



CONDITIONAL USE PERMIT APPLICATION

APPLICANT

Name _____
 Mailing Address _____

 Contact Person _____
 Phone _____ Fax _____
 Email _____

PROPERTY INFORMATION

Assessor's Parcel # _____
 Township _____ Range _____ Section _____
 Subdivision _____
 Unit # _____ Lot # _____
 Address/Location _____

 Existing Zoning _____
 Existing Land Use _____
 Lot Size _____

CONDITIONAL USE PERMIT REQUEST

Please provide a brief description of the request.

Temporary Use: _____ Yes _____ No

SUBMITTAL CHECKLIST

- Pre-application meeting with a staff planner in the Planning and Zoning Division.
- Application, photographs, diagrams, site plans with the setbacks noted, and any other required information. Please be precise and detailed. (*See the attached guidelines*)
- A list of names and addresses of all the property owners within 300 feet of subject property.
- Seventeen copies of all plans and drawings.
- Map to property.
- A non-refundable filing fee. (*See Section 911*)
- All required items need to be submitted to Planning and Zoning at least 21 days prior to the next scheduled meeting.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Community Development Department access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

_____ Date _____

Signature of Property Owner (if not the applicant)

_____ Date _____

OFFICE USE ONLY

Received By _____ Date _____
 Receipt # _____ Fee _____
 Permit # _____
 Related Cases _____
 Appeal Filed By _____ Date _____
 Receipt # _____ Fee _____

COMMISSION ACTION

Approved with Conditions (*see attachments*) Denied
 Resolution # _____ Date _____

BOARD ACTION

Approved with Conditions (*see attachments*) Denied
 Ordinance # _____ Date _____



Guidelines for Requesting a Conditional Use Permit

Important Information When Submitting an Application:

1. Please include photographs and an 8 1/2" X 11" diagram illustrating the structure. Also please indicate the distance from the structure to your property line on each side of the structure. If this is for a business, please present a **professionally** drawn map. If this is for a subdivision, we will need a digital copy in AutoCAD format. **Please include septic and water information for the Environmental Health Division.**
2. Information will need to be submitted to **Planning and Zoning at least 21 days prior to the next scheduled meeting** to avoid the application being delayed into the following month. Application should be typed.
3. Materials submitted have to be circulated to the Planning and Zoning Division, the Environmental Health Division, the Building Inspections Division, and the Engineering Department for their review and approval.
4. If there are items that need to be addressed, the applicant will be notified after the submitted material has been reviewed.
5. Please remember to keep information **precise and detailed**. The applicant should attend the meeting when the request is reviewed and discussed by the Planning and Zoning Division.
6. A total of seventeen (17) copies of all pertinent paperwork (e.g., applications, maps) must be submitted, along with the originals, for all permits that go through the Planning and Zoning Commission.
7. Mailing address labels of all neighbors within three hundred (300) feet of the property line must also be submitted.

**Please call Planning and Zoning 24 hours
in advance of the meeting date
to ensure the meeting is still on schedule.
The phone number is (928) 337-7527.
Thank you for your cooperation.**



Guidelines for Requesting a Conditional Use Permit

**THIS INFORMATION HAS BEEN SELECTED
FROM THE APACHE COUNTY ZONING ORDINANCE.**



ARTICLE 9

CONDITIONAL USE PERMIT

SECTION 901 - PURPOSES

In certain zoning districts, conditional uses are allowed subject to the granting of a Conditional Use Permit by the Board of Supervisors. Because of unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance, and site characteristics effects on surrounding properties. The Planning Commission reviews and makes recommendations to the Board of Supervisors who grant or deny applications, and may apply reasonable conditions to the approval of such uses.

SECTION 902 - APPLICATION

Application for Conditional Use Permit shall be filed with the Planning Director on a form prescribed by the Commission.

**SECTION 903 - DEVELOPMENT AND PERFORMANCE STANDARDS FOR
CONDITIONAL USE PERMITS**

Section 903.01 General Standards

- A. Site Plan: A site plan is required for all proposed conditional uses and buildings and shall be drawn to scale showing structures, property lines, adjacent streets, yards, parking and traffic flow, drainage, proposed sign location and design, location of leach fields or sewers, and any other information needed to properly evaluate the proposal.

- B. Water supply, septic systems and sewer systems shall be approved by the Health Department and meet all health and safety laws.
- C. Where subdivisions are involved, deed restrictions that reflect the requirements of the Conditional Use Permit shall be recorded with the subdivision plat.
- D. Increased surface drainage will be channeled to natural or man made drainage structures and not allowed to flow uncontrolled onto neighboring properties, unless an easement or other written permission has been granted. Necessary measures will be taken to prevent erosion.
- E. The owner/applicant shall show that traffic from a proposed conditional use will not be excessive for the land area involved and will not create or significantly increase congestion or cause safety hazards.
- F. Where possible, the site design will preserve and enhance existing trees, water courses, hills and other natural features, as well as vistas, and historic locations and will be compatible with existing adjoining development.
- G. Parking: The provisions of Article 6 shall apply.
- H. Lighting: The provisions of Article 7 shall apply.
- I. The Board of Supervisors may require compliance with any other conditions which in its opinion are necessary to protect the public health, safety and general welfare.
- J. Signs: When signs are to be erected as part of a conditional use, a diagram showing the location, size and design of the sign together with lighting details, construction materials and landscaping details shall be submitted. The Board of Supervisors shall approve sign usage as part of the Conditional Use Permit and no changes may be made other than lettering or additional signs added without further approval by the Board of Supervisors.

