

Conditional Use FAQ's

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What is a Conditional Use?

Zoning consists of dividing the community into zoning districts and regulating the use of the land, dimensional standards (for example, yard setbacks and height limits) and design standards within each zone. Some land uses are automatically allowed within the appropriate zone, and require only confirmation by staff at the City of Cordova, Planning Department. One example of this would be the construction of a single-family home in a residential zone. However, other uses may be allowed in a particular zone only if the Planning Commission issues a Conditional Use Permit. For example, the operation of a home occupation in a residential zone would require a Conditional Use permit.

What criteria does the Planning Commission use in considering my Conditional Use application?

The Zoning Code requires the Planning Commission to consider the following when deciding whether to issue a Conditional Use permit:

- 1) Whether the requested conditional use permit is deemed essential or desirable to the public convenience or welfare;
- 2) Whether the requested conditional use will not permanently or substantially injure the lawful use of neighboring uses;
- 3) Whether the requested conditional use is a conditional use expressly permitted by the zoning ordinance in which the conditional use is requested.

If the project does not meet these criteria, and cannot be modified through conditions placed on the Conditional use permit, the approval will be denied.

What types of conditions could the Planning Commission place on my project?

In general, the Planning Commission can require that your project be modified, if necessary, to make it comply with the criteria listed above. The Zoning Code states that the Planning Commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the city comprehensive plan and zoning ordinance.

When do I need to have my application submitted?

Complete applications and all supporting materials must be submitted by five p.m. on Friday, twenty-one days prior to a scheduled Planning Commission meeting. These meetings are normally held on the first Thursday of the month. If a meeting is to be held Thursday June 2nd the application and materials need to be submitted by five p.m. on Friday May 13th. Adhering to this time frame allows the municipality to review the applications, send out notifications, and run the required advertisements in a timely fashion.

What kind of supporting materials do I need to submit with my application?

Remember you are most familiar with your project. The Planning Department and Planning Commission don't know what the topography or layout of the project look like. Therefore, it is

important to be as detailed and thorough as possible. Imagine you are telling them a story. Some things to include may be: a legal description of the property involved; plot plans showing the location of all existing and proposed buildings or alterations, elevations or such other data as may be required; a proposed time-frame for the project start-up and the period of construction. By showing as much information as you can on the site plan, the Planning Commission is in a better position to understand the request and make a prompt decision.

Is there a conditional use permit application fee?

Yes. The fee is \$200.00 due at the time the application is submitted (except for townhouse development \$550), in the form of cash or check, credit cards are NOT accepted.

If my conditional use is not approved, is the money refundable?

No, the fee is non-refundable.

How long does the conditional use process take?

If the project is straightforward and no concerns are raised, the Planning Commission may take action the first night the case is scheduled. If there are any concerns or questions that require research by the Commission, the review may take two or more meetings.

Are conditional uses always granted?

No. In order to grant a conditional use the Planning Commission must determine that such use(s) are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objective of the city comprehensive plan and the zoning ordinance.

There is also the possibility that a conditional use will be granted but not to the exact terms of your request.

If a conditional use is denied, the denial may be appealed to the Board of Appeals.

If my conditional use request is granted, when does it take effect?

Any conditional use that is granted by the Planning Commission takes effect 11 days after it is approved. This time frame allows for the filing of appeals during a ten-day period.

Once a conditional use is approved, is there a time frame in which I need to have my project completed?

Yes. All work associated with the approved conditional use must be completed within twelve months from the date of approval. Any extension or renewal must be approved by the Planning Commission.

Will my neighbors be notified of my project? If so, what gets mailed to my neighbors? Do I need to speak with them beforehand?

You in addition to all property owners within a 300 foot radius of the property will receive a copy of the Conditional use request and a vicinity map, two weeks before the Public Hearing. A notice will also appear on the scanner and radio one week prior to the meeting, as well as the day of the meeting.

As a general courtesy to your neighbors, the Planning Office recommends you inform surrounding neighbors of your project plans. They will appreciate the effort and the review may go more smoothly.

Do I need to be present at the Planning & Zoning Commission meeting?

Yes. Often the Planning Commissioners have specific questions pertaining to the projects and you being present allows for these questions to be answered.

How long is your review time?

The Planning Commission shall hold a public hearing 15 minutes before the Regular meeting. This time is designated to hear testimony from the public relating to the issue. The item will also appear on the Regular meeting agenda at which time the commission will decide to approve or deny the request.

Do I have to speak at the Planning Commission and City Council? I'm uncomfortable with public speaking.

The week before the Planning Commission meeting each commissioner receives a packet of information, which describes each request on the agenda in detail. Commission members may or may not have questions for you. If they do, the questions are generally very simple.

How long does it take to get a zoning compliance permit if everything is approved at the Planning Commission or City Council?

Approximately two to three business days. You will be notified by phone as well as by mail as to the outcome of your agenda item whether it is for approval or denial.

Does the Planning Office inspect my property before the meeting and, if so, should I make an appointment so I can be there?

The Planning Office does not formally "inspect" your property so there is no reason to make an appointment. Before the Planning Commission packets are prepared, the Planning Office staff visits each site to visually see the request as this aids in the full understanding of the proposed request. Pictures may be taken at this time and included in the packet.

Can someone else represent me at a meeting if I'm going to be out of town?

Certainly. Family members or friends that are familiar with the project often represent owners who are out of town. Teleconferencing is also an option.

Will I get a reminder before the meeting?

Yes. A copy of the agenda along with the staff report will be sent to you a week prior to the meeting. The meeting date, time, and location are on the notice. Notices will also appear on the scanner and radio one week prior to the meeting, as well as the day of the meeting.

****A pre-application conference is recommended and may be scheduled with the City of Cordova, Planning Department staff prior to submittal of an application. You may call or stop by to speak with the City planner or call 424-6220 or 424-6230 from 8:00 a.m. to 5:00 p.m., Monday thru Friday except holidays.**