



Planning Division  
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# PLANNING

Planning is a Division of the Department of Planning & Development Services

## CONDITIONAL USES

### *What is a Conditional Use?*

A use allowed in a specific district, provided that approval is obtained from the Planning Commission and any special conditions are observed. These special conditions are intended to ensure that the proposed use conforms to the area, conforms to the zoning district, and mitigates any effects of the use. For example, “Alcohol Sales for On-Premise Consumption” is a use allowed in the Central Business District (CBD). However, this same use is only allowed in some zoning districts, like the General Commercial (CG) district, with the approval of a Conditional Use. This recognizes that not all locations within the CG district are appropriate for such a use, but that some locations – with reasonable conditions – may be appropriate.

### *Who can approve Conditional Uses?*

The Planning Commission is the approving authority.

### *What is the process for this type of request?*

1. Submit a completed application with the required application fee, as outlined on the Planning Fee Schedule. The director may require a site plan of existing and proposed development of the site also be submitted.
2. Once the completed application is received, the Planning Division will review the application for completeness & resolve any questions.
3. The application is scheduled for hearing based on the adopted submittal schedule, and may be found on the Planning Division’s website.
4. The Commission conducts a hearing and approves, approves with conditions necessary to prevent or minimize adverse effects upon the surrounding neighborhood, or denies the request.

### *What criteria are used to determine the ruling on this type of request?*

- *Impacts Minimized.* Whether and the extent to which the proposed conditional use creates adverse effects on adjacent properties;
- *Consistent with the Zoning Ordinance.* Whether and the extent to which the proposed conditional use would conflict with any portion of the Zoning Ordinance, including the applicable zoning district intent statement;
- *Compatible with Surrounding Area.* Whether and the extent to which to proposed conditional use is compatible with existing and anticipated uses surrounding the subject area;
- *Effect on Natural Environment.* Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment;

- *Community Need.* Whether and the extent to which the proposed conditional use addresses a demonstrated community need; and,
- *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.

***Is there a process for appeal of a decision?***

Yes, an appeal of the Planning Commission's decision may be made within 30 days of the decision date. The appeal will be heard by the City Council. 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 decision is contrary to the Comprehensive Plan, the Zoning Ordinance, or the Zoning Map.

***Does the decision expire?***

All approvals issued are subject to the requirement that the property must actually acquire a building permit for the approved use within 12 months from the approval date. Otherwise, the approval shall be cancelled and revoked.