



# CONDITIONAL USE APPLICATION

The Conditional Use Process is regulated by Section 4.8 of the City of Athens Zoning Ordinance (See pages 5-7 of this application).

Conditional Uses cases are heard by the Planning Commission on a regular meeting date. A Public Hearing will be held at the Commission meeting to allow others to express their input on this request.

## Submission Checklist

- Legal Standing  
Generally the property owner should request a Conditional Use. If the applicant is not the property owner, he/she must have legal standing to request the Conditional Use. This can be achieved by a notarized letter from the property owner granting the applicant permission to make the request or through a notarized power of attorney.
- Application
- Application Fee - \$100 (cash or check)
- Conceptual Plan - 8 copies (see ZO section 4.8.1.A for drawing requirements)
- List of Property Owners Notified  
A list of property owners within 500 feet of all corners of the subject property. These names and addresses can be obtained from the Limestone County Revenue Commissioner's Office located in the Clinton Street Courthouse Annex (100 Clinton Street South) on the 1<sup>st</sup> floor.
- Copy of Notification Letter  
Must be sent by 1<sup>st</sup> Class Mail at least 15 days prior to the Planning Commission Meeting. A sample letter is provided, but a custom letter may be used as long as it meets requirements of ZO section 4.8.1.C.
- Notification Affidavit that has been notarized

**Items that may be submitted, later.**

## Conditional Use Request

Application Date \_\_\_\_\_

Property's Street Address \_\_\_\_\_

Zoning District \_\_\_\_\_

Conditional Use \_\_\_\_\_

Land Use: Existing \_\_\_\_\_

Proposed \_\_\_\_\_

**Applicant**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Do you, the applicant, own the property?  Yes  No

If **NO**, fill in the Property Owner section.

**Property Owner**

Name(s) \_\_\_\_\_

Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Relationship to Applicant \_\_\_\_\_

I certify the above-stated information is true. I also understand that I, or my representative, must be present at the hearing before the Commission will consider my application.

X \_\_\_\_\_  
Applicant's Signature

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public\*  
My Commission Expires: \_\_\_\_\_

\* During normal office hours, City Hall usually has a notary available. Any public notary may notarize this form.

**SUBMIT TO:**

Engineering Services & Community Development Department,  
at Athens City Hall, 200 Hobbs ST W, Athens, AL 35611  
Phone: 256-233-2224 Fax: 256-262-1405

Approved  Disapproved

Signature of Chairperson X \_\_\_\_\_ Date \_\_\_\_\_

Notes: \_\_\_\_\_

\*\* If disapproved, the applicant has fifteen (15) working days to appeal the decision to the City Council.

# NOTIFICATION AFFIDAVIT

I ( have notified /  will notify) all property owners within 500 feet of all property lines of the property at:

\_\_\_\_\_ (Street address)

that a public hearing will be held in the City Council Chambers of the Athens City Hall, 200 Hobbs St West, at 5:30 P.M. on

\_\_\_\_\_, 20\_\_\_\_\_, which informs owners their right to attend the public hearing in order to express their opinion on my conditional use request. The attached list constitutes all of the owners of real property lying within 500 feet of all property lines for which I am requesting such conditional use. I ( have notified /  will notify) these owners by First Class U.S. Mail at least fifteen (15) days before the above meeting date.

Applicant's Name (printed): \_\_\_\_\_

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Date)

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public\*

My Commission Expires on \_\_\_\_\_

\* During normal office hours, City Hall, usually has a notary available. Any public notary may notarize this form.

# NOTIFICATION LETTER

Date: \_\_\_\_\_

To Whom It May Concern:

I, \_\_\_\_\_, am applying the City of Athens Planning  
(Applicant's Name)  
Commission for a Conditional Use, according to § 4.8 of the Athens Zoning Ordinance, for the  
property located at \_\_\_\_\_ and is  
(Address)  
zoned as \_\_\_\_\_. I am requesting the following:  
(Zoning District)

\_\_\_\_\_  
(Explanation of conditional use requested)

The Athens Planning Commission will hold a Public Hearing in the City Council Chambers at the Athens City Hall, 200 Hobbs Street West, on \_\_\_\_\_ at  
[Month/Day/Year]  
5:30 P.M. to hear this request. This letter is to notify you of my request for said conditional use and to inform you of your right to attend this meeting, should you have any comments or questions concerning my request. If you need more information, please contact me at the number below or the City of Athens Engineering Services & Community Development Department at 256-233-2224.

