

SPECIAL USE PERMIT APPLICATION

An application for a Special Use Permit may be filed with the Community Development Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be place on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

PROPERTY OWNER NAME: _____

APPLICANT: _____

APPLICANT MAILING ADDRESS: _____

APPLICANT PHONE NUMBER: _____

APPLICANT EMAIL ADDRESS: _____

LEGAL REPRESENTATION FIRM/ATTORNEY: _____

ATTORNEY PHONE NUMBER: _____

ATTORNEY E-MAIL ADDRESS: _____

ADDRESS OF PROPERTY: _____

LEGAL DESCRIPTION OF PROPERTY:

PRESENT ZONING CLASSIFICATION: _____

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use)

I hereby apply for a Special Use Permit and have paid the \$500 application fee.

DATED THIS _____ DAY OF _____, _____

Owner or Owner's Representative

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

h. Term and Modification of Approval

1. A Site Plan Approval shall become void two years after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Building Official may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
3. The Building Official may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

i. Approval to Run with Land

An approval pursuant to this section shall run with the land until such time as a change in use has the potential to significantly affect the traffic circulation or land uses in adjacent neighborhoods.

12-3 Special Use Permit Procedure

a. Purpose

The Special Use Permit Procedure provides for public review and discretionary City Council approval for uses within zoning districts which have unusual site development or operating characteristics that could adversely affect surrounding properties.

b. Administration

The Planning Commission shall review and evaluate each application and transmit its recommendation to the City Council. The City Council shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

c. Application Requirements

An application for a Special Use Permit may be filed by the owner(s) of a property or by the property owner's authorized agent with the Community Development Office. Any such application will not be deemed submitted until all of the information set forth below is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications will not be placed on the Planning Commission Agenda until all such missing information is provided. Such application shall be submitted to the Community Development Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which the public hearing on the application may be held subject to administrative official approval to proceed. A complete submission must be provided prior to the staff recommendation that the permit application is to be acted on the Planning Commission. The application shall include the following information and be submitted on a form approved by the Community Development Office:

1. Name, email and mailing address and phone number of the property owner who is making application or said property owner's authorized agent.
2. Legal Representation: Name of Firm, attorney, phone number, email and mailing address
3. Owner, address and legal description of the property.

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4. A description of the nature and operating characteristics of the proposed use.
5. A site plan, when requested by the building official, which includes all information as described in Section 12-2.
6. Excavation and Material Extraction Special Use Permits applications must include a proposed post development site plan including anticipated final contours and features.
7. The special use requested and the current zoning.
8. Be signed by the property owner or the property owner's duly authorized agent.

CHAPTER 1, ARTICLE 12: ADMINISTRATION AND PROCEDURES

TABLE 12-1: Criteria for Site Plan Review and Special Use Permits

CRITERIA		APPLICATION TO	
Land Use Compatibility		Site Plan Review	Special Use Permit
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
Height and Scale			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	X	X
Setbacks	Development should respect pre-existing setbacks in surrounding areas. Variations should be justified by site or operating characteristics.	X	X
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	X	X

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TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
Site Development		Site Plan Review	Special Use Permit
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage-ways should be preserved to the extent possible.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations.		X
Operating Characteristics			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
Land Use Compatibility			
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X

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TABLE 12-1: CRITERIA FOR SITE PLAN REVIEW AND SPECIAL USE PERMITS

CRITERIA		APPLICATION TO	
Operating Characteristics		Site Plan Review	Special Use Permit
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
Public Facilities			
Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare.	X	X
	Sanitary sewer must have adequate capacity to serve development.	X	X
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	X	X
	Development should not inhibit development of other properties.	X	X
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	X	X
Utilities	Project must be served by utilities if the property is located within 300 ft of said utility.	X	X
Comprehensive Plan	Projects shall be consistent with the comprehensive development plan of Columbus.		X

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d. Approval Process

1. The Planning Commission, following ten days notice as required by Paragraph 12-3 (f), shall hold a public hearing on each proposed Special Use Permit and following such public hearing, shall recommend action to the City Council.
2. The City Council, after the ten days notice as required by Paragraph 12-3 (f) and after public hearing, shall act on the Special Use Permit. The City Council may apply any reasonable conditions to the approval of the permit.
3. The applicant shall be responsible for preparing and furnishing in proper form a “draft” Ordinance including any reasonable conditions recommended by the Planning Commission sufficiently in advance of the City Council Meeting for review by City staff and for distribution to the Mayor and members of the City Council. A “final” ordinance for said special use permit shall be thereafter submitted by applicant for action by the City Council. Applicant’s attorney shall work with the City Attorney on review and final versions.

e. Required Notice and Publication

Prior to consideration of and/or approval of a Special Use Permit by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. **Posted Notice:** A notice shall be posted by the applicant in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be placed on or near such premises that it is easily visible from the street and shall be posted at least ten days before the date of such hearing. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for said ten-day period and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.
2. **Notice by Publication:** At least ten days before the date of hearing the City Clerk shall have published in a newspaper having a general circulation in the City of Columbus a Notice of the time, place and subject matter of such hearing.
3. **Notice by Personal Service or Mail:** At least 10 days prior to the date of the hearing the applicant shall either:
 - (a) personally serve, or
 - (b) mail to the last known address, written notice of such hearing to each of the following:
 - (1) the owners of the real estate which is the subject of the Special Use Permit;
 - (2) all properties whether in whole or in part which are located within 300 feet of the real estate which is the subject of the Special Use Permit; and

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- (3) the Board of Education of each school district in which the real estate which is the subject of the Special Use Permit is located.

