



# CONDITIONAL USES, OAK GROVE

## **GUIDE TO APPLYING FOR A CONDITIONAL USE PERMIT**

### **Background**

Zoning regulations strive to create consistency between the type and characteristics of uses within each district boundary. Certain land uses, however, may only be compatible within a zoning district under specific conditions. These "conditional uses" require a separate review and approval process to determine their appropriateness in a proposed location. The ability to obtain a conditional use permit creates some flexibility within the Unified Development Code while keeping a system of checks in place to protect surrounding property owners.

### **Definition**

Conditional uses are those types of uses which, because of their nature, are dissimilar to the normal uses permitted within a given zoning district or uses that may negatively impact the health, safety, welfare, or property values of the immediate neighborhood. Where a conditional use permit is required can be found in the Unified Development Code, Use Table. Conditional use permits may also be required for proposed signs.

### **Conditions**

For a conditional use to be allowed within a zoning district, its design and intensity must comply with all of the applicable district regulations. The use should provide a benefit to the community and not detrimentally influence the neighborhood in which it is located or cause substantial injury to the value of surrounding property. The impacts of the use, including demands on public facilities and increased traffic volumes, must be reasonably accommodated by the area's existing infrastructure.

### **Process**

- A. A complete application for a conditional use permit shall be submitted to the Zoning Officer in a form established by the City along with a non-refundable fee that has been established by the City to defray the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.
- B. The Zoning Officer shall prepare a staff report that reviews the application in light of the Comprehensive Plan, the general requirements of the Unified Development Code and the applicable review criteria set forth in Section 405.075. The Zoning Officer shall provide a copy of the report to the Planning and Zoning Commission and the applicant.
- C. The Planning and Zoning Commission shall hold a public hearing on the proposed amendment within sixty (60) days of the date that a complete application is filed, provided that required notice can be given within that time. Within forty-five (45) days of the close of the public hearing, the Planning and Zoning Commission shall recommend approval, modified approval or denial of the request. After taking action, the Planning and Zoning Commission shall transmit a written summary of its action and proceedings to the Board of Alderman. In acting on conditional use permits, the Planning and Zoning Commission shall be authorized to recommend such conditions, safeguards, restrictions or time frames upon the premises benefited by the conditional use as may be necessary to reduce or minimize any potentially injurious effect upon the property in the area or to carry or to carry out the general purpose and intent of this Unified Development Code so long as the condition, safeguard or restriction relates to a situation created or aggravated by the proposed use.

D. Within thirty (30) of the close of the Planning and **Time Line**

Zoning Commission public hearing, the Board of Alderman shall hold a public hearing on the proposed amendment. The Board of Alderman shall act to approve, approve with modifications or deny the proposed amendment within sixty (60) days of the date of the close of the Board of Alderman public hearing on the amendment.

E. Notification requirements for a public hearing shall be the same as the requirements listed in Section **405.085** of the Unified Development Code.

F. Special use may be approved by action of the Board of Alderman after recommendation from the Commission using procedures and standards set forth in Section **405.095**. Conditional use may be approved with conditions including, but not limited to, requirements for special yards, open spaces, buffers, fences, walls and screening; the installation of landscaping and maintenance; provisions for erosion control; requirements for street improvements, dedications, limitations on ingress and egress movements into and out of the site, and traffic circulation; limitation on signage; limitation on hours of operation and other characteristics of operation; conditions specifically listed under the individual special use and other conditions deemed necessary to insure compatibility with surrounding land uses. In considering any application for a conditional use permit, the Commission and Board of Alderman may give consideration to the criteria listed in Section 405.075 (k). To the extent they are pertinent to the particular application.

