

CONDITIONAL USES

CODE TEXT AMENDMENT

CURRENT CODE

- *A similar use is a use ruled by the City Council, after a recommendation has been given by the Planning Commission, to be in harmony with and not be in conflict with the objectives and characteristics of the particular zoning district in which it is being proposed. The use must be similar to the uses expressly permitted or conditionally permitted in the zone in which it is proposed with respect to traffic requirements, appearance, and emissions of noise and odor. Upon the determination of the City Council that a use is similar to those listed as permitted or conditional uses, that use shall be considered as a permitted or conditional use in the zone in which the determination was made.*

PROPOSED CODE

- *It is the express intent of the City Council that all uses not expressly listed as a permitted or conditional use in a particular zone are prohibited in that zone of the city.*

REASONS FOR AMENDMENT

- Language is vague, subjective and ambiguous
- State Code requires plain language
 - Section 10-9a-306
 - *If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.*

POSSIBLE FINDINGS

- The proposed language is clearer than the existing language and will better protect the City
- State code requires plain language, or the land use decision shall be in favor of the land use application