

SECTION 24: CONDITIONAL USE PERMITS (CUP)

A. PURPOSE AND INTENT:

- (1) **Nature of Conditional Use Permits** - A conditional use permit (CUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit applications.
- (2) **Permit required** - No conditional use permit shall be established and no building permit shall be issued for any use requiring a conditional use permit within any zoning district until a conditional use permit (CUP) is issued in accordance with the provisions of this Section. An application for a conditional use permit shall be accompanied by a detailed site plan prepared in the manner described in Section 23 E. The Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in this Section.

B. STATUS OF USES PERMITTED BY CONDITIONAL USE PERMIT:

The following general rules apply to all conditional uses:

- (1) The designation of a use in a zoning district as may be permitted by CUP in Section 7 (Use Tables) of this Ordinance does not constitute an authorization or assurance that such use will be approved.
- (2) Approval of a conditional use permit shall authorize only the particular use for which the CUP is issued and shall be specific to the property address to which it was originally granted and runs with the land. A CUP cannot be relocated to another location or address and is not issued or granted to a person, agent, developer, owner or entity per se.
- (3) No use authorized by a conditional use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this Section.
- (4) Development or construction related to the conditional use shall not be carried out until the applicant has secured all the building permits and approvals required by this Chapter, the City Code, and any permits that may be required by regional, State or Federal agencies.
- (5) The ordinance establishing the CUP may provide that approval of the CUP expires if the use for which the CUP was granted is abandoned for a period of six (6) months, at the City Commission's discretion.

- (6) A conditional use permit shall not grant variances to any requirement, rule or standard listed herein or in other codes and ordinances. Likewise, a variance cannot be granted by the Board of Adjustment (BOA) to any Conditional Use Permit but shall only be considered by the City Commission as an amendment to the CUP.

C. APPROVAL PROCESS:

After public hearing and proper notice, and after recommendation by the Planning and Zoning Commission, the City Commission may authorize the issuance of conditional use permits when the City Commission finds all of the following conditions present:

- (1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare;
- (2) That the uses, values and enjoyment of other property in the neighborhood, for purposes already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use;
- (3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and
- (6) That the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

- D. Prior to the granting of any conditional use, the City Commission may stipulate such conditions, restrictions, and duration upon the establishment, location, construction, maintenance, and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in herein. In all cases in which conditional uses are granted, the City Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. The granting of a conditional use does not create a vested right to the use and the conditional use may be canceled at the City Commission's sole discretion, pursuant to the terms of the ordinance granting the CUP.

- E. No application for a conditional use which has been denied wholly or in part by the City Commission shall be resubmitted for a period of twelve (12) months from the date of said denial.