



Ponderay - City Planning

Special Use Permit - Cover Memo

Special Use Permit (often called conditional use permit)

A Special Use Permit (SUP) allows certain uses to be located in an area on a case-by-case basis after review by the Planning Commission. This review is required in order to ensure public health, safety and welfare, and that it will be appropriate in its proposed location.

Special Use Permits are required for certain uses as established by ordinance of the zoning district in which the proposed use is located.

Procedure:

1. Sketch (Pre-application) meeting with City Planner to determine the applicability of SUP requirement and develop a list of agencies for notice.
2. Complete an up to date application form, prepare narrative, and supplemental documents.
3. Submit copies of application package to all applicable agencies and obtain proofs of mailing.
4. Applicant submits SUP application package including narrative, supplemental information, and required fee to Ponderay City Planning.
5. Planning and Zoning Commission will hold a public hearing at the next available meeting date. The applicant or a representative should represent their application at the Planning Commission meeting and be prepared to answer questions tendered by the Commission that may not have been addressed in the application package. Applicant should also expect to address concerns levied by the public or agencies at the public hearing.
6. Commission may take but is not limited to the following actions: recommend approval of the request outright, recommend approval with conditions, recommend denial of the request, remand the request to the applicant for provision of additional information, or table the request for further consideration.
7. The Planning Commission recommendation and record will then be forwarded to the next available City Council meeting for action.



Ponderay - City Planning

Special Use Permit Application

Site/Project Information
Brief Project Description:
Project Representative:
E-mail:
Phone #'s:
Location:
Legal Description:

Applicant/Owner Information
Name:
Legal Owner:
Signature:
Mailing Address:
E-Mail:
Phone #'s:

Ponderay Planning Department
File Number:
Fees:
Zoning:
Received By : Date:
Comments:



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Special Use Permit Application

Procedures

1. Schedule preliminary meeting with the Planning Director to review project and sketch plans.
2. Submit project plans to agencies identified by Ponderay Planning
3. Complete and return a site plan application with requisite fees, and proof of mailing or agency initials.
4. Provide the following with the completed application:

Requirements

9-7-2: SPECIAL USES:

- A. Stipulated Conditions: Special uses may be granted according to procedures outlined herein that meet the standards set forth in this title for that specific use. Special use permits may, in addition to standards set forth, also stipulate conditions which may include:
1. Specific time limits that the use will be permitted.
 2. Provisions for setbacks that are greater than the minimum standards set forth in this title.
 3. Landscaping requirements and other requirements to assure that the property is maintained properly.
 4. Sight restrictions, including designations of the exact location and nature of the proposed special use.
 5. Safeguards to protect and to minimize adverse impact on adjacent property.
 6. Standards that are more restrictive than those otherwise required by this title.
- B. Term: Special use permits shall expire if work has not commenced within one year after the date of issuance. Special use permits may be revoked if the sponsor fails to comply with the restrictions or conditions that were required.

- C. Use Not Permissible If Prohibited In Zone: Under no circumstances shall the planning and zoning commission recommend that a variance or special use be granted to allow a use not permissible in the zone involved or any use expressly prohibited by the terms of this title.
- D. Not Binding Precedent; Transferability: A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another.
- E. Commence Work: The proposed work shall commence within one year following the date the city council approves the special use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse. (Ord. 6-2e, 2000; Ord. 6-2f, 2002; Ord. 6-29, 2003; Ord. 6-2h, 1-20-2004)

9-7-3: APPLICATIONS:

- A. In Writing: An application for a variance or a special use permit shall be made, in writing, to the planning and zoning commission.
- B. Required Information: Any application for a variance or a special use permit must include the following. Incomplete applications shall not be accepted. Ten (10) copies of all documentary evidence, including maps, plans and the application itself, must be submitted with any application.
1. A written narrative statement addressing the following:
 - a. How the proposed use will, in fact, constitute a variance or a special use.
 - b. Why the proposed variance or special use is necessary or desired.
 - c. Whether the proposed variance or special use will be harmonious with and in accordance with the general objectives, or with any specific objective, of the comprehensive plan and/or this title.
 - d. Whether the proposed variance or special use will be designed, constructed, operated and maintained to be harmonious and appropriate with the existing or intended character

of the general vicinity and that such use will not change the essential character of the same area.

