



SPECIAL USE PERMIT APPLICATION

SUP# _____

Property Address: _____

Assessor's Parcel Number (s) (APN): _____

Township _____ **Section** _____ **Range** _____ **Zoning:** _____

Subdivision Name: _____

		<i>For Staff Use Only</i>
Owner Name & Address: _____ _____ _____ Phone: _____ Fax: _____ Email: _____		Date Received: _____ Taken In By: _____ Assigned To: _____ Date Application Complete: _____
Applicant/Agent Name & Address (If different than property owner, Agent letter must accompany submittal): _____ _____ _____ Phone: _____ Fax: _____ Email: _____		Fees & Charges: _____ Receipt #/Date: _____ PAC Date: _____ P&Z Study: _____ P&Z Vote: _____ Council Study: _____ Council Vote: _____ Historic Preservation: _____

Description of Request: _____

Total Lots: _____ **Existing Zoning:** _____

Name	Signature	Date
-------------	------------------	-------------



CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS

Land Development Code, Article 9.3.

Purpose. Special uses are uses that may be permitted subject to the granting of a Special Use Permit. Because of area impacts or special characteristics of the use, special uses require additional consideration so that they may be located with respect to the objectives of this Code and their effect on surrounding properties, and/or meet citywide goals relating to the General Plan.

Applicability. Special uses may be complementary to those uses permitted by right in a zoning district, but require individual review of their location, design, configuration, density and intensity, and may require the imposition of additional conditions in order to ensure the appropriateness and compatibility of the use at a particular location.

Pre-Application Process. Prior to the submission of an application for a Special Use Permit, all potential applicants shall meet with the Community Development Department Staff in a pre-application conference unless waived by the Community Development Director. The purpose of the conference is to respond to any questions that the applicant or the City may have regarding the application.

Application Submittal. A complete application for a Special Use Permit shall be submitted to the Community Development Director as set forth in Sec. 9.1.3 through 9.1.5. A complete site plan must accompany all applications for a Conditional Use Permit as set forth in Section 9.8.4B.

Public Notification. Upon receipt of a complete application, public notices shall be issued in accordance with Sec. 9.1.7, Public Notices. Additional notice may also be provided to parties having specific interest or in instances of an appeal, in accordance with the provisions of Sec. 9.1.10, Additional Notice.

Review by the Technical Review Committee. Following submittal of a complete application, the TRC shall review the application and provide written comments to the applicant within 15 working days.

Review by Prescott Preservation Commission. For development proposals located in the Downtown Business District only, the proposal shall be scheduled for a “courtesy review”.

Review by Community Development Director. The Community Development Director shall review Special Use Permit application, the comments of the Technical Review Committee (TRC) and prepare a staff report.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall review Special Use Permit applications in a public hearing and recommend approval, approval with conditions, or denial of the special use application.

City Council Action. City Council shall review Special Use Permit applications in a public hearing and vote to approve, approve with conditions, or deny the special use application.

Notice of Decision. A copy of an approved or denied Special use Permit shall be given to the owner of the property, and a copy shall be filed in the office of the Community Development Director.

Special Use Review Criteria. The City Council may approve an application for a special use where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The City Council shall consider the following criteria in its review:

Effect on Environment. The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

Compatible with Surrounding Area. The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to scale, height, landscaping and screening, lot coverage and density.

External Impacts Minimized. The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

Infrastructure Impacts Minimized. The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

Consistent with General Plan and Code. The proposed use will be consistent with the purposes of this LDC, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.

Parcel Size. The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the affected zoning district.

Site Plan. The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.

Additional Conditions. The City Council may impose additional reasonable conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, additional landscaping or buffering, and additional improvements such as pavement, curbing, sidewalks and screening.

Expiration/Revocation of Approval. Special Uses Permits are approved from the date of Council action or as may be otherwise specified. If construction of the project has not been completed within the first 12 months thereafter, the City Council may grant an extension for its next review for completeness of the Special Use. Notice that the Special Use Permit may expire within 12 months shall be conveyed to the applicant in writing as part of notification of approval of the Permit

The City Council May extend the Special Use Permit for an additional period upon written request from the applicant; such request must be received before the date of expiration.

The City Council may revoke a Special use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an on-going condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the City Council. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8A.

Appeal. An appeal from any final decision regarding a Special Use Permit shall be in accordance with Sec. 9.18, Appeal of Council or Board of Adjustment Decisions.

ARS 9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.
- H. A municipality shall prominently print the provisions of subsections A, B, C, D, E, F and G of this section on all license applications.
- I. The licensing application may be in either print or electronic format.