

CHAPTER 13

SPECIAL USE PERMITS

SECTION:

- 10-13-1: Special Uses
10-13-2: Permit Procedure
10-13-3: Review Criteria

10-13-1: **SPECIAL USES:** Any proposed special use permitted by the provisions of this Title shall be presented to the City Council for the determination of its applicability to the district. The City