

AMUSEMENT ARCADE: A place or facility where pinball or other electronic or similar games are played for amusement only. Shall not be construed to include bingo games or to include any facility where gambling has been authorized by this state.

ARCHERY RANGE: means an indoor or outdoor facility that may include buildings or structures used for target practice with bows and arrows.

CONDITIONAL USE: A use that because of special requirements or characteristics may be allowed in a particular zoning district only after review and the issuance of a permit imposing such conditions as necessary to make the use compatible with other uses permitted within the area.

CONFERENCE OR EVENT CENTERS: A facility used for organizations, business and professional meetings and seminars limited to accommodations for invitees. The accommodations can include sleeping, eating and recreation as part of the event being held. It may not be utilized by the general public for overnight purposes.

GOVERNMENTAL FACILITIES: Means a building or structure owned, operated or occupied by a governmental agency to provide a governmental service to the public. This does not include buildings or structures owned, operated or occupied by a governmental agency that are providing proprietary services to the public

INDOOR RECREATION Conducted entirely within a building, including arcade(s), arena(s), art gallery and studio, art center, assembly hall, athletic and health clubs, bowling alley, conference and/or event center, gymnasium, library, museum, performance theatre, skating and/or hockey rink, soccer field, swimming pool or tennis and/or racquet ball court. Does not include Archery or Shooting Range.

LIBRARY AND MUSEUM: A public and/or non-profit facility for the viewing, use and or incidental sale of literary, musical, artistic, cultural or reference materials.

OUTDOOR RECREATION Characterized by moderate impacts on traffic, natural environment and the surrounding neighborhood, including athletic fields, miniature golf, skateboard park, swimming pool, tennis, handball, basketball courts, batting cages and soccer fields. Does not include Archery or Shooting Range.

RECREATION: "Recreation" means the refreshment of body or mind through forms of play, amusement or relaxation. Recreation may be active or passive. For purposes of this code, effective March 1, 2019, recreation in any existing Planned Development District, including (PD-C); (PD-I); (PD-R) and (PD-X) shall mean the definition of Indoor Recreation and Outdoor Recreation provided in this Chapter, as amended, unless such Planned Development District specifically includes other uses in the Development Standards.

RECREATION FACILITY-PRIVATE: means a facility for use solely by individuals for which a membership charge has been paid and which are open only to bona fide members and their guests. Examples may include country clubs and clubhouses, riding stables, golf courses, private swim clubs.

SCHOOLS-PRIVATE: means an institution operated by a private entity that may be for profit or not for profit and authorized by the state that provides full time instruction and including accessory facility traditionally associated with a program of study that is accredited by a national or regional association existing for the purposes of accrediting educational institutions.

SCHOOLS-PUBLIC: means an institution operated by a school district or pursuant to a charter that provides full time instruction and including accessory facility traditionally associated with a program of study that meets the requirements of the law of this state.

SHOOTING RANGE-Indoor A building open to the general public where the shooting of firearms or the use of Archery for the purpose of target practice is permitted. Indoor Shooting Ranges maintained or operated by the Police Department, County Sheriff's Office or State Patrol and which is not available to the general public shall be treated as ancillary to the Law Enforcement Facility and not part of this definition. Indoor shooting ranges containing an ancillary retail use shall have to meet all requirements of this code.

SHOOTING RANGE-Outdoor The use of land for Archery and or the discharging of firearms for purposes of target practice, skeet and trap shooting, mock war games or temporary competition

Definition	A-1	R-2	R-L	R-E	R-1	R-2	R-3	R-3 X	R-4	R-5	MH	B-P	T	B-1	B-2	B-3	CA	STP	I-p	I-1	I-2	CEM	
11.00 RECREATION, AMUSEMENTS, ENTERTAINMENT																							
11.01 Amusement Arcade															P	P	P				P	P	
11.02 Off Track Betting																S	S				S	S	
11.10 Activity conducted within fully enclosed structure- Indoor Recreation																							
11.11 Bowling alleys, ice skating and rollerskating- Art Gallery; Art Studio; Library; Museum															P	P	P						

