

**§ 14.02.005. Conditional use review.**

- (a) Who may file. An application for conditional use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by city officials ordinarily authorized to initiate amendments to the zoning map.
- (b) Submission of application. A complete application shall be submitted to the city administrator, along with the appropriate fee. The city administrator may require an application for conditional use approval to be accompanied by a site plan of existing and proposed development of the affected site.
- (c) Applicable development standards. Unless otherwise specified in this chapter, no conditional use approval shall be granted for any use that does not conform to standards of the district in which it is located. Each conditional use shall also be subject to any specific use requirements set forth in articles 14.03 through 14.05.
- (d) Review by city administrator. After determining that the application is complete, the city administrator shall place the request on a meeting agenda for consideration by the planning commission.
- (e) Hearing and action by planning commission.
  - (1) The planning commission shall, after appropriate notice, conduct a public hearing on each request for approval of a conditional use.
  - (2) At the public hearing, the planning commission shall consider the application, any pertinent comments by the city staff, and relevant support materials and public testimony given at the public hearing.
  - (3) After the close of the public hearing, the planning commission shall recommend that the city council approve the request, approve the request with additional conditions, or deny the request. The planning commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation for the conditional use so allowed.
  - (4) A recommendation by the planning commission to deny a request for conditional use shall be the final decision on that matter, if not appealed in writing to the city council with ten (10) days.
- (f) Hearing and action by city council.
  - (1) The city council shall, after appropriate notice and a recommendation from the planning commission, conduct a public hearing on each request for approval of a conditional use, except for such requests which are recommended by the planning commission to be denied and are not formally appealed to city council.
  - (2) At the public hearing, the city council shall consider the application, any pertinent comments by city staff, the planning commission recommendation, other relevant support materials and public testimony given at the public hearing.

- (3) After the close of the public hearing, the city council shall approve the request, approve the request with additional conditions, or deny the request. The council may attach such conditions to a conditional use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of conditional use approval, and hours of operation of the conditional use.
- (4) Where written protest against a proposed conditional use is made and signed by (a) the owners of 20 percent or more of the area subject to the conditional use or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed conditional use shall require a favorable vote of at least three-fourths of all the members of the city council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.
- (g) Conditional use approval criteria. Approval of a conditional use by the planning commission and city council shall be based upon the following criteria:
  - (1) Impacts minimized. Whether and the extent to which the proposed conditional use creates adverse effects, including adverse visual impacts, on adjacent properties.
  - (2) Consistent with zoning ordinance. Whether and the extent to which the proposed conditional use would conflict with any portion of this chapter, including the applicable zoning district intent statement.
  - (3) Compatible with surrounding area. Whether and the extent to which the proposed conditional use is compatible with existing and anticipated uses surrounding the subject land.
  - (4) Effect on natural environment. Whether and the extent to which the proposed conditional use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
  - (5) Community need. Whether and the extent to which the proposed conditional use addresses a demonstrated community need.
  - (6) Development patterns. Whether and the extent to which the proposed conditional use would result in a logical and orderly pattern of urban development in the community.
- (h) Expiration of conditional use approval.
  - (1) All conditional use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the conditional use approval, provided that the city administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

- (2) If the designated use is not made of the property within the time limitation granted, the conditional use approval shall be cancelled and revoked and be of no effect.  
(Ordinance adopted 3/21/2022; Ordinance 2023-007 adopted 4/17/2023)

**§ 14.02.006. Special use review.**

- (a) Purpose. Special use review allows for review of specified larger-scale uses that may be appropriate in designated Zoning Ordinance - Wolfforth, Texas areas, provided that consideration is given to conditions that will minimize any negative impacts of the use.
- (b) Who may file. An application for special use approval shall be submitted by the owner or an agent authorized by affidavit to act on the owner's behalf, unless initiated by city officials ordinarily authorized to initiate amendments to the zoning map.
- (c) Submission of application. A complete application shall be submitted to the city administrator, along with the appropriate fee. The city administrator may require an application for special use approval to be accompanied by a site plan of existing and proposed development of the affected site. A written statement describing how the proposed development meets any specific use requirements set forth in articles 14.03 through 14.05 shall accompany the site plan.
- (d) Applicable development standards. Unless otherwise specified in this chapter, no special use approval shall be granted for any use that does not conform with the dimensional standards of the district in which it is located. Each special use shall also be subject to any specific use requirements set forth in articles 14.03 through 14.05.
- (e) Review by city administrator. After determining that the application is complete, the city administrator shall place the request on a meeting agenda for consideration by the planning commission.
- (f) Hearing and recommendation by planning commission.
- (1) The planning commission shall, after appropriate notice, conduct a public hearing on each request for approval of a special use.
  - (2) At the public hearing, the planning commission shall consider the application, any pertinent comments by city staff, other relevant support materials and public testimony given at the public hearing.
  - (3) After the close of the public hearing, the planning commission shall recommend that the city council approve the request, approve the request with additional conditions, or deny the request. The planning commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation for the special use so allowed.
  - (4) A recommendation by the planning commission to deny a request for special use shall be the final decision on that matter, if not appealed in writing to the city council with ten (10) days.

(g) Hearing and action by city council.

- (1) The city council shall, after appropriate notice and a recommendation from the planning commission, conduct a public hearing on each request for approval of a special use, except for such requests which are recommended by the planning commission to be denied and are not formally appealed to city council.
- (2) At the public hearing, the city council shall consider the application, any pertinent comments by city staff, the planning commission recommendation, other relevant support materials and public testimony given at the public hearing.
- (3) After the close of the public hearing, the city council shall approve the request, approve the request with additional conditions, or deny the request. The council may attach such conditions to a special use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of special use approval, and hours of operation of the special use.
- (4) Where written protest against a proposed special use is made and signed by (a) the owners of 20 percent or more of the area subject to the special use or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed special use shall require a favorable vote of at least three-fourths of all the members of the city council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

(h) Special use approval criteria. Approval of a special use by the planning commission and city council shall be based upon the following criteria:

- (1) Impacts minimized. Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.
- (2) Consistent with zoning ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this chapter, including the applicable zoning district intent statement.
- (3) Compatible with surrounding area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.
- (4) Traffic circulation. Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.
- (5) Effect on natural environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
- (6) Community need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

- (7) Development patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.
  - (i) Expiration of special use approval.
    - (1) All special use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the city administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.
    - (2) If the designated use is not made of the property within the time limitation granted, the special use approval shall be cancelled and revoked and be of no effect.
- (Ordinance adopted 3/21/2022)