- Pre-application review with City staff
- Complete application

► **30 Days Before P&Z Commission Meeting**

*Filing deadline:*

- Submit a completed application  
(see application checklist)
- Pay filing fee

*Staff review*

► **At Least 15 Days Before P&Z Commission**

*City mails notices of public hearing*

*City posts a sign*

*City posts notice of public hearing in local newspaper*

► **10 Working Days Before P&Z Commission**

*Final revisions submission deadline*

► **First & Third Tuesday of the Month**

*Planning & Zoning Commission Meeting/ Public Hearing*

► **First & Third Monday of the Month**

- Board of Alderman Meeting

G. Conditional Use Permit– Vesting Of Rights.

1. The mere issuance of a conditional use permit gives no vested rights to the permit holder.
2. A right to continue a specially permitted use shall vest only if the project is constructed and the use actually started.
3. The right to continue a special use that was permitted prior to the effective date of this Unified Development Code shall last only as long as specified by the conditional use permit, provided that all conditions of said approval continues to be met.
4. As of the effective date of this Unified Development Code, existing permits shall be subject to the provisions for transferability as expressed in this Unified Development Code.
5. Uses that are allowed without a conditional use permit prior to the effective date of this Unified Development Code, but are designated as special uses in this Unified Development Code, shall be allowed to continue as non-conforming uses if the requirement of Article **IX** are satisfied.

hearing date when it determines that significant physical, economic or land use changes have taken place within the immediate vicinity or a significant development code text amendment has been adopted.

- I. The procedure for amending a conditional use permit shall be the same as required for the original approval.

H. In the event the Board of Alderman takes final action to deny an application for a conditional use permit, an application for the same use shall not be refiled for one (1) year from the advertised public hearing date. The Planning and Zoning Commission, upon petition by the applicant, may permit a refiling of said application six (6) months after the original Planning and Zoning Commission or Board of Alderman public

# **CONDITIONAL USE PERMIT APPLICATION CHECKLIST**

For applications filed under Unified Development Code Section 405.095

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*In order to request a hearing before the Planning and Zoning Commission a completed application must be received by the Zoning Officer before the filing deadline. The filing deadline for conditional use permit applications is typically 30 days before the next meeting. Please contact the Zoning Officer for exact dates.*

*A completed application includes the following:*

- A completed application form.** The application form for a conditional use permit is available in the City Hall located 1300 S Broadway, Oak Grove, MO. or on the internet at [www.cityfoakgrove.com](http://www.cityfoakgrove.com).
- Attached legal description** and legal description in Word Document format on a disk (legal description must be full description with callouts).
- Application fee**, payable to the City of Oak Grove. The fee for of two hundred and fifty dollars (\$250.00) plus associated cost. (associated cost could include any technical studies and or advertisements for the project and will be billed at a later date.)
- Ownership affidavit**, copy of the deed, or other proof of property ownership OR owners' consent form.

*In order to determine the adequacy of existing public facilities, the City of Oak Grove may require additional submittals, such as a traffic study, from the applicant. Additional requirements will be determined at the pre-application meeting with City staff.*

## **PUBLIC NOTICE REQUIREMENTS**

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*Upon filing an application, the City will take the following action to inform surrounding property owners of the rezoning request and advertise the public hearings:*

- **A notice of the public hearing** will be mailed by the City to property owners within one hundred and eighty-five (185) feet of the property to be rezoned at least fifteen (15) days before the public hearing.

# **CONDITIONAL USE PERMIT**

## **FINDINGS OF FACT**

*The following criteria will be used by the Planning and Zoning Commission and Board of Alderman to review your application.*

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1. The character of the neighborhood.
2. The existing and any proposed zoning and uses of adjacent properties, and the extent to which the proposed use is compatible with the adjacent zoning and uses.
3. The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
4. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.
5. The length of time, if any, the property has remained vacant as zoned.
6. The extent to which the proposed use will negatively affect the aesthetics of the property and neighboring property.
7. The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property.
8. The extent to which the proposed use will adversely affect the capacity or safety of the portions of the street network impacted by the use or present parking problems in the vicinity of the property.
9. The extent to which the proposed use will create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm.
10. The extent to which the proposed use will negatively affect the values of the property or neighboring properties.
11. The extent to which there is a need for the use in the community.
12. The economic impact of the proposed use on the community.
13. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this Unified Development Code.
14. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.
15. The gain, if any, to the public health, safety and welfare due to approval of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

