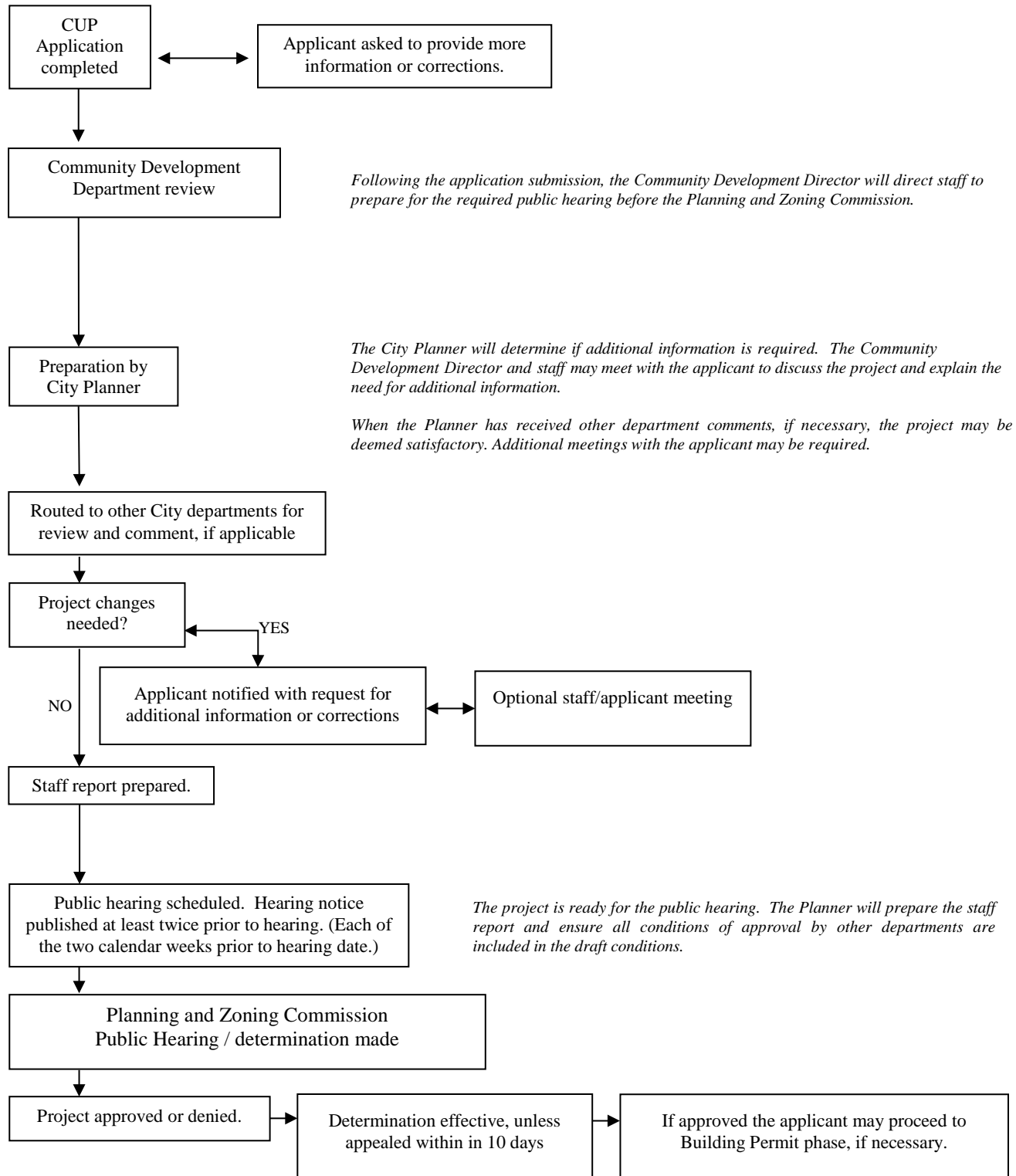




# APPLICATION PROCESS – Conditional Use Permit Application and Public Hearing

Community Development Department



### Why do I need a Conditional Use Permit?

- Some land uses, although allowed in a particular zoning district, are only permitted under certain conditions. These uses require a Conditional Use Permit (CUP). In order to make a decision, the Planning and Zoning Commission must review the application through a public hearing process. It is important that you provide as much project detail as possible so that staff can prepare a complete report.
- Once you have submitted a complete application, you are encouraged to work with the City Planner to provide any additional information. Prior to the public hearing, you may be asked to revise your project or plans so they are consistent with the Seward Comprehensive Plan and the Zoning Code in order to resolve potential impacts.
- The application and plans will be routed to the appropriate departments and City Administration for review and comment.
- The City Planner or staff will notify you of the public hearing date. The applicant is responsible for posting the hearing notice on the property and describing the request, including the time and location of the public hearing. Nearby property owners (within 300 feet) are notified by mail, and a legal advertisement is published (twice) in the local newspaper.
- The City Planner prepares a staff report and makes a recommendation to the Planning and Zoning Commission. The applicant will receive a copy of the staff report prior to the hearing. You or your representative should attend the public hearing. As the applicant, you will be given an opportunity to speak and may be asked to clarify questions raised by Commissioners or others present at the hearing.
- The decision to approve or to deny a permit will be made only after considering the evidence and facts provided by the applicant, neighbors, Community Development Department staff, other City departments and any other interested party.
- The Planning and Zoning Commission, in approving a Conditional Use Permit, may impose conditions which are deemed necessary to ensure that the project will be compatible with the surrounding area and not harmful to the public health, safety and welfare. Conditions imposed may involve:
  - Buffer areas and fences.
  - Landscaping and maintenance of the property or snow removal.
  - Parking, including vehicle ingress and egress.
  - Sign regulations.
  - Other conditions found necessary to ensure the project supports the policies and goals of the Zoning Code and Seward Comprehensive Plan.
- The Planning and Zoning Commission decision may be appealed. The Planning and Zoning Commission decision may be appealed. Appeals must be received within 10 days of the public hearing decision. If an appeal is not received, the decision is effective.

