



## ARTICLE 6

### CONDITIONAL USE PERMIT

#### 6.1 GENERAL

The City Council may authorize by conditional use permit after public hearing, any of the buildings or uses designated in this Ordinance as permitted special exceptions in the form of conditional uses.

#### 6.2 PROCEDURES

Such application shall be in writing, filed in the office of the City Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the governing body. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the City Council, within thirty (30) days. Upon hearing, the City Council may approve or deny the application in whole or in part, or prescribe conditions for such use of the property. No conditional use permit shall become effective until after separate public hearings are held by both the Planning Commission and the City Council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a legal newspaper of general circulation in the City, one time at least ten (10) days prior to such hearing. (Ref. 19-904 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall not be less than 18" high and 24" wide with a white background and black letters not less than 1 ½" high. The sign shall be placed at least ten (10) days prior to date of each hearing. (Ref. 19-905 R.S. Neb.).

Except as otherwise provided herein, no conditional use permit shall be granted by the City Council, without an affirmative vote of a majority of all members of the City Council and unless the proposed use is found to:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and

5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

In case of protest against such conditional use permit, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending one hundred (100) feet, there from, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such conditional use permit shall not become effective except by the favorable vote of two-thirds of all members of the City Council.