



VILLAGE OF VOLENTE  
CONDITIONAL USE PERMIT APPLICATION

Applicant's Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Property Address (if different): \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

(If other than Owner, submit written authorization from Owner with application.)

**Conditional Use Requested:**

- Municipal service facilities and buildings
- Telecommunications Facilities
- Churches, rectories, and places of worship
- Horse and riding stable for private use
- Commercial, Recreational or Amusement for temporary or seasonal periods
- Short-Term Rental
- Clinic
- Schools - Public and Denominational
- Amusement (indoor) or Park (outdoor)
- Other uses as identified in the district/definition of the use \_\_\_\_\_

**Attach additional pages as necessary and to comply with the Village code of ordinances related to the Conditional Use being requested.**

**Additional Information:**

Photos Included?  Yes  No Site Plan Included?  Yes  No Certificate of Occupancy?  Yes  No

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

In approving the conditional use permit application, the planning and zoning commission and/or the village official may recommend and the village council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article. Any conditions imposed shall be set forth in the ordinance approving the conditional use, and shall be incorporated into or noted on the conceptual site plan for final approval. The village shall verify that the conceptual site plan incorporates all conditions set forth in the ordinance authorizing the conditional use. The village shall maintain a record of such approved conditional uses and the conceptual site plan and conditions attached thereto.

**For Village Use Only**

Application fee paid: _____	Received by: _____
Date Public Notice Published: _____	Notices Mailed: _____
P&Z Meeting Date: _____	City Council Meeting Date: _____
Staff Notes: _____	
_____	

**Sec. 9.02.141 Conditional use permit**

(a) Purpose and intent.

(1) Nature of conditional use. A conditional use is a land use which, because of its unique nature, is compatible with the permitted land uses in a given district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of standards and conditions. This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit applications.

(2) Permit required. No conditional use shall be established and no building permit shall be issued for any use designated as a conditional use within a district until a conditional use permit is issued in accordance with the provisions of this section. An application for a conditional use permit shall be accompanied by a conceptual site plan prepared in the manner described in the village's site development ordinance. The conceptual site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in subsection.

(b) Status of conditionally permitted use. The following general rules apply to all conditional uses:

(1) The designation of a use in a district as a conditional use does not constitute an authorization or assurance that such use will be approved.

(2) Approval of a conditional use permit shall authorize only the particular use for which the conditional use permit is issued.

(3) No use authorized by a conditional use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new conditional use permit in accordance with the procedures set forth in this section.

(4) Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by the village's Code of Ordinances, or any permits required by regional, state and federal agencies.

(5) Conditional use permits are transferrable with the sale of the property, provided that notification and a transfer request have been approved by the council (excluding short term rentals - see village's short term rental ordinance).

(c) Conditional uses. The following listed conditional uses may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the council.

(1) Municipal service facilities and buildings.

(2) Amusement (indoor) and amusement (outdoor) park, but not within five hundred feet (500') of any residential district.

(3) Commercial, recreational, or amusement development for temporary or seasonal periods.

(4) Clinic.

(5) Horse and riding stables for private use of the resident when the stable building is set back from all adjacent property lines at least fifty feet (50'), is at least one hundred feet (100') from any adjacent residence and when the site contains minimum area of one (1) acre.

(6) Schools, public and denominational.

(7) Telecommunications facilities - see the village's telecommunications ordinance.

(8) Churches, rectories, and places of worship.

(9) Short-term rentals - see the village's Short-term rental ordinance.

Procedure. Before authorization of any conditional use, public notice shall be given and public hearings shall be held as provided in chapter 211, Tex. Loc. Gov't. Code; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in subsection (c)(3) of this section above after a public hearing is held

by the council after having received a report and recommendation from the planning and zoning commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

(1) Permit required. No conditional use shall be established, operated or maintained except as authorized by a conditional use permit issued in accordance with the requirements of this section.

(2) Application for conditional use permit.

(A) Application requirements. An application for a conditional use permit may be submitted by the property owner or by the property owner's designated representative to the village. The application shall be accompanied by a conceptual site plan prepared in accordance with the requirements of the village's site development ordinance. If a zoning amendment is required or requested in writing, such application shall accompany the application for a conditional use permit.

(B) Subdivision approval. If the proposed conditional use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a conditional use permit. Approval of the conditional use permit shall not become effective until final approval of the subdivision application; provided that if the land is to be divided in phases, the approval of the conditional use permit shall take effect upon final approval of the phase of the subdivision containing the property on which the conditional use is to be located.

(3) Procedures for conditional use permit.