# **CONDITIONAL USE PERMIT**

## **FINDINGS OF FACT**

*The following criteria will be used by the Planning and Zoning Commission and Board of Alderman to review your application.*

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- 16.** The conformance of the proposed use to the Comprehensive Plan, the major street plan, the capital improvements plan and other adopted planning policies.
- 17.** The recommendation of professional staff.
- 18.** The consistency of the proposed use with the permitted uses and the uses subject to conditions in the district in which the proposed rezoning or conditional use is located.



CITY OF  
**OAK GROVE**  
MISSOURI

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## APPLICATION FOR CONDITIONAL USE PERMIT

**FOR OFFICE  
USE ONLY**

Case Number: \_\_\_\_\_ Zoning Officer: \_\_\_\_\_ Filing Fee: \_\_\_\_\_

P&Z Date: \_\_\_\_\_ BOA 1st Date: \_\_\_\_\_ BOA 2nd Date: \_\_\_\_\_

### APPLICANT/OWNER INFORMATION

**Applicant Name:** \_\_\_\_\_ **Company:** \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Property Owner Name** (if different than applicant): \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**Firm Preparing Site Plan:** \_\_\_\_\_ **Contact:** \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

\*All correspondence on this application should be sent to (check one):  **Applicant**  **Property Owner**  **Firm**

### CONDITIONAL USE REQUEST

The applicant is hereby requesting a conditional use permit for \_\_\_\_\_

(If necessary, please attach a statement addressing the applicant's need/justification for the conditional use permit)

### PROJECT DETAILS

General Location or Address of Property: \_\_\_\_\_

Parcel Area in Acres and/or Square Feet: \_\_\_\_\_

Legal Description: ***Please attach***

Current Zoning of the Property: \_\_\_\_\_

**APPLICANT'S DECLARATION**

My application consists of the following items and information necessary for a complete application:

<input type="checkbox"/> Completed Application Form	<input type="checkbox"/> Ownership Affidavit or Owners Consent Form
<input type="checkbox"/> Legal Description (paper & digital copies)	<input type="checkbox"/> Required Fee: \$ _____

**The following declarations are hereby made:**

- The undersigned is the owner or authorized agent of the owner or the officers of a corporation or partnership.
- The submitted plan, if any, contains all of the necessary information required by the Unified Development Code. I will provide any and all omitted information and understand omissions can delay the development process a minimum of thirty (30) days.
- The applicant has discussed this application with THE Zoning Officer.

**Zoning Office:** \_\_\_\_\_ **Date:** \_\_\_\_\_

- The information presented and contained within this application is true and correct to the best of the undersigner(s) knowledge.

**SIGNATURE OF OWNER(S) AND APPLICANT(S)**

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Subscribed and sworn to me on this \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
 in the County of \_\_\_\_\_,  
 State of \_\_\_\_\_.

**Notary Public:** \_\_\_\_\_ **My Commission Expires:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Subscribed and sworn to me on this \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
 in the County of \_\_\_\_\_,  
 State of \_\_\_\_\_.

**Notary Public:** \_\_\_\_\_ **My Commission Expires:** \_\_\_\_\_

**OWNERSHIP AFFIDAVIT**

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STATE OF MISSOURI )

COUNTY OF JACKSON )

Comes now \_\_\_\_\_ (owner)

who being duly sworn upon his/her oath, does state that he/she is the owner of the property legally described in the proposed conditional use permit and acknowledges the submission of the application for a conditional use permit on said property under the City of Oak Grove Unified Development Code.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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\_\_\_\_\_  
Signature of Owner

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\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

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\_\_\_\_\_  
My Commission Expires