



What is a Conditional Use Permit?

GENERAL

Certain types of land uses deserve special development consideration through the Conditional Use Permit, or CUP, process. Because of their potential impacts and unusual characteristics, conditional uses require review on a case-by-case basis so that they may be located properly with respect to the objectives of the Zoning Ordinance and their effects on surrounding properties. Approval of CUPs is at the discretion of the Planning and Zoning Commission.

WHERE CAN I FIND THE REGULATIONS?

Chapter 2 of the Coconino County Zoning Ordinance lists all zones in the county along with all permitted and conditional land uses for each zone. Planners can help you determine if a CUP is needed for your project.

EXAMPLES INCLUDE...

Cottage Industries, Restaurants, Outdoor Storage Yards, Religious and Educational Institutions, Campgrounds, Cell Towers, Recreational Facilities, Metal Storage Containers over 160 square feet, and others.

FINDINGS OF FACT

Pursuant to Section 5.7 of the Coconino County Zoning Ordinance, the Planning and Zoning Commission (and Board of Supervisors, if applicable) must make the following findings in order to approve a CUP:

1. That the proposed location of the CUP is in accord with the objectives of the Zoning Ordinance and the purpose of the zone in which the site is located.
2. That the proposed location of the CUP and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance, except for approved Variances.
4. That the proposed conditional use is consistent with and conforms to the goals, objectives, and policies of the Comprehensive Plan or Area Plan.

WHAT IS THE FEE FOR A CUP?

Different land uses require different fee amounts and depend on the zone your project is located within. Contact the Community Development Department for the current adopted fee schedule, or visit our website. A \$200.00 discount is applied when a CUP application is filed in conjunction with a Zone Change application.

Coconino County Community Development

2500 North Fort Valley Road Building #1
Flagstaff, AZ 86001

Phone: 928.679.8850 or 1.800.559.9289
Fax: 928.679.8851

www.coconino.az.gov/communitydevelopment



Applying for a CONDITIONAL USE PERMIT



Coconino County
Community
Development

The CONDITIONAL USE PERMIT Application Process

THE CONDITIONAL USE PERMIT PROCESS

1. Pre-Application Meeting
2. Citizen Participation Plan
3. Application and Preliminary Review
4. Legal Notice
5. Staff Report
6. Planning and Zoning Commission Hearing
7. Approval and Appeals

1. PRE-APPLICATION MEETING

Prior to the submission of an application for a CUP, the applicant must schedule a free pre-application meeting to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

2. CITIZEN PARTICIPATION PLAN

Prior to the submittal of an application, the applicant must prepare a Citizen Participation Plan in accordance with Section 5.3 of the Coconino County Zoning Ordinance. This requires the applicant to contact neighbors in the vicinity and other affected property owners and hold a neighborhood meeting to provide neighbors with an opportunity to understand the project and to provide comments directly to the applicant. Please see the *Citizen Participation Plan* brochure for more information.

3. APPLICATION AND PRELIMINARY REVIEW

Upon completion of the above requirements, a formal application for a CUP may be submitted. There are other submittal requirements including a site plan and project narrative. Complete applications will then be scheduled for a Planning and Zoning Commission study session one month prior to the formal public hearing. The intent is for the Commission to raise potential concerns for staff to investigate during the review process. A planner will be assigned the CUP case, and may contact the applicant for additional information.

4. LEGAL NOTICE

A minimum of 15 days prior to the Commission hearing, the case is advertised in the Legal Notice section of the local newspaper, a sign containing a description of the proposal is posted on the property, and all property owners within an identified radius of the project are notified by mail. When the property is being posted, staff will make a site investigation looking at adjacent land uses and analyzing the potential impacts of the conditional use.

5. STAFF REPORT

About 2 weeks prior to the public hearing, staff prepares a report evaluating the application, which is provided to the applicant during the week prior to the hearing. The report generally includes a recommendation for approval or denial, as well as conditions which must be met in order to establish and operate the use. Applicants should review the recommended conditions and be prepared to discuss them at the hearing.

6. PLANNING & ZONING COMMISSION HEARING

Applicants should arrive at 5:30pm for the public hearing. Cases are called in the order shown on the agenda.

Staff Presentation. When the case comes up, staff presents the report and recommendation. After the staff presentation, the applicant or applicant's representative will have an opportunity to speak. Following questions to the applicant, the Commission Chairperson opens the hearing for public comment. Anyone with comments pertinent to the case will be heard.

Commission Analysis. In reaching a decision, the Commission considers the staff report, input from the applicant and the public, as well as their own knowledge of the area and their ability to make the CUP *Findings of Fact*, as listed on the back of this brochure.

Approval or Denial. The Commission then acts on the application by approving the conditions as recommended by staff or as modified by the Commission at the hearing,



or they may deny the CUP request. If the Commission decides that more information is needed, they may continue the hearing to a future date.

7. APPROVAL AND APPEALS

The action of the Commission is final unless an appeal is filed within 15 calendar days. If the case is denied or if one or more of the conditions are unacceptable, the applicant may appeal to the Board of Supervisors. If the case is approved, an opposing neighbor or other affected party may appeal.

Appeal Process. An appeal may be made in writing to the Director of the Community Development department, including the reasons for the appeal and the payment of the appeal fee. If an appeal is filed, a hearing will be scheduled with the Board of Supervisors and the process of legal noticing, staff report, and hearing is similar to that of the Planning and Zoning Commission hearing.

If Approved. The effective date of a CUP is 15 days after the Commission decision, or, if an appeal is filed, 15 days after the Board of Supervisors' hearing. The conditions of the use must be met, and a building permit (if applicable) must be obtained within one year of the granting of the approval; otherwise, the CUP lapses and becomes void. A one-year extension may be granted by the Commission if a letter requesting the extension is filed before the year is up.