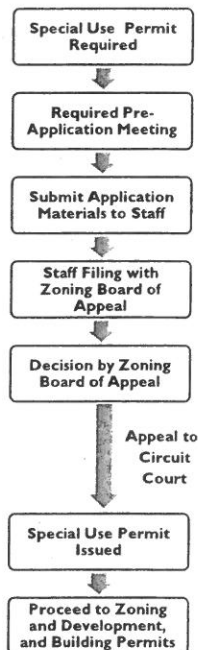


- A. **Purpose.** A use designated as requiring a Special Use Permit in the allowed use tables in Article 3 (Specific to Zones) is a use that may be appropriate in the zone, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the zone and compatible with its surroundings. The purpose of this Section is to establish a mechanism to review special uses to ensure they are appropriately developed in the zone.
- B. **Applicability.** A use designated as requiring a Special Use Permit shall receive approval of a Special Use Permit in accordance with this Section before approval of a Development Permit or Zoning Permit for development of the use.
- C. **Special Use Permit Procedure.**



1. **Pre-Application Conference is Required.** See Section 7.4.20 (Pre-Application Conference).
2. **Application Submittal and Acceptance.** See Section 7.4.30 (Application Submittal and Acceptance). The application shall include a Special Use Development Plan that demonstrates compliance with the applicable standards in Article 3 (Specific to Zones), Article 4 (Specific to Use), and the review standards in Subsection 7.2.130.D.
3. **Staff Review and Action.** Applicable to a staff report and recommendation by the Director. See Section 7.4.40 (Staff Review and Action). The Director's recommendation shall be based on the standards in Subsection 7.2.130.D.
4. **Public Hearing Scheduling and Notice.** See Section 7.4.50 (Public Hearing Scheduling and Notice).
5. **Public Hearing Procedures.** See Section 7.4.70 (Public Hearing Procedures).
6. **Decision-Making Body Review and Decision.** Applicable to a decision by the ZBOA following a public hearing. See Section 7.4.90 (Decision-Making Body Review and Decision). The ZBOA's decision shall be based on the standards in Subsection 7.2.130.D.
7. **Appeal.** The decision of the ZBOA on a Special Use Permit may be appealed to the Circuit Court.

- D. **Special Use Permit Review Standards.** A Special Use Permit shall be approved on a finding the applicant demonstrates the proposed special use:
1. Is consistent with the Comprehensive Plan's purposes, goals, objectives, and policies, and applicable standards of this Development Code, including standards for building and structural intensities and densities and intensities of use;
 2. Is compatible with the character of land in the immediate vicinity;
 3. Is designed to minimize adverse effects, including visual impact of the proposed use on adjacent lands; and
 4. Is designed to minimize adverse impacts on the environment, traffic and congestion, infrastructure, or governmental services. (A Traffic Impact Analysis (TIA) may be required as determined by the Director.)

- E. **Conditions of Approval.** The ZBOA may impose conditions of approval on a Special Use Permit to accomplish any of the following:
1. Ensure the special use is developed exactly as presented in drawings, exhibits, and assertions made at the hearings.
 2. Limit uses, reduce density, increase open space, landscaped surfaces, or environmental protection to ensure it meets the standards by which it is approved.
 3. Limit the length of time a use may exist, or provide for periodic review of the appropriateness of the use, or provide for elimination of the use.
 4. Ensure the general purposes, goals, and objectives of the Comprehensive Plan and this Development Code are met.
 5. Prevent or minimize adverse effects from the proposed use and development on other properties in the neighborhood and on the public health, safety, and welfare.
- F. **Expiration.** A Special Use Permit shall automatically expire if a Zoning or Development Permit, as appropriate, for the Special Use authorized by the Special Use Permit is not obtained within one year after the date of approval, unless an extension of this time period is authorized in accordance with Section 7.4.130 (Expiration of Development Approval).
- G. **Amendment.** A Special Use Permit may be modified or amended only in accordance with the procedures and standards established for its original approval.
- H. **Revocation.**
1. The Director may initiate, and the ZBOA may revoke, a Special Use Permit for violation of the conditions of approval in accordance with the procedures and standards of this Subsection.
 2. Prior to the public hearing on the revocation by the ZBOA, the Director shall provide notice in the same manner as was provided for the permit's original approval, as described in Section 7.4.50 (Public Hearing Scheduling and Notice), prepare a staff report, forward it to the applicant and the ZBOA, and make it available to the public.
 3. At the public hearing, the ZBOA shall consider the staff report, any evidence provided of violations of the conditions of approval or other threats to the health or safety of users or the residents of the surrounding neighborhood, the response of the permittee, and public comment. After the conclusion of public hearing, the ZBOA shall decide whether to revoke the permit because it is in violation of the conditions of approval or other provisions of this Development Code, or if it is creating other threats to the health or safety of users or the residents in the surrounding neighborhood.