

# CONDITIONAL USE PERMIT



City of Union  
Missouri

*Last Edited  
February 16, 2007*

# CONDITIONAL USE PERMIT APPLICATION

DATE FILED: \_\_\_\_\_

FILING DEPOSIT OF \$500 REQUIRED AT TIME OF SUBMITTAL

TO THE PLANNING AND ZONING COMMISSION AND THE BOARD OF ALDERMEN OF THE CITY OF UNION, MISSOURI:

I, the undersigned, \_\_\_\_\_, hereby applies for a conditional use permit as follows:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ in accordance with plans, application, and all other data hereto attached and made a part of this application as required by City of Union Ordinances, I hereby depose and say that all the statements included in this application and its attachments herewith are true.

\_\_\_\_\_  
*Signature of Applicant*

Applicant Name and Address (please print):

\_\_\_\_\_  
\_\_\_\_\_

Applicant Phone: \_\_\_\_\_

STATE OF MISSOURI     )  
  )  
COUNTY OF FRANKLIN )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

(notary seal/stamp)

## **SECTION 405.685: PROCEDURES**

A. Generally. The granting of a conditional use permit may be initiated by a verified application of one (1) or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by a resolution of intention by the Planning and Zoning Commission. Procedures for application, review, and approval of a conditional use permit shall be as follows.

B. Application. Application for a conditional use permit for a specific tract of land shall be addressed to the City of Union Planning and Zoning Commission and filed in its public office. The application shall be filed on forms prescribed for that purpose by the Planning Commission and be accompanied by the following:

1. A deposit of five hundred dollars (\$500.00) shall be paid over to the City Clerk of the City of Union at the time the application is filed. The deposit received hereunder by the City Clerk shall be paid over to the City to the credit of the General Revenue Fund. The deposit shall be used for all expenses associated with the review and processing of the application to specifically include but not necessarily limited to the notice and publication of any hearing, the expenses incurred for the services of a court reporter, if any, all recording fees and staff time required to process the application. Any balance remaining after deducting for all expenses shall be reimbursed to the applicant. In the event the expenses associated with the application are more than the deposit, the City Clerk shall cause a statement for the balance to be sent to the applicant for immediate payment. The City Clerk shall cause no action to be taken regarding the decision until the balance has been paid.
2. Legal description of the property.
3. Outboundary plat of the property.
4. Preliminary development plan, including but not limited to the following:
  - a. Three (3) copies of a plan depicting location and size of buildings, areas to be developed for parking, drives, walkways, and other purposes.
  - b. Proposed uses. Approximated location and designation uses of buildings and other structures as well as parking and open areas shall be indicated.
  - c. Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated.
  - d. Approximated location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping.
  - e. Two (2) cross-section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
  - f. Proposed ingress and egress to the site, including adjacent streets.
  - g. Preliminary plan for provision of sanitation and drainage facilities.

5. A sworn statement from the applicant, with copies of P.S. Form 3811 Domestic Return Receipt from the USPS, which statement attests that the applicant has notified all property owners within one hundred eighty-five (185) feet of the property of the proposed use of the property.

C. Public Hearing. A public hearing on the application shall be held by the Planning and Zoning Commission in accordance with the provisions of procedure for amending the

Zoning Code, except that the posted public notice signs shall indicate that the public hearing is for a conditional use permit. The public hearing shall be held within forty-five (45) days of verification by the Department of Planning and Zoning that the petition meets the minimum application requirements. The public hearing requirements shall be the same if a petition for a conditional use permit is initiated by resolution of the Planning and Zoning Commission.

D. Approval Or Denial Of Application. Subsequent to public hearing, the Planning and Zoning Commission, upon receipt of the application and supporting documents, shall file a report within sixty (60) days to the Board of Aldermen in which the Commission shall grant or deny each application for a conditional use permit and state the reasons therefor. The Planning and Zoning Commission may permit those developments and uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the City of Union. In approving such conditional uses, the Planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include but not be limited to the following:

1. Permitted uses, including maximum floor area.
2. Performance standards.
3. Height limitations.
4. Minimum yard requirements.
5. Off-street parking and loading requirements.
6. Sign regulations.
7. Minimum requirements for site development plans.
8. Time limitations for commencement of construction.

E. Permit Effective, When. Unless the Board of Aldermen exercises its power of review or a duly filed protest as herein set forth is received by the City Clerk, a conditional use permit or an amendment thereto shall become effective after thirty (30) days of the Board of Aldermen's receipt of the Planning and Zoning Commission's report granting the application. In the event that a conditional use permit is filed in conjunction with a required change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change.