In general, the following guidelines shall be considered by the Board in approving sign usage:

1. Signs shall be constructed in a safe manner that prevents collapse, wind damage, electrical hazards or other unsafe conditions.
2. Signs shall be placed so as not to obstruct vision necessary for safe pedestrian or vehicular traffic movement nor inhibit traffic movement.
3. Signs shall be placed so as not to obstruct views of adjoining properties or views from adjoining properties.
4. Signs shall be of a minimum size and number for the purpose served.
5. Signs shall be landscaped where possible.
6. Signs attached to buildings shall appear to be an integral part of the building. Guy wires and similar appurtenances shall not be exposed.

903.02 Standards for Multi-family Dwelling, Townhouses, Condominiums

- A. **Lot Size:** Minimum site area per dwelling unit shall be as determined by the Health Department but not less than net 30,000 square feet per dwelling unit when facilities are on septic systems or net 5,000 square feet per dwelling unit when on sewer system.
- B. **Separation:** A multi-family structure shall not be closer than twenty (20) feet to any other residential structure, except that building walls without window openings may be separated by no less than ten (10) feet.
- C. **Setbacks:** Side Yard; All building or structure side yard setbacks from a property line boundary of the multi-family development shall be a minimum of ten (10) feet for a single story structure. Building(s) or structure(s) exceeding fourteen (14) feet in height, as measured from grade to the highest gable end, shall have one (1) additional foot of side yard setback for each additional foot of building or structure height.

Front and Rear Yard: All structures shall have a minimum front & rear yard set-back equal to the total height of said structure as measured from grade to the top of the highest point of the structure, plus ten (10) feet.

Accessory Building Setbacks: Any and all accessory buildings shall have a minimum ten (10) feet of setback for single-story and fifteen (15) feet of setback for two story structures from all property lines and other buildings.

- D. Structures shall not exceed two (2) stories in height, or 24 feet.

903.03 Standards for Mobile Home Parks and Travel Trailer Parks

- A. Mobile homes may not be located closer than 20 feet to any other travel trailer, mobile home, or other residence, nor closer than ten (10) feet to property lines exclusive of drives or roadways. Cabanas and carports attached to mobile homes may extend to within ten (10) feet of an adjoining carport or cabana and to within five (5) feet of an interior property line in a mobile home subdivision.
- B. The applicant shall satisfy the Board that water, plumbing, electrical and sewage systems are safe and adequate for the proposed use.
- C. For Mobile Home Parks and Travel Trailer Parks a map outlining site areas for building sites, mobile home and travel trailer sites and accessory building sites shall be included with and made a part of a Conditional Use Permit. No mobile home, travel trailer, or accessory building may be located in any area that is not indicated on such map as a site proposed for such use.
- D. **Storage:** a separate, improved surface storage area shall be provided in mobile home parks for the storage of boats, camper, etc., at the rate of 300 square feet of storage for each mobile home space.

- E. Recreation area: In a mobile home park a minimum of 10% of total park area shall be improved and maintained for play or recreation.
- F. Mobile home and travel trailer parks may be required to be screened from adjacent non-mobile home development or streets by opaque fences, walls, or plantings.
- G. Minimum site area provided per travel trailer shall be 30,000 square feet when served by an individual septic system and a minimum of 2,500 square feet, or a maximum of twelve (12) dwelling units per acre when served by public sewer.
- H. Minimum site area provided per mobile home shall be 30,000 square feet when served by an individual septic system and a minimum of 3,500 square feet, or a maximum of eight (8) dwelling units per acre when served by public sewer.
- I. Travel trailers may be located on mobile home spaces, provided that not more than twenty (20) percent of the mobile home spaces are occupied by travel trailers.
- J. Mobile homes shall not be located on spaces provided for travel trailers or development specifically for travel trailers.

903.04 Standards for Commercial and Industrial Developments

- A. Applicants for a Conditional Use Permit for a commercial or industrial use shall submit with the application of an impact statement to assist the Board of Supervisors in their evaluation. This statement shall include the following:
 - Number of employees
 - Estimated amount of traffic by day of week
 - Parking, storage, loading, and service areas needed
 - Amount of water use and source
 - Method of handling increased surface drainage
 - Nearest residences
 - Amount and types of refuse and sewage
 - Any pollutants and method of handling
 - Site changes necessary including tree removal
 - Landscaping and recreation provided
 - Use of natural resources
 - Fire prevention and protection systems
 - Services required of the County such as road maintenance, snow removal, etc.
 - Method of controlling dust from traffic areas and other sources
- B. Lot size shall be as determined by the Board of Supervisors but shall be sufficient to accommodate the required parking, building, and open space uses.
- C. Yard areas shall be as determined by the Board of Supervisors.
- D. Height limitations shall be determined by the Board of Supervisors.

