TOWN OF COLLIERVILLE
Conditional Use Permit (CUP) Checklist

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GENERAL DESCRIPTION: A "Conditional Use" is a use of land that is not necessarily appropriate to be allowed "by right" for all properties within a zoning district without close scrutiny by the Town. Such uses must obtain a Conditional Use Permit (CUP) from the Town. Certain conditions are applicable to a CUP that must be reviewed on a case-by-case basis to promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. There are two levels of questions asked of any CUP application by the Town:

- the 6-prong "general standards" test, which is applicable for all CUP requests; and
- any applicable "specific criteria" for certain conditional uses (see table on page 3 for the listing of these uses), which are in addition to the general criteria. For these uses, the Town will additionally look to see if very specific standards related to that particular use are addressed by the CUP application. Such standards are often related to design (landscaping, architecture) or minimizing off-site impacts.

CUPs require the approval of the Board of Mayor and Aldermen (BMA) based on a recommendation from the Planning Commission (PC). The purpose of the public review is to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities are mitigated, and that any special requirements unique to that use are addressed. CUP Applications should be submitted to the Planning Division for review. This is about a 45-60 day process and a $300 nonrefundable review fee is applicable, so be sure to plan ahead. When associated with new construction, CUP applications often track simultaneously with site plan applications. In short, the CUP application process occurs through three basic steps, described in this checklist in more detail below:

- ☐ **1st Step: Optional Pre-Application Conference (with staff)**
- ☐ **2nd Step: Two Public Reviews (PC recommendation and then BMA consideration)**
- ☐ **3rd Step: Post-approval Compliance (various based on the type of use)**

Submittal Requirements for a CUP

Public Review Phase:

- ❑ Completed general application form (see Preapplication Conference notes for guidance on how to complete form)
- ❑ Disclosure of Interest Form (if applicable)
- ❑ Electronic version of the entire submittal package (PDF Format - on disk, flash drive, or emailed)
- ❑ Cover Letter – Two (2) Copies (see instructions below for required content)
- ❑ Review Fee: $300
- ❑ Supplemental Color Images and Graphics – Two (2) Copies
- ❑ Other Information that was specifically requested at the Preapplication Conference (recent survey, traffic study, photographs of the site, etc)

Post-Approval Phase:

- ❑ Varies based on the specific request. Consult the notes in the Preapplication Conference and the "Next Steps" in the PC and BMA Staff Reports. For some projects, only a building permit is needed to demonstrate compliance. For others, a Final Site Plan and Development Agreement are required.

Step 1- Optional Pre-Application Conference with Town Staff: As a service to the prospective applicant/property owner, staff offers the opportunity for a Pre-application Conference with key staff. Pre-application Conferences are intended to be a "one-stop shop" for potential applicants to meet with all departments involved in the development process at the same meeting. They can prove to be very beneficial to both the applicant and staff, as the officials responsible directly for the review (Planning, Engineering, Codes, Fire, Public Services, Police, and Parks & Recreation, etc) can be in attendance if requested. The primary purpose of the meeting is for Staff to explain the applicable development processes, permits, and fees pertinent to the project prior to applicants submitting a formal CUP application. These meetings also provide an opportunity for the developer to discuss his/her proposal with Town officials and get their input. Applicable rules and regulations will be discussed as they relate to the proposal, but the Pre-application Conference does not constitute an application nor are any preliminary staff comments binding. In addition to notes from the meeting taken by the Staff, other relevant information will be made available to the applicant at the end of the meeting (applications, checklists, forms, latest fee schedule, submittal calendar, etc). Formal notes are taken during the meeting by staff and emailed to the potential applicant after the meeting for a record of what was discussed. Pre-application Conferences are typically scheduled every Tuesday afternoon from 2:00 pm to 5:00 pm at the Development Department located at Town Hall. Each meeting is usually an hour long. A Pre-application Conference can be scheduled by contacting the Planning Division at 901-457-2360.

