CONDITIONAL USES

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. A list of conditional uses can be found in Unified Development Code Chapters 405 and 410. Conditional use permits may also be required for proposed signs exceeding district regulations.

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

Conditional use permits must be reviewed by City staff and the Planning and Zoning Commission, and are ultimately granted by the Raymore City Council. Any person submitting an application for a conditional use permit must first contact Development Services Department staff, who will explain the review process and provide the necessary forms, checklists, and dates. Additionally, the applicant must meet with the City's development review committee prior to making an application.

When the Development Services Department accepts an application, staff reviews it for completeness and compliance with applicable plans and ordinances. Staff will contact the applicant if additions or revisions to the application are necessary. Staff prepares a report containing its findings and a recommendation of approval or denial of the conditional use request. The application and staff report are submitted to the Planning and Zoning Commission for review and then to the City Council for final approval.

In addition to review by City staff and officials, the application is subject to comment from the general public. A public hearing is required at the Planning and Zoning Commission and City Council meetings where the application is presented.

Decision

The Planning and Zoning Commission is made up of nine members who are citizens and residents of the City of Raymore. The Commission meets on the first and third Tuesday of every month.

At the meeting, the Commission holds a hearing to allow the applicant, staff, and general public to present findings and testimony on the proposed conditional use. The Commission then makes "findings of fact" to determine whether the application is compatible with the criteria for approval of conditional uses. Based on those determinations, the Commission provides a recommendation of approval or disapproval to the City Council. The Commission may recommend approval of an application subject to conditions reasonably necessary to reduce or minimize any potentially injurious effect of the use upon other properties, to assure the continued adequacy of public facilities, or to realize the purpose and intent of the City's Unified Development Code regulations.

City Council meetings are held on the second and fourth Monday of every month. The applicant, staff, and general public will again have the opportunity to present findings and testimony on the proposed conditional use. The City Council will consider staff and Planning and Zoning Commission recommendations, along with the public's testimony, when making their decision to approve or deny the conditional use request. The City Council may place time limits or expiration dates on Conditional Use Permits as part of their approval. A bill, which requires two separate readings by the City Council, must be approved for the conditional use permit to be effective.

Timeline

- 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

Second & Fourth Monday of the Month

- City Council First Reading
- City Council Second Reading

CONDITIONAL USE PERMIT
APPLICATION CHECKLIST

For applications filed under Unified Development Code Section 470.030

In order to request a hearing before the Planning and Zoning Commission a completed application must be received by the Development Services Department before the filing deadline. The filing deadline for conditional use permit applications is typically 30 days before the next meeting. Please contact the Development Services Department 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 Development Services Office located in Raymore City Hall or at www.raymore.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 Raymore. The fee for a conditional use permit request on residentially zoned property or for a sign is two hundred and fifty dollars ($250.00). The fee for all other conditional use permit requests is five hundred dollars ($500.00).
- ☐ **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 Raymore's Engineering Department 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

From Raymore Unified Development Code Section 470.010(E)

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.
- ■ The City will **post a sign** within five feet of the right-of-way of each road frontage on the property to be rezoned.

CONDITIONAL USE PERMIT
FINDINGS OF FACT

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

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1. **The proposed conditional use complies with all applicable provisions of the Unified Development Code.**

2. **It is in the interest of the public welfare or convenience and will not have a significant adverse impact on the general welfare of the neighborhood or community.**

3. **The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.**

4. **It is compatible with the character of the surrounding property in terms of site planning, building scale, and project design.**

5. **It is compatible with the character of surrounding property in terms of operating characteristics, such as hours of operation, outdoor lighting, noise, and traffic generation.**

6. **The location and size of the conditional use, the nature or intensity of the proposed conditional use would prevent the development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will adversely affect the immediate neighborhood, consideration must be given to:**

    a. **The location, nature and height of buildings, structures, walls, and fence on the site, and**

    b. **The nature and extent of landscaping and screening on the site.**

7. **Off-street parking and loading areas will be provided in accordance with the standards set forth in the Unified Development Code, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.**

8. **Existing public facilities (infrastructure) and services are adequate to accommodate the additional demands of the proposed use or will be made to accommodate such demands without substantially increasing public expenditures.**

9. **It will not have a significant adverse impact on pedestrian safety and comfort.**

10. **Adequate access roads or entrance and exit drives will be provided and will be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys; and**

11. **All special conditions have been met as set forth by Chapter 420.**