

SPECIAL USES AND SPECIAL USE PERMIT – Article 4-5

A special use is a preapproved use for any location within a particular zone district which shall be subject to any additional development and/or performance conditions which may be reasonably determined by the staff, planning commission, or city council to be necessary in order to reasonably meet the criteria and /or to mitigate against any adverse impacts to adjacent property and/or occupants. Such uses shall not be considered a use by right without a review, as set forth in section 4-5-2, and the issuance of a special use permit, nor shall the use vest unless a site specific development plan is approved for the property and a special use permit is issued.

FILING AND PROCESSING

1. ___ A completed special use permit application and \$250 or \$50 fee.
2. ___ A copy of the property deed, including a legal description of the parcel.
3. ___ A proposed development schedule indicating:
 - Date of the beginning of the use and/or construction.
 - List project development phases and the anticipated rate of development.
 - The date of completion of the project.
4. ___ Any agreements, provisions or covenants to be recorded which may govern the use.
5. ___ Restoration or reclamation plans required for all uses requiring extensive grading, for extractive uses, and may be required for other uses as necessary.
6. ___ A statement regarding provisions for proper ongoing maintenance of the use and site.

Is the application in accordance with the following criteria? What staff will review the following:

1. ___ Is the proposed use in conformance with adopted plans, policies, and this code?
2. ___ Is the proposed use compatible with adjacent uses? Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts including noise, dust, odor, lighting, traffic, safety, etc.
3. ___ Are the design features of the site, as well as the site, adequate to accommodate the proposed use (e.g., accessibility, service areas, pedestrian and vehicular circulation, parking, safety provisions, accessory uses, accessways to and from the site, buffering, etc.)?
4. ___ Do proposed accessory uses only occur as necessary and desirable? These uses have no undesirable impacts on adjacent uses or the principal use. Any undesirable impacts can be controlled, mitigated, or eliminated.
5. ___ Are public services, including sewage and waste disposal, domestic water, gas, electricity, and police and fire protection, available and adequate without reduction in the adequacy of services to other existing uses?
6. ___ Are other necessary support facilities complementary to, and supportive of, the proposed use available, including schools, parks, hospitals, business and commercial facilities, transportation facilities, etc.?
7. ___ Could there be adverse impacts on natural resources and wildlife habitat areas and can these impacts be mitigated?

Additional information to be aware of during the SUP process:

- The SUP application shall be approved, approved with conditions, or denied by the administrator, in writing, within fifteen (15) working days from the date the application is filed. This consideration period may be extended with the written consent of the applicant. If, in the opinion of the administrator, the application fails to meet the criteria

set forth in section 4-8, or fails to adequately mitigate against any adverse impacts on other uses allowed within that zone, the application for a special use permit shall be referred for review to the planning commission and the city council as set forth in section 12-4.

- The property for which the permit is being requested shall be posted with a notice that a special use permit has been applied for, noting the date ending the review period. The posting shall be made within three working days of the filing of the application and shall remain on the property for seven days.
- Sign(s) for a special use shall be regulated by sign regulations (see section 10-3) in accordance with the zone in which they are located.
- An applicant may appeal the administrator's action.
- Developments and uses granted by a special use permit shall be developed or established in accordance with an approved development schedule, or within one (1) year of the date of approval if no development schedule is established. Failure to develop or establish such development or uses in accordance with the time period approved on the permit shall cause the administrator to revoke the permit.
- A special use permit is valid as long as conditions of approval are maintained by the applicant, unless a specific time limit for the use is set forth as part of the approval.
- If the conditions of a permit become the responsibility of a person or entity other than the applicant, the department shall be notified, in writing, identifying the new person or entity responsible for maintaining the conditions of the approval/permit.