11.32 Swimming Pools; Miniature Golf													P	P	P	P	P	P	P	C
11.40 Off track betting	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	S
11.40 Shooting Range-Indoor																C	C			C
11.41 Shooting Range-Outdoor																				C
14.00 INSTITUTIONS																				
14.10 Education																				
14.11 College/university, private										P							P			
14.12 School -Public/Childcare center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
14.13 Elementary/secondary, private School-Private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C
14.14 Trade and vocational, private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C
14.15 Home childcare	H	H	H	H	H	H	H	H	H	H	H		H				H			
14.16 Childcare Center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C
14.17 Studios for teaching fine arts and martial arts							C	C	C				P	P	P	P	P	P		
14.20 Religion																				
14.21 Churches	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
14.22 Church facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C
14.30 Government facilities																				
14.31 City owned/operated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
14.32 Other than city owned/operated	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C

10-8-2: REQUIREMENTS AND CONDITIONS FOR SPECIFIC USES:

Except for conditional uses specified in subsection 10-2-24(B)6 of this title for the OS zone district, all land uses requiring conditional use approval are designated in section 10-3-2 of this title. The following are uses which require conditional use permits, and minimum performance standards and zone district limitations which apply:

(PA) Animal Boarding And Care Facility: "Animal boarding and care facility", as defined in section 10-1-2 of this title, is permitted in the B-1 and B-2 districts provided that all conditions described in section 10-4-15 of this title are met; requirements of section 10-8-3 of this chapter are met and the planning commission finds the proposal to be in compliance with the legislative purposes described in section 10-8-1 of this chapter.

(B) Archery Range, which shall include facilities used for Archery or Ax Throwing are conditionally permitted in the B-2 and B-3, CA, I-1 and I-2 zone districts provided that the following conditions are met:

1. Visual impact shall be minimized, and noise shall conform to the standards of section 7-3-6 of this Code.

2. The facility shall provide adequate exterior lighting and other security measures.

3. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this Code, shall be posted.

4. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.

(C) Bowling Alley, Skating Rink and Hockey Rink which occupy more than fifty percent (50%) of the gross floor area of the establishment are permitted in the B-2 and B-3 Zone Districts provided the following conditions are met:

1. The operator shall provide for adequate exterior lighting and other security measures.

2. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this Code, shall be posted.

3. Physical and security measures shall be employed to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.

(B D) Childcare Centers; Schools-Private ~~Private Schools~~; Church Facilities: Childcare centers and ~~private~~ schools-private for any number of children, and church facilities are permitted with conditions in all zone districts, provided the following are met:

1. The operators of childcare centers and ~~private~~ schools-private shall be licensed in accordance with State requirements.

2. Open play areas shall be screened or otherwise buffered to minimize noise and negative visual impacts on or from adjacent properties.

3. Play areas shall be protected from vehicular traffic by distance separation or by physical barriers.
4. A safe drop off/pick up point for children shall be provided on site.
5. Adjacent public streets shall have adequate capacity to safely carry any additional vehicular traffic which may be generated by the facility.

(K E) Circuses And Carnivals: Circuses and carnivals are permitted in the B-3 and CA zone districts, subject to the following conditions:

1. Licensing as required under title 3, chapter 3 of this code; and
2. Conditional use approval shall not allow circuses and carnivals for periods in excess of sixteen (16) days.

(F) Conference and Event Centers provided the following conditions are met:

1. Private Events. Access to the Areas or any portion thereof may be restricted from time to time by the owner or ground lessee of such Areas for private events.

2. Overnight Stays. Except for private events described in the application, no camping and/or overnight stays shall be permitted within the Areas.

3. Displays of Fireworks. Displays of Fireworks shall be permitted between the hours of only in the times set forth in the permit and subject to all other regulatory approvals.