(A) Commission recommendations. Upon receipt of the recommendation from the village council, the planning and zoning commission shall conduct a public hearing in order to formulate its recommendations to the council on the conditional use permit application (except for short term rentals - see short term rental ordinance). Following the public hearing, the planning and zoning commission shall recommend approval, approval subject to modification, or denial of the proposal to the village council. If the appropriateness of the use cannot be assured at the location, the planning and zoning commission shall recommend denial of the application as being incompatible with existing uses or with other uses permitted by right in the district.

(B) Council action. The village council shall be the final decision-maker on applications for conditional use permits. Following a public hearing and in consideration of the commission's recommendations, the council shall approve, modify or deny the proposal for a conditional use permit. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or with other uses permitted by right in the district.

(4) Factors for consideration. When considering applications for a conditional use permit, the planning and zoning commission in making its recommendation and the village council in rendering its decision on the application shall, on the basis of the conceptual site plan and other information submitted, evaluate the impact of the conditional use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the village council shall specifically consider the extent to which:

(A) The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan;

(B) The proposed use is consistent with the general purpose and intent of the applicable district regulations;

(C) The proposed use meets all supplemental standards specifically applicable to the use as established in the applicable [provisions of the] village Code of Ordinances;

(D) The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

- (i) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
- (ii) Off-street parking areas, loading areas, and pavement type;
- (iii) Refuse and service areas;
- (iv) Utilities with reference to location, availability, and compatibility;
- (v) Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
- (vi) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (vii) Required yards and open space;
- (viii) Height and bulk of structures;
- (ix) Hours of operation;
- (x) Exterior construction material, building design, and building facade treatment;
- (xi) Roadway adjustments, traffic-control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets;
- (xii) Provision for pedestrian access, amenities and areas; and
  - a. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
  - b. The proposed use does not adversely impact natural resources, water quality or wildlife habitat.

(e) Conditions. In approving the conditional use permit application, the planning and zoning commission and/or the village official may recommend and the village council shall impose such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this article. Any conditions imposed shall be set forth in the ordinance approving the conditional use, and shall be incorporated into or noted on the conceptual site plan for final approval. The village shall verify that the conceptual site plan incorporates all conditions set forth in the ordinance authorizing the conditional use. The village shall maintain a record of such approved conditional uses and the conceptual site plan and conditions attached thereto.

(f) Prohibition on waivers and variances. The foregoing standards of development shall not be subject to variances that otherwise could be granted by the board of adjustment, nor may conditions imposed by the council subsequently be waived or varied by the board of adjustment. In conformity with the authority of the council to authorize conditional uses, the council may waive or modify specific standards otherwise made applicable to the use by this article, to secure the general objectives of this article; provided, however, that the council shall not waive or modify any approval factor set forth in subsection (d)(4) above.

(g) Expiration and extension. Termination of approval of a conditional use for failure to commence development and extension of the time for performance for a conditional use permit shall be governed by the village's site development ordinance.

(h) Amendment. No proposed or existing building, premises or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the conditional use permit and approved site plan are amended accordingly.

(i) Other regulations. The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any conditional use permit.

(a) Certificates of occupancy shall be required for any of the following:

- (1) Occupancy and use of a building hereafter erected or structurally altered, including minor renovation or rehabilitation of residential structures;
- (2) Change in use of an existing building to a use of a different classification;
- (3) Change in the use of land to a use of a different classification.

No such use, or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the village.

(b) Procedure for new or altered buildings. Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued after the village orders the building or structure inspected and finds no violations of the provisions of this article or other regulations which are enforced by the village. Said certificate shall be issued by the village after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this article.

(c) Procedure for vacant land or a change in building use. Written application for a certificate of occupancy for the use of vacant land, a change in the use of land, or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the village. If the proposed use is a conforming use, defined in the villages zoning ordinance, written application shall be made to the village. If the proposed use is found to be in conformity with the provisions of this article, the certificate of occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the village.

(d) Contents. Every certificate of occupancy shall contain the following:

- (1) Building permit number;
- (2) The address of the building;
- (3) The name and address of the owner;
- (4) A description of that portion of the building for which the certificate is issued;
- (5) A statement that the described portion of the building has been inspected for compliance with the requirements of the villages construction codes for the particular group and division of occupancy;
- (6) The name of the village official;
- (7) Use(s) allowed;
- (8) Maximum number of occupants; and
- (9) Issue date of certificate of occupancy.

(e) Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the village.

(f) Conditional occupancy. No certificate of occupancy shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat has been approved by the council and recorded with the Travis County clerk. Notwithstanding the above, the village may authorize the conditional occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the council for the completion of all remaining public improvements, and provided that the structure is safely habitable in accordance with the villages construction codes.

(Ordinance 2004-O-36, sec. 33.324, adopted 10/26/04)