

CHAPTER 5. - SPECIAL PERMIT USES

Sec. 5.5.1. - Purpose.

Special permit uses are those uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, configuration and intensity and density of use, buildings and structures, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location. These uses are generally temporary for a specified, fixed period of time.

(Ord. No. 2012-03, § 2(Exh. A), 2-14-2012)

Sec. 5.5.2. - Authority.

The Director of Growth Management, in accordance with the procedures, standards and limitations of this section, may approve, approve with conditions, or deny an application for a development permit for a special permit use after review by applicable agencies, except that all applications for special uses which propose to utilize amplified music and which propose to have operational hours after 11:00 p.m. Sunday through Thursday or after 12:00 midnight Friday or Saturday shall be reviewed by Wellington's Council.

(Ord. No. 2012-03, § 2(Exh. A), 2-14-2012)

Sec. 5.5.3. - Authorized special permit use.

Only those uses that are authorized as special permit uses in Tables C,6.4-1 and 6.8-2 Use Regulations Schedule, shall be approved as special permit uses. The designation of a use as a special permit use in a district as shown in Table 6.4-1, Use Regulations Schedules, does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Rather, each proposed special permit use shall be evaluated by the Director of Planning, Zoning and Building for compliance with the standards and conditions set forth in this section and the applicable district.

(Ord. No. 2012-03, § 2(Exh. A), 2-14-2012)

Sec. 5.5.4. - Initiation.

An application for a development permit for a special permit use shall be submitted by the owner, or any other person having a written contractual interest in the land for which the special permit use is proposed, or their authorized agent.

- A. **Decision by Growth Management Director.** Within ten (10) working days after the application is determined sufficient, the Director of Planning, Zoning and Building shall review the application and approve, approve with conditions, or deny the application based upon the standards in these Land Development Regulations.
- B. **Standards.** When considering an application for development permit for a special permit use, the Growth Management Director, Zoning and Building shall consider whether and the extent to which:
 1. The proposed special permit use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan;
 2. The proposed special permit use complies with all relevant and appropriate portions of Section 6.6, Supplementary Regulations;
 3. The proposed special permit use is consistent with the character of the immediate vicinity of the land proposed for development;

4. The design of the proposed special permit use minimizes adverse effects, including visual impact, of the proposed use on adjacent lands;
 5. The duration of the proposed use will cause impacts to the surrounding land uses;
 6. The Village Engineer has determined the proposed use complies with all relevant standards related to health and sanitation;
 7. The Village Engineer has determined the proposed use complies with all relevant transportation standards;
 8. The proposed special permit use complies with all additional standards imposed on it by all other applicable provisions of this Code;
 9. Permanent structures comply with Article 11, Adequate Public Facilities Standards.
- C. **Conditions.** The Growth Management Director shall have the authority to impose such conditions in a development order for a special permit use that are necessary to accomplish the purpose of this section, this Code, and the Comprehensive Plan to prevent or minimize adverse effects upon the public and the neighborhood, including, but not limited to limitations on size, bulk and locations, standards for landscaping, buffering, lighting, adequate ingress, egress and other on-site improvements, duration, and hours of operation. Appeal of staff-imposed conditions or a denial of the special permit shall be made to the Planning, Zoning and Adjustment Board after submitting the required fee and by using the form and procedures established by the Growth Management Director.
- D. **Mailing Decision to Applicant.** Within three (3) working days, the Growth Management Director shall mail a copy of the Director's decision on the application to the applicant.
- E. **Number of Special Permits.** On parcels of less than two (2) acres, only one special permit shall be allowed on that parcel. On parcels of two (2) acres or more, more than one (1) special permit use shall be allowed provided the special permit uses are separated by a minimum of five hundred (500) feet. However, other sections of the LDR which contain provisions concerning special permit uses shall supersede this particular provision.

(Ord. No. 2012-03, § 2(Exh. A), 2-14-2012)