

## Section 20.02 - Special Land Uses.

### A. Purpose.

Special land uses include those uses that serve an area, interest or purpose that extends beyond the borders of the City, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being classified as principal permitted uses in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the land use objectives of the Master Plan.

### B. Application Requirements.

Special land use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the Planning Commission:

1. **Eligibility.** The application shall be submitted by the owner of an interest in land for which special land use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings, or consideration of the proposal may be tabled.
2. **Requirements.** Special land use applications shall be submitted to the City at least 30 calendar days prior to a Planning Commission meeting at which review is sought, and shall include the following information:
  - a. Contact information for the applicant and property owner, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's authorization for the application.
  - b. Address, location and tax identification number of the property.
  - c. A detailed description of the proposed use.
  - d. A site plan, if required by Section 20.01 (Site Plan Review).
  - e. Appropriate review fees, as determined by City Council.
  - f. Any other information deemed necessary by the Planning Commission to determine compliance with this Ordinance.

### C. Special Land Use Review.

After a complete and accurate application has been received and review fees paid, the application shall be reviewed in accordance with following procedures:

1. **Acceptance for processing.** The application shall be placed on the agenda of the next available, regularly-scheduled Planning Commission meeting to set a public hearing date.
2. **Coordination with site plan review.** A site plan associated with a special land use shall not be approved unless the special land use has first been approved. The Planning Commission may, at its discretion, consider special land use and site plan applications at the same meeting, or may require the site plan to be submitted for review following approval of the special land use.
3. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate City officials and staff for review and comment. The Community Development Director may also submit the application materials to applicable outside agencies and designated City consultants for review.
4. **Public hearing.** A public hearing shall be held for all special land uses consistent with state law, and in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures).
5. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special land use approval, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 20.02E (Standards for Special Land Use Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the special land use as follows:
  - a. **Tabling.** Upon determination by the Planning Commission that a special land use application is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may table consideration until a later meeting. Failure of the applicant, or the applicant's designated representative, to attend the meeting shall be grounds for the Planning Commission to table consideration of the special land use.
  - b. **Denial.** Upon determination that a special land use application is not in compliance with the provisions of this Ordinance, including Section 20.02E (Standards for Special Land Use Approval), or would require extensive modifications to comply with said standards and regulations, the special land use shall be denied. If a special land use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special land use.
  - c.

**Approval.** The special land use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 20.02E (Standards for Special Land Use Approval). Upon approval, the special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or portion thereof upon which the use is located.

d. **Approval subject to conditions.** The Planning Commission may approve a special land use subject to reasonable conditions:

- (1) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole,
- (2) Related to the valid exercise of the police power, and the impacts of the proposed use, or
- (3) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special land use under consideration, and necessary for compliance with those standards.

Examples of such conditions include limitations on hours of operation or scope of permitted activities, requirements for periodic review or renewal, or automatic expiration of approval if the use ceases.

e. **Recording of special land use action.** Planning Commission action on the special land use shall be recorded in the Planning Commission meeting minutes, stating the name, description and location of the proposed use, and the grounds for the Planning Commission's action. The Community Development Director shall keep one (1) copy of the written record on file in the City, and shall forward one (1) copy to the applicant as evidence of special land use approval.

**D. Special Land Use Resubmission, Appeals, Expiration or Revocation.**

1. **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
2. **Appeals.** The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations by the Planning Commission.
3. **Expiration of special land use approval.** Special land use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special land use has been submitted for review. Special land use approval shall also expire upon expiration of the approved construction

plan associated with a special land use.

Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special land use conforms to current Zoning Ordinance standards.

4. **Rescinding approval of special land uses.** Approval of a special land use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
  - a. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 20.03 (Public Hearing Procedures), at which time the owner of an interest in land for which special land use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
  - b. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

