



Conditional Use Permits: Streamlining the Process

Planners Institute
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Background

- Zoning Code developed in 1955
- Revised and reformatted in 2009
- Restaurants required a CUP until 2009
 - Now a CUP is required only when serving alcohol or when there is live entertainment or dancing offered
 - This action reduced at least 10 applications to the Planning Commission the following year.
- Could there be more streamlining?

What is a Conditional Use Permit?

A Conditional Use Permit (CUP) allows the City to consider "special uses" which may be desirable to the community, but which are not allowed as a matter of right within a zoning district.

- Uses a public hearing process
- Discretionary act

The CUP process

- The process typically takes two to three months
 - Reviewed internally by other departments
 - Public notice sent out at least 10-days prior to hearing (1,000 ft. radius notification to property owners and residential tenants)
 - Written staff report with recommendation to Commission
 - Resolution with conditions of approval
 - Actual hearing with resolution (approval/denial)
 - 12-day appeal period after decision

Streamlining opportunities

- Some categories of uses that require a CUP generally have no public impact.
- May not want to allow by right
 - Using performance standards
- Minor Conditional Use Permits
 - Planning Commission subcommittee
 - Staff

Examples

Use	CO	C1	C2	HS	TC
Restaurants	C	P	P	P	P
With live entertainment/dancing	NP	NP	C	C	C
With drive-in or drive-thru	NP	C	C	C	C
With ancillary on-premise beer & wine with no separate bar	NP	MC	MC	MC	MC
Instruction Group ²	MCS	MCS	MCS	MCS	MCS ^C
Private	C	C	C	C	P
	P	P	P	P	
Auto broker (wholesale, no vehicles on site) ³	MCS	MCS	MCS	MCS	MCS ^C
	C	C	C	C	

Conclusion

- Expect a reduction in costs to the customer
- More resources to focus on other projects with public concern
- This is an iterative process
