Title regarding livestock, including but not limited to determinations whether an animal meets the definition of a permitted livestock. Decisions of the Planning Official may be appealed to the Hearing Examiner in accordance with the provisions of this Title;
 - i. The Planning Official may establish such conditions of Special Use Permit for 4-H and FFA projects approval as may be necessary to ensure compliance with the requirements of this Title, to promote compatibility with neighboring uses, and to protect environmentally sensitive areas.
 - b. Fowl (chickens, ducks, geese, etc) shall not be permitted in any zone under any circumstances;
 - c. Only one (1) horse, mule, donkey, pony or other animals as determined by the Planning Official to be similar in nature and size per two (2) acres of irrigated pasture, only one (1) cow, llama, emu or other animals as determined by the Planning Official to be similar in nature and size per one (1) acre of irrigated pasture, five (5) sheep, goat, pygmy goat or other animals as determined by the Planning Official to be similar in nature and size per one (1) acre of irrigated pasture based on a finding that the amount of land available is adequate and that all other requirements can reasonably be met;
 - d. Under no circumstances will livestock be allowed on lots less than one (1) acre of irrigated pasture;
 - e. Pastures must be fenced and maintained;

- f. All livestock, barns, animal shelters, and livestock byproducts must be setback at least fifty feet from property lines, provided that the setback may be reduced to ten (10) feet on the side and rear setback and twenty (20) feet on the front when the adjoining property is also zoned SR. At the discretion of the Hearing examiner, the above referenced setbacks may incorporate off-site physical features such as, but not limited to, road right of ways, railroad right of ways, and canal right of ways, as part, or all, of the setback requirements, when in the determinate of the Hearing examiner, the setback meets the intent of the provision.
 - g. Barns and shelters for housing livestock must be maintained in a clean, healthful, and sanitary condition;
 - h. Offspring of permitted livestock shall be removed within six months of birth, if their presence exceeds permit conditions;
- B. All physical conditions required by the City shall be completed prior to reviewing authorization to occupy the use as defined in the application.
- C. The failure to comply with the terms and conditions of approval may result in the suspension or revocation of a Conditional Use permit and/or civil or criminal penalties.

17.68.030 Time Limits. A time limits shall be prescribed within which the action for each conditional use permit granted shall begin, be completed or both. Unless otherwise specified, the action shall commence within nine months and shall be completed within eighteen months of insurance of the permit. Failure to begin and/or complete such action within the time limits set shall void the conditional use permit. The **Hearing Examiner**, however, may authorize a one-time extension of either or both dates after the review of an extension request at a public meeting, provided that such extension request was filed prior to the expiration of the date for which the extension was requested. Such extension shall detail the circumstances that prohibit conditional use permit authorized. The length of such time extension, if authorized, shall not exceed eighteen additional months.