



*A desirable place to live, work and play; rich in history and small town values!*

Dear Applicant,

Thank you for taking the time to consult the Community Development Department in regards to an application for a Special Use Permit.

If you decide to proceed with the application, we need you to schedule a meeting with the Community Development Director prior to submitting your application. We have prepared an overview of the application process to assist you.

Planning and Zoning meetings are held on the third Thursday of each month in the City Commission Room at 2:00 p.m.

City Commission meetings are held on the second and fourth Tuesday of each month in the City Commission Room at 6:00 pm.

By City of Aztec Code we are required to issue notifications to all landowners within 100 feet of your property boundary and place a legal advertisement prior to your request going before the Planning and Zoning Board.

Your request will also go through a review process within the City of Aztec departments prior to notifications being sent out. We will then place this request on the Planning and Zoning Board agenda once the time for review and notification have been identified.

If you have any questions, please do not hesitate to call. We look forward to hearing from you.

Sincerely,  
Community Development Office  
(505) 334-7604



## CITY OF AZTEC SPECIAL USE PROCESS

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- Step 1** Schedule a meeting with the Community Development Director to review your special use request (505) 334-7604.
- Step 2** Turn in completed application and items on the attached *Special Use Application Checklist* to the Community Development Department.
- Step 3** The Community Development Department will send out land notifications to property owners within 100 feet of your property boundary.
- Step 4** Once all fees and documentation has been received, the Special Use Application will be put into the review process and then placed on the Planning and Zoning Board agenda as a Land Use Hearing item.
- Step 5** Planning and Zoning Board meetings are held the third Thursday of the month at City Hall Commission Room at 2:00 p.m. The City Commission meetings are the second and fourth Tuesday of the month and will meet at City Hall Commission Room at 6:00 p.m.
- Attendance is required by the applicant or by an authorized representative; applicants wishing to be represented by another party must submit this authorization to the Community Development Department in writing.
  - Failure to appear at the meeting may cause the Special Use Application to be postponed until the next regularly scheduled Planning and Zoning meeting.
  - The Planning and Zoning Board will make a ruling upon the Findings of Fact and Conclusions of Law and will issue a Land Use Hearing Order recommendation to the City Commission to approve or deny the Special Use request.
  - Recommendation from the Planning and Zoning Board will be placed on the Commission Consent Agenda for final approval from the Commission.
- Step 6** Duration of Permit. Every "Special Use Permit" is specific to the specified property. Should the property be sold to a new owner, the "Special Use Permit" continues with the property, until such special use is no longer conducted. A "Special Use Permit" is transferable from owner to owner on the specific property that the special use was permitted.
- Termination of Permit. Whenever it is determined that a use of property for which a special use permit has been approved, but such use is not being conducted within the terms of the special use permit; or that such use has been allowed to accumulate litter or debris, to be a public nuisance, or to attract vagrants, criminals, or public intoxication, or is otherwise detrimental to the public safety or welfare or; before the special use has commenced, and it is determined that such special use is not in the public interest, or the owner of the property has affected petitions for revocation; the special use permit may be revoked by the City Commission.



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## CITY OF AZTEC SPECIAL USE PROCESS

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The requirements of a Special Use Permit are defined in Chapter 26 Land Use Regulations, Article IV., Division 3. An excerpt from Aztec Municipal Code which identifies the requirements of a Special Use is included below for your reference. If you have questions on this section of municipal code please consult the Planning Technician at (505) 334-7604.

### **Sec. 26-4-531. Purpose.**

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a District, certain special uses, when found to be in the special interest of the public health, safety, and general welfare of the city may be permitted by the City Commission through a Special Use Permit.

(Code 2007, 26-531)

### **Sec. 26-4-532. Process.**

1. Application. Application for a "Special Use" must provide to the Community Development Department the following:
  - (1) A completed "Application for Use Permit" application form;
  - (2) A site plan of the proposed activity showing the following requirements:
    - a. An outline, with boundary dimensions and total acreage, of the area proposed for Special Use;
    - b. Existing streets, roads, drainage courses and utility features expected to service the area;
    - c. Proposed streets, private drives, parking area, and utility feature;
    - d. Proposed locations of structures;
    - e. North arrow, scale, and other geographic data. The site plan should be drawn on 8-1/2 by 11-inch paper for reproduction purposes.
  - (3) A legal description or proper street address of the property;
  - (4) A statement as to the proposed use of the buildings, structures and premises;
  - (5) A showing of compliance with any minimum requirements by the City and State governments (fire, licenses, etc.).
2. Publication and Notification. Proper public notification and publication follows the procedures outlined in Section 26-4-504-2(3).
3. Fees. A non-refundable fee of fifty dollars (\$250.<sup>00</sup>) is required.
4. Approval or Denial. The City Commission may grant a Special Use Permit provided that:
  - (1) The public health, safety, and general welfare will not be adversely affected;
  - (2) That adequate off-street parking facilities will be provided; and
  - (3) That necessary safeguards will be provided for the protection of the surrounding property, persons and neighborhood.

