

## **1. APPLICANT SUBMITS REQUEST**

Conditional use permits are required for certain types of uses listed in the schedule of permitted buildings and uses in the Westlake Zoning Code. They are classified as conditional uses because of their uncommon characteristics, infrequency of occurrence, large land area requirements or other features. A use may be permitted and desired in certain districts but not without consideration in each case of the effect on neighboring land and the public need for the particular use at the particular location. The application of the planning standards for determining the location and extent of such uses is a planning function and not in the nature of a variance or appeal as discussed in Chapter 1227 of the Westlake Codified Ordinances.

To begin the process a person seeking a conditional use permit will need to submit a letter to the director of inspections requesting consideration for a conditional use permit.

## **2. CITY REVIEW AND APPROVAL**

The request for a conditional use permit is referred by the director of inspections to the Westlake City Council. Council refers the request to the planning, zoning and legislative (PZL) committee of council for their recommendation to the full council and if the PZL committee and council consider it

worthy of further consideration, legislation is drafted for the proposed conditional use permit. The legislation is placed on the first of three readings at an upcoming council meeting at which time council then refers the request to the Westlake Planning Commission for recommendation.

The director of planning and chairman of the planning commission then place the request on the planning commission agenda as soon as practicable. Items are taken on a first-come, first-served basis, based on the submittal date and completeness of the request. The planning commission generally meets the first and third Monday of each month other than August, when council recesses.

You will need to provide to the clerk of commissions 14 copies of conceptual plans or full development plans of your request for planning review. The planning commission will review the conditional use permit request taking into account the spirit and intent of the zoning code, the location of the proposal, the effect on the surrounding properties, and the relationship of the proposal to the guide plan. The applicant or their representative will need to be present at the planning commission meeting. The planning commission recommends approval or disapproval within sixty days from the date of referral unless a different period of time is provided by council. Planning commission may request an extension of time for additional time for review if necessary.

Council, upon receiving the recommendation of the planning commission, places the legislation on second reading, holds a public hearing and has a third reading. Council may approve or disapprove the application. Action by council shall be deemed to be final. If the plans are approved by council, the applicant may apply for a building permit.

## **3. STANDARDS FOR EVALUATING CONDITIONAL USE PERMITS**

An application for a conditional use permit will not be approved unless the following conditions and standards are complied with as set forth for the following districts:

### **Residential Districts:**

- The proposed use is properly located in relation to the adopted Westlake Guide Plan and Thoroughfare Plan, particularly secondary and local streets and pedestrian circulation;
- When located on a local street, the proposed use generates the least possible traffic through a residential neighborhood;
- The proposed use is necessary to serve the surrounding residential areas which cannot be served satisfactorily if the same use is located in a nearby less restrictive district where it may be permitted by right;
- The location, design and operation of such use does not discourage the appropriate development or impair the

value of the surrounding residential district; and

○ For temporary structures, every conditional use permit shall be reviewed every six months and may be renewed only while the construction operations are underway.

### **Business and Industrial Districts:**

○ The proposed use is necessary to serve the community needs and if existing similar facilities located in a less restrictive district in which the use may be permitted by right, are inadequate;

○ The proposed use pertains to schools, churches and other places of assembly no closer than necessary; and

○ The location, extent and intensity of the proposed use is such that its operation is not objectionable to nearby dwellings by reason of noise, smoke, dust, odors, fumes, vibrations or glare greater than is normal or as permitted by the performance standards of the district;

○ The proposed use forms a harmonious part of the business, research, service and industrial district, taking into account, among other considerations, convenience of access and relationship of one use to another;

○ The proposed use is permitted in a less restrictive district than that in which it is permitted by right only because of its limited extent, modern equipment and processes; and

○ The hours of operation and concentration of vehicles in connection with proposed use is not more hazardous or dangerous than the normal traffic of the district.

### **Safeguards and Conditions:**

○ Safeguards and conditions may also be set forth in the permit in addition to the general standards set forth in residential districts and business and industrial districts.

The approval of a conditional use permit shall become null and void if the construction of the building or site improvements are not started within a one-year period after date of approval.

If you have any questions, please contact the planning department at 440-617-4305.

[www.cityofwestlake.org](http://www.cityofwestlake.org)

# What you need to know about Conditional Use Permits

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## Review Process



City of Westlake  
Planning Department  
440-617-4305

*The information in this brochure is intended as a general guideline. Please refer to the Codified Ordinances of the City of Westlake for additional information and any updates.*