

12.80 Conditional Uses

12.80.010 Purpose And Intent

12.80.020 Conditional Use Permit

12.80.030 Review Procedure

12.80.040 Determination

12.80.050 Basis For Issuance Of Conditional Use Permits

12.80.060 Appeal

12.80.070 (Reserved)

12.80.080 Expiration

12.80.010 Purpose And Intent

The purpose and intent of Conditional Uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the use suitable and/or only if such uses are designed, laid out, and constructed on the proposed site in a particular manner.

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2016-07](#) on 11/9/2016

12.80.020 Conditional Use Permit

A Conditional Use Permit shall be required for all uses listed as Conditional Uses in the zone regulations. A Conditional Use Permit may be revoked by the City Council after review and recommendation by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit.

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2016-07](#) on 11/9/2016

Amended by Ord. [2019-05](#) on 4/24/2019

12.80.030 Review Procedure

Application for a Conditional Use Permit shall be made to the appropriate Planning Commission (See ordinance 2007-5 for Planning Commission.)

Detailed location, site and building plan shall accompany the complete application forms provided by the City. For structures in existence, only a location plan need be provided.

The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting.

The Planning Commission may call a specific public hearing, if it is deemed in the public interest, on any application after giving adequate notice of said public hearing, by letter, to all property owners within 300 feet at least ten (10) days prior to the scheduled meeting. The Planning Commission shall take action on the application by the second meeting of the appropriate Planning Commission after the application filing date.

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2016-07](#) on 11/9/2016

Amended by Ord. [2019-05](#) on 4/24/2019

12.80.040 Determination

The Planning Commission may deny or permit a use to be located within any zone in which the particular Conditional Use is permitted. In authorizing any Conditional Use, the Planning Commission shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare.

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2016-07](#) on 11/9/2016

Amended by Ord. [2019-05](#) on 4/24/2019

12.80.050 Basis For Issuance Of Conditional Use Permits

The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish that:

- (a) The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community, and
- (b) Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvement in the community, but will be compatible with and complimentary to the existing surrounding uses, buildings, and structures when considering traffic generation, parking, building design and location, landscaping and signs, and
- (c) The proposed use will comply with the regulations and conditions specified in this Ordinance for such use, and
- (d) The proposed use conforms to the goals, policies and governing principles and land use of the Master Plan for Hyde Park City, and
- (e) The proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to

detrimentally effect, to any appreciable degree, public or private property, including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole.

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2016-07](#) on 11/9/2016

Amended by Ord. [2019-05](#) on 4/24/2019

12.80.060 Appeal

The decision of the Planning Commission may be appealed to the City Council by filing such appeal within fifteen (15) days after the date of the notice of decision sent the applicant. The City Council may uphold or reverse the decision of the Planning Commission and impose any additional conditions that it may deem necessary in granting an appeal. The decision of the City Council shall be final.

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2019-05](#) on 4/24/2019

12.80.070 (Reserved)

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2016-07](#) on 11/9/2016

12.80.080 Expiration

Unless there is substantial action under a Conditional Use Permit within a period of one year of its issuance, as determined by the Planning Commission, the Conditional Use Permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances.

HISTORY

Adopted by Ord. [2015-03](#) on 5/13/2015

Amended by Ord. [2016-07](#) on 11/9/2016

Amended by Ord. [2019-05](#) on 4/24/2019