

## Conditional Use

### Required Documents

One hard copy and one electronic copy of the following:

#### Required

- Mandatory Pre-Application Meeting
- Application Fee
  - Residential: \$700
  - Non-Residential: \$1,500
  - Wireless Telecommunications Equipment: \$2,500
- Universal Development Application
- Sign Posting Agreement
- Warranty Deed
- Survey (no older than two years)
- Justification Statement to address the Conditional Use Criteria in Section 23.2-29.d and Section 23.2-29-e, which are as follows:
  - General findings relating to harmony with LDRs and protection of public interest. Prior to approving any Conditional Use permit, the decision making authority shall find based on competent and substantial evidence that:
    - The Conditional Use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the Future Land Use Element, are most likely to occur in the immediate area where located.
    - The Conditional Use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.
    - The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the site for some use permitted by right or some other conditional use permitted on the site.
    - The Conditional Use exactly as proposed will not result in more intensive development in advance of when such development is approved by the Future Land use Element of the Comprehensive Plan.
  - Specific findings for all conditional uses. Prior to approving any Conditional Use, the decision making authority shall find that:
    - The proposed Conditional Use will not generate traffic volumes or movements which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.
    - The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.
    - The proposed conditional use will not produce significant air pollution emissions, or will appropriately mitigate anticipated emissions to a level compatible with that which would result from a development permitted by right.
    - The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.
    - The proposed Conditional Use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor

enlargement nor any other alteration of such systems in a manner resulting in higher net public cost than would result from development permitted by right.

- The proposed Conditional Use will not place a demand on municipal police or fire protection service beyond the capacity of those services, except that the proposed facility may place a demand on municipal police or fire protection services which does not exceed that likely to result from a development permitted by right.
- The proposed Conditional Use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in Section 15.24 – Noise Control.
- The proposed Conditional Use will not generate light or glare which encroaches onto any residential property in excess of that allowed in Section 23.4-10 – Exterior Lighting.
- Findings for nonresidential conditional uses in residential districts. Prior to approving any nonresidential conditional use in any residential district and prior to approving any more intensive residential conditional use in a less intensive residential district, the decisionmaking authority shall find based on competent substantial evidence that:
  - The location of the conditional use will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.
  - The size of the conditional use and the nature and intensity of the operations involved will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long range development of the district for the residential purposes intended.
  - The location of the conditional use will not result in a small existing or planned residential area being isolated from other residential development by being completely or largely surrounded by arterial streets and nonresidential land uses.
  - The design of buildings for commercial and office conditional uses in residential districts shall be in a manner similar to residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards and any other pertinent considerations.
- Additional requirements. Prior to approving any Conditional Use Permit, the decisionmaking authority shall ensure that the following requirements have been met:
  - Any and all outstanding code enforcement fees and fines related to the project site have been paid to the City.
  - Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless request for amendment of conditions is part of the current Conditional Use Permit application.

#### **Required As Needed**

- Site Plan
- Landscape Plan
- Floor Plan
- Elevations
- Traffic Statement or Study