

withdrawal of the special use permit due to cessation of the business or use. The Planning Commission shall forward its finding to the Governing Body for final action to withdraw a special use permit.

B. Any special use permit granted under the authority of this chapter is subject to revocation for any of the following reasons:

1. Noncompliance with any special conditions imposed at the time of approval of the special use permit;
2. Violation of any provisions of the Municipal Code pertaining to the use of land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee;
3. When conditions in the neighborhood have changed to the extent that approval of the permit would clearly be unwarranted if being applied for at the time of revocation; or
4. Violation of any other applicable Municipal Code provision or any state or federal law or regulation related to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.

E. The Planning Commission or Governing Body may, upon notification of the applicant in writing by certified mail, initiate revocation proceedings. Unless the permittee agrees in writing that the permit may be revoked, the Planning Commission shall hold a public hearing to consider the revocation of the special use permit following the same procedures established for such hearing in Section 17.93.030 (F)(6)

# Special Use Permit

SHAWNEE

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02/01/09



## **17.88.010 GENERAL CONSIDERATIONS**

- A. The issuance of a special use permit is retained by the Governing Body.
- B. An application for a special use permit shall be filed with the Planning Department and shall include a site plan meeting the requirements specified in Chapter 17.56. The Director of Planning, the Planning Commission, or the Governing Body may require the applicant to submit such technical studies as may be necessary to enable the Planning Commission or Governing Body to evaluate the application. In the filing of a special use permit application for the provision of child care in a single-family residence, a plot plan indicating the location of the residence on the property, the fenced play area, and an interior floor plan of the structure, as well as a copy of the fire safety inspection report, shall be submitted.
- C. In considering an application for a special use permit for any use, indicated in Chapter 17.51 as requiring a special use permit use, in all other respects conforms to the applicable regulations of the district in which it is located, except as regulations are in each instance expressly modified by the Governing Body pursuant to the recommendations of the Planning Commission. The Planning Commission and Governing Body shall take into account the finding of fact as specified in Section 17.92.030(E) when making their determination.

## **17.88.020 DESIGNATED**

- A. A special use permit for any of the uses for which a special use permit may be requested in the zoning districts, as identified in the Table of General Use Regulations in Chapter 17.51, may be granted following the procedure for amendment to the zoning regulations affecting specific property set out in Chapter 17.92 excepting as otherwise hereinafter provided.
- B. The Governing Body may stipulate such conditions as to operation, site development, signs, maintenance and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this title and shall comply with the height and area regulations for the district in which they may be located unless otherwise specifically granted.
- C. A special use permit issued by the Governing Body shall be for the length of the use for which the applicant has received approval. The initial review period shall be one year, with reviews thereafter every four years, to ensure compliance with all conditions that may be required by the Governing Body. The Governing Body may establish a revised review period as a condition of approval if so desired. The review period may also be adjusted due to completion of the project within the initial period, or if a revised schedule is deemed in the best interest of the applicant and surrounding neighborhood.

- D. The special use permit shall be subject to the protest provisions, and follow the procedures for the same, as specified in Section 17.92.030(F) (6), for action on zoning amendments, since the special use permit allows a use not allowed as a use of right in the respective zoning districts.

## **17.88.030 WITHDRAWAL OR REVOCATION OF SPECIAL USE PERMIT**

A special use permit for the operation of any designated use may be withdrawn by the Governing Body at which time such use ceases to exist at the approved location, or may be revoked at any time by the Governing Body upon determination that the standards of performance for any other Municipal Code provisions associated with its operation of the facility are not in compliance.

- A. A special use permit issued for the operation of a business or use that ceases operation shall be terminated upon request of the permittee, or by the Governing Body. The transfer of ownership of a business which is operating under a special use permit is not required to obtain a new permit. The Planning Commission shall consider a request to withdraw a special use permit at a scheduled Planning Commission meeting. The permittee shall be notified by certified mail of the time and date such a withdrawal of the special use permit will be held. Failure to receive notice by certified mail due to its inability to be delivered to the last known address of the applicant shall not prohibit the Planning Commission from considering