Step 2- Public Review Submittal: To initiate the public review process, the applicant must submit a CUP application package according to the published calendar online and according to any directions from the optional Preapplication Conference. Provide the completed application and other information as required (see submittal requirements on Page 1). Perhaps the most important information needed for a successful CUP application is a thorough cover letter and supplemental color imagery (plans, pictures, renderings). Cover letters for CUP applications should address, at a minimum, the following:

- ❑ thorough description of the use and the subject property,
- ❑ ownership,
- ❑ phasing of the use over time,
- ❑ any customary "accessory uses" to occur with the principal use,
- ❑ any nonconformities that may exist (uses, buildings, site features);
- ❑ applicants are required to explain in writing how the proposed use meets the 6-prong general standards test for conditional uses found at §151.024(a), and repeated in the table right; and
- ❑ applicants are required to explain in writing how the proposed use meets any Specific Provisions for Conditional Uses as set forth in § 151.024, if applicable (see table right to see if your proposed CUP has special conditions).

Separate staff reports will be issued by staff for the PC and BMA. These are both public meetings and applicants are required to attend. Applicants may make their own presentations at these meetings, but that is optional. The Project Planner will present the application and the staff recommendation at each public meeting, and the public may speak, as postcards will be sent to the surrounding property owners (within 500 feet of the subject property) making them aware of the meeting time and the request. There will be four different scenarios that will occur at the BMA meeting: approval, approval with conditions, disapproval, or deferral. Consult the staff report or post-approval correspondence from the project planner for your "next steps" if approval of the CUP is granted.

General Criteria (applicable to all CUPs) from § 151.021:

A conditional use permit shall be granted, provided the Board of Mayor and Aldermen, with a recommendation from the Planning Commission, finds that the proposed use:

1. Conforms to all applicable provisions of the zoning district in which it is to be located, unless modified as part of the conditional use application per § 151.310.
2. Conforms to the Footnotes of § 151.021 and the Specific Provisions for Conditional Uses as set forth in § 151.024.
3. Is consistent with the overall character of existing development in the immediate vicinity of the subject property, and will not materially adversely affect other property in the area in which it is located;
4. Is generally consistent with the policies of the Collierville Land Use Plan for the parcel or surrounding neighborhood, including any applicable Small Area Plans;
5. Will not adversely affect a known archaeological, environmental, historical, or cultural resource; and
6. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, transit service, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal.

Some Conditional Uses Also Have

- Accessory Residential Uses (aka Granny Flat or Garage Apartment) (see §151.024)
- Animal Hospitals and Clinics in MPO Zone Districts (see §151.024)
- Auto Dealerships (see §151.024)
- Bed and Breakfasts (see §151.025)
- Large-scale and/or reoccurring outdoor events on private property known as "Class II Special Events" (see §151.026)
- Farmers Markets (see §151.026)
- Outdoor Display (Customary)(see §151.025)
- Outdoor Storage (see §151.025)
- Sexually Oriented Businesses (see §151.024)
- Taxidermy services in GC Districts (see §151.024)
- "Type 2" Home-based Businesses/Home Occupations (only 2 acre+ lots with single family dwellings are eligible) (see §151.025)
- Places of public assembly (including places of worship) in residential zoning districts (see §151.024)
- Temporary Storage in a Portable Container (nonresidential) (see §151.025)
- New Wireless Communication Facilities (see §151.024)

Step 3- Post-Approval Compliance: When CUPs are approved by the BMA, they almost always have conditions associated with them. These conditions run with the land unless otherwise stated and vary based on the specific request. Consult the notes in the Preapplication Conference and the "Next Steps" in the PC and BMA Staff Reports. For some projects, only a building permit is needed to demonstrate compliance. For others, a Final Site Plan and Development Agreement are required.

Online Permit & Application Center: For your convenience, the Development Department is providing a new online solution for Planning-related permit/development applications, fee payment, and plan submission. Before you apply online your first step will be to create a customer profile and add employees or consultants that need to do business on your behalf. This solution will allow you to upload PDF versions of the plans and documents, track the status of the permit/application, and much more! If you pay fees online there will be a 4% convenience fee. Otherwise, you can mail a check to Town Hall noting the case number and project. Instructions will be provided for submitting paper-versions of your application as well when you apply online.

Repeat customers will need an access code from the Planning Division (planning@colliervilletn.gov or 901-457-2300) to set up a new account. Go to the following link to get started: https://twn-collierville-tn.smartgovcommunity.com/Public/Home?_conv=1

Please direct questions about submitting Planning-related applications to the Online Permit & Application Center to planning@colliervilletn.gov or 901-457-2300.

Online Permit & Application Center