

City of Fort Lupton Special Use Permit Process

Purpose

In order to provide flexibility, to provide a means for setting performance standards for individual land uses, and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a Special Use Permit. The list of permitted uses in each zone district is exclusive, meaning that uses not specifically described are not permitted, but similar uses, compatible uses, may be permitted as Special Uses. Because of their unusual or special characteristics, Special Uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties.

Special Uses may be permitted subject to such conditions and limitations as the City may prescribe to ensure that the location and operation of the Special Uses will comply with Special Use criteria. Special uses are granted to individuals or entities, and not to the property itself. Special uses lapse as a matter of law, without hearing or notice, upon cessation of the specific granted use for a period exceeding 180 days. The scope and elements of any Special Use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for Special Use Permits shall be denied.

Approval Criteria

All Special Use Permits shall be reviewed for compliance with the City of Fort Lupton Comprehensive Master Plan, the City of Fort Lupton Municipal Code (Chapters 16 and 17), The City of Fort Lupton Design Standards and all other applicable plans and standards.

More specifically;

1. The Special Use shall satisfy all applicable provisions of the Code and shall be consistent with the intent of the Comprehensive Plan.
2. The Special Use shall not substantially alter the character of the district or the neighborhood.
3. The Special Use will result in efficient on- and off-site traffic circulation, and will not have an adverse impact on adjacent uses or present hazardous conditions for pedestrians or vehicles.
4. Adequate conditions of approval shall address: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; erosion; other performance issues identified through the public hearing process.

5. The term of the Special Use Permit and any reporting and inspection requirements as might be reasonably necessary to ensure compliance with conditions of approval may also be specified by the City Council.

The City may establish and carry out procedures as are reasonably necessary to ensure compliance with the conditions of approval of the Special Use Permit.

Eligibility Requirements

Eligibility and approval for Special Use Permit is determined by the City Council of Fort Lupton and is based on the following requirements:

1. The Special Use Permit is consistent with the City of Fort Lupton's Comprehensive Master Plan.
2. The Special Use Permit is consistent with and implements the intent of the specific zoning district in which it is located.
3. As applicable, the Special Use Permit is consistent with the terms and conditions of any previously approved development plan.
4. The Special Use Permit complies with all applicable design standards and plans adopted by the City of Fort Lupton.

Please note: The applicant is responsible for having a representative at all meetings of the Planning Commission and of the City Council where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting

Special Use Permit Process (Summary):

- a. Pre-application with City Staff.
- b. Special Use Permit Application submittal.
- c. Staff confirmation of complete submittal.
- d. Planning Commission public meeting and recommendation to the City Council
- e. Applicant addresses Planning Commission recommendations.
- f. City Council public meeting and action on Special Use Permit.
- g. Staff obtains all City signatures on Special Use Permit.
- h. Special Use Permit issued.

- i. Post-approval actions, including building permit application and applicable fees.

Submittal Requirements

Applications will not be accepted for review unless all information is present.

1. Completed Land Use Application, Completed Special Use Permit Application Form and Fees.
2. A detailed written description of the proposal with maps and graphics as appropriate, and proposed performance criteria such as hours of operation, additional off-street parking, number of visiting customers, and screening.
3. Proof of ownership acceptable to the City Attorney, such as a copy of a current title policy or updated title commitment current within thirty (30) days.
4. Copies of local, state and/or federal permits that are required to operate the proposed Special Uses.
5. Such additional descriptive materials as the Planning Department may prescribe.
6. One (1) set of No. 10 envelopes, stamped with first-class postage, with the City's address as the return address, addressed to: owners of property located within one hundred (100) feet of the property. Also, a statement by the Applicant, indicating the source of all addresses provided.

City of Fort Lupton Special Use Permit Checklist

PROJECT NAME: _____

APPLICATION CHECKLIST (check as completed):

<i>Applicant</i>		<i>City</i>
	<i>Pre-Application conference with staff. (Planning Department to fill in all items noted with **.) Date: _____</i>	
	<i>Comments from Pre-Application meeting returned to applicant. Date: _____</i>	

SUBMITTAL REQUIREMENTS:

	<i>Application Fee: \$ _____ **</i>	
	<i>Fee Deposit: \$ _____ **</i>	
	<i>Written description of Special Use Permit Application with maps and graphics.</i>	
	<i>Evidence of current ownership, acceptable to the City Attorney, such as a copy of the an updated title policy or commitment, current within thirty (30) days.</i>	
	<i>Copies of local, state and/or federal permits required for proposed Special Use.</i>	
	<i>One (1) set of No. 10 envelopes, stamped with first-class postage, with the City's address as the return address, addressed to: owners of property located within one hundred (100) feet of the property. Also, a written statement by the Applicant, indicating the source of all addresses provided.</i>	
	11. Additional documents as required (list) **: _____ _____ _____ _____ _____	

REVIEW PROCESS:

	<i>Planning Commission Public Hearing date set. Hearing Date: _____</i>	
	<i>Tentative City Council Public Hearing date set. Hearing Date: _____</i>	
	<i>Applicant notified of dates and times of hearings. Date: _____</i>	
	<i>DRT meeting. Date: _____</i>	
	<i>Notice of hearing(s) to Newspaper. Date sent: _____ Date published: _____</i>	
	<i>Hearing notice posted by applicant and posting certified. Date: _____</i>	
	<i>Notice of Public Hearing sent to neighbors. Date: _____</i>	
	<i>Planning Commission Public Hearing. Date: _____</i>	
	<i>Planning Commission decision and required revisions sent to applicant. Date: _____</i>	
	<i>Revisions to Application received from Applicant. Date: _____</i>	
	<i>Notice of Council hearing to Newspaper (if necessary). Date sent: _____ Date published: _____</i>	
	<i>Notice of Council hearing posted by applicant and posting certified (if necessary). Date: _____</i>	
	<i>City Council Public Hearing and action. Date: _____</i>	
	<i>City Council decision and required revisions sent to applicant. Date: _____</i>	
	<i>Special Use Permit information recorded in official zoning records. Date: _____</i>	

COMMENTS: