

# CONDITIONAL USE REVIEW

## GENERAL INFORMATION

This packet outlines the procedures and submittal requirements necessary to review the conditional use of a property within the City of Elmendorf jurisdiction. The regulatory requirements and procedures for approval are defined in Chapter 38-47 of the Code of the City of Elmendorf. The zoning ordinance was adopted by the City Council on December 12, 2013 in order to protect the health, safety and welfare of the Elmendorf community.

Additional information about the zoning process and code requirements can be obtained prior to submitting a zoning application by reviewing the code of ordinances on the City of Elmendorf's website at [www.elmendorf-tx.com](http://www.elmendorf-tx.com).

## WHAT IS ZONING?

Zoning is the division of land within a jurisdiction into separate districts within which uses are permitted, prohibited or permitted with conditions. Zoning establishes site regulations, such as building heights, bulk (density/floor-to-area ratio), setbacks, building coverage, impervious cover, etc. Zoning is a power granted to municipalities by the State in order to promote public health, safety, morals, or general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance.

## ORDER OF PROCESS

### Submission of application

A complete application for conditional use approval shall be submitted to the City Secretary, along with the appropriate fee. The application must be filed by the owner or an agent authorized by affidavit to act on the owner's behalf, unless initiated by city officials ordinarily authorized to initiate amendments to the zoning map. We may require an application to be accompanied by a site plan of existing and proposed development of the affected site. Unless otherwise specified in Chapter 38, no conditional use approval shall be granted for any use that does not conform to standards of the district which it is located.

After determining that the application is complete, the city administrator shall place the request on a meeting agenda of the planning and zoning commission.

## HEARING AND ACTION BY PLANNING & ZONING COMMISSION

- 1) The planning and zoning commission shall, after appropriate notice, conduct a public hearing on each request for approval of a conditional use.
- 2) At the public hearing, the planning and zoning commission shall consider the application, any pertinent comments by the city staff, and relevant support materials and public testimony given at the public hearing.
- 3) After the close of the public hearing, the planning and zoning commission shall approve the request with additional conditions, or deny the request. The planning commission may attach such conditions to a conditional approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to, limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation for the specific allowed activity.

## CONDITIONAL USE APPROVAL CRITERIA

Approval of a conditional use by the planning and zoning commission shall be based upon the following criteria:

1. *Impact minimized.* Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts on adjacent properties.
2. *Consistent with chapter.* Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.
3. *Compatible with surrounding area.* Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.
4. *Effect on natural environment.* Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including, but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
5. *Community need.* Whether and the extent to which the proposed conditional use addresses a demonstrated community need.
6. *Development patterns.* Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.

## **EXPIRATION OF CONDITIONAL USE APPROVAL**

1. All conditional use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the conditional use approval, provided that the city administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
2. If the designated use is not made of the property within the time limitation granted, the conditional use approval shall be canceled and revoked and be of no effect.

## **APPEAL**

1. Appeal of the planning and zoning commission's decision on conditional use approval shall be made within ten days of the final action by the planning commission to the city council. The appeal shall be in writing, submitted to the city administrator and processed in accordance with section 38-52.
2. In considering such an appeal, the city council shall review the decision in light of this chapter, the official zoning map, and any other land use policies adopted by the planning and zoning commission or city council, whichever are applicable. The city council shall modify or reject the decision of the planning commission only if it is not supported by substantial competent evidence or if the planning commission's decision is contrary to this chapter or the official zoning map.

## **TIMEFRAME FOR PROCESSING AN APPLICATION**

Applications may be submitted on any working day at the Elmendorf City Hall 8304 FM 327 Road, and may be found at [www.elmendorf-tx.com](http://www.elmendorf-tx.com). Please call 210-635-8210 to schedule an appointment. Zoning requests are typically heard by the assigned Planning & Zoning Commission on the third Thursday of the month following the date of submission (approximately 6 to 7 weeks), and by the City Council on the same day of the Commission's recommendation.

## **CASE MANAGER**

Each application is assigned to the City Secretary. The City Secretary will serve as liaison between you and the City of Elmendorf and function as your main point of contact. Once your application has been submitted, any questions, problems, conflicts, etc. should be directed to the City Secretary. If you need to see the City Secretary, it is suggested an appointment be made to ensure the City Secretary is available.

## **NOTICE**

Zoning is usually the first step in the development process. Prior to the construction or occupation of a new or expanded land use/business on a site, other steps including subdivision, site plan, or building permit and inspection, may be required after this process. Contact the Elmendorf City Hall for additional information.

## **ZONING SUBMITTAL INFORMATION AND REQUIREMENTS**

When filing a zoning change, the applicant or the applicant's agent shall submit the following information in person to the Elmendorf City Hall 8304 FM 327 Road or mail to City of Elmendorf P.O. Box 247 Elmendorf, TX 78112.

**Application Form** - Type or print all information. One copy of the completed application form shall be submitted in which the following items shall be addressed:

1. **Owner** - Please indicate the name of the current owner. The current owner or authorized agent must apply for the zoning change.
2. **Project Name** - Fill in, if applicable.
3. **Location** - Indicate the address or property identification number assigned by the Bexar County Appraisal District.
4. **Type of Ownership** - If the ownership is other than sole or community property, attach a list of the partners/beneficiaries/principals and their positions.
5. **Proposed Conditional Use** - Indicate the proposed conditional use. If there are questions as to category your use would be considered, contact the City Secretary.
6. **Agent Information** - If designated, this will be the primary contact. If the agent changes, the City Secretary should be notified.
7. **Owner's Signature** - The owner must sign the application or attach a written authorization for the agent. If there is more than one owner, attach additional owner information to application. Be sure that all signatures are legible and address information is correct.

**APPLICATION FEE** – A fee of \$150.00 must accompany the application by check or money order. All fees are nonrefundable.

8304 FM 327 • P.O. BOX 247  
ELMENDORF, TX 78112  
Phone 210-635-8210  
Fax 210-635-8221  
www.elmendorf-tx.com



## Conditional Use Review Application

Owner Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Property  
Address or  
ID#: \_\_\_\_\_

Owner Phone  
Number: \_\_\_\_\_

Owner  
Email: \_\_\_\_\_

Type of  
Ownership:

Sole  
☐

Community  
☐

Partnership  
☐

Corporation  
☐

Trust  
☐

Proposed Use: \_\_\_\_\_

Authorized Agent Name

Authorized Agent Phone Number

Authorized Agent Email Address

### SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the review of this application. As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

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

Name  
(Type or Printed): \_\_\_\_\_

Firm: \_\_\_\_\_