

APPENDIX B

PLANNING COMMISSION AUTHORITY

1355.07 ACTION BY THE PLANNING COMMISSION.

The Planning Commission may request additional information it deems necessary to review the application for conformance with the standards and requirements applicable to the proposed conditional use.

The Planning Commission shall act as soon as is practicable upon the application for conditional use permit, but shall act no later than 90 days after the date of the public hearing, unless the review period is extended by agreement with the owner of the subject property.

The Planning Commission shall, after review of the application and any additional information presented, take action to either:

- (a) approve a conditional use permit, based upon findings of compliance with all of the standards and requirements of this ordinance and subject to conditions required by the Commission; or
- (b) deny a conditional use permit, stating the reasons for denial, which may include a statement that the application is deficient in information or in need of modification or that the application or proposed use are otherwise not in compliance with the requirements of this ordinance. If, after review of the application, the Commission finds that the application does not meet the standards and requirements of this ordinance, the Commission shall deny the conditional use permit.

In approving a conditional use permit, the Planning Commission shall have the authority to impose such conditions as it deems necessary to protect the public welfare, preserve the purpose and intent of this ordinance, to protect the character of the surrounding properties and neighborhood affected by the proposed conditional use, and to mitigate the special characteristics of the use. Such conditions may include, but shall not be limited to:

- (a) Location and setbacks.
- (b) Screening and buffers.
- (c) Access and traffic, including pedestrian accessibility.
- (d) Noise control measures.
- (e) Other features of construction, including but not limited to paving and parking, signs, and landscaping.
- (e) Hours and method of operation.
- (f) Maintenance of the site, structures, and landscaping.
- (g) Means of controlling glare, vibration, odors, dust, smoke, hazardous materials, refuse matter, water-carried waste, and storm water.
- (h) Time limit for operation of the conditional use, if temporary operation is determined to be a typical characteristic of the proposed use or otherwise appropriate given unique circumstances of the proposed use.
(Ord. 96-82 AC. Passed 9-16-96.)

APPENDIX C

CONDITIONAL USE PERMIT REQUIREMENTS

1355.09 STANDARDS AND REQUIREMENTS FOR ALL CONDITIONAL USES.

In review of a conditional use permit application, the Planning Commission shall consider whether there is adequate evidence that the proposed conditional use is consistent with the following standards:

- (a) The proposed conditional use shall be in harmony with the existing or intended character of the neighborhood and shall not change the essential character of the neighborhood.
- (b) The proposed conditional use shall not adversely affect the use of adjacent property.
- (c) The proposed conditional use shall not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood.
- (d) The proposed conditional use shall be served adequately by public facilities and services such as, but not limited to, roads, pedestrian and bike facilities, police and fire protection, storm water facilities, water, sanitary sewer, or schools.
- (e) The proposed conditional use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Ordinance and the Comprehensive Plan and any other plans and ordinances of the City.
- (f) The proposed use shall be found to be consistent with a use specifically stated as a conditional use in the district in which it is proposed to be located.
(Ord. 96-82 AC. Passed 9-16-96.)

APPENDIX D

SUPPLEMENTAL REQUIREMENTS FOR CONDITIONAL USE PERMITS

1355.10 SUPPLEMENTARY REQUIREMENTS FOR CONDITIONAL USES.

In addition to the other requirements of this chapter, the following conditional uses shall meet additional requirements. The Planning Commission may vary any requirements it determines to be an unnecessary hardship on the property owner and in the best interest of the City:

(d) **DRIVE-IN ESTABLISHMENT**

The following regulations, in addition to those stated at 1355.09, shall apply to conditional use permits for a drive-in establishment.

- (1) Loudspeakers shall be located and designed, with volume and hours of operation controlled, in a manner to minimize noise impacts on nearby residential uses.
- (2) Lanes required for vehicle access to and waiting for use of a drive through or drive up facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting streets and hazards to pedestrians. The applicant shall provide a traffic study which documents to the satisfaction of the Planning Commission the projected vehicular use of the proposed facilities and evidence of compliance with the provisions of this Zoning Ordinance.
- (3) The Planning Commission may impose restrictions on the hours of operation in order to reduce inappropriate impacts on abutting uses and on street traffic and to ensure compatibility with normal vehicular activity in the district.
- (4) The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.

- (1) The design of buildings, signs, and other structures illustrated on the site plan shall be according to the following standards and guidelines:
1. Materials shall be appropriate for the use of the proposed structures, weathering, and the relationship to other materials, including those used on adjacent structures.
 2. Colors and textures shall be appropriate for the size and scale of proposed structures, weathering, and the relationship to other colors and textures, including those used on adjacent structures.
 3. Architectural details and ornamentation shall be meaningful to the overall design and appropriate for the size and scale of proposed structures, weathering, and the relationship to other architectural details and ornamentation, including those used on adjacent structures. Detailing such as trim, moldings, bands of contrasting siding or brick, and varying textures of concrete or stone are encouraged as part of an overall design which is in scale with the building and carefully related to other elements.
 4. Mechanical equipment shall be of appropriate size and scale in relation to rooftop appearance, sidewall openings, sound levels, smoke and other nuisances. The location, color, size, type, and screening of mechanical equipment, whether on the roof, walls, or ground, shall be designed to be concealed, and/or to be compatible with or attractively complement the other elements of the structures and site improvements.
 5. Windows, doors, and other openings shall be so located on the facades and be of such dimensions as are appropriate for the style, scale, and orientation of the building and in a pattern which contributes to a balanced facade appearance. Customer entrances should be accentuated. Decorative elements, caps, brickwork, and trim are encouraged around windows and doors to add interest to the overall design.
 6. Architectural styles similar to or compatible with existing historical buildings of similar use adjacent to or across the street from the site shall be encouraged. Compatibility and complementarity among existing and proposed new structures shall be encouraged in all locations.
 7. Scale of new construction similar to that of the majority of surrounding buildings is encouraged.
 8. Varied roof lines, roof details and features such as dormers, turrets, eave breaks, and overhangs are encouraged in new construction as a means to break up the mass of large buildings and to provide visual interest.
 9. Wall-mounted signs shall be designed to fit within and complement the architectural forms, colors, and textures of the building, shall fit within any architectural space specifically designed for signs, and shall not cover architectural features. Signs located as part of a series of signs (as in a shopping center), shall be designed with compatibility of location, size, shape, style, material, illumination, and color with other signs in the series. Sign colors shall complement the color of the building facade on which the sign is mounted, letters and symbols shall be in scale with the building and its features. Excessive information and clutter is discouraged.
 10. Freestanding signs shall be designed to fit within and complement the characteristics of the site, building, and wall signs in terms of color, materials, texture, scale.
 11. Alterations and additions to existing buildings shall be compatible in scale, material, color, placement, and character with the existing buildings.
 12. Distinctive architectural features of existing buildings should not be altered or removed unless replaced with features of similar composition, texture, color, design, and other characteristics. Restoration of historic features and building characteristics shall be encouraged.
 13. Side and rear walls shall be so designed as to relate to and be compatible with the front or main entry wall and overall design of the building, although they may be less detailed and articulated.
 14. Site features such as fences, walls, and signs compatible in color, texture, scale, materials and other characteristics with the main building shall be encouraged.