

CHAPTER 27, DIVISION 3. SPECIAL LAND USE PERMITS

Sec. 27-351. Applicability.

The procedures of this division apply to all special land use permits (also known as "SLUPs") required under this zoning ordinance.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.10), 10-14-2013)

Sec. 27-352. Authority to file.

Applications for special land use permit approval may be filed by the owner of the subject property or the property owner's authorized agent.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.20), 10-14-2013)

Sec. 27-353. Pre-application conference.

Pre-application conferences with staff are required for all special land use permits (see the pre-application provisions of section 27-305).

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.30), 10-14-2013)

Sec. 27-354. Neighbor communications summary.

Neighbor communication summaries are required for all special land use permits (see the neighbor communication summary provisions of section 27-305). If there is no residential zoning within 500 feet of the property under consideration the applicant is exempt from neighbor communication summary requirements.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.40), 10-14-2013)

Sec. 27-355. Application filing.

Special land use permit applications must be filed with the community development director.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.50), 10-14-2013)

Sec. 27-356. Public hearing notices.

- (a) *Published notice.* At least 15 days before but not more than 45 days before the date of the public hearing to be held by the mayor and city council, notice of the public hearing must be published in a newspaper of general circulation in the city. This required notice must indicate the date, time, place and purpose of the public hearing; the location of the subject property; and the property's existing and proposed zoning and use.
- (b) *Written (mailed) notice.* The community development director is responsible for sending written notice via first class mail to all property owners within 500 feet of the boundaries of the subject property, as those property owners are listed on the tax

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records of the city. The notices must be mailed at least 15 days before the date of the planning commission public hearing and not more than 45 days before the date of the city council public hearing. Written notices must indicate the nature of the proposed use or activity and the date, time, place and purpose of the public hearing.

- (c) *Posted notice.* A public hearing notice sign must be placed in a conspicuous location on the subject property at least 15 days before the date of the public hearing to be held by the mayor and city council. This notice sign must indicate the date, time, place and purpose of the public hearing.
- (d) *Special requirements for drug treatment and dependency facilities.* When a proposed special land use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, all published and posted notices of the public hearing to be held by the mayor and city council must include a prominent statement that the proposed special land use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice must be at least six-column inches in size and may not be located in the classified advertising section of the newspaper.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.60), 10-14-2013)

Sec. 27-357. Planning commission public hearing and recommendation.

The planning commission must hold a public hearing on the special land use permit application. Following the close of the hearing, the planning commission must act by simple majority vote to recommend that the special land use permit be approved, approved with conditions or denied based on the applicable review and approval criteria of section 27-359. The planning commission's recommendation must be transmitted to the city council.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.70), 10-14-2013)

Sec. 27-358. City council public hearing and decision.

- (a) Upon receipt of recommendations from the planning commission, the mayor and city council must hold a public hearing on the special land use permit application. Following the close of the public hearing, the mayor and city council must act by simple majority vote to approve the special land use permit, approve the special land use permit with conditions or deny the special land use permit based on the applicable review and approval criteria of section 27-359. The mayor and city council are also authorized to defer action on the special land use permit or allow the applicant to withdraw the special land use permit without prejudice.

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- (b) When a proposed special land use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, the mayor and city council public hearing must be held at least six months before and not more than nine months before the date of final action on the application.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.80), 10-14-2013)

Sec. 27-359. Review and approval criteria.

The following review and approval criteria must be used in reviewing and taking action on all special land use permit applications:

- (1) Whether the proposed use is consistent with the policies of the comprehensive plan;
- (2) Whether the proposed use complies with the requirements of this zoning ordinance;
- (3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
- (4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
 - a. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use;
 - b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
 - c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
 - d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;
 - e. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and
 - f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
- (5) Whether public services, public facilities and utilities—including motorized and non-motorized transportation facilities—are adequate to serve the proposed use;
- (6) Whether adequate means of ingress and egress are proposed, with particular reference to non-motorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
- (7) Whether adequate provision has been made for refuse and service areas; and

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- (8) Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.
- (9) Whether the length of time for which the special land use permit is granted should be limited in duration (Type B Home Occupations only).

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.90), 10-14-2013)

27-360 Limitations on special land use permits.

A. Development of an approved special use. The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.

B. Initiation & Expiration of a special land use permit. Unless a building permit or other required approval(s) is applied for within twelve (12) months of the City Council's approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit, including all waivers granted through the SLUP process, including, but not limited to, building height, shall expire automatically, unless the permit is extended upon application to the City Council in accordance with subsection (C) of this section.

C. Time limitations and extensions for special land use permits (Type B Home Occupations). A time limitation imposed on special land use permits by the City Council and the expiration date established pursuant to subsection (B) of this section may be extended by the City Council upon written request by the applicant and approval of the City Council after compliance with the public notice provisions of section 27-356. In considering a request to extend, the City Council shall consider the criteria described in section 27-359 and the operation of the Home Occupation during the previous period, including any violations and the nature of citizen complaints, if any. Action on the extension by the City Council may be for denial or approval, the latter of which may contain relevant conditions of approval, including a time limit.

D. Limitations of approvals for special land use permits. A special land use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months.

E. Modifications to a special land use permit. Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

Sec. 27-361~~0~~. Successive applications.

If a special land use permit application is denied, an application for a special land use permit affecting all or a portion of the same property may not be resubmitted for 24 months from the date of the denial. The mayor and city council are authorized to waive or reduce this 24-month time interval by resolution, except that the time interval between the date of action to deny the application or the date that the application is withdrawn with prejudice and the

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date of filing of a subsequent special land use permit application affecting the same property may not be less than six months.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.100), 10-14-2013)

Sec. 27-3624. Transfer of special land use permits.

Except as noted in 27-360 above. Approved special land use permits, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.110), 10-14-2013)

Sec. 27-3632. Amending conditions of approval.

A request for changes in conditions of approval attached to an approved special land use permit must be processed as a new special land use permit application in accordance with the procedures of this division, including the requirements for fees, notices and hearings.

(Ord. No. 2013-10-15, § 1(Exh. A § 27-19.120), 10-14-2013)