If the record title owners of any real estate included in such proposed change be non-residents of the municipality, a written notice of such hearing shall be mailed by certified mail to their last-known address at least ten days prior to the date of such hearing.

4. Exception: The provisions of Subsection 1 “Posted Notice” and Subsection 3 “Notice by Personal Service or Mail” shall not apply in the event of a proposed change in the application of Special Use Permits throughout entire areas of an existing zoning district or of the City or parts thereof, or in the event of a proposed change in such regulations, restrictions or districts governing said Special Use Permits.
5. Affidavit of Notice Compliance: The applicant shall be responsible for filing with the Community Development office prior to 3:00 PM on the date of the hearing an Affidavit of Notice Compliance. Said Affidavit shall verify that the “Posted Notice” requirements set forth in Subsection 1 above and that the “Notice by Personal Service or Mail” requirements set forth in Subsection 3 above were both complied with.

f. Scope of Approval

The City Council may, at its discretion, apply a Special Use Permit to a specific owner or applicant. The City Council may establish special site development or operational regulations as a condition for approval of a Special Use Permit.

g. Lapse, Revocation or Completion of Permit

1. A Special Use Permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period.
2. The City Council may revoke a Special Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
3. Completion of a Special Use Permit for resource extraction and excavation shall include a final record drawing site plan.

h. Previously Approved Permits

Any special use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Special Use Permit, subject to requirements imposed at the time of its approval or six (6) months from said failure to pass a motion to approve this special use permit.

i. Non-Approval of Special Use Permit; Waiting Period

In the event that a Special Use Permit as provided in this Article is not approved by the City Council, no new request shall be made for the same or a substantially similar Special Use Permit within six (6) months of said non-approval thereof or six (6) months from said failure to pass the same.

ORDINANCE NO. 22-__

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO ISSUE A SPECIAL USE PERMIT TO ALLOW INSERT THE USE BEING ASKED FOR] AS CONTAINED IN TABLE INSERT THE TABLE FROM THE ULDO, OF THE ZONING CODE, ON THE FOLLOWING-DESCRIBED REAL ESTATE IN A INSERT CURRENT ZONING ZONE INSERT LEGAL DESCRIPTION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE.

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska, have been duly notified of the hearings called for the purpose of considering the issuance of a Special Use Permit to allow insert the use being asked for as contained in table insert table, Zoning District Regulations of the Zoning Code, on the following-described real estate, to wit:

insert legal description;

which is in a insert current zoning; and,

WHEREAS, the Planning Commission and the Mayor and City Council have held separate public hearings, and in consideration of the evidence and premises, hereby find and determine that the issuance of said Special Use Permit will be for the public good and general welfare and will provide for the proper, appropriate and best use of said real estate.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Columbus, Nebraska:

Section 1. That a Special Use Permit has been issued to allow a insert the use being asked for, as contained in table insert table of the Zoning Code, on the following-described real estate, to wit:

insert legal description;

which is in insert current zoning zone.

Section 2. That all ordinances and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

Section 3. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption and publication as provided by law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised

Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PLANNING COMMISSION PUBLIC HEARING

AFFIDAVIT OF NOTICE COMPLIANCE SPECIAL USE PERMIT

STATE OF NEBRASKA)
)
COUNTY OF PLATTE)

_____, the undersigned affiant, being first duly sworn on oath,

deposes and states as follows:

1. That the undersigned affiant is the party instituting and maintaining an action for a special use permit on the following described real property, to wit: [insert legal description]

2. That the undersigned affiant causes to be posted a notice in a conspicuous place on or near the above described property. Such notice was not less than 18 inches in height and 24 inches in width and had a white or yellow background and black letters not less than 1 1/2 inches in height. The undersigned affiant caused said posted notice to be so placed upon said premises so that it was easily visible from the street and was posted at least ten days before the date of the Planning Commission hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and sign remained visible and legible for said ten-day period. Said notice was posted on the ____ day of _____, 20__, and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

3. The notice which was posted as above set forth read as follows:

“NOTICE OF PUBLIC HEARING TO ISSUE A SPECIAL USE PERMIT”

to be held in the Columbus Community Building, Community Room, 2500 14th Street, Columbus,
NE on the _____ day of _____ at 6:00 p.m.

4. The undersigned affiant caused the owners of all real estate within 300 feet of the above-described real estate to be served with written notice of such hearing by either personally serving them with such notice at least ten days prior to the date of the Planning Commission hearing or by mailing said notice to them to their last known address at least ten days prior to such hearing. A list of the owners notified and their addresses appear on Exhibit "A" attached hereto. Said list comprises all of the owners of real estate within 300 feet of the real estate described above. A copy of the Notice served upon or sent to the said owners is attached hereto, marked Exhibit "B".

DATED: _____

Affiant

Subscribed and sworn to before me on this day of , 20 .

Notary Public

**CITY COUNCIL PUBLIC HEARING
AFFIDAVIT OF NOTICE COMPLIANCE
SPECIAL USE PERMIT**

STATE OF NEBRASKA)
)
COUNTY OF PLATTE)

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deposes and states as follows:

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NE on the ____ day of _____ at 6:00 p.m.

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DATED: _____

Affiant

Subscribed and sworn to before me on this _____ day of _____, 20_____.

Notary Public