The City Commission may, in approving such special use permit, set forth such further reasonable requirements or conditions as are related to or necessitated by the proposed special use.

5. Duration. Whenever it is determined that a use of property for which a special use permit has been approved, but such use is not being conducted within the terms of the special use permit; or that such use has been allowed to accumulate litter or debris, to be a public nuisance, or to attract vagrants, criminals, or public intoxication, or is otherwise detrimental to the public safety or welfare or; before the special use has commenced, and it is determined that such special use is not in the public interest, or the owner of the property has affected petitions for revocation; the special use permit may be revoked by the City Commission.
6. Appeal. The owners shall have the right of appeal to the City Commission if the special use permit is revoked.  
(Code 2007, 26-532)



# CITY OF AZTEC SPECIAL USE CHECKLIST

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## **Applicable Fees**

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Administrative Fee	\$10
Special Use Permit Fee	\$250

## **Detailed site map which includes the following:**

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- \_\_\_\_\_ Address of property and adjacent properties
  - \_\_\_\_\_ Property boundary (all sides)
  - \_\_\_\_\_ Existing or proposed street(s) adjoining property (labeled)
  - \_\_\_\_\_ North arrow and scale
  - \_\_\_\_\_ All utility easements
  - \_\_\_\_\_ All utility lines
  - \_\_\_\_\_ All utility meters
  - \_\_\_\_\_ Existing and/or proposed structures
  - \_\_\_\_\_ Location of improvement(s)
  - \_\_\_\_\_ Setbacks for front, side and rear yards
  - \_\_\_\_\_ Driveway location (required for new addresses)
  - \_\_\_\_\_ Proposed parking area (if different than driveway)
  - \_\_\_\_\_ Location of all drainages

## **Ownership**

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A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

## **Legal Description**

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Includes the legal description or physical address of the property.

## **Proposed Use**

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Statement describing the proposed use of the buildings, structures, premises, etc.



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## CITY OF AZTEC SPECIAL USE EVALUATION

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Permit #: \_\_\_\_\_

1. Is the Special Use desirable within the district or neighborhood? \_\_\_\_\_ No \_\_\_\_\_ Yes
2. Does the Special Use impose a health issue on the public? \_\_\_\_\_ No \_\_\_\_\_ Yes
3. Does the Special Use impose a safety issue on the public? \_\_\_\_\_ No \_\_\_\_\_ Yes
4. Is the Special Use detrimental to the property? \_\_\_\_\_ No \_\_\_\_\_ Yes
5. Is the Special Use detrimental to surrounding properties or the neighborhood? \_\_\_\_\_ No \_\_\_\_\_ Yes
6. Have a majority of the property owners within 100 ft signed a written protest? \_\_\_\_\_ No \_\_\_\_\_ Yes
7. Does the Special Use comply with minimum City or State standards for fire protection, ingress/egress of traffic, licensing, etc.? \_\_\_\_\_ No \_\_\_\_\_ Yes



# CITY OF AZTEC SPECIAL USE APPLICATION

Permit #: \_\_\_\_\_ Date Started: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Fees Paid: \_\_\_\_\_

## PROPERTY OWNER CONTACT INFORMATION

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

## PROPERTY INFORMATION / DEVELOPMENT SITE

Address: \_\_\_\_\_  
Tax ID: \_\_\_\_\_ Parcel Size (ac): \_\_\_\_\_  
Zone District: \_\_\_\_\_  
Current Use: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_  
Flood Zone Designation: \_\_\_\_\_

## REASON FOR REQUESTING A SPECIAL USE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPLICANT SIGNATURE

I, \_\_\_\_\_ representing \_\_\_\_\_ hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## CITY of AZTEC USE ONLY

City Commission Meeting Date: \_\_\_\_\_

City Commission Action: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED

**FEES ARE DUE PRIOR TO COMMISSION MEETING**  
Fees are: \$10 Administration Fee + \$250 Special Use Fee = **Total \$260**