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## **Sec. 31-456. Conditional use permit.**

- (a) *Purpose.* The purpose of the conditional use permit process is to identify those land uses that may be appropriate within a zoning district but, due to their location, function or operation, could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning the same so as to mitigate or eliminate such potential adverse impacts. The conditional use permit runs with the land, regardless of ownership, until termination of the permit.
- (c) *City council consideration.*
  - (1) *Generally.* The city council shall consider the application at the next available meeting scheduled after it has received the final report and recommendation of the planning and zoning commission and a corrected site plan, if applicable. The city council may approve the application with or without conditions, deny the application, postpone the matter for future consideration, or refer the application back to the planning and zoning commission for further study and recommendation.
  - (2) *Protest.* Protests shall be received and processed in accordance with subsection 31-39(d) of this chapter.
  - (3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the planning and zoning commission, the city council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the city council may deem necessary to preserve the health, safety, and welfare of the applicant and the public.
  - (4) *Ordinance required.* If the application is approved by the city council, an ordinance authorizing its issuance and setting forth the conditions of approval shall be executed by the mayor.
  - (5) *Submission of application following disapproval.* No application for a conditional use permit which has failed to be approved by the city council shall be again considered either by the city council or the planning and zoning commission before the expiration of one (1) year from the date of the original rejection. City council's failure to approve an application shall be considered the same as disapproval for purposes of this paragraph.