

CONDITIONAL USE PROCESS

“In approving such conditional uses, the planning commission shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable...”



Chapter 14.24

Conditional Uses

Sections:

- 14.24.01 Nature and Description
- 14.24.02 Development Standards and Review Guidelines
- 14.24.03 Procedure for Authorizing
- 14.24.04 Effect of Approval

14.24.01 Nature and Description. Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unusual character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as conditional uses, and may be located in the district or districts so designated only in accordance with the procedure described herein.

14.24.02 Development Standards and Review Guidelines. All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian-ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property.

In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

- (a) The proposed use is within the provision of conditional uses as set out in this Ordinance.
- (b) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
- (c) The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
- (d) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
- (e) The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of this Ordinance.
- (f) The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian-ways are sufficiently adequate, and not inconsistent with requirements of this Ordinance.
- (g) The proposed landscaping and screening of the proposed use are in accordance with provisions of this Ordinance.
- (h) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

14.24.03 Procedure for Authorizing. The following procedure is established to integrate properly the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (a) Application. An application shall be made by the property owner and filed with the city planner, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the City Council to defray processing costs. The application shall be accompanied by graphic representation showing the location and proposed use of the site, along with such other descriptive material necessary for decision-making. Such may include, but is not limited to: preliminary site plans showing pro-

posed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings.

Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

The filing deadline for inclusion on the planning commission agenda shall be the 17th day of the month preceding the planning commission meeting. Should the 17th fall on a weekend or holiday, the next following workday shall be the filing deadline.

(b) Notice. Upon determining that an application is proper and complete, the city planner shall insure that the matter is set for public hearing before the planning commission. The city planner shall be responsible for insuring that, pursuant to law, at least fifteen (15) days notice of the time, place, and subject of such hearing is published in a newspaper of general circulation in the city.

The applicant shall present evidence to the city planner, at least ten (10) days prior to the required public hearing, that all property owners within two hundred feet (200') of the

boundaries of the subject property have been notified of the proposed use, and of the time, date, and place of the hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification; and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified.

(c) Planning Commission Review and Action. The planning commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed conditional use. Following the public hearing, the commission may approve the application as presented, approve it with conditions, table it with cause for not to exceed one (1) month, deny the application, or refer it to the city council for final disposition. Approval shall require an affirmative vote of a majority of the authorized membership of the commission.

In approving such conditional uses, the planning commission shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable.

In no case shall the planning commission or city council authorize reduction from minimum requirements of this Ordinance relating to height, area, setbacks, parking, or landscaping. In addition, no conditional use authorized by the planning commission or city council shall be subsequently considered in connection with a variance request to the Board of Zoning Adjustment.

If the planning commission disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant with fifteen (15) days from the date of the decision. The applicant may appeal such commission action, or any condition(s) placed upon application approval, to the city council within thirty (30) days of the commission's action. The appeal shall be in writing to the City Clerk, and shall specifically state why the planning commission's findings and decision was arbitrary, capricious, and inappropriate. If denied, no application for such use or similar use shall be permitted involving any part of the same property for a period of six (6) months.

14.24.04 Effect of Approval. No building permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. The construction, location, use, or operation of all land and structures with the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval.

Substantial work or construction under a conditional use permit must be commenced within one (1) year, or the permit shall terminate. Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property owner may request that the permit be reviewed by the planning commission, which may extend it for an unlimited period or for an additional period of years.

Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so shall constitute a violation of this Ordinance, and cause for revocation of the conditional use authorization.

Provided sufficient site information is submitted with the approved development plan, the planning commission may waive otherwise mandated site plan review requirements.