Thank you,

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone Number

# ZONING ORDINANCE EXCERPT

From section 4.8 of the Athens Zoning Ordinance.

**§ 4.8 Conditional Uses.** Conditional uses are those that have some special effect, which differs from the potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location. As such, Conditional Uses must be reviewed in terms of existing zoning and land use in the vicinity of the proposed use; whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intents of this Ordinance, and any other development policies and/or regulations of the City; and whether, and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare, and safety in general. Requests for Conditional Uses as designated within the district regulations are permitted only after approval by the Commission ([Ord. No. 2012-1819, 01-09-2012](#)).

**4.8.1 Application.** All Conditional Uses shall require the submission of an application to the Commission. Such application shall be filed with the Zoning Official by the property owner or authorized agent at least twenty-one (21) days prior to the date on which the application is scheduled to be heard by the Commission, and shall include a Conceptual Site Plan in accordance with this Section. ([Ord. No. 2012-1819, 01-09-2012](#)).

A. Submission requirements. The applicant must submit to the Community Development Department 8 copies of a Conceptual Site Plan of property on which the Conditional Use is requested, drawn to scale, to include but not limited to, the following:

- 1) Any and all buildings exactly as they exist and their proposed use.
- 2) Property lines
- 3) North arrow and scale
- 4) Proposed construction (if any) and identify.
- 5) Proposed and/or existing signs.
- 6) Parking, landscaping, ingress/egress, any other site information requested by the City.
- 7) Show all adjoining properties, buildings, and property owners' names.
- 8) Drawing shall not be on cardboard.

([Ord. No. 2012-1819, 01-09-2012](#)).

B. Fee. A one hundred dollar (\$100.00) fee to defray the cost of processing shall be submitted with the application. The application shall not be processed nor reviewed without receipt of the required fee.

C. Notice. At least fifteen (15) days prior to the scheduled hearing before the Commission the applicant shall give written notice to all property owners within 500 feet of the subject property. Such notice shall be deemed given when deposited in the U.S. mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. Such addresses shall be obtained by the applicant from the most recent records of the County Tax Assessor and submitted as part of the application. The notice shall state:

- 1) Location of the Conditional Use request.
- 2) The nature of the request, indicating the current zoning of the site and the proposed Conditional Use.
- 3) The time, date and location of the Commission meeting at which the request will be considered. The applicant shall provide the City with a signed affidavit stating that such notice has been provided in accordance with this Subsection.

**4.8.2** Action by the Planning Commission. The Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. The Commission shall have sixty (60) days in which to approve or deny the proposed Conditional Use.

A. Review Standards. The Commission shall review the request for compliance with this Ordinance and other applicable codes and ordinances, for compatibility with the Comprehensive Master Plan, compliance with the review standards of §4.6.6, and for compatibility with the purposes of the applicable district. In particular the Commission shall determine that satisfactory provisions have been made concerning the following:

- 1) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access. Conditional uses shall only be permitted on premises fronting on a public thoroughfare conforming to all applicable standards of the City.
- 2) The location and accessibility of off-street parking and loading areas
- 3) The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties
- 4) The screening and buffering of potentially adverse views and activities from surrounding properties
- 5) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties
- 6) The availability, location, and capacity of utilities
- 7) The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties
- 8) The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

Conditional Uses shall be in conformity with the area and dimensional regulations of the applicable district and may only exceed a height limit in accordance with §5.4.

B. Effect of Conditions. The Commission may impose such conditions for approval as it deems necessary in the particular case to protect the public interest and further the purposes of this Ordinance, in relation both to the items listed above and to any other factor it deems relevant. Such approval and conditions shall be granted to the property, structure, and/or use for which

Conditional Use is approved and not to a particular person. Violations of conditions attached to any Conditional Use constitute violations of this Ordinance.

C. Decision. Upon approval by the Commission, the Conditional Use shall be deemed to be approved, in which case, the applicant may then proceed with any other required approvals or permits required by the City. If disapproved by the Commission, the applicant may appeal such decision to the Council. Such appeal shall only be accepted within fifteen (15) working days of the decision of the Commission.

**4.8.3** *Limit on Re-application.* No new application shall be initiated for the same request on the same parcel of land more than once a year, unless specifically authorized by the Commission on the grounds that the circumstances and conditions relevant to the request have changed significantly since the prior hearing, including but not limited to, changes to the Comprehensive Master Plan, Zoning Ordinance, district regulations or boundaries, and/or abutting land uses, availability of adequate public services, utilities, and thoroughfares.