

SECTION 33 CONDITIONAL USES

1. Uses listed in the Schedule of Uses as (c) conditional in district may be approved by the Planning Commission after a public hearing subject to the following:
2. Filing of an application by the property owner stating the use and district requested and payment of an application fee;
3. Notification to all property owners within 300 feet by certified mail, return receipt requested, publication of a public hearing notice in a local newspaper 15 days prior to the date of the public hearing, and placement of a sign on the property by the planning authority which gives notice of a public hearing 15 days prior to the public hearing;
4. Finding that the use is a conditional use in the district requested and that the property under application is zoned correctly;
5. Finding that the conditional use would be compatible with the adjacent property and uses would not set a precedent contrary to the Rogers Land Use Plan;
6. Finding that all other zoning requirements such as yards, off-street parking, lot width and screening and buffering can be met; and
7. Finding that ingress and egress for the proposed use will not create a traffic hazard.
7. The Planning Commission may deny a conditional use if in its opinion any of the above conditions cannot be met.
8. A conditional use once denied shall not be heard again (for the same conditional use on the same property) within a period of one year unless the applicant can show how the Planning Commission erred in its determination or that new information not available at the time of the public hearing has been discovered. A majority vote of the entire Planning Commission shall be required to rehear any conditional use.
9. As a part of approving a conditional use the Planning Commission may add conditions which will in its opinion carry out the preamble of the zoning ordinance.
10. No decision of the Planning Commission granting a conditional use permit under this section shall become effective until after an elapsed prior of ten (10) days from the date of the meeting during which time an appeal of the decision, whether to grant or to deny the permit, may be taken to the city council by filing a letter of appeal with the city clerk. The letter shall state the nature and grounds for the appeal. The following persons or entities may appeal: The applicant, or a property owner or leaseholder who owns or leases property within three hundred (300) feet of the property to which the conditional use applies. The city council shall hear such appeal, but shall confer with the Planning Commission before rendering a final

decision. The city council may affirm, reverse or modify, in whole or in part, the action of the Planning Commission or may refer the matter back to the Planning Commission for further action.

11. Once a conditional use is approved that conditional use is personal to the applicant and is limited to the location to which it was approved and may only be changed to another conditional use through further action of the Planning Commission or City Council. A conditional use may be changed to a use by right in the zoning district at any time. Once a conditional use is approved that use may continue so long as it abides by the findings of this subsection and any special conditions placed upon the use by the Planning Commission or City Council.
12. If a complaint is filed with the Planning Commission by an adjoining property owner or city employee concerning an alleged violation of a conditional use, the Planning Commission shall notify the property owner of the complaint and schedule a public hearing. If after the public hearing the Planning Commission finds a violation to exist and that violation is not corrected within 30 days the Planning Commission may vote to discontinue the conditional use. The property owner shall be notified of the action of the Planning Commission and shall have 15 days from the date of the notice to discontinue the use or file an appeal with the city Council. 14. The filing of an appeal stays all proceeding and the City council shall make the final determination.
15. Certain conditional uses which are temporary in nature such as carnival, religious revival, circus, amusement park, fruit/vegetable stand and other similar outdoor enterprises and real estate sales offices in a developing subdivision may be permitted by the administrative officer following the filing of an application and payment of a permit fee. The administrative officer shall specify on the application the hours of operation and duration of the use. All such uses such as carnival, circus and other outdoor activities, which involve lights and noise, shall not be allowed any closer than 500 feet to a dwelling unit.