**CITY OF SEWARD**

P. O. Box 167  
410 Adams Street  
Seward, Alaska 99664



**Community Development**

907.224.4048- Director  
907.224.4020- Planner  
907.224.4049- Planning Assistant

**CONDITIONAL USE PERMIT APPLICATION**

This completed application is to be submitted to the Community Development Department no later than four (4) weeks in advance of the next regularly scheduled Planning and Zoning Commission meeting. Regular meetings are held the first Tuesday of each month. The application must be accompanied by the **\$350** nonrefundable filing fee. In addition, please provide an as-built survey if the property has been developed or a scaled site plan with elevations if the property is undeveloped.

**Applicant:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Property Owner (if other than applicant):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Property Description**

**Address:** \_\_\_\_\_ **Lot Size:** \_\_\_\_\_

**Lot:** \_\_\_\_\_ **Block:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

**Kenai Peninsula Borough Tax Parcel ID Number:** \_\_\_\_\_

**Development Information**

**What structures are on the property?** \_\_\_\_\_

**How is the property being used?** \_\_\_\_\_

**What is the proposed use of the property?** \_\_\_\_\_

**What is the development timeline?** \_\_\_\_\_

Please note that prior to the Seward Planning and Zoning Commission granting a Conditional Use Permit, it shall be established that the proposed use satisfies the following conditions of Seward City Code 15.10.320 (See the attached pages for specific City Code requirements)

**A) The proposed use is consistent with the requirements of the Seward Zoning Code and the designated zoning district. Please describe the use.**

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**B) Describe any impacts to the adjoining properties and how property values may be affected.**

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**C) How is the proposed use consistent with the Seward Comprehensive Plan? Explain. You can view the plan at: <http://www.cityofseward.us/>**

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**D) Describe / list the public services and facilities that will serve the proposed use. (i.e., roads, utilities.)**

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**E) The proposed project or use must not be harmful to the public health, safety and welfare. Describe any mitigation measures that may be needed to protect the public health, safety and welfare.**

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**F) Include building elevation plans and a site plan, drawn to scale. The site plan should include:**

