
SUBJECT: Conditional Use Permits

Committee Action Requested: Review the following information and discuss needed revisions to the Unified Development Ordinance and/or enforcement policy related to active Conditional Use Permits.

Background: The Unified Development Ordinance (UDO) allows certain land uses by Conditional Use Permit (CUP). The UDO defines a Conditional Use as “a use that, owing to some special characteristics related to its operation or installation, is permitted in a zoning district only after individual review and approval of the particular use at the particular location”. Conditional Use may only be considered on property zoned appropriately as specified in the UDO. Only uses listed in the UDO may be considered for Conditional Use Permit. In the past, County Zoning Ordinances have allowed approval of uses not specified in the ordinance. This resulted in uses such as auto repair facilities in areas not otherwise zoned for such an intensive use. The Unified Development Ordinance provides that these uses may continue to operate and may be renewed if they have not been abandoned for more than twelve (12) consecutive months. Once these uses are abandoned, they cannot be reestablished, nor can a new CUP be requested.

During the zoning process, the Zoning Board of Appeals recommend specific, unique conditions of approval for each application for Conditional Use that comes before the County Board for consideration. These conditions relate to the operation of that particular use at that location. Conditions include things such as; hours of operation, landscape screening, and time limits. The division of Planning is the enforcement staff overseeing these Conditional Use Permits. Given the limited staff of this division, a comprehensive, regular inspection program to determine compliance with each of the conditions imposed by the County Board has not been possible. Likewise, the lack of a software database index has limited the effectiveness of this enforcement program. Over the past two (2) years, planning staff have organized all the Conditional Use Permit ordinances into an orderly format and are currently in the process of completing inspections of all the CUPs to determine basic compliance with conditions. Through this process staff have identified several uses that are no longer operational and have removed the CUP designation from the zoning map. Once the new building permit software is up and running, staff will be able to input the CUPs making enforcement much easier and more efficient.

This committee has asked staff to provide information about the existing CUPs for the purpose of discussing possible changes to the UDO, enforcement policy, and/or conditions of approval for future requests. The following information and supporting spreadsheet provide basic information about the quantity of active CUPs, how time limits are imposed on these uses, how

many potential violations are yet to be inspected by staff, and the type of land uses currently operating by CUP.

- There are currently two hundred forty-nine (249) valid Conditional Use Permits for commercial type uses. Note that there are approximately twenty-five to thirty (25-30) additional CUPs on the books which allow either subdivision cluster developments or two (2) residential dwellings on a parcel of agricultural zoned property. Since these residential CUPs were not approved with conditions, they were excluded from this analysis.

- Of the two hundred forty-nine (249) active CUPs, the following three (3) land uses account for approximately forty-six percent (46%):
 - Solar Farms account for sixteen percent (16%) of the CUPs with a total of forty-one (41). This number is continually increasing as this is the use most requested currently. None of these CUPs have a time limit as a condition.
 - Churches account for fifteen percent (15%) of the CUPs with a total of thirty-seven (37). Of the thirty-seven (37), only five (5) have a time limit as a condition.
 - Landscape Businesses with Outdoor Storage account for fourteen percent (14%) of the CUPs with a total of thirty-six (36). All thirty-two CUPs have a time limit as a condition. Five (5), ten (10), and twenty (20) year time limits have been imposed with ten (10) years being the most common.

- Of the two hundred forty-nine (249) active CUPs, twenty-two (22) or nine percent (9%) are suspected to be in violation of their time limit condition. Staff are currently working through these to determine if the use is still operational.

- Of the two hundred forty-nine (249) active CUPs, one hundred twenty (120) or forty-eight percent (48%) carry NO time limit while one hundred twenty-nine (129) or fifty-two percent (52%) were approved with a time limit. Time limits range from five (5) to fifty (50) years with the most common term being ten (10) years.

- The oldest CUP with a time limit was approved in 1978. This CUP was originally approved with a ten (10) year time limit and has been renewed four (4) times. Each time a renewal was granted, a new ten (10) year time limit was imposed. This CUP allows for an Earth Extraction operation.

- Of the one hundred twenty-nine (129) CUPs with time limits, forty-two (42) have been renewed at least one time. Renewal ranges from one time to four times for these CUPs. The following modifications were made to the time limit condition on these CUPs:
 - Ten (10) were approved with longer time limits than the original approval.
 - Three (3) were approved with shorter time limits than the original approval.
 - Twenty-nine (29) were approved with the same time limit as the original approval.