Conditional Use Permit Checklist

Conditional use permit applications shall provide the following information and format:

- ___ 1. Name of the development or subdivision;
- ___ 2. Address and lot number of the property;
- ___ 3. Location map drawn to a minimum scale of one inch (1") equals one thousand feet (1,000') and including city limits and streets with one-half () mile radius of the site;
- ___ 4. Name, address and telephone numbers of all owners and the applicant;
- ___ 5. North arrow;
- ___ 6. Site Plan drawn to a minimum scale of one inch (1") equals fifty feet (50') and a graphic scale included; (All site plans and other drawings must be submitted in an electronic graphic(.pdf or .jpg) file to the Planning Office; If no site plan is required, the electronic version is not required). Site plan must include the following information:
 - ___ a. Name of person preparing the plan
 - ___ b. Title, name of owner & name of builder
 - ___ c. North Arrow
 - ___ d. Property lines, property dimensions, street name(s);
 - ___ e. Density in terms of dwelling units per acre or intensity in terms of impervious surface ratio and gross floor area of the Conditional Use.
 - ___ f. Existing and proposed buildings & other structures, yards, rights-of-way, flood plains and wooded areas on the property.
 - ___ g. Distance from structures to property lines.
- ___ 7. City, county and state;
- ___ 8. Date;

- ___ 9. Existing zoning classification;
- ___ 10. Acreage and square footage of the site;
- ___ 11. List of adjoining property owners within 200 ft. of the subject property line boundaries; Must be notified by certified mail 10 days prior to hearing date. Said list must be prepared from the County Assessor's current tax list. (Receipt of mailings must be copied to the Planning Office)
- ___ 12. Length of site boundaries measured to the nearest 1/10 foot;
- ___ 13. Letter of Intent (Explanation of the request and why it should be approved);
- ___ 14. Parking plan indicating handicap, general parking and/or unloading provisions, and required and proposed parking calculations; if applicable
- ___ 15. Screening and buffering; if applicable
- ___ 16. Landscaping & Lighting plan indicating location, size and type of existing and/or proposed materials; if applicable
- ___ 17. Restrictive covenants or other restrictions in a recordable form; if applicable
- ___ 18. Please note that projects of a commercial nature and new building construction may be subject to full site plan and permitting review requirements upon approval of the Conditional Use Application process.



**CITY OF JONESBORO
CONDITIONAL USE APPLICATION**

Case Number _____ MAPC Deadline _____
Date Submitted _____ MAPC Meeting Date _____

OWNER/APPLICANT INFORMATION

Property Owner _____ Applicant _____
Address _____ Address _____
Phone _____ Phone _____
Signature _____ Signature _____

PARCEL INFORMATION

Address/Location _____
Current Zoning _____ Existing Land Use _____
Adjacent Zoning North _____ East _____ South _____ West _____

REQUESTED CONDITIONAL USE

Describe the proposed use, explain why it is appropriate for this location, and describe any precautions to be taken to minimize adverse impacts on neighboring properties.

GENERAL SUBMITTAL INFORMATION

- Submit a narrative letter explaining your request along with ten (10) copies of an accurate site plan drawn at a scale that clearly illustrates the requested use, the subject property, and surrounding properties, streets and easements, etc.
- Provide confirmation receipts to our office that adjoining owners of all properties within 200' of subject property have been notified.
- Pay fees.



CITY OF JONESBORO
MAPC ADJOINING PROPERTY OWNER NOTIFICATION

The Metropolitan Area Planning Commission will hold a public hearing at the Huntington Building, 900 West Monroe Ave., Jonesboro, Arkansas, on:

TUESDAY, _____, 200_ AT 5:30 P.M.

On the agenda for this meeting is a request to the Commission to approve a **conditional use on property within 200' of your property**. You have the opportunity to attend this meeting to voice your approval or disapproval if you wish. If you have information that you feel should be taken into consideration before a decision is rendered, you are encouraged to submit such information to the Commission. If the Commission renders a decision that you feel is unfair or unjust, you have the right to appeal the decision to City Council.