(F G) Commercial Outdoor Recreational Uses: Commercial outdoor recreational uses including, but not limited to, go-kart tracks, skateboard and roller skating rinks, miniature golf courses, driving ranges, tennis courts and swimming pools are permitted with conditions in the B-2 and B-3 Zone Districts provided the following conditions are met:

1. Visual impact and glare shall be minimized, and noise shall conform to the standards of section 7-3-6 of this Code.
2. The facility shall provide adequate exterior lighting and other security measures.
3. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this Code, shall be posted.
4. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.

(H) Commercial Teen Clubs: Commercial teen clubs are permitted with conditions in the B-2 and B-3 zone districts provided the following conditions are met:

1. Visual impact and glare shall be minimized, and noise shall conform to the standards of section 7-3-6 of this code.
2. The facility shall provide adequate exterior lighting and other security measures.
3. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this code, shall be posted.
4. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.

(I) Community Correctional Facilities: Community correctional facilities are permitted with conditions in the B-3, I-1, and I-2 zone districts provided the following conditions are met:

1. No privately owned or operated community correctional facility can be approved or allowed to continue operating without a contract or agreement to provide services to a judicial district, a correctional department of a unit of local government, the state, or federal government. All state and county permits as required for operating such a facility shall be kept in full force and effect.
2. No property containing a community correctional facility shall be located within five hundred feet (500') of any school, preschool, daycare center, playground, park which includes playground equipment or from any property zoned for residential use, measured from property line to property line.
3. Full time supervision of the residents housed therein must be provided on site.
4. The outward appearance of the facility must be designed and constructed in a manner which will be compatible with the appearance of adjacent uses and buildings. Designs of a new facility or proposed changes to an existing structure shall be submitted with the required application materials and shall include, at a minimum: building elevations, proposed building materials and colors, a landscaping plan and any plans for fencing or other enclosure materials.
5. In addition to those provisions for termination or abatement of violations as specified in subsection 10-8-3(D) of this chapter and section 10-1-4 of this title, a conditional use or renewal thereafter granted will be approved for a period up to five (5) calendar years unless complaints are received concerning the operation of the community correctional facility or ownership of the facility changes. No later than forty five (45) days prior to the expiration of the conditional use, the operator of the community correctional facility shall

request a public hearing before the planning commission for the purpose of determining whether said facility shall be granted a renewal. The renewal shall be issued upon finding that the facility has operated within all conditions previously set forth and that the facility has not been in violation of the intent requirements of section 10-8-1 of this chapter.

(N J) Crematorium: A crematorium is permitted in the T zone district provided the following conditions are met:

1. Emissions, ash or odors shall be controlled as provided in title 7, chapter 3 of this code, sections 10-4-6 and 10-4-7 of this title and any federal or state statutes or regulations to minimize impacts on adjacent properties and the surrounding neighborhood. The planning commission may require installation of monitoring devices to ensure compliance with this section.
2. The outward appearance of the facility must be designed and constructed in a manner which will be compatible with the appearance of on site and off site adjacent uses and buildings. Chimneys, smokestacks and vents must be designed with or screened by similar exterior materials to those used on the building in which the crematoria unit is located. Designs of a new facility or proposed changes to an existing structure shall be submitted with the required application materials and shall include, at a minimum: building elevations, proposed building materials and colors, a landscaping plan and any plans for fencing or other enclosure materials.
3. The facility must be located upon the same lot or parcel as a cemetery or mortuary.
4. The facility shall be used only for incineration.
5. Any smokestacks, vents or chimneys shall not exceed thirty feet (30') above finished grade of the lot or parcel or nine feet (9') above the finished roofline, whichever is less.
6. The incineration unit shall be a minimum of twenty feet (20') from any lot or property line. No variance shall be allowed from this minimum distance.

