



CITY OF AZTEC CONDITIONAL USE PROCESS

- Step 1** Schedule a meeting with the Community Development Director to review your conditional use request (505) 334-7604.
- Step 2** Turn in completed application and items on the attached *Conditional 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 Conditional 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 Conditional 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 Conditional Use request.
- Step 6** Duration of Permit. 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.



CITY OF AZTEC CONDITIONAL USE REQUIREMENTS

The requirements of a Conditional Use Permit are defined in Chapter 26 Land Use Regulations, Article IV., Division 4. Conditional Uses are listed in Aztec Municipal Code by Zone District. If you need assistance identifying the zone district of your property please consult the Community Development Office at (505) 334-7604.

An excerpt from Aztec Municipal Code which identifies the requirements of a conditional use is included below for your reference:

Sec. 26-4-541. 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. 26-4-542. 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 two hundred and fifty dollars (\$250.⁰⁰) 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)



CITY OF AZTEC CONDITIONAL USE CHECKLIST

Applicable Fees

Administrative Fee	\$10
Conditional 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 CONDITIONAL USE EVALUATION

Permit #: _____

1. Is the Conditional Use necessary for public convenience? _____ No _____ Yes
2. Does the Conditional Use impose a health issue on the public? _____ No _____ Yes
3. Does the Conditional Use impose a safety issue on the public? _____ No _____ Yes
4. Is the Conditional Use detrimental to the property? _____ No _____ Yes
5. Is the Conditional Use detrimental to surrounding properties? _____ No _____ Yes
6. Have a majority of the property owners within 100 ft signed a written protest? _____ No _____ Yes



CITY OF AZTEC CONDITIONAL 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 CONDITIONAL 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 Conditional Use Fee = **Total \$260**