REQUEST

BY: _____ DATE: _____

DESCRIPTION OF REQUESTED USE: _____

LOCATION OF REQUESTED USE: _____

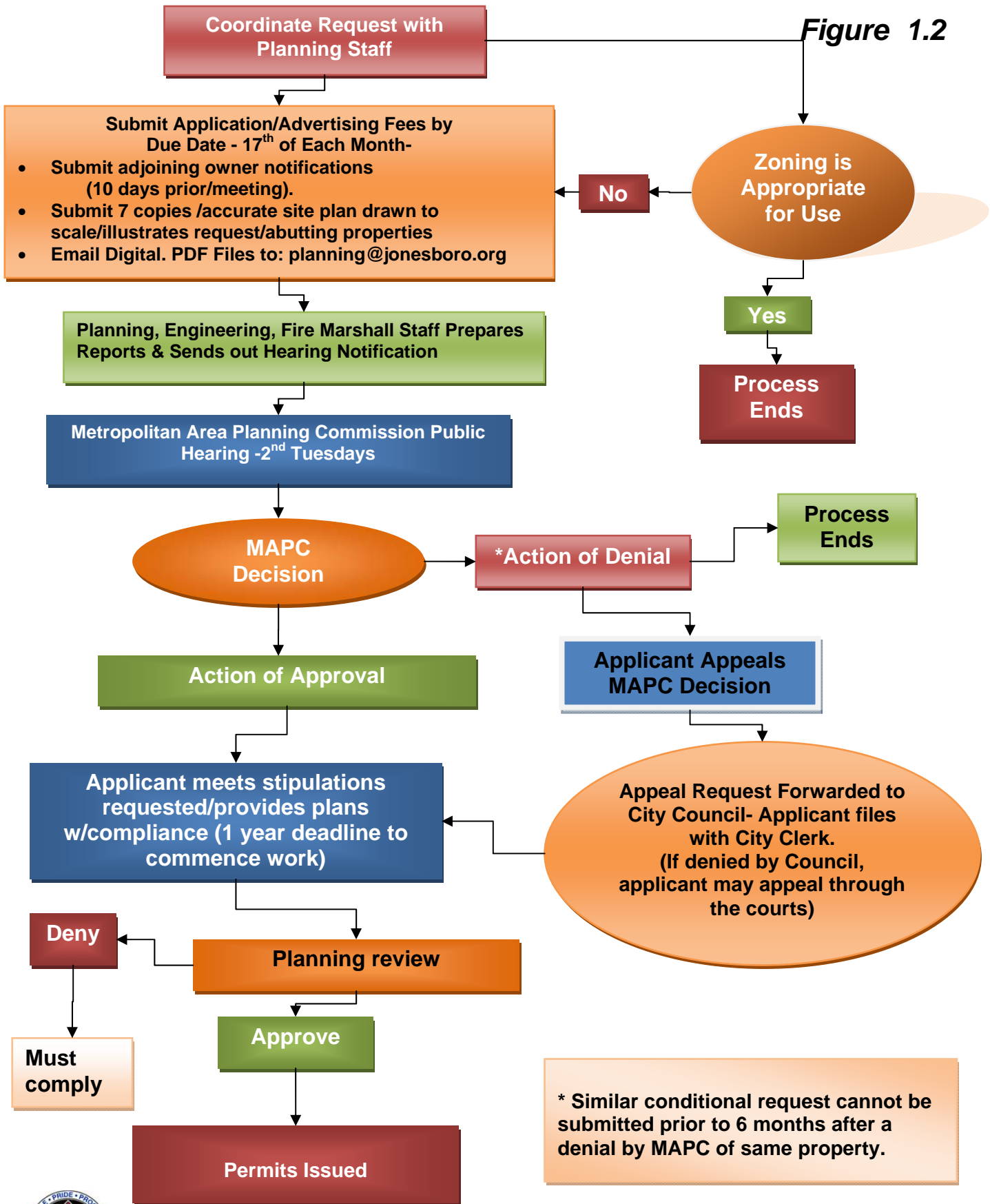
Printed Name of Property Owner within 200'

Address

If you would like to obtain additional information, or voice an opinion regarding this request, you may do so by contacting the Planning Department, at 307 Vine Street, or by calling 870-932-0406, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Conditional Use Process

Figure 1.2





City of Jonesboro Planning Department

Planning/Zoning Fee Schedule (Effective January 4, 2010)

Fee Description

Fees

Single Family Residential Approvals- Planning Review

New Single Family Dwelling (per structure)	\$50.00
New Multiple Family Dwellings (per plan submittal)	\$100.00
Additions To Residential Dwellings (increase in footprint)	\$25.00
Detached Buildings and Other Accessory or Temporary Structure	\$25.00
Alterations or Repairs of Residential Dwelling	\$25.00
Swimming pools (above or below ground)	\$25.00
Walls, fences, decks, antenna towers & satellite dishes,	\$25.00
Multi-family Additions	\$50.00
Multi-family Accessory Structures	\$50.00