- 1) Property dimensions**
- 2) Location and dimensions of existing and planned buildings**
- 3) Parking configuration**
- 4) Driveways and access**
- 5) Natural features**
- 6) Other pertinent information**

**I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge and that I have the following legal interest in the property:**

**I understand that this item will be scheduled for action only if all application materials are submitted not less than three weeks in advance of the next regularly scheduled Planning and Zoning Commission meeting. Regular meetings are held the first Tuesday of every month.**

**Applicant Signature:** \_\_\_\_\_

**Property Owner Signature:** \_\_\_\_\_

**Enclosed:**

**\$350 Payment**

**Dimensioned plot plan / drawings**

**Other:** \_\_\_\_\_

## 15.10.320. Conditional use permits.

- (a) Intent. It is recognized that there are some uses which may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the impact of the proposed use on surrounding property, and the application of controls and safeguards to assure that the proposed use will be compatible with the surroundings. The commission shall permit this type of use if the conditions and requirements listed in this chapter are met. The allowed uses are listed in the land uses allowed table 15.10.225. Before a conditional use permit may be granted, the procedures specified in this chapter must be followed.
- (b) Applications. Applications for a conditional use permit shall be filed in writing with the city clerk. The application shall include but is not limited to the following:
  - (1) Name and address of the applicant;
  - (2) Verification by the owner of the property concerned if other than the applicant;
  - (3) A legal description of the property involved;
  - (4) A description of the proposed use;
  - (5) Dimensioned plot plans showing the location of all existing and proposed buildings or alteration, and such data as may be required; and
  - (6) The appropriate fee as established by city council resolution.
- (c) Public hearing. If the application is in order, a public hearing shall be scheduled in accordance with the requirements of section 15.01.040 of this title.
- (d) Review criteria. Prior to granting a use permit, it shall be established that the use satisfies the following conditions:
  - (1) The use is consistent with the purpose of this chapter and the purposes of the zoning district;
  - (2) The value of the adjoining property will not be significantly impaired;
  - (3) The proposed use is in harmony with the comprehensive plan;
  - (4) Public services and facilities are adequate to serve the proposed use;
  - (5) The proposed use will not be harmful to the public safety, health or welfare;

- (6) Any and all specific conditions deemed necessary by the commission to fulfill the above-mentioned conditions shall be met by the applicant. These may include but are not limited to measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.
  
- (e) Approval resolution. At any time after the hearing required in section 15.20.320(c), the commission may adopt a resolution approving a conditional use permit provided that it includes findings of fact that the review criteria in section 15.10.320(d) have been met. Upon adoption, the city shall cause a copy of the resolution to be posted for at least ten days in at least three public places within the city. An appeal of the commission's action may be made at any time until the resolution becomes effective. Unless rescinded, amended or appealed any resolution adopted under this chapter automatically becomes effective ten days after passage and posting.
  
- (f) Modification of final approval.
  - (1) An approved conditional use permit may, upon application by the permittee, be modified by the planning and zoning commission:
    - a. When changed conditions cause the conditional use to no longer conform to the standards for its approval.
    - b. To implement a different development plan conforming to the standards for its approval.
  - (2) The modification application shall be subject to a public hearing and a filing fee set by city council resolution.
  
- (g) Expiration; extensions; transferability.
  - (1) An approved conditional use permit lapses six months after approval if no building permit is procured or if the allowed use is not initiated.
  - (2) The commission may grant time extensions not to exceed six months each upon a finding that circumstances have not changed sufficiently to warrant reconsideration of the approval of the conditional use permit. A request for an extension must be submitted prior to the expiration of the permit. A public hearing shall not be required prior to granting an extension of time.
  - (3) A conditional use permit shall automatically expire if for any reason the conditioned use ceases for a period of one year or longer.
  - (4) A conditional use permit is not transferrable from one parcel of land to another. Conditional use permits may be transferred from one owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.

**(Ord. 626, § 3, 1989; Ord. 649, § 5, 1991; Ord. 94-56; Ord. 97-15; Ord. 98-06)**