

Applicant: _____

Date: _____

CONDITIONAL USE PERMIT PROCEDURE

1. Submit completed application to the City of Leadville Planning and Zoning office staff.
2. Upon completion of the application being reviewed by the Planning and Zoning official and the Chair of the Planning and Zoning Commission, a public hearing date will be set. Public hearings are usually scheduled prior to City Council meetings; however, can be scheduled at other times as necessary.
3. The following notices must be posted/published prior to the public hearing on the following schedule:

TYPE OF NOTICE	DEADLINE
Newspaper	15 Days
Property Owners	15 Days
Front/Rear Property	15 Days

4. The public hearing will be held before the Planning and Zoning Commission as well as the city of Leadville City Council. At the end of the hearing, a recommendation from the Planning and Zoning Commission will be made with possible conditions. Usually a formal decision regarding the application will be made by City Council during their regular meeting later in the evening. Council may motion to amend or require additional conditions
5. Written notification will be sent to the applicant within ten (10) working days of the decision

Please note, applicants or an informed representative must be present at all scheduled meetings.

THE CITY OF LEADVILLE

GENERAL APPLICATION FORM

Application File No. _____

1) ACTION REQUESTED

Rezoning	<input type="checkbox"/>	Variance	<input type="checkbox"/>
Subdivision Approval	<input type="checkbox"/>	Sign Variance	<input type="checkbox"/>
Sketch Plan	<input type="checkbox"/>	Performance/Other Bond	<input type="checkbox"/>
Preliminary Plan	<input type="checkbox"/>	Temporary Use Permit	<input type="checkbox"/>
Final Plat	<input type="checkbox"/>	Petition for Time Extension	<input type="checkbox"/>
Plat Correction	<input type="checkbox"/>	Zoning Text Amendment	<input type="checkbox"/>
Plat Amendment	<input type="checkbox"/>	Comprehensive Plan Amendment	<input type="checkbox"/>
Plat Vacation	<input type="checkbox"/>	Conditional Use Permit(s)	<input type="checkbox"/>
Easement Vacation	<input type="checkbox"/>	CUP/Other	<input type="checkbox"/>
Subdivision Exemption	<input type="checkbox"/>	CUP/Travel Trailer Park	<input type="checkbox"/>
Certif. of Appropriateness	<input type="checkbox"/>	CUP/Mobile Home Park	<input type="checkbox"/>
Other Action(s) (specify)	<input type="checkbox"/>		

2) APPLICANT STATUS

Date of Application: _____
Received by: _____
Application Fees Required: _____
Date Fee Paid: _____

Date(s) App. Acted On:	Action Taken:
_____	_____
_____	_____
_____	_____

3) APPLICANT AND OWNER INFORMATION

Name of Applicant: _____
Property Address: _____
Mailing Address of Applicant if other than property address: _____
Telephone: _____
Land Owner*: _____
Address: _____
Telephone: _____

* List Landowner(s) individually if other than applicant

4) SUMMARY OF APPLICATION

Land Area Included Within the Scope
of This Application: _____
Location of Land: _____
Existing Zoning Districts: _____
Proposed New District(s): _____
Number of Existing Lots: _____
Number of Proposed Lots: _____
Number of Proposed Dwelling: _____
Proposed Average Lot Size: _____

If this is a Variance Request, Type and Cause of Non-conformance: _____

Will the Proposed Development Require any State or Federal Permits _____ (Yes/No)
If yes, which Permits: _____

Additional Pertinent Information: _____

5) CERTIFICATION BY THE APPLICANT

I hereby state that this application is made with full knowledge of the design standards, procedures, disclaimers (see especially Titles 17.06 and 17.30.040) and other provisions of the Leadville Zoning Ordinance/Municipal Code pertaining to this application:

Signature of Applicant: _____ Date: _____

6) FINAL ACTION

Approved Conditionally Approved or Denied by the authorized Leadville permitting authority:

Name: _____ Signature: _____
Title: _____ Date: _____

Special Conditions of Approval: (List Separately)

Chapter 17.52

CONDITIONAL USE PERMITS

Sections:

- 17.52.010** Introduction.
- 17.52.020** Submittal requirements.
- 17.52.030** Procedures for review and action on conditional use applications.
- 17.52.040** Criteria for action on an application for conditional use.
- 17.52.050** Review and revocation of a conditional use permit.
- 17.52.060** Special fee provision for conditional use permits.