Commercial Building Permits- Planning Review

(0) square feet to 10,000 square feet Commercial Building Area	\$250.00
10,001 square feet or more Commercial Building Area	\$500.00
Interior alterations or repairs of commercial or industrial structures	\$100.00
Awnings and Canopies	\$100.00
Accessory buildings,walls,fences,decks,antenna/cellular towers & satellite	\$100.00
Parking Lots	\$100.00
Landfill and Extraction (land use only)	\$500.00
Gravel Mining	\$500.00
Change of Use Certificate	\$35.00
Commercial Storage Tanks	\$100.00
Temporary Tents, Trailers & Structures	\$100.00

Residential Zoning Districts

Zoning Map Amendments - Single Family Districts	
Base Fee +	\$250.00
Per Acre Fee	\$100.00
Zoning Map Amendments - Multiple Family Districts	
Base Fee +	\$250.00
Per Acre Fee	\$100.00

Non-Residential Zoning Districts

Zoning Map Amendments	
Base Fee +	\$300.00
Per Acre Fee	\$100.00

Special District Applications

Village Residential Overlay	\$250.00
JMA-O, Jonesboro Municipal Overlay District	\$250.00
Planned Development District	
Fee per stage (Preliminary, Final, Modifications)	\$250.00

Board of Zoning Appeals Fees

Residential Appeal Fees	\$100.00
Commercial Appeal Fees	\$200.00
Conditional Use (MAPC)	\$200.00
Compatible Non-Comforming Use (BZA)	\$200.00

Subdivision Planning Fees

Minor Plats & Replats (Administrative Approvals):	
Base Fee	\$200.00
Reviews requiring MAPC Approval)	
Subdivisions: 0 to 20 acres	
Base Fee +	\$250.00
Per Lot Fee	\$4.00
Subdivisions: 0 to 20 acres Over 20 to 40 acres	
Base Fee +	\$500.00
Per Lot Fee	\$4.00
Subdivisions: 0 to 20 acres Over 40 acres	
Base Fee +	\$1,000.00
Per Lot Fee	\$4.00

Off-Site signs (Billboards)	\$500.00
High Rise Interstate Signs (per face)	\$250.00
Bulletin Board	
Base Fee	\$50.00
Square Foot Per Face Fee	\$1.00
Construction Sign	
Base Fee	\$50.00
Ground Sign New	
Base Fee	\$50.00
Square Foot Per Face Fee	\$1.00
Wall & Awning Signs	
Base Fee	\$50.00
Square Foot Per Face Fee	\$1.00
Directional Sign	
Base Fee	\$50.00
Square Foot Per Face Fee	\$1.00
Pole Sign	
Base Fee	\$50.00
Square Foot Per Face Fee	\$1.00
Marquee Sign	
Base Fee	\$50.00
Square Foot Per Face Fee	\$1.00
Corner or Interior Parcel Sign	
Base Fee	\$50.00
Square Foot Per Face Fee	\$1.00
Promotional Event Signs:	
a. Promotional Event	
Base Fee	\$50.00
b. Special Event Sign/banner	
	\$35.00
c. Grand Opening Sign	
	\$35.00

Mapping and Duplicating Services

8 1/2"x11" Copies (Blk/Wht):	
Fee Per Page	\$0.10
8 1/2"X11" Maps (Color Map) Fee Per Page	
Fee Per Page	\$0.50
Over size pages	
Fee Per Page	\$5.00
Zoning Resolution	
Fee Per Page	\$0.30
Zoning Resolution	
Plus Postage (if applicable)	\$10.00
Zoning Map (36"x50")	
Fee Per Page + Postage	\$25.00
Land Use Map (36"x44")	
Fee Per Page	\$20.00
11"x17" Maps	
Fee Per Page	\$1.00
Property Owner Search/Plat Map	
Fee Per Page	\$25.00
Zoning Certification/Verification Research Letter (Certifying Zoning on a parcel)	
Fee Per Page	\$36.00

*Applicants pay all charges for publications and recordings on Final Development Plans and Variations, Public Notices & Legal Ads
Please make all checks payable to: City of Jonesboro*

ORD-09:087; ORD:-09:088; RES-09:161: 11/17/09