F. Effect Of Denial. Upon denial by the Planning and Zoning Commission of an application for a conditional use permit, the Commission shall notify the applicant of the denial. If no appeal is filed within thirty (30) days from the denial and if the Board of Aldermen does not exercise its power of review, no subsequent application for a permit with reference to the same property or part thereof shall be filed by any applicant until the expiration of twelve (12) months after the denial. No provision herein shall be construed to prevent the Planning and Zoning Commission or the Board of Aldermen from initiating the procedure provided in this Section by a resolution of intention at any time.

G. Appeal, Protest Or Board Of Aldermen Review Of Planning And Zoning Commission Decision.

1. Appeal by petitioner from decision of denial. The petitioner may file an appeal to the Board of Aldermen of a Planning and Zoning Commission denial of an application for a conditional use permit or an amendment thereto. Such protest must be filed within thirty (30) days of the Planning and Zoning Commission's decision.

2. Protest by specified nearby property owners to decision of approval. Specified nearby property owners may file a protest with the Board of Aldermen against the Planning and Zoning Commission's approval of an application for a conditional use permit or an amendment thereto.

3. Board of Aldermen review of Planning and Zoning Commission decision.

a. Within fifteen (15) days after receipt of the Planning and Zoning Commission's report, the Board of Aldermen, upon motion adopted by majority vote, may exercise the power of review of any Planning and Zoning Commission decision on an application for a conditional use permit or amendment thereto.

b. Before acting on the conditional use permit, the Board of Aldermen shall set the matter for hearing. The Board of Aldermen shall give written notice of such hearing and shall conduct a public hearing after fifteen (15) days' notice thereof has been given. Any person or persons who, in the discretion of the Board of Aldermen, will be aggrieved by any decision or action with respect to the conditional use permit may be heard at the hearing.

c. Board of Aldermen decision. Following the hearing by the Board of Aldermen on an application, the Board of Aldermen may affirm, reverse or modify, in whole or in part, any determination of the Planning Commission. An affirmative vote of two-thirds (2/3) of the members of the whole Board of Aldermen shall be required to reverse or modify any determination of the Planning Commission, providing that:

- (1) The proposed conditional use is to be located in a district wherein such use may be permitted;
- (2) The requirements set forth for such conditional use will be met;  
and
- (3) The conditional use is consistent with the spirit, purpose, and intent of the Comprehensive Plan, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.

The Board of Aldermen shall direct the Zoning Enforcement Official or designated official to issue a permit for the conditional use.

#### **SECTION 405.690: SITE DEVELOPMENT PLANS**

Subsequent to the effective date of the conditional use permit, a site development plan shall be submitted for review and approval to the Planning and Zoning Commission, as specified in the conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the conditional use permit. No building permits or authorization for improvement or development for any use requested under provisions of this permit procedure shall be issued prior to approval of such plan.

#### **SECTION 405.695: PROCEDURE TO AMEND THE CONDITIONS OF CONDITIONAL USE PERMIT OR SITE DEVELOPMENT PLAN**

In order to amend the conditions of an existing conditional use permit or to amend the site development plan approved for a conditional use permit, the procedure shall be as follows:

1. To amend conditions of a conditional use permit:

a. The property owner or authorized representative shall submit a written request to amend conditions to the Planning Commission. The Planning and Zoning Commission shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

b. The Planning and Zoning Commission shall review the proposed condition amendments and file a report with the Board of Aldermen in which the Commission shall grant, deny or modify the requested condition amendments. If the Planning and Zoning Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the procedure for amending the Zoning Code.

2. To amend the site development plan:

a. The property owner or authorized representative shall submit an amended site development plan to the Planning and Zoning Commission. The Planning and Zoning Commission shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

b. If the Planning and Zoning Commission determines that the proposed amendment to the site development plan is not in conflict with the original proposal as advertised and the preliminary development plan, and meets all conditions of the conditional use permit, the Planning and Zoning Commission may approve said amended plan. The approved plan shall be retained on file by the Planning and Zoning Commission.

**SECTION 405.700: RECORDING**

Prior to the issuance of any building permit or permit authorizing the use of the property in question, the property owner shall record a copy of the approved conditional use permit, including attached conditions, and any subsequent amendments thereto and the legal description of the tract with the Franklin County Recorder of Deeds.