~~(E) Indoor Amusements: Indoor amusements, including, but not limited to, foosball, pinball, electronic games and other coin-operated amusement devices~~

(K) Indoor Shooting Ranges: Permitted provided the following conditions are met:

1. **Notice of the public hearing on the conditional use permit shall be provided to all owners of real property pursuant to Section 10-1-9.C of this code**

2. Shall not be located on any lot adjacent to a residential zoning district within 500 feet.
3. Shall not be located within 500 feet of a childcare center, church, school-public; school private or park used for active or passive recreation. For purposes of this subsection, park does not include arboretums, recreation centers and trails
4. The use, occupancy and construction of the building shall be of materials that will contain all fired rounds within the confines of the building.
5. If retail sale and repair of weapons and/or ammunition is conducted on the range premises, the management shall comply with all licensing and operation requirements of the United States Bureau of Alcohol, Tobacco and Firearms and all state and local regulations
6. An alarm system, cut wire protected shall be supplied to provide security on the premises and a security plan shall be submitted to the city for review and recommendation by the police department.
7. Firearms that are stored on the premises shall be stored in a vault when the range or is closed for business. An alarm system independent of the general alarm system and cut wire protected shall be supplied for the firearm vault. As an alternative, firearms may be stored in the case connected by a cut resistant cable.
8. The Range area shall be equipped with a video surveillance system and media shall be retained for law enforcement inspection for a period of Ninety (90) days
9. The design and construction of the firing range shall totally confine all fired projectiles within the building in a controlled manner. The design and construction of the firing range shall be certified by a professional engineer registered in this state and shall include the specifications and construction of the bullet traps, ceilings, exterior and interior walls and floors
10. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.
11. On-site supervision of the range shall be supplied at all times by a person 18 years of age or older with credentials as a qualified range master.

(H L) Off Site Parking: Off site parking for commercial uses is permitted with conditions on residentially zoned lots which are located adjacent to B-P, T, B-1, B-2, or B-3 zone districts provided the following conditions are met:

1. Parking shall be limited to applicant's customers and employees.
2. Traffic into residential areas shall be restricted.
3. Parking shall be screened from surrounding residential areas and adjacent public streets.
4. Adequate posting, limiting the use to customer and employee parking, shall be placed on the site.

(L M) Open Air Markets: Open air markets are permitted in I-1 and I-2 districts, subject to the following:

1. Visual impact and glare shall be minimized; and noise shall conform to the standards of section 7-3-6 of this code.
2. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this code, shall be posted.
3. Employ such physical and security measures to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
4. Vehicular traffic shall not have a significant impact on adjacent residential neighborhoods.

(N) Outdoor Shooting Ranges shall meet the following conditions:

1. Notice of the public hearing on the conditional use permit shall be provided to all owners of real property pursuant to Section 10-1-9.C of this code.
2. Shall be setback a minimum of 500 feet from adjoining properties and a minimum of 1,500 feet from residential or agricultural buildings.
3. Shall not be sited within one mile of residences located in the direct line of fire
4. Shall be designed to provide protection for accidental or stray ammunition discharge for surrounding properties and to minimize noise
5. Only firearms shall be discharged at the range.
6. The range must be fenced and controlled by a lockable gate
7. Signs identifying the range must be posted around the perimeter of the range
8. No retail sales of firearms or their repair shall be permitted as an accessory use to an outside shooting range
9. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.
10. On-site supervision of the range shall be supplied at all times by a person 18 years of age or older with credentials as a qualified range master.

(G O) Radio Transmission/Broadcast Towers, Wind Generators And Similar Structures:

1. Radio transmission towers (except for wireless communication facilities (WCF), as defined in section 10-1-2 of this title), wind generators and similar structures are permitted in all zone districts provided the conditions set forth below, at a minimum, are met:

(a) The setback of the structure from any property line shall be at least equal to the height of the structure plus ten feet (10'). Height shall be measured from ground level to the top of the highest attachment or, in the case of wind generators, the largest rotary blade, when vertical.

(b) The drawings and specifications for the structure and footings shall be approved by and bear the seal of a registered engineer competent in structural design.

(c) The maximum noise level permitted for any wind generator shall be as specified in section 7-3-6 of this Code.

