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## **Sec. 12-5. Conditional Uses.**

- A. The following standards and guidelines shall apply to all conditional use requests as permitted in the applicable zoning districts.
- B. An application shall be submitted to the Zoning Administrator for technical review. A site plan reflecting compliance with all appropriate provisions of this Appendix shall accompany the application. The Zoning Administrator and/or the City Council may require additional information necessary to evaluate the application. An application is not considered accepted until all required information has been provided.
- C. Following a public hearing, the City Council shall consider all of the following prior to making a decision on any conditional use:
  - 1. The report and recommendation submitted by the City of Hampton's Community Development Department.
  - 2. Whether all specific requirements of this Appendix relative to consideration of a conditional use have been met.
  - 3. The impact the proposed use may have on traffic and/or the adverse effect it may cause to neighboring properties.
  - 4. The physical characteristics of the site and its suitability for the proposed request. The elements of topography, drainage, size and shape of the land(s) should be part of the City Council's decision-making process.
  - 5. The adequacy and availability of public infrastructure (water, sewer, roads, etc.) to serve the request.
  - 6. Whether the applicant has agreed to any specific conditions that will enhance his/her request, protect the public interest, and assure the continued beneficial use of nearby properties.
  - 7. Whether the request will further or support the goals and objectives of the City of Hampton's Comprehensive plan, protect the public interest, and assure the continued beneficial use of nearby properties.
- D. The City Council shall hold a public hearing in accordance with Section 12-9 - Public Hearing and Notice Procedures.
- E. Conditional Uses approved in accordance with this section shall be done so by ordinance.
- F. All requests by private groups, individuals, businesses and other nonpublic organizations for variances shall be accompanied by a filing fee which is maintained in the office of the Zoning Administrator.
- G. Should the City Council deny a request for conditional use on a parcel(s) of land, then the same request may not be considered until the expiration of at least 12 months from the date of denial.
- H. Upon discovery that the operation of the conditional use has or had ceased for a period of 365 days or more and the owner of the property has not requested voluntary termination of the conditional use, the Zoning Administrator shall forward a report to City Council which may recommend that action be taken to remove the conditional use permit from the property through a City initiated zoning action.
- I. Any person or persons, jointly or severally, aggrieved by the City Council's decision may appeal said decision in accordance with O.C.G.A. § 36-66-5.1.

(Ord. No. 457, § 1, 8-14-18; Ord. No. 504, § 2, 2-11-20; Ord. No. 2023-07, § 1(Exh. A), 6-13-23)