17.52.010 Introduction.

The conditional uses enumerated in Chapter 17.48 may be allowed in an eligible zoning district upon review and recommendation by the planning commission and action by city council to issue a CUP. Issuance of a permit for a conditional use shall be subject to such reasonable conditions and safeguards as city council may impose in order that the conditional use comply with the general intent and specific provisions of this chapter and be in harmony with the character of the surrounding area. Specific decision-making criteria are contained below.

Conditional uses shall be permitted for a duration of time, up to indefinite, specified by city council or until the land use changes or is terminated, whichever occurs first. Each conditional use approved by city council is subject to review as often as city council deems appropriate and reasonable. In addition, city council may, for proper cause, revoke a CUP. (Ord. 99-8 § 1 (part): prior code § 17.14.010)

17.52.020 Submittal requirements.

Application for a permit for a conditional use shall require submission of: (a) an application on a form provided by the city; (b) submission of a letter of intent; and (c) submission of a site plan.

The appropriate filing fees (see Section 17.96) shall accompany the submission of the above materials. (Ord. 99-8 § 1 (part): prior code § 17.14.020)

17.52.030 Procedures for review and action on conditional use applications.

A. Conditional use applications, with all supporting documents and fees, shall be submitted to the planning official to review for compliance with the requirements of this title.

B. An application determined to be complete by the planning official will be forwarded to the commission chair for second review. If the commission chair finds the application incomplete, it will be returned to the planning official for appropriate action. If the commission chair finds the application complete and adequate, it will be set up for a public hearing by the planning official. If the commission chair feels, for any reason, that the entire commission should review the application, the application will be brought before the planning commission in regular or special session. At this session the commission shall rule by majority vote if it is complete and adequate, in which case it shall be accepted for review or, if it is incomplete or inadequate, it shall be returned to the applicant, along with all applicant fees, for revision. The commission shall record in its minutes the reason why any materials returned are incomplete or inadequate.

C. When the application materials are deemed acceptable for review, the applicant

shall be notified and the materials shall be scheduled for review by the planning commission, jointly with city council, at a public hearing.

D. Notice of such hearing shall be (1) published in a newspaper of general circulation in the city at least fifteen (15) days prior to the scheduled hearing date; (2) sent by the applicant via United States Mail, first class postage prepaid, postmarked at least fifteen (15) days prior to the scheduled hearing date, to all listed owners of record of all property within two hundred (200) feet from the property lines of the property in question, as shown in the records of the Lake County assessor's office. The applicant shall submit a signed affidavit, in a city-approved form, to the city prior to the date of the hearing evidencing that the required mailing was performed in accordance with this section. Failure to mail such notice shall not affect the validity of any hearing or determination by planning commission or city council, as applicable.

E. The applicant shall provide the city with the names and addresses of all adjacent property owners, as shown in the records of the Lake County assessor's office, and shall provide the planning official with a certificate of mailing.

F. The applicant shall cause to have posted on the property in question, in a conspicuous location, a sign supplied by the city stating the time, date, location and subject of the hearing. Such sign(s) shall be posted at least fifteen (15) days before the scheduled date of the hearing.

G. Following the public hearing, the commission shall make recommendation on the application to city council, recommending approval, denial or conditional approval. The commission has the option of continuing the discussion to a time and date certain whenever

they feel further discussion is necessary. Once the commission has determined its recommendation, it shall forward the recommendation and any records of the hearing to the council within ten (10) days.

