

CONDITIONAL USE

The following procedure outlines how to file a Conditional Use Permit application with the City of Manhattan. The process usually takes between 110 and 130 days and requires diligence of the applicant to ensure the materials submitted are sufficient.

There's a checklist at the end of these instructions that has hyperlinks to the forms you will need. On the last page are the review criteria the Board uses to come to a decision.

- A. A pre-application meeting is recommended prior to submittal of an application. To schedule the pre-application conference please call 785-587-2412.
- B. A neighborhood meeting is also required prior to the submittal of an application. Please contact the City at least five days prior to the neighborhood meeting so that the City can advertise the meeting through its "InTouch" e-mail system. Refer to the Neighborhood Meeting instructions link in the checklist on the next page.
- C. The application must be completed and submitted with all required items listed below by the deadline.
- D. The following items must accompany your application:
 - 1. General Application form
 - 2. Conditional Use Permit information form
 - 3. Site plan and, if relevant, building plan
 - 4. A report on the neighborhood meeting
 - 5. The City notifies all property owners within 200 feet of the parcel where a conditional use has been proposed. This notification allows individuals the opportunity to learn about the request and present any comments to the Board of Zoning Appeals at the public hearing.
 - 6. Conditional Use Permit fee of \$120
- E. Obtain a "Notice of Public Hearing" yard sign and instructions from the Community Development Department and post the sign on the property at least 20 days prior to the public hearing. The planner handling your case will contact you to remind you.
- F. On the day of the public hearing, come to the Community Development Department prior to 5:00 p.m. and sign the Yard Sign Affidavit.

2020-07-09

Conditional Use Permit

applicant's checklist

Before submitting your application

- Pre-Application Meeting (recommended)
- [Neighborhood Meeting](#) (must occur before submitting application)

Application materials

- [General Application Form](#)
- [CUP Information Form](#)
- [Site Plan/Building Plan](#)
- Neighborhood Meeting Report
- Any additional material as required by the Community Development Department

Fees

- \$120 (application fee; make payable to the City of Manhattan)

After the application has been accepted as complete

- Post public hearing yard signs on parcel at least 20 days before hearing date
- Yard sign affidavit: Come to the Community Development Department prior to 5:00 p.m. on the hearing date to sign the affidavit form provided by staff.

Standards for Conditional Use Permits

Section 14-704

The Board of Zoning Appeals shall not grant a conditional use permit unless it shall, in each specific case, make specific written findings of fact, based upon the particular evidence presented to it, that all the following standards have been met:

- A. The proposed conditional use complies with all applicable provisions of these regulations, including lot size requirements, bulk regulations, use limitations, and performance standards.
- B. 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.
- C. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature, and height of buildings, structures, walls, and fences on the site.
 2. The nature and extent of landscaping and screening on the site.
- D. Off-street parking and loading areas will be provided in accordance with the standards set forth in Article VII of these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
- E. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- F. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestions in public streets and alleys.
- G. Any other standards for conditional uses that are specifically identified in these regulations.

Conditions and Restrictions

Section 14-705

In granting a conditional use, the Board of Zoning Appeals may impose such conditions, safeguards, and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in Section 14-704, and to carry out the general purpose and intent of these regulations. Failure to comply with all of the conditions, safeguards, and restrictions placed on a conditional use shall constitute a violation of these regulations.