

SECTION 22

SPECIAL USES

22-010 GENERAL CONSIDERATIONS

Delegation of Power

The following uses may be located in any district by ordinance under such conditions as the Governing Body may impose after review and recommendation of the City Planning Commission and after public hearing in accordance with Section 27, as amended, provided that in their judgment such use will not seriously injure the appropriate use or safety of neighboring property and will conform to the general intent and purpose of this ordinance and shall comply with the height and area regulations of the district in which it may be located. The governing Body shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this article are not found to exist.

The Special Use Permit is issued to the specific business use and if the business is to change hands, the special use shall continue; provided that the following two conditions are met. First, the business must remain open continually during the change. Secondly, no additions or alterations may be made without filing a new site and Special Use Permit application.

Special Use Permits in Residential Districts: In no event shall special use permits in residential districts be transferable from an owner applicant to a subsequent owner of the subject real estate or structure.

22-011 STANDARDS FOR ISSUANCE OF SPECIAL USE PERMITS

Generally, before any permit shall be granted, the Planning Commission shall make written findings certifying that adequate provision has been made for the following:

- a. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.
- b. Accessibility of the property to police, fire, and refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
- c. Utilities and services, including water, sewer, drainage, gas and electricity, with particular reference to location, availability, capacity and compatibility.

- d. The location, nature and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
- e. The adequacy of required yard and open space requirements and sign provisions.
- f. The general compatibility with adjacent properties, other properties in the district, and the general safety, health and comfort and general welfare of the community and surrounding neighborhood.

The following is a list of permitted special uses allowed in all zoning districts. However, if the permitted use is allowed in a specific zoning district, then the special use permit request for said use can be waived if it will be located in the zoning district for which the use is permitted.

- a. Amusement parks, commercial baseball or athletic fields, racetracks, circuses, carnivals or fairgrounds.
- b. Aviation fields or airports.
- c. Buildings or the use of premises for public utility services which are necessary for public convenience and welfare.
- d. Camping areas including minor and incidental concession facilities for patrons only.
- e. Cemetery, mausoleum, or crematory.
- f. Private clubs (establishments which dispense alcoholic beverages).
- g. Conservation or flood control projects.
- h. Day nursery or preschool, and daycare facility.
- i. Extraction of raw materials such as ore, rock, gravel, sand, clay and the like, including screening, crushing, washing or storage.
- j. Golf driving ranges, commercial.
- k. Gun clubs, skeet shoots or target ranges.
- l. Hospitals, clinics, correctional institutions and nursing homes.
- m. Nurseries and greenhouses. (Wholesale or retail)
- n. Parking lots on land within two hundred (200) feet of and serving multiple families, commercial and industrial development.

- o. Philanthropic or eleemosynary (charitable organizations) institutions.
- p. Water Reservoirs, water wells, water tower, filter beds or water supply plants.
- q. Riding stables and commercial dog kennels.
- r. Sewage, refuse, garbage disposal plants and sanitary land fills.
- s. Communication Towers, radio antennas, and similar appurtenances.
- t. Home occupations.
- u. Any use located within the flood plain as defined on the official Flood Insurance Rate Map of the City as issued by the Federal Emergency Management Agency.
- v. Uses requiring special permit as enumerated in Section 18 - "I-H" Heavy Industrial District.
- w. Group homes, adult day care centers, and boarding homes for the elderly and/or infirm.
- x. The use of an accessory building for any use other than as defined in Section 23 and which requires the extension of public water or sanitary sewer service.
- y. Dance Studios.
- z. Senior Citizens Center
- aa. Bed and Breakfast Facility
- bb. In-Home Beauty Salon

22-012 SIGNS

Refer to Section 25 of this Zoning Ordinance for sign regulations.

22-013 PROCEDURES

- a. Application: Special Use Permits shall only be considered upon the applicant's submittal of a completed application. A written application for a special use permit shall be filed with the Planning and Zoning Department and shall include a statement indicating the section of the ordinance which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth in this Zoning Ordinance. The application shall include an area map, site plan and timeline of the subject

property. The applicant shall submit a site plan along with his application, which shall show the uses and location of uses with respect to the existing buildings and uses in the surrounding area. The site plan will be used to determine what effect such use will have on the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare.

- b. Fees: Every application for a special use permit shall be subject to a filing fee which is in effect at the time of application and as established by the Governing Body.
- c. Hearing: Upon receipt of the formal application and all required material, the Planning and Zoning Department shall call a public hearing for the next scheduled meeting of the Planning Commission; provided, however, that notice must be published in the official city newspaper at least 20 days prior to the date set for the hearing. In addition, notice must be sent by mail to each property owner within 200 feet of the subject property at least 20 days prior to the date set for the hearing.
- d. Findings: In making a recommendation to the Governing Body, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative that the proposed use conforms with the general standards set forth in this article. In no case shall an exception be granted if the proposed use will constitute a nuisance, public health, or safety hazard to adjacent properties or to the community at large.
- e. Action by Governing Body: The Governing Body shall consider the Planning Commission's recommendation at the next regular scheduled Governing Body meeting after a 14 day waiting period for which the agenda item can be docketed. The Governing Body shall consider the recommendation of the Planning Commission and act in accordance with the procedures for amending zoning district boundaries.
- f. Publication: The final decision by the Governing Body, if approved, must be published in the official city newspaper within 30 days.

22-14 TIME LIMIT

- a. Sunset: A special use permit shall expire unless a building permit is taken within 12 months to effectuate such specially permitted use; or if no building permit is required, evidence of use is filed with building inspector.
- b. Abandonment: Once a specially permitted use ceases or is abandoned for a period of more than 12 months, the special use permit shall expire.
- c. Home Occupation: A special use permit for a home occupation shall not be transferable to a new owner of the real estate.