**E. Standards for Special Land Use Approval.**

Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

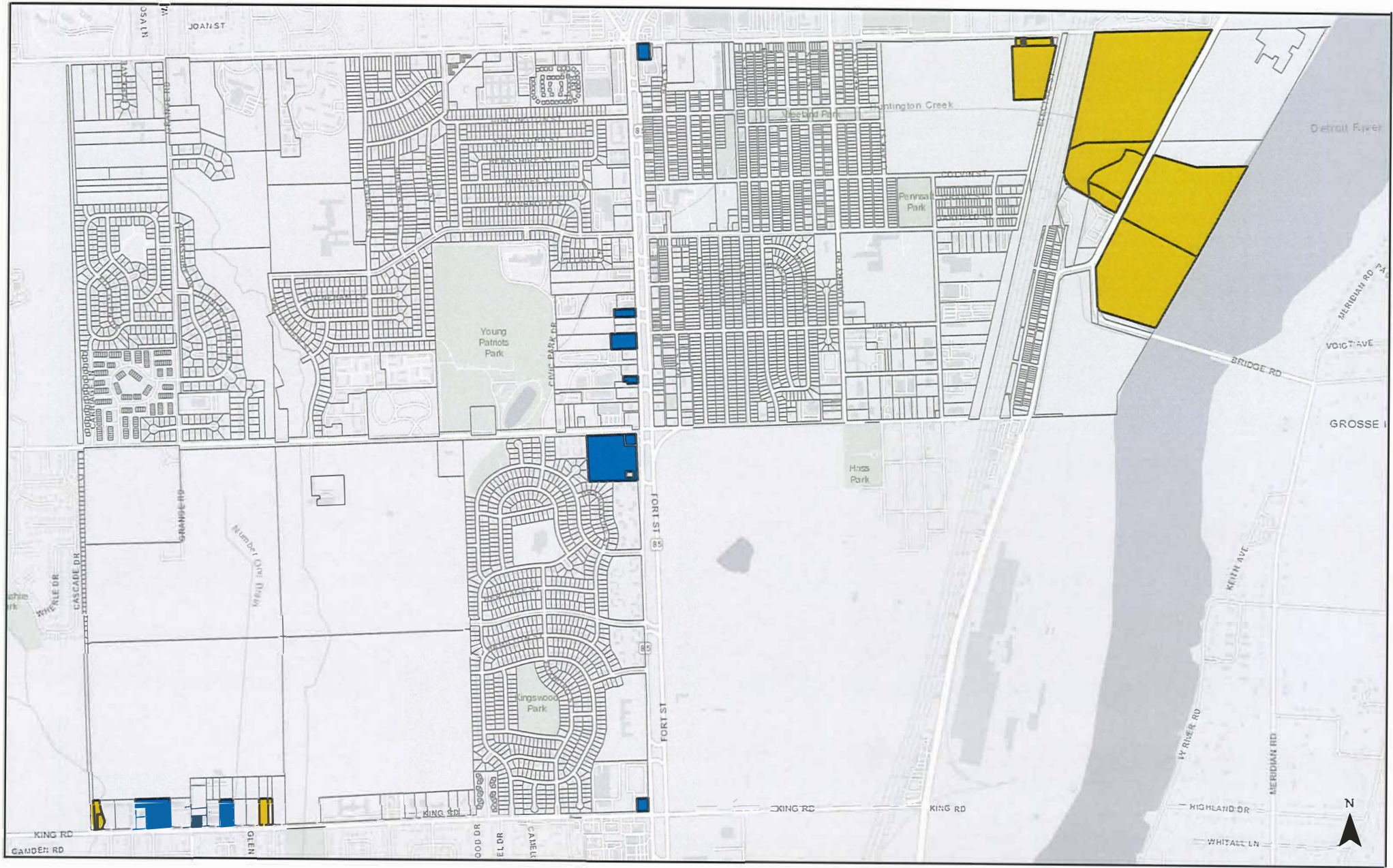
1. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the community and the neighborhood.
2. **Compatibility with adjacent uses.** The special land use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
3. **Compatibility with the Master Plan.** The special land use location and character is consistent with the general principles, goals, objectives and policies of the adopted Master Plan.
4. **Compliance with applicable regulations.** The proposed special land use is in compliance with all applicable Ordinance provisions.
5. **Impact upon public services.** The impact of the special land use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.

6. **Traffic impacts.** The special land use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
7. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special land use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
8. **Isolation of existing uses.** Approval of the special land use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

**F. Compliance with Special Land Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special land use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Community Development Director may make periodic investigations of developments for which a special land use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special land use approval.



- Active Applications
- Eligible Properties

# Adult-Use Cannabis Facilities

*Legal Disclaimer:*  
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*Dated January 23, 2023, subject to change.*