903.05 Objectionable Uses

These uses include junk yards, dumps, canneries, fertilizer plants, refineries, commercial feed lots, meat packing plants, tallow works, and other like businesses which the Board of Supervisors may feel constitute objectionable uses. These may be located anywhere in the County so long as the provisions of this Article are adhered to.

- A. An impact statement as required under section 903.04 will be submitted for objectionable uses.
- B. A written easement from property owners within the area of impact of the objectionable use shall be obtained by the applicant. "Area of Impact" shall be determined by the Board of Supervisors based on impacts of similar uses elsewhere. These easements shall apply to noise, odor, dust, fumes, glare, and any other phenomena the Board of Supervisors may designate.
- C. Objectionable uses may not be located closer to a residence than the area of impact.
- D. The public shall be adequately protected from the objectionable use by means determined by the Board of Supervisors.

SECTION 904 - COMMISSION ACTION

- 1. The Commission shall consider the application at their next regular meeting if the application was filed at least fifteen (15) days prior to such meeting. Otherwise, it shall be carried over until the next regularly scheduled meeting. The Commission may reach a recommending decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing.
- 2. Any use permit recommended by the Planning and Zoning Commission shall be commenced within six (6) months from the date of approval by the Board, and diligently pursued, otherwise it shall become null and void.
- 3. Notice of the meeting shall be given by posting the property of application at least ten (10) days prior to the meeting date, if a property is involved.
- 4. The Commission may recommend such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this Ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.
- 5. If appropriate, the use permit may be applied for prior to and during the meeting to review the developments vicinity plan application.

SECTION 905 - BOARD ACTION

After proper review and recommendation by the Commission, the Board of Supervisors shall enter all final decisions regarding an application. In providing a decision, the Board may continue the hearing, deny, approve, or approve with modifications the use permit.

SECTION 906 - TEMPORARY USE PERMIT

At times the Planning Commission may receive requests for uses which are temporary in nature (e.g. Rodeos, Revivals, Circuses, etc.) but which would not be suitable for long term use. The Commission may recommend a Temporary Use Permit for a maximum period of 180 days which may be extended upon written request by the applicant for a period not to exceed an additional 180 days.

Temporary Use Permits do not require the issuance of a Building Permit but may include temporary use of water and sewer facilities for the time the permit is in effect. No permanent structures may be built under temporary use procedures.

Temporary Use Permits shall be administered and processed in the same manner as Conditionals Use Permits. A signed agreement shall accompany the application and shall state that upon cessation, expiration or revocation of the permit, the premises will be promptly cleaned up and restored to substantially the same condition as existed prior to the issuance of the permit.

SECTION 907-FINDING

In order to deny any use permit, the findings of the Board must be that the establishment, maintenance, or operation of the use or building applies for will be detrimental to the public health, safety, peace, convenience, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County, or shall be in conflict with any approved Comprehensive Plan.

SECTION 908 - USE PERMIT TO RUN WITH THE LAND

A use permit granted pursuant to the provisions of this Article shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

SECTION 909 - REVOCATION

- A. Use permits granted in accordance with the provisions of this Ordinance may be revoked if the use is not completed within one (1) year from the date construction is begun, or may be revoked if any of the conditions or terms of the permit are violated or if any law or Ordinance is violated in connection therewith.
- B. The Planning Director shall notify the permittee of a violation or termination of a use permit, by mail, if the permittee has not diligently commenced with the use of the permit. The permittee shall likewise be notified if he is in violation of the conditions of the permit. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void.

909.01 AMENDMENT TO A CONDITIONAL USE PERMIT

Change in a conditional use which substantially (10 per cent or more) changes the layout, use or design of a permit as determined by the Director, the Applicant shall apply for an Amendment to the Conditional Use Permit. The amendment process shall be the same as the Conditional Use Permit process and require a processing fee of \$500.00.

SECTION 910 - TIME LIMIT

- A. Use permits become effective on approval by the Board.
- B. No person shall re-apply for the same or substantially the same use permit on the same or substantially the same plot, lot, or parcel of land within a period of one (1) year from the date of denial or revocation of said use permit.

SECTION 911 - FEE

A non-refundable filing fee will be required for the following permits:

- | | |
|---|----------|
| 1. Conditional Use Permit: | \$500.00 |
| 2. Additional Residence on Parcel: | \$300.00 |
| 3. Variance: | \$300.00 |
| 4. Rezoning: | \$600.00 |
| 5. Amendment to Conditional Use Permit: | \$500.00 |

Failure to obtain a permit will result in double fees.