

# BOONE COUNTY PLANNING & BUILDING INSPECTION

## CONDITIONAL USE PERMITS

A conditional use permit is a use allowed in a zoning district after a permit is granted by the County Commission according to Section 15 (Administration) of the Boone County Zoning Regulations as amended in September, 1991. Conditional Uses are listed in Section 5 (District Use Regulations) of the Boone County Zoning Regulations. This permit requires that an application be submitted to the County Commission. There is a \$100.00 non-refundable fee as well as a mailing fee at the current first class postage rate per property owner within 1000 feet of the request.

There are two public hearings involved with a request for a Conditional Use Permit. Unless otherwise noted the meetings are held in the County Commission Chambers on the main floor of the Boone County Government Building, 801 E Walnut, Columbia, MO. The first hearing is before the Planning and Zoning Commission (eleven members) and the second hearing is before the County Commission (three members). The Planning Commission forwards a recommendation to the County Commission who makes the final decision to either grant or deny the permit. The date and time of the County Commission hearing will be announced at the Planning and Zoning public hearing. AN APPLICANT OR THEIR REPRESENTATIVE MUST BE PRESENT AT BOTH HEARINGS IN ORDER TO DESCRIBE THEIR REQUEST AND ANSWER QUESTIONS FROM THE COMMISSION.

During the hearing the applicant or their representative will present their request to the Commission and answer any questions, which may arise. The presentation will include a staff report in addition to any additional information, documentation, speakers, letters, etc. the applicant deems necessary. Visual aid such as video presentations, slide shows and oversized visual displays can be accommodated with adequate notification of staff.

Any interested party (neighbors, community groups, friends, general public) may also pose questions and/or speak in favor of or in opposition to a request. The interested party may ask questions or express concerns regarding the permit. All questions, statements and/or opinions should be addressed to the Commission. Letters and written statements are also acceptable and may be entered into the minutes, however written statements do not provide for cross examination and therefore, do not carry as much weight as does a personal appearance.

Any approved conditional use permit must be utilized within one year of approval by the County Commission, unless a longer period of time is approved for initial utilization. Failure to exercise an approved permit within this period of time will automatically invalidate the permit. An invalidated permit can only be renewed by reapplication and approval as outlined above. If a use authorized by a conditional use permit ceases for twelve months, said permit shall become void. - Section 15 A (3)

In the event that it appears to the Director that the holder of a conditional use permit is making use of the permit or premises in violation of the permit, or is permitting others to use the permit or premises in violation of the permit, the Director may file a written complaint with the County Commission, which for cause shown, shall have authority to revoke the permit. The Director will send a copy of the complaint to the holder of the permit, by first class mail to his last known address, at least 45 days prior to a scheduled public hearing to consider revocation of a permit. The Director shall prove by a preponderance of the evidence that violation(s) of one or more conditions of the permit has occurred and shall show cause as to why the permit should be revoked. If the County Commission finds that one or more conditions have been violated, upon hearing the evidence of the director and the permittee, it may revoke the permit. Failure of the permittee to appear at the County Commission hearing or to present evidence shall not constitute grounds to avoid revocation of the permit. The Director may, in his discretion, dismiss the complaint prior to hearing if he determines that the violation(s) alleged in the complaint has been corrected. - Section 15 A (4)

No application for a conditional use permit will be accepted if it is the same or substantially the same as an application submitted within the previous 12 months and which was denied by the County Commission or withdrawn by the applicant. - Section 15 A (1)

## APPLICATION- CONDITIONAL USE PERMITS

Applications for conditional use permits for uses specifically authorized for conditional consideration in the district use regulations should be made to the County Commission. (Applications are accepted for the County Commission by the Boone County Planning Department. An application form may be acquired in the Planning office). The County Commission shall refer the application to the Planning Commission for investigation and public hearing. Adjoining property owners within 1000 feet shall be notified by first class mail of the request and hearing date.- Section 15a (1)

### APPLICATIONS SHALL INCLUDE THE FOLLOWING MINIMUM INFORMATION:

1. The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the Board of Directors of the corporation. A copy of the corporate certificate of good standing with the state of Missouri shall be attached.
2. A legal description of the property included in the request. Proof of ownership by the applicant shall be attached to the application.
3. The present zoning of the land included in the request.
4. The present use of land included in the request.
5. The size of the tract included in the request, broken down either by acreage or square feet.
6. The zoning of land adjacent to the land included in the request.
7. The proposed use of land if the permit is approved. This description should be as complete as possible.
8. The classification of conditional use requested, the reason or justification for the request being submitted and a sketch of the tract of land showing existing structures and proposed structures.
9. The approximate size, use and location of any structures on the property, including wastewater systems. This shall include both existing structures as well as structures that will be built if the permit is approved. Type of wastewater system shall be listed and copies of any existing wastewater operating permits shall be attached.
10. The signature of the property owner or his authorized agent and the signature of any potential buyer or lessee or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.
11. The names and addresses of all property owners owning land within 1,000 feet of the property under consideration for a conditional use permit.
12. The application shall include photographs of the property and existing structures as well as any proposed mobile homes or manufactured structures to be placed on the property.
13. The application shall include the floor plan and front elevation view of any site built structure proposed to be constructed.
14. Failure to provide any of the required material will result in the invalidation of the application. - Section 15 A (5)

## PERMIT REVIEW- CONDITIONAL USE PERMITS

Following a public hearing, the Planning Commission shall vote on a recommendation to either approve or deny the request. A record of the recommendation shall be forwarded to the County Commission and shall include the wording of the motion and the action taken. Upon receipt of a recommendation from the Planning Commission, the County Commission shall conduct a public hearing and either approve or deny the request or continue action for a period of not more than 45 days. Should the Planning Commission fail to forward a report of their action to the County Commission within 60 days of the date of referral to the Planning Commission, it shall be assumed that the Planning Commission has recommended approval of the request. - Section 15 A (1)

In cases where the Planning and Zoning Commission recommends approval of an application, **THE COUNTY COMMISSION WILL SUMMARILY DENY THE APPLICATION IF:** (1) the applicant does not appear at the County Commission hearing in person or by representative, and (2) there is opposition to the application expressed in person at the County Commission hearing.- Section 15 A (7)

In cases where the Planning and Zoning Commission recommends denial of a **request, THE COUNTY COMMISSION SHALL SUMMARILY ENDORSE DENIAL ACTION OF THE COMMISSION UNLESS;** (1) the applicant files in the Department office within 72 hours (three working days) following the Planning Commission hearing a **Notice of Appeal** to the County Commission stating grounds why the Planning Commission recommendation for denial is in error; and (2), the applicant appears before the County Commission in person or by representative with written authorization of the owner.- Section 15 A (6)

**BEFORE AUTHORIZING THE ISSUANCE OF SUCH A CONDITIONAL USE PERMIT, THE COUNTY COMMISSION SHALL SATISFY ITSELF THAT:**

- a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
- c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
- d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.
- e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.
- f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
- g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit. - Section 15 A (2)

IT IS THE APPLICANT'S RESPONSIBILITY TO DEMONSTRATE TO THE PLANNING AND ZONING COMMISSION AND THE COUNTY COMMISSION BY COMPETENT, SUBSTANTIAL EVIDENCE THAT THE REQUIREMENTS OF THE STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT SET FORTH IN SECTION 15 A (2) ARE SATISFIED.