



City of Alliance Application for a Conditional Use Permit

Community Development
324 Laramie Ave. / PO Box D
Alliance, NE 69301
(308) 762-5400 - phone
(308) 762-7848 - fax

Instructions:

- A.** Fill out the application form completely. Please type or print. Use additional sheets if necessary.
- B.** Sign the application form.
- C.** Filing fee is \$150.00. Please make check payable to “*The City of Alliance.*”
- D.** Include a site plan of the property identifying any existing and proposed buildings, structures, and other pertinent features.

1.	Property Owner’s Name:	Phone:
2.	Property Owner’s Address:	
3.	Legal Description of the property:	
4.	Location and/or address of the property:	
5.	Present Use of the Property:	
6.	Present Zoning Classification:	
7.	Lot size or parcel acreage:	
8.	A site/vicinity plan containing the following information:	
	a.	Existing land use of adjacent properties.
	b.	The location of the proposed use related to roads, surrounding land uses, and structures.
	c.	The location and extent of the proposed use and measures to lessen the impact of the use.
	d.	Any existing or proposed structures, buildings, etc. required by the conditional use.
9.	On a separate sheet(s) of paper please provide the following:	
	a.	A description of the proposed use.
	c.	A statement explaining that the proposal is consistent with the Alliance Comprehensive Plan.
	d.	A statement which explains that the proposed use meets the code requirements necessary to issue a CUP.
10.	The zoning administrator, who may be accompanied by others, is hereby authorized to enter the property, during normal working hours for the purpose of becoming familiar with the proposed situation.	

Signatures:		
	Applicant / Date	Property Owner (<i>Owner of Record</i>) / Date
	Applicant / Date	Property Owner (<i>Owner of Record</i>) / Date

Office Use Only			
Date Received:			Received By:
Zoning District:			Date of Public Hearing:
Attached:	<input type="checkbox"/>	Site Plan with accurate dimensions	
	<input type="checkbox"/>	Filing Fee - \$150.00	

January 2019

Requirements Regarding the Issuance of a Conditional Use Permit

All completed applications must be submitted to Community Development at least 15 working days before the date of the next regular Planning Commission meeting. The Planning Commission meets the second Tuesday of the month at 6:30 p.m. in the Board of Education Meeting Room located at 1604 Sweetwater Avenue.

A Conditional Use Permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed conditional use is in conformity to the Comprehensive Plan and complies with all applicable provisions of these regulations, including setback regulations, yard size regulations, and land use limitations.
2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The structure must be maintained or constructed to be similar in character and appearance to other conforming structures in the same district by the use of colors, materials, construction techniques, lighting, and signs.
5. The nature, size, and scope of the conditional use and its location in relation to transportation systems will not dominate the immediate neighborhood so as to prevent development and use of the neighboring property in accordance with applicable zoning regulations.
6. Off-street parking and loading will be provided as required in this Chapter. Any off street parking lots for which a CUP has been applied for shall meet all requirements of this Code.
7. Adequate utilities, drainage, and other necessary facilities have been or will be provided.
8. Adequate access to roads, or entrance and exit drives, will be provided and shall be so designed to prevent traffic hazards and to minimize congestion in public streets and alleys.

Additional Requirements

1. Additional restrictions: In granting a Conditional Use Permit, the Planning Commission, or City Council in cases of appeal, may impose certain conditions, safeguards, and restrictions upon the premises benefitted by the Conditional Use which may be necessary to meet the requirements of this code which is meant reduce or minimize any potential injurious effect upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
2. Filing: Resolutions approving any Conditional Use Permit shall be filed in the real estate records at the office of the Box Butte County Clerk along with any additional requirements set by the Planning Commission or City Council in case of appeal.
3. Conditional Use Permits are specific to the real estate described in the application and to the applicant to whom the permit is issued. Permits may be transferred to subsequent owners of the real estate on request if the conditions required here within are maintained to by the subsequent owner.

Expansion, Expiration, or Revocation

1. Expansion: Any expansion or enlargement of the Conditional Use as approved and shown on the site plan submitted during the application process shall be treated as a new use and require a new application following the provisions of this Article.
2. Repair: Ordinary repairs and maintenance may be performed upon structures associated with a Conditional Use Permit so long as such repairs and maintenance do not expand or enlarge the use.
3. Expiration: If the Conditional Use has not commenced within 12 months from the date of approval or is discontinued for a period of 12 consecutive months it shall be presumed inactive. The City Manager, designee, or the Planning Commission shall initiate a hearing to consider whether to grant an extension of time to commence the use or revoke the Conditional Use Permit. If the Conditional Use is revoked, it shall be necessary to follow the procedures and requirements of this Article in order to reestablish any Conditional Use.
4. Revocation: If any of the conditions required by this Code, or those placed on the Conditional Use Permit in order to make it meet this Code, are violated, the property owner shall be notified in writing and allowed a maximum of 30 days from the date of receipt of the letter to bring the use back in to conformance. Such letter shall be sent by certified mail, return receipt requested, or hand served to the property owner, or if an entity, to the property owner's registered agent, and state the condition(s) being violated. Should the property owner fail to bring the use back into conformance, the Planning Commission shall place the item on the next regular meeting agenda and determine whether or not the use still meets the conditions of this Code and, if not, revoke the Conditional Use Permit. Upon revocation, the nonconforming use of the property shall cease immediately. Any continued nonconforming use shall be prosecuted in the same manner as all other zoning code violations.

Appeal

A decision by the Planning Commission may be appealed to the Alliance City Council as follows:

1. Written Instrument:
 - A. Applicant: The applicant may submit a written request to the City Manager or designee within 10 days of the Planning Commission meeting wherein said determination was made.
 - B. City Staff: Any appeal made by City Staff shall be done in the same manner as detailed for the applicant.
2. Upon receipt of the appeal request or petition, City Staff shall forward the application, appeal documents, and the findings of the Planning Commission to the City Council for their consideration.
3. The City Council shall hold a public hearing at a regularly scheduled meeting and make a determination as to whether or not the Planning Commission is correct in their findings. There shall be a four fifths vote required to overturn any decision made by the Planning Commission. Any appeal of the City Councils decision shall be done in District Court.