

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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 encourage 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.

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 Code we are required to issue notifications:

- A minimum of (15) days prior to each meeting; and
- To all landowners within 100 feet of your property boundary.

In order to process your application, we need your application signed and returned with the application fee by Thursday, _____. To make the agenda for the Commission meeting held Tuesday, _____.

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

- 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 at least 21 days prior to the regularly scheduled City Commission meeting.
- 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 placed on the next City Commission agenda as a Land Use Hearing item.
- Step 5** On Tuesday, _____, the City Commission 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 Commission meeting.
 - City Commission will make a ruling upon the Findings of Fact and Conclusions of Law and will issue a Land Use Hearing Order approving or denying the Special Use request.
- 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.



CITY OF AZTEC SPECIAL USE PROCESS

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 (\$250.⁰⁰) 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

Applicable Fees

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

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

Legal Description

Includes the legal description or physical address of the property.

Proposed Use

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



CITY OF AZTEC SPECIAL USE EVALUATION

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**