ARTICLE 11

CONDITIONAL USE

1. GENERAL PROVISIONS:

Within the various districts established by these Zoning Regulations, there are specific permitted uses which re­quire additional conditions to be met in order for land or buildings to be used for that purpose.

2. ADMINISTRATIVE PROCEDURES:

1. Application: The application for a zoning permit for a “conditional use” shall be filed with the Zoning Adminis­trator. With such application, the applicant shall submit the following:

2. Name of owner or owners of land to be utilized.

3.Plan showing building locations, parking areas, location, type and location of outdoor lighting facilities, interior drives, landscaped buffer strips and access roads.

4. Plan shall show topography, existing utilities, abutting street paving widths, alleys or easements, square footage of land within the plot.

5. Description of architecture and exterior materials to be utilized.

6. Any additional information requested by the Zoning Adminis­trator.

3. NOTICE:

Within five (5) days of filing of such application the applicant shall place a sign on subject plot in such a manner so that said sign is conspicuous to the public gen­erally from the public street or right-of-way passing the property. Said sign to be of a type which will withstand the elements, not less than three (3) feet by four (4) feet in size, with the following wordage clearly lettered not less than two (2) inches in height. “This property is being considered for a conditional use permit by the Carbondale Planning Commission for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ use.

(Type or Use)

Formal objections to construction or operation must be filed with the above commission by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Date)

4. PROCESSING OF APPLICATION:

1. Upon receipt, the Zoning Ad­ministrator shall forward copies of the application and accompanying information to the Planning Commission for report and recommendation. The Planning Commission, within thirty (30) days of the receipt, shall submit to the Zoning Administrator a report and recommendation which shall include a finding:

a. That the use will or will not serve the convenience and general welfare of the public.

b. That the use will or will not serve the immediate neigh­borhood to some degree.

c. That the use will either protect the neighborhood and community interest or be in derogation of it (on the basis of noise, odor, health, safety, or order).

d. That such use will or will not alter the normal nature or character of the development of the neighborhood.

e. That the neighboring properties will or will not be sub­stantially or permanently injured.

f. That the use will or will not be in basic harmony with the various elements and objectives of the master plan.

g. That the use will or will not meet the specific require­ments and conditions set forth in the district regulations for that use in that zoning district.

h. Said use would or would not constitute a variance in the requirements of these Zoning Regulations.

i. That approval is or is not recommended because of unique circumstances presented by the application, i.e., community need or welfare, public demand, and economic factors.

j. That approval is or is not recommended because of unique circumstances present in the zoning district, i.e., character (social, economic) of the neighborhood and abutting properties, or physical characteristics, of the property in question.

2. The report and recommendation shall not be considered com­plete until reports are on file from the following appro­priate city or county agency (where applicable):

Health

Fire

Public Utilities

Engineers

Parks

Schools

3. The preceding agencies shall be given seven (7) days fol­lowing receipt of copies of the application. If said report has not been returned to the Planning Commission by that time, it shall be considered as an affirmative report on said application.

5. DETERMINATION:

1. The Zoning Administrator shall issue conditional use per­mits only after a report and determination is made by the Planning Commission.

a. Such report and determination shall be made within forty-five (45) days of the date of application in accordance with the provisions set forth in these Zoning Regulations.

b. The Planning Commission shall have the power to establish time limitations on any conditional use permit specified in this article. Said conditional use permit shall be renewable at the discretion of said Planning Commission.

Since a conditional use is allowed by rights subject to those express limitations and conditions as set forth in these Zoning Regulations, any lessening or subverting of those limitations and conditions would be a variance, in fact, and must be handled

as such.

Nuisances: If the proposed use would, in the opinion of the Planning Commission, produce or create any nuisance due to noise, glare, obnoxious odors, toxic gases, smoke, traffic generation, moral and social influence, or any other source, there may be imposed any reasonable addi­tional limitations. The requirements may be

made more restrictive when necessary to protect surrounding property.