

CONDITIONAL USE PERMIT (CUP) SUBMITTAL CHECKLIST

The following must be turned in to the City Clerk's Office by the *submittal date (see schedule chart in this packet)* for your Conditional Use Permit Request to be reviewed by the Planning Commission. Incomplete applications will not be included on the agenda. **Please refer to UDC Section 4.14 – Conditional Uses – for more information.**

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1. Pay review fee: Conditional Use Permit \$100.00
2. Submit **ten (10) Packets of information**, to include: **One (1) Packet will contain original signed documents.**
Submitted materials should be 8 ½ x 11 except the scaled drawing or Plat/Plans. All items must be legible.
The applicant is responsible for all documents required for the packets. Missing documents will cause the application to be incomplete.

(If you need extra copies for yourself please include this number for yourself.)

- The completed "**Conditional Use Application Form**" (attached).
 - A **Notarized Statement** that states the applicant is the owner or authorized agent of the owner of the property for which the rezoning application is proposed.
 - **Documentation** if the owner is identified as a business. Articles of incorporation, article of organization, by law or other paperwork stating who can act on the entity's behalf. Along with any minutes that state who the person is in that position at time of application.
 - The **Legal description** of the property, and a copy of the **Warranty Deed** from Washington County. A copy is acceptable.
 - Submit a **written statement with a description describing the nature of the request, and how it complies with Section 4.14.4**
 - A full-sized copy of the **Scaled Drawing** or the Plat of Survey/Plan (**11x17 or larger**) delineating:
 - The dimensions of the property.
 - The approximate location/s of any building/s with dimensions.
 - Zoning and land uses of the adjacent properties.
 - A vicinity map of sufficient clarity to show the location of the property with the proposed conditional use permit.
 - If applicable, the proposed locations of any buildings, parking, loading and unloading areas, circulation, access, landscaping and screening.
 - **Must be signed by surveyor**
3. Submit **one (1) 8 ½ by 11, hard copy** of the Scaled Drawing/Plat of Survey/Plan (not included in packets).
 4. Submit **one (1) PDF copy** of ALL the required materials by email to cityhall@lincolnarkansas.com. Please state the project name in the subject line of the email. Plat must be to scale and submitted separately.
 5. **Notice of such hearing shall be published at least one time at least fifteen (15) calendar days prior to the date of the public hearing in a newspaper of general circulation in the City of Lincoln.**
 - The applicant shall be responsible for this publication, bear the cost of such advertising, and provide an Affidavit of Publication as proof of the notice.
 - At least seven (7) calendar days prior to the public hearing, the applicant must provide proof of publication that the required public notice has appeared in a newspaper of general circulation at least fifteen (15) calendar days prior to the public hearing.
 6. **Notice of such hearing shall be given by conspicuously posting a sign on the subject property, involved by the applicant, at least fifteen (15) calendar days prior to the hearing.**
 - Posting of the sign by the prescribed time shall be the responsibility of the applicant.
 - The applicant shall use the signs provided by the City of Lincoln and shall pay a refundable deposit.
 - After the hearing, the sign shall be returned, and a refund of the deposit will be issued for signs in good condition.

2.6.3 Applicability Further Charges Authorized.

In the event that review beyond the initial City planning or Engineering review fees exceed the original fee submittal amount, the owners and/or Developers shall reimburse the City of Lincoln for all additional expenses incurred throughout the review process. All fee reimbursement to the City by the owner/applicant must be received by the City prior to final approval by the City.

All required paperwork must be received within sixty days of original submission date or application will be closed and submitted paperwork minus review fee can be collected at the front desk for 1 week.

CONDITIONAL USE PERMIT INFORMATION

Other Information:

“4.14.4 Finding of Fact

For the Planning Commission to approve an application for a proposed Conditional Use, a majority of the Commission must find that each of the following facts exist with respect to the application.