H. At the next regularly scheduled or special meeting of city council, the council shall consider the recommendation of the planning commission and shall act to approve, deny or conditionally approve the application. Discussion on the application can be continued to a time and date certain when necessary.

I. The resolution of disputes regarding completeness and adequacy of submittal materials shall be as specified in Section 17.92.

J. A letter typed or printed on city stationery and signed by the mayor shall be considered to be a formal permit authorizing a variance or conditional use under this chapter.

K. An applicant who has been denied a CUP shall not be permitted to reapply for a CUP for the same type of use at the same property for one year from the date of denial by city council.

L. A CUP will be revoked if the use has not been established within two years of the CUP approval. CUP extensions may be granted by city council for good cause. (Ord. 02-10 § 1; Ord. 99-8 § 1 (part); prior code § 17.14.030)

17.52.040 Criteria for action on an application for conditional use.

All actions by the planning commission in reviewing and making recommendation on an application for conditional use, and by city council in approving or disapproving such application, shall be based in general upon the provisions of this chapter and specifically on the following criteria:

A. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation;

B. That the proposed conditional use is consistent with and in compliance with the Leadville comprehensive plan, as amended;

C. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area;

D. That the proposed conditional use will not result in overly intensive use of the land relative to the surrounding land;

E. That the proposed conditional use will not result in excessive traffic congestion or hazards to vehicular or pedestrian traffic;

F. That the proposed conditional use will not unnecessarily scar the land on which such use would be located and that the site be free from loose piles of soil or other materials and open, unprotected pits or holes;

G. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of city residents nor cause hardship for neighboring persons;

H. That the proposed site of the conditional use is and will be free from natural and manmade hazards or such hazards as have been identified can and will be adequately mitigated;

I. That all roadway systems and access roads will be open and readily accessible to police, fire and other emergency and public safety vehicles on a year-round basis. (Ord. 99-8 § 1 (part): prior code § 17.14.040)

17.52.050 Review and revocation of a conditional use permit.

At such intervals as city council may have specified in its decision, or when there is an alleged violation of the provisions of a CUP, the planning commission shall review the terms, conditions or other provisions of CUPs issued by city council. Upon review of the permit provisions, the planning commission may specify time periods in which any violations of the terms or conditions shall be corrected.

Review of alleged violations of the terms, conditions or other provisions of a CUP shall occur at regularly scheduled planning commission meetings unless the alleged violation

of the provisions of the permit may be an imminent danger to public health, welfare and safety. If, in the judgment of any city planning, building, police, fire or street department official, an imminent danger exists, the planning commission shall convene a special meeting to discuss the permit provisions.

The planning commission shall forward all recommendations, the reasons for such recommendations, and specific time period(s) in which violations of the provisions of the permit, if any, must be corrected to city council and CUP holder within three days of the review. In the event the planning commission recommends revocation of any CUP, or if the violations of the terms or conditions are not corrected within the time period(s) specified by the planning commission, such recommendation, the reasons for it, or a notice of non-compliance shall be forwarded to the council within five days of the review. Within thirty (30) days the council shall hold a hearing.

Following the public hearing, city council shall act to revoke, not to revoke or to impose additional or amended conditions or sanctions on the CUP holder. Failure of the CUP holder to comply within the stipulated time period(s) with any of the conditions under which the permit was issued, or to comply with the original application provisions, shall be adequate reason for revocation of any CUP. (Ord. 99-8 § 1 (part): prior code § 17.14.050)

17.52.060 Special fee provision for conditional use permits.

Upon application by an applicant, the planning commission may, upon a majority vote recorded in its minutes, allow a reduction in the fee for a CUP to seventy-five dollars (\$75.00). Such fee reductions shall be granted by the planning commission in cases where the time and expense of the review process for

17.52.060

a CUP does not justify charging the standard application fee for such permits listed elsewhere in this chapter. The planning commission may so adjust the CUP application fee both for individual and multiple CUP applications. (Ord. 99-8 § 1 (part): prior code § 17.14.060)