

### **§ 3.07 CONDITIONAL USE PERMITS.**

(A) *Purpose.* The purpose of this section is to establish application procedures for conditional use permit, standards and criteria applicable to all conditional uses and specific requirements applicable to certain conditional uses.

(B) *Application.*

(1) Conditional use permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this ordinance.

(2) Applications for conditional use permits shall be filed with the Zoning Administrator with required fees. The application shall:

(a) Indicate the section of the ordinance under which the conditional use is allowed and the grounds on which the permit is requested;

(b) Describe the site (legal description);

(c) Provide the names and addresses of the applicant, the owner of the site and any architect, professional engineer or contractor employed by the applicant, and the signature of the applicant and the owner;

(d) Be accompanied by a site plan showing such information as is necessary to show compliance with this ordinance, which may include:

1. Site plan drawn at scale showing parcel and building dimensions;
2. Location of all buildings and their square footage;
3. Location of curb cuts, driveways, access roads, parking spaces, off-street loading areas and sidewalks;
4. Landscaping and screening plans;
5. Drainage plan;
6. Sanitary sewer and water plan with estimated use per day;
7. Soil type;
8. In shoreland areas a thorough evaluation of the waterbody and the topographic, vegetation and soils condition on the site must be made to ensure:
  - a. The prevention of soil erosion and other possible pollution of public waters, both during and after construction;
  - b. The visibility of structures and other facilities as viewed from public waters is limited;
  - c. The site is adequate for water supply and on-site sewage treatment; and
  - d. The types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

9. A calculation of the amount of impervious surface prior to development and following the proposed development; and

10. Any additional data reasonably required by the Zoning Administrator, Planning Commission or County Board.

(C) *Public hearing.*

(1) The Planning Commission shall hold at least one public hearing on each application for a conditional use permit prior to any final decision by the County Board. Such public hearings may be continued and additional hearings may be held.

(2) Upon receipt in proper form of the application and other requested material, the Zoning Administrator shall set the date of the public hearing. All such hearings shall be held in a location prescribed by the Planning Commission.

(3) Notice of the time, place and purpose of the public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned, and in the official newspaper of the county, at least ten days before the hearing.

(4) Written notice of the time, place and purpose of the public hearing shall be sent to the adjacent property owners at least ten days prior to the hearing. The written notice shall be sent to property owners as follows.

(a) In incorporated areas, to all property owners of record within 500 feet of the affected property.

(b) In unincorporated areas, owners of record within one-quarter mile of the affected property, or to the ten properties nearest the property under consideration, whichever would provide notice to the greatest number of owners.

(c) Written notice shall also be given to the affected board of town supervisors and the municipal council of any municipality within two miles of the affected property.

(5) The current tax records on file in the office of the County Assessor shall be deemed sufficient for notification purposes. The failure of any property owner to receive notification, or defects in the notice, shall not invalidate the proceedings, if a bona fide attempt to comply with this subdivision has been made.

(6) Written notice shall be given to the affected unincorporated areas, the affected board of town supervisors, and the municipal council of any municipality within two miles of the affected property.

(7) Written notice shall be given to the Commissioner of Natural Resources at least ten days prior to any hearing dealing with an application for a conditional use permit within a Shoreland Overlay District.

(D) *Action and authorization.*

(1) Following the closing of the public hearing and the formulation of the Planning Commission's recommendations, the Zoning Administrator shall report the findings and

recommendations of the Planning Commission to the County Board at its next regularly scheduled Board meeting.

(2) The County Board shall approve, deny or return to the Planning Commission the conditional use permit application within 60 days of the receipt of the findings and recommendations of the Planning Commission.

(3) The County Board shall have the option to hold whatever public hearings it deems advisable, and may request that the applicant demonstrate the nature and extent of any adverse effects on the environment, as determined by the Planning Commission.

(4) Approval of a conditional use application shall require a simple majority of County Board members.

(5) The applicant for the conditional use permit shall be notified in writing of the Board's action by the Zoning Administrator.

(6) A copy of any conditional use permit issued within a shoreland area shall be forwarded to the Commissioner of Natural Resources within ten days of the action.

(E) *Criteria for granting conditional use permits.* The Planning Commission shall not recommend a conditional use permit unless it shall determine the following:

(1) Will the proposed use have an impact (adverse) on the health, safety and general welfare of the occupants in the surrounding neighborhood?

(2) Will the proposed use have an impact (adverse) on traffic conditions including parking?

(3) Are there adequate public utilities, public services, roads and schools to support the proposed use of the property?

(4) Will the proposed use have an effect (adverse) on property values or future development of land in the surrounding neighborhood?

(5) Is the proposed use of the property consistent with the goals and policies adopted in the Comprehensive Plan?

(6) Does the proposed use meet the standards of the zoning ordinance, including that the use is allowed with a conditional use permit in the designated zoning district in which it is proposed?

(7) Will the proposed use have an effect (adverse) on the environment, including pollution and including impacts on groundwater, surface water and surface water runoff, and air quality?

(8) Will the proposed use have an effect (adverse) on existing natural, historic, or scenic views or features in the surrounding neighborhood?

(9) Are there other provisions within the Unified Development Code, state law or federal law that will impact the approval of the conditional use permit?

(Ord. 97, passed 7-21-2009)