- e. The effect of the proposed variance or special use on adjacent property and whether it will be hazardous or disturbing to existing neighboring uses.
 - f. The identity of the owner or purchaser of the lot which is subject to the proposed variance or special use.
 - g. Whether the property will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the proposed variance or special use shall be able to provide adequately any such service or utility.
 - h. Whether the proposed variance or special use will create excessive additional requirements at public cost for public services and utilities or will be detrimental to the economic welfare of the community.
 - i. Whether the proposed variance or special use will lead to uses, activities, processes, materials, equipment and conditions of operation detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odor.
 - j. Whether the property under the proposed variance or special use will have vehicular approaches which shall be so designed as not to create an interference with traffic on surrounding public roads.
 - k. Whether the proposed variance or special use will result in the destruction, loss or damage of the natural, scenic or historic features of major importance.
 - l. A description of the previous use of the property and the intended use, including hours of operation or use, number of employees or occupants, the system for delivery of materials, and the general nature of the business or occupancy.
2. The name, address and telephone number of applicant.
 3. The legal description of property.
 4. A copy of the recorded deed showing proof of ownership.
 5. The signature of the legal title holder, if different from the applicant, signifying approval of the application.
 6. The names and addresses of all adjoining property owners, provided on a separate sheet of paper.

7. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current zone classifications and existing land use of adjoining property.
8. Ten (10) copies of the following plans (suggested scale: 1" = 20'):
 - a. Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities and drainage patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.
 - b. Floor plans, elevations: front, side and rear, and property lines and roofline dimensions.
9. The planning and zoning commission may require a land capability report prepared by a person or firm qualified by training and experience to have expert knowledge of the subject. The report will identify the capability of the land to withstand disturbance without the risk of substantial harmful consequences of floods, sewage, drainage, erosion, sedimentation or geological or surface slippage, considering the variance or special use requested.
10. Prior to granting a variance or special use, the planning and zoning commission may require a professional study of the social, economic, fiscal and environmental effects of the proposed variance or special use. (Ord. 6-2e, 2000; Ord. 6-2f, 2002; Ord. 6-29, 2003)

C. Public Hearing: The planning and zoning commission shall conduct a public hearing as provided by law, after proper notice, and thereafter shall issue a recommendation to the city council whether to approve or deny any application for a variance or special permit.

1. The recommendation of the planning and zoning commission shall be based upon the evidence presented at the public hearing, both written and oral.
2. The planning and zoning commission shall not recommend approval of an application for a variance except upon a showing of undue hardship because of the characteristics of the site, and upon a showing that the proposed variance is not in conflict with the public interest.
3. The planning and zoning commission shall not recommend approval of an application for a special use permit unless the proposed use is conditionally permitted by the term of the ordinance and is not in conflict with the comprehensive plan. A special use permit shall be subject to conditions pursuant to specific provisions of this title and shall be subject to the availability of services for the proposed use.

D. Council Action: The planning and zoning commission shall transmit its recommendation, together with the record of the public hearing and any evidence presented during said public

hearing, promptly to the city council. Upon the written request of any interested person filed with the city clerk within ten (10) days of the date of the planning and zoning commission recommendation, the city council shall conduct a public hearing on the application for a variance or special use permit. If no request is made for a public hearing, the city council shall grant or deny the application for a variance or a special use permit based upon the record before the planning and zoning commission.

1. The city council shall not approve an application for a variance except upon a showing of undue hardship because of the characteristics of the site, and upon a showing that the proposed variance is not in conflict with the public interest.
2. The city council shall not approve an application for a special use permit unless the proposed use is conditionally permitted by the terms of the ordinance and is not in conflict with the comprehensive plan. A special use permit shall be subject to conditions pursuant to specific provisions of this title and shall be subject to the availability of services for the proposed use. (Ord. 6-2h, 1-20-2004)

9-7-4: APPEAL:

Any aggrieved party may appeal a decision of the city council to the courts as provided by law. (Ord. 6-2h, 1-20-2004)