

## **DIVISION 2. - SPECIAL USE PERMITS**

### **Sec. 50-49. - Authority.**

After proper notice to all parties affected, and after recommendation by the zoning commission containing such requirements and safeguards as are necessary to protect adjoining properties, the city council may authorize the development of uses not specified in the city ordinances.

*(Ord. No. 617, § XVI(A), 4-4-2006)*

### **Sec. 50-50. - Hearing.**

The city council shall conduct a public hearing regarding the application for a special use permit. The purpose of such hearing shall be to determine that the granting of the special permit will be in the spirit and intent of this chapter and:

- (1) Will not unduly affect the character and authorized uses of the area or neighborhood on which it is proposed to locate.
- (2) Will not substantially depreciate the value of adjacent and nearby properties from present values as rendered by the appraisal district or other professional appraisal entity.
- (3) Will not unduly deviate from the intent of the master plan in effect and as amended by council.
- (4) Will comply with the applicable development and building standards of the zoning district in which it is to be located.
- (5) Will not adversely affect:
  - a. Drainage.
  - b. Public health.
  - c. Public safety.
  - d. The general welfare.

*(Ord. No. 617, § XVI(B), 4-4-2006)*

### **Sec. 50-51. - Assurance.**

With the granting of a special use permit, there shall be assurance by the grantee of protection for surrounding properties from environmental concerns such as undue noise, lights, dust, fumes, and/or noxious odors.

*(Ord. No. 617, § XVI(C), 4-4-2006)*

### **Sec. 50-52. - Stipulations.**

The granting of a special use permit shall be subject to all conditions and safeguards in this chapter and as may be further prescribed by the city council.

*(Ord. No. 617, § XVI(D), 4-4-2006)*

### **Sec. 50-53. - Application.**

All applications for special use permits shall be submitted with site plans drawn to scale and showing the general arrangement of the project together with essential requirements such as:

- (1) Off-street parking facilities.
- (2) Location of buildings and intended uses, including any proposed signs.
- (3) Means of ingress and egress of public streets.
- (4) The type of visual screening such as walls, plantings and fences.
- (5) Location of adjacent property, residences, other buildings, and public easements and thoroughfares.
- (6) Location and area coverage of all outside lighting (especially any which might shine into an adjacent residential area or into vehicle operator vision).
- (7) Size and location of utility connections for water, gas, sewer, power and communications

*(Ord. No. 617, § XVI(E), 4-4-2006)*

**Sec. 50-54. - Review.**

Applications shall be submitted to staff to review and make a written report to the zoning commission. All applications shall be kept on file in city hall.

*(Ord. No. 617, § XVI(F), 4-4-2006)*

**Sec. 50-55. - Uses which require a special use permit.**

Any use not specified in the zoning districts.

*(Ord. No. 617, § XVI(G), 4-4-2006)*

**Sec. 50-56. - Criteria.**

Recommendations for a special use permit shall be based on the zoning commission's findings that the special use:

- (1) Is consistent with the master plan.
- (2) Is harmonious and compatible with the site and with uses in the surrounding neighborhood.
- (3) Ensures preservation of current property values and protection of property rights of owners of all real property to be affected by the proposed special use.
- (4) Ensures protection of the health, safety and welfare of the general public
- (5) Ensures that traffic, public utilities and drainage will not be adversely affected.
- (6) Ensures protection from undue noise, lights, dust, fumes and/or noxious odors.

*(Ord. No. 617, § XVI(H), 4-4-2006)*

**Sec. 50-57. - Conditions.**

No special use permit shall be granted unless the applicant, owner or grantee of the permit shall accept and agree to be bound by and comply with the terms of the special use permit.

*(Ord. No. 617, § XVI(I), 4-4-2006)*

**Sec. 50-58. - Time limit.**

A building permit shall be applied for and secured within one year from the date granting the special use permit; however, if an extension is requested prior to the expiration of this one year period, the city council may authorize an extension of this time.

*(Ord. No. 617, § XVI(J), 4-4-2006)*

**Sec. 50-59. - Note on map.**

Final action of the city council shall be noted as soon as practicable on the official zoning map and on any other administrative copies as to the location of property and type of use permitted by each special use permit granted.

*(Ord. No. 617, § XVI(K), 4-4-2006)*