(P) Sexually Oriented Businesses which includes Adult businesses, Adult Cabarets, Adult Movie Theatres, Adult use modeling or movie studios or theatres, Adult use Saunas or clubs, Adult book stores all of which are subject to the following conditions:

1. Notwithstanding any other provision of this code pertaining to Outside Signage. No sexually explicit language or graphic representation.
2. Operating hours. Adult entertainment uses shall be open only from the hours of 6:00 PM to 1:00 AM.
3. Age limitation. No one under ~~twenty-one (21)~~ eighteen (18) years of age shall be admitted to any sexually oriented business. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises during hours when nude entertainment is being presented.
4. School defined. For purpose of this section, "school" means any private or public educational institution primarily providing instruction to students eighteen (18) years of age and younger, including, but not limited to pre-schools, kindergartens, elementary, middle and high schools, whether district or charter.
5. Compliance with all provisions of Title 3, Chapter 14 of this Code

(G Q) Solid Waste Incinerators, Transfer Stations, And Similar Uses: Solid waste incinerators, transfer stations, and similar uses are permitted with conditions in the I-2 Zone District provided the following conditions are met:

1. The use shall not have an adverse impact on water resources.
2. The use shall be fully screened from adjacent properties and public ways.
3. Noise and odors shall be controlled as provided in title 7, chapter 3 of this code and sections 10-4-6 and [10-4-7](#) of this title to minimize impacts on adjacent properties and the surrounding neighborhood.
4. Adequate and appropriate pest control(s) shall be required.
5. Transport of materials to and from site shall be clean and safe and shall not pass through residential neighborhoods except for routine collection service.
6. Hours of operation shall be reasonably restricted if the use is located adjacent to residential property.

(R R) Tattoo Parlors And Body Arts Studios: Tattoo parlors and body arts studios may be permitted in the B-2, B-3 and CA districts subject to being no closer than one thousand feet (1,000') from another tattoo parlor or body arts studio within the city. The planning commission may apply conditions to reduce the impact of the use on adjoining properties which may include, but not limited to, hours of operation, parking, outdoor lighting and security measures. All signage must comply with section ~~4-3-2-5~~ [10-17-6-5](#) of this code.

(M S) Used Motor Vehicles: The sale, leasing, renting, or pawning of used motor vehicles is permitted in the B-2 zone district, subject to the following conditions:

1. Any lights used to illuminate the premises shall be arranged to reflect light away from any public right of way and away from any adjoining residentially zoned or used property.
2. Noise shall conform to the standards of subsection 7-3-5(K) of this code regarding amplified sound.
3. No outdoor display ramps shall be permitted.
4. A minimum lot size of three (3) acres is required.

(A T) Utility Installations: Utility installations which occupy more than one thousand (1,000) square feet are permitted with conditions in all zone districts, including telephone exchange, water reservoir, gas regulator stations, electric substations and

utility pumping stations, including water wells, not including local transmission and distribution lines, provided the following conditions are met:

1. The location of such a facility will not create a negative impact on existing or proposed adjacent development.
2. Facilities must be screened from general public view.
3. Performance standards of chapter 4 of this title shall be met.

~~(E) Indoor Amusements: Indoor amusements, including, but not limited to, foosball, pinball, electronic games and other coin-operated amusement devices which occupy more than fifty percent (50%) of the gross floor area of the establishment are permitted in the B-2 and B-3 Zone Districts provided the following conditions are met:~~

- ~~1. The operator shall provide for adequate exterior lighting and other security measures.~~
- ~~2. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this Code, shall be posted.~~
- ~~3. Physical and security measures shall be employed to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.~~

(U) Zoning Districts

~~(O)~~ 1. OS Zone District: Conditional uses specified in subsection 10-2-24(B)6 of this title may be allowed in the OS zone district provided that the following conditions are met:

- 4 a. The conditional use proposed shall comply with the intent statement of subsection 10-2-24(A) of this title.
- 2 b. The conditional use shall be designated as a use included on the master plan for park or open space site for which the use is proposed.
- 3 c. The location of such a facility will not create a negative impact on existing or proposed adjacent development.
- 4 d. Visual impact and glare shall be minimized, and noise shall conform to the standards of section 7-3-6 of this code.
- 5 e. The facility shall provide adequate exterior lighting and other security measures.