- A. The establishment, maintenance, or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- B. The proposed Conditional Use will not harm other property in the neighborhood;
- C. The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties;
- D. The proposed land use is compatible with other area properties;
- E. The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate;
- F. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;
- G. Proposed Conditional Use signs shall be in accordance with this Code;
- H. Open spaces located on the proposed Conditional Use shall be maintained by the owner/Developer;
- I. The size and shape of the site, including size. Shape and arrangement of proposed structures is in accordance with this Code;
- J. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.

4.14.5 Conditions of Conditional Use

The Planning Commission may include such conditions or restrictions upon the construction, location, and operation of a Conditional Use, as deemed necessary to secure the general objectives of this Code.

- A. Violation of any condition imposed hereunder shall constitute grounds for revocation by the Planning Commission of the Conditional Use Permit.
- B. Changes to the use of property not covered by the original Conditional Use Permit shall require approval of a new Conditional Use Permit.

4.14.6 Effect of Denial of a Conditional Use

No application for a Conditional Use Permit which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of one (1) year from date of said denial, unless the Planning Commission finds that a substantial change in conditions has occurred.

4.14.7 Lapse of a Conditional Use Permit

A Conditional Use Permit granted hereunder shall lapse and become void:

- A. The permit for any use that has been discontinued for a period of greater than 120 days shall be considered invalid and revoked. Future use of the property must comply with the provisions of the underlying zoning district until a new Conditional Use Permit is obtained.
- B. In the case where any of the specific terms and conditions of a conditional use permits are violated, ignored, or otherwise not observed the Administrative Official may revoke such permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant’s right to file an appeal of the that decision to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

4.14.8 Appeals from Decision of Planning Commission

Appeals from the decision of the Planning Commission with respect to a Conditional Use Permit application shall be to the City Council of the City of Lincoln within thirty (30) days from the decision of the commission. Such appeal shall be submitted in writing to the City Clerk.”

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CONDITIONAL USE PERMIT (CUP) APPLICATION

Notice: Conditional Use Permit Applications to be placed on the Planning Commission meeting agenda must have applications turned in to the City Clerk by the submittal date (shown on the attached schedule.)

Name of Development: _____

Applicant: _____

Address: _____ Phone: _____
Preferred?
Email: _____ Preferred?

The following statements and answers herein made and all data, information, and evidence herewith submitted are, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application.

Signature of Applicant: _____ Date: _____

Property Owner: _____

Address: _____ Phone: _____
Preferred?
Email: _____ Preferred?

I certify under penalty of perjury that I am the owner of the property that is the subject of this application or I am the owner's authorized agent and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Signature of Property Owner or Agent: _____ Date: _____

Additional Contacts: _____

Address: _____ Phone: _____
Preferred?
Email: _____ Preferred?

Name: _____
Address: _____ Phone: _____
Preferred?
Email: _____ Preferred?

Please submit a separate sheet of paper if you need more space to include everyone who needs to be contacted for this project.

APPLICATION CONTINUES ON BACK.

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Property Information:

Address, Proposed Land Use, and Brief Description of Project:

Summary of Proposed Conditional Use:

Utility Information:

(Check box if utility has existing lines on or fronting the property and write the name of the company.)

Water company name: _____ Electric Company name: _____
 Gas company name: _____ Telephone company name: _____
 Cable company name: _____ Sewer System / Septic: _____

Parcel Information:

Tax Parcel Number(s): _____ - _____ - _____
Total Parcel Acreage: _____ Current Zoning: _____
Proposed Use: _____
Floodplain: yes no Map #: _____ Floodplain type (A, AE, etc.): _____

Road Information:

U.S., State, or City Street(s) giving access to property: _____
Road surface (asphalt, gravel, unimproved, etc.): _____ Right of way width: _____

ALL SIGNATURE LINES MUST BE SIGNED FOR THE APPLICATION TO BE PROCESSED.

OFFICE USE ONLY:

Planning Commission Approval: _____ City Council Approval: _____

Tabled Dates: _____

Date of Denial: _____ Appeal Filed _____

Notes: _____

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