
CITY OF AZTEC

Conditional Use Requirements

The requirements of a Conditional Use Permit is defined in Chapter 26 Land Use Regulations, Article IV., Division 4. More specifically in the following Sections:

Sec. 26-541. Purpose.

The objective of this land development ordinance is to provide for an orderly arrangement of compatible building and land uses compatible with the physical pattern of development characterized by the neighborhoods and districts within Aztec, and for the proper location of all types of uses required for the social and economic welfare of the City of Aztec. Toward this goal each type and kind of use is classified as being permitted in one or more respective districts. However, in addition to those uses specifically classified as "permitted uses" in each district, there are certain additional uses, because of their unusual characteristics or the service they provide the public. These "conditional uses" listed with their respective district require particular consideration as to their proper location in relation to adjacent established or intended uses. The conditions controlling the location and operation of such "conditional uses" are established by the following provisions of this Section.

(Code 2007, 26-541)

Sec. 26-542. Process.

1. Application. Each application for a "Conditional Use" must provide to the Community Development Department the following:
 - (1) A completed "Application for Use Permit" 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 conditional 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) Verification of ownership or legal interest in the subject property (copy of abstract, title certificate, insurance or contract);
 - (4) Legal description of the property or proper street address;
 - (5) Statement describing the proposed use of the buildings, the structures and the premises;
1. Publication and Notification. Proper public notification and publication follows the procedures outlined in Section 26-504-2(3).
2. Fees. A non-refundable fee of fifty dollars (\$50.⁰⁰) is required.

3. Approval or Denial. No "Conditional Use Permit" shall be approved or granted by the City Commission unless the conditional use:

- (1) Is necessary for public convenience at the proposed location.
- (2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- (3) Will not cause substantial injury to the value of other property in the neighborhood of which it is a part; and
- (4) That in no case will such use change or alter the Land Development district of which it is a part and further, in the event of such use cease to operate, the property occupied by the "conditional use" will revert back to its intended District.

Denial of the "Conditional Use Permit" can occur if:

- (5) A written protest to the proposed conditional use is signed by the majority of owners of property within one hundred (100) feet; or
 - (6) The Conditional Use application fails to receive a majority vote of the City Commission.
4. Duration. Every "Conditional Use Permit" is specific to the specified property and property owner. Should the property be sold to a new owner, the "Conditional Use Permit" automatically becomes void and terminates. Regardless of relationship, a "Conditional Use Permit" is not transferable from owner to owner.
(Code 2007, 26-542)