6 f. Hours of operation and other restrictions, including curfews established by section 6-4-181 of this code, shall be posted.

7 g. Parking and access for patrons and spectators shall be designed to minimize use of local residential streets.

(Q) 2. Certain Nonresidential Uses In Residential Zone Districts: Studios for teaching fine arts and martial arts are permitted with conditions in the R-3, R-3X, and R-4 zone districts provided the following conditions are met:

4-a. The use is conducted within a nonresidential structure that was constructed for a church or school.

2 b. The use and site shall comply with the off street parking requirements specified in section 10-4-9 of this title.

3 c. Exterior lighting shall be fully shielded and comply with the requirements of [chapter 15](#) of this title in order to mitigate negative impacts to the surrounding residential properties.

4 d. Adjacent public streets shall have adequate capacity to safely carry any additional vehicular traffic which may be generated by the use.

5 e. All signage must comply with section ~~4-3-2-3~~ [10-17-6-3](#) of this code.

10-8-3: REQUIREMENTS AND CONDITIONS FOR ALL CONDITIONAL USES:

All conditional uses specified above shall also be subject to the following requirements and conditions:

(A) Conditional Use is a use of land that may be found generally compatible with the permitted uses in a zone district, but which requires site-specific review of the use location, design, intensity, density, configuration and operating characteristics, and which may require the imposition of appropriate conditions in order to ensure compatibility of the use at a particular location, and mitigate its potentially adverse impacts:

1. (A) There is no presumption that a Conditional Use is compatible with other uses in the zone district or that such use must be approved in every instance for the zone district in which it is permitted.

2. A use identified as a Conditional Use in a particular district shall be permitted in such district and upon specific property only upon approval of a Conditional Use Permit by the Planning Commission in accordance with the procedures and standards of this Code.
3. Approval of a Conditional Use Permit shall not be construed as an amendment of the Official Zoning Map, but shall be a permit the continuation of which shall be conditioned upon full conformance of these Land Use Regulations and the conditions imposed upon such permit.

(B) Application And Approval: Except as hereinafter provided, no conditional use shall be constructed, reconstructed, enlarged, relocated or otherwise established within the corporate limits of the city without application to, and approval by the planning commission as provided in section 10-8-4 of this chapter.

(C) General Conditions for all conditional use permits, the following conditions shall be imposed upon every Conditional Use approved on or after the date of adoption of this ordinance.

1. The Conditional Use Permit shall be a license or permit which may be revoked in accordance with Section 10-8-6.

2. The Conditional Use authorized by the Permit cannot be expanded in scope, area, use, or in any manner inconsistent with the Permit.

3. The Conditional Use Permit may be transferred to subsequent property owners provided the proposed transferee applies to the community development director for such transfer. The community development director may deny the transfer of the Conditional Use Permit:

- a. for non-compliance with any/all of its conditions currently contained in the permit.
- b. failure or refusal of the subsequent property owner to acknowledge the conditions and their requirement to comply.

(B)4. Harmful Effects: Conditional uses shall, to the maximum extent possible, be oriented to minimize any harmful effect the use may have on any adjacent property or use.

5. Where the community development director finds that there is a substantial probability that the Conditional Use Permit will create impacts that are unreasonably uncertain or not capable of identification at the time of the issuance of the Conditional Use Permit, the community development director may impose a limitation on the duration of the Permit, which may be appealed to the planning commission.

(C) Minimum And Additional Conditions: All applicable requirements of this code shall be met and are deemed the minimum required. The planning commission shall impose such other conditions and limitations as they, in their sole discretion, may determine to be necessary to fulfill the purpose and intent of this chapter as stated in section 10-8-1 of this chapter.

(D) Principal Permitted Uses: For any principal permitted use in any zoning district, which is subsequently designated a conditional use pursuant to the land use table in section 10-3-2 of this code, termination of the use as a principal permitted use for a period in excess of thirty days shall require any subsequent use that is designated a conditional use to obtain a conditional use permit, however expansion of the previously allowed permitted use within the same structure after the requirement for such use to obtain a conditional use permit shall not invoke the requirement for such use to obtain a conditional use permit.

(DE) Termination: Any one of the following shall terminate the right to operate a conditional use:

1. Failure to initiate operation of the conditional use within twelve (12) months from the date approved by the planning commission. ~~unless a time extension is granted pursuant to subsection (F) of this section;~~ Upon a failure to initiate operation, the conditional use permit shall automatically be deemed terminated.
2. Changing to a use permitted by right in the governing zone district;
3. Discontinuance of the conditional use for a period of at least twelve (12) months;
4. Violation of, or failure to comply with, the approved conditional use after reasonable notice to comply has been given by the city. In addition, the penalties and remedies of section 1-4-1 of this code and section 10-1-4 of this title may be applied. Such violation may result in revocation of the permit under this chapter.

(EF) Specifications Effective: Unless a phased development plan is approved with the application, once any portion of the conditional use is utilized, all specifications and conditions pertaining to the conditional use become immediately effective.

~~(F G) Time Extension: An extension of approval for no more than one year may be granted by the director of community development, provided a written request for extension is filed with the planning division prior to the date of expiration. In the event~~

~~additional time is needed, a second time extension of no more than one year may be granted by the planning commission.~~

~~(G-H) Reinstatement: The process for reinstatement of any conditional use that has been terminated under the terms of subsection (D) of this section shall be the same as for original approval.~~

10-8-6: Revocation of Conditional Use Permit.

(A) Any Conditional Use Permit may be revoked at any time by the planning commission or a hearing officer appointed by the council to act on behalf of the planning commission upon a finding that:

1. The Conditional Use has failed to satisfy or conform with one or more express conditions of the Conditional Use Permit; or

2. The Conditional Use described in the application was not commenced within one (1) years of the date of the approval and no extension was granted; or

3. The Conditional Use was terminated, ceased, or otherwise discontinued operation as approved for a period of one (1) year.

B. Prior to revocation of a Conditional Use Permit, the city shall provide the owner of the property subject to the Conditional Use Permit notice and an opportunity to be heard regarding the cause(s) for revocation. Notice of such hearing shall be provided by the city to the property owner at least thirty (30) calendar days prior to a hearing. The permit holder may submit a written response to the community development department not less than ten calendar days prior to the hearing. The hearing shall be held in accordance with the adopted rules of quasi-judicial proceedings of the city. Any decision of the city regarding revocation of a Conditional Use Permit shall be made in writing and shall be subject to appeal in accordance with Colorado Rules of Civil Procedure 106(a)(4). The city's decision to revoke a Conditional Use Permit shall be recorded with Clerk and Recorder following the expiration of any right to appeal or, if an appeal is timely filed, upon a conclusion of the appeal, which supports the city's decision to revoke the Permit.

C. The city may impose against any owner or holder of a Conditional Use Permit the reasonable costs incurred by the County in the enforcement and revocation of the Conditional Use Permit.

D. Upon order of the city to revoke a Conditional Use, the owner or holder of the revoked Conditional Use Permit shall remove and cease the Conditional Use within thirty (30) days of the date of the order or such other time as the city shall establish at the time of revocation. It shall be unlawful for the owner or holder of a Conditional Use

Permit to fail to timely remove and cease a Conditional Use as order following revocation and such failure shall be subject to such penalties provided by this code (criminal penalties), as amended, provided that the minimum penalty shall be one hundred dollars (\$100.00) for each day during which such failure and illegal use of property continues and is found to exist or have existed.

E. Upon order of the city to revoke a Conditional Use, the owner or holder of the revoked Conditional Use Permit shall remove and cease the Conditional Use within thirty (30) days of the date of the order or such other time as the Board shall establish at the time of revocation. It shall be unlawful for the owner or holder of a Conditional Use Permit to fail to timely remove and cease a Conditional Use as order following revocation and such failure shall be subject to such penalties provided by this code, as amended, provided that the minimum, penalty shall be one hundred dollars (\$100.00) for each day during which such failure and illegal use of property continues and is found to exist or have existed.