

ATTACHMENT A

SECTION 400.330: CONDITIONAL USE PERMITS

A. Purpose. The conditional use permit procedure is intended to provide the Planning and Zoning Commission and the Board of Aldermen with discretionary review of requests to establish or construct uses or structures which may be necessary or desirable in a zoning district, but which may have the potential for negative or deleterious impact on the health, safety and welfare of the public. The purpose of the review is to determine whether the proposed location of the use or structure is appropriate and whether it will be designed, located and operated so as to avoid, minimize or mitigate adverse impacts upon the community and other properties in the vicinity. The Board of Aldermen may impose conditions upon such uses and structures that are intended to avoid, minimize or mitigate adverse impacts upon the community and other properties in the vicinity. The Board of Aldermen may deny requests for a conditional use permit when it is evident that a proposed use or structure will or may cause harm to the community or injury to the value, lawful use and reasonable enjoyment of other properties in the vicinity.

B. Conditional Uses Authorized. The Planning and Zoning Commission may recommend and the Board of Aldermen may authorize the establishment of those conditional uses that are expressly permitted as a conditional use in a particular zoning district. No conditional use shall be authorized unless such conditional use to be granted complies with all of the applicable provisions of this Chapter.

C. Application For Conditional Use Permit. An application for conditional use permit containing the following information shall be filed with the City Clerk:

1. Applicant's name and address and legal interest in the property.
2. The owner's name and address if different than the applicant.
3. Street address or common description and legal description of the property.
4. Zoning classification and present use of the property.
5. Description of the proposed conditional use.
6. Statement as to why the proposed use will comply with the applicable standards in Subsection (G).
7. Statement identifying any potentially adverse effects and how the proposed conditional use will be designed, arranged and operated in order to ensure that the conditional use will not cause harm to the community and that the value, use and reasonable enjoyment of property in the vicinity will not be adversely affected.
8. Site plan in accordance with the requirements of [Article XIV](#).
9. Any additional information as may be required in accordance with the requirements of the zoning district in which the conditional use is proposed to be located.

D. Commission Action On Conditional Use Permit.

1. The Commission shall hold a public hearing on an application for conditional use permit. Notice of hearing shall be made in accordance with the provisions of [Section 400.360\(B\)](#).
2. Upon conclusion of the public hearing, the Commission shall transmit to the Board of Aldermen its recommendation containing specific findings of fact on the proposed conditional use and any conditions, safeguards and restrictions that the Commission recommends be imposed to ensure compliance with the standards set forth in Subsection (G) to avoid, minimize or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. The record of Commission action shall be sent to the Board of Aldermen within thirty (30) days of the Commission's decision.

E. Board Of Aldermen Action On Conditional Use Permit.

1. The Board of Aldermen shall hold a public hearing on an application for conditional use permit. Notice of hearing shall be made in accordance with the provisions of [Section 400.360\(B\)](#).
2. The Board of Aldermen may, by ordinance, authorize the issuance of a conditional use permit for such use as recommended by the Commission or may reverse or modify such decision by a majority vote of the full Board of Aldermen. In authorizing said conditional use permit, the Board of Aldermen may impose additional conditions or restrictions as it may determine necessary to ensure compliance with the standards set forth in Subsection (G) to avoid, minimize or mitigate potentially adverse effect of the conditional use on the community and properties in the vicinity. All such conditions or restrictions shall be set out in the ordinance approving the conditional use permit.

F. Permit Validity Time Period. Any conditional use permit authorized shall be validated within six (6) months from the date of approval by the Board of Aldermen or such conditional use permit shall be nullified. The conditional use permit shall be considered validated if a building permit is obtained and the erection or alteration of a structure is started or if an occupancy permit is obtained and the conditional use is commenced. The Board of Aldermen may grant one (1) additional extension of time not exceeding six (6) months, without notice or hearing. Requests for time extension shall be made by filing an application with the City Clerk before the expiration date. If the applicant fails to submit the request for time extension within the specified period, an application for conditional use permit shall be filed in accordance with the provisions of Subsection (C) through Subsection (E).

G. Conditional Use Standards. A conditional use permit shall be granted only if evidence is presented at the public hearings that the conditional use will comply, to the extent applicable, with the following standards:

1. The conditional use will be consistent with the policies and intent of the Willard Comprehensive Plan and the Willard Land Development Regulations.

2. The conditional use will not increase flood or water damage hazard to adjoining properties.
3. The conditional use will not generate noise that exceeds the sound levels that are typical of uses permitted in the district.
4. Adequate access roads or entrance and exit drives will be designed and provided to prevent traffic hazards and to minimize traffic congestion at the site.
5. Street right-of-way and pavement width in the vicinity of the conditional use is or will be adequate for traffic reasonably expected to be generated by the proposed use.
6. Glare of stationary or vehicular lights from the conditional use will not adversely affect the character of the neighborhood and if such lights will be visible from a residential district, measures to shield or direct lights to mitigate glare are proposed.
7. The conditional use will not have any substantial adverse effect upon the use or enjoyment of adjacent and nearby property or conditions affecting the public health, safety and welfare.
8. The conditional use will be designed, constructed and operated so as not to interfere with the development and use of adjacent property in accordance with the applicable zoning district regulations.
9. In the case of existing structures to be converted to a use requiring a conditional use permit, the structure shall meet all fire, health, building, plumbing and electrical requirements of the City of Willard.
10. The conditional use otherwise complies with all applicable regulations of this Chapter.