

# Zoning: CONDITIONAL USE

A conditional use is a use allowed in a zoning district only upon approval by the Planning Commission.

## Definitions

### Conditional Use

A use permitted in one or more districts as defined by this ordinance upon approval by the Planning Commission, but which use, because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible with other existing or permissible uses in the same district or districts, and to assure that such uses shall not be inimical to the public interest.

### Conditional Use Permit

The documented evidence or authority granted by the Planning Commission to locate a conditional use at a particular location.

## FAQs

### How do I know my use is a conditional use?

The Zoning Code provides a Table of Uses that indicates if a use is allowed in a particular zoning district. The Letter "C" indicates that a use requires a Conditional Use Permit.

- 1 Determine your zoning district. See the Planning 101: Zoning information sheet to learn how to determine your zoning district.
  - See [Planning 101: Zoning](#) information sheet.
- 2 Go to the Table of Uses in the Zoning Code. Identify your use in the left hand column and your zoning district in the top row. Where they meet will be a box to indicate how that use is allowed. If there is a "C" in the box, it will require a Conditional Use Permit.
  - See Zoning Code, [Sec. 401.05 Table of Uses for Zoning Districts](#)
- 3 Go to the Use Regulations in the Zoning Code to determine if that use has specific regulations.
  - See Zoning Code, [Sec. 301.06 Conditional Uses](#)
  - See Zoning Code, [Article 601 Use Regulations](#)

### How do I get a Conditional Use Permit?

See next page for the application and review process.



Notification and public hearing required for requests for conditional use permits.

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## Conditional Use Process

- 1 Application** The property owner must submit an application in [eTRAKIT](#) to request a conditional use permit.
- 2 Notification**
  -  15 days prior to the meeting, the city will publish a notice in the Democrat Gazette.
  -  7 days prior to meeting, the city posts a public hearing sign on the property.
- 3 Staff Review** Planning staff will review the conditional use request and prepare a report to the Planning Commission.
- 4 Public Hearing** At a regularly scheduled meeting, Planning Commission will hold each public hearing separately. Those interested in speaking on the item can approach the podium, state their name and address and provide comments. Once the public hearing is closed, further public comment is not accepted. See [Public Hearing Guide](#).
- 5 Planning Commission Action** Planning Commission may discuss the item and ask questions of the applicant. A commissioner may make a motion. If followed by a second to the motion, the item will be voted upon. The motion can be to approve, approve with conditions, deny or table. Planning Commission takes final action on conditional uses.

## Conditional Use Decisions

The Planning Commission will review the proposed use using these criteria:

- The use does not create a public health or safety concern.
- The use is compatible with nearby properties.
- The use complies with specific use regulations.
- Adjacent properties are protected against noxious or offensive emissions, including light, noise, glare, dust and odor.
- The use and development complies with all other zoning regulations.
- The proposed use is not otherwise a prohibited use in Bentonville.

Planning Commission takes final action on a conditional use.

## Specific Use Regulations

- accessory buildings
- alcohol sales
- animals
- apiculture (beekeeping)
- bed and breakfast
- car wash
- child care
- commercial recreation facility (outdoor)
- commercial vehicles in residential zones
- community center
- hobby chickens
- home occupation
- medical marijuana cultivation
- medical marijuana dispensary
- mini-warehouse storage
- nonresidential uses in or abutting R districts
- outdoor and mobile food vendors
- outdoor music venue
- recreational vehicle park
- residential in commercial district (existing)
- religious facilities
- salvage yard
- sewage treatment plant
- sexually oriented business
- sidewalk cafes in public right-of-way
- solar energy systems
- temporary uses and structures
- wind energy systems
- wireless communication facility
- open displays

# Zoning: CONDITIONAL USE

What is the difference between a conditional use and an allowed use?

CONDITIONAL USE	ALLOWED USE
Use is only allowed if Planning Commission approves it with a Conditional Use Permit.	Use is allowed by right and does <u>not</u> need Planning Commission approval.
Indicated by "C" in Table of Uses.	Indicated by "*" in Table of Uses.
Requires a 15 day notification in a local newspaper and a public hearing sign posted on the property.	Notification <u>not</u> required.
Public hearing required.	Public hearing <u>not</u> required.
Planning Commission can place conditions on the use as part of its approval.	Planning Commission <u>cannot</u> place conditions on the use.
Review criteria established for Conditional Use decisions.	Review criteria <u>not</u> required.
In addition to conditions established by the Planning Commission, must also comply with specific regulations for that use in the Use Regulations Chapter of the Zoning Code.	Must comply with specific regulations for that use in the Use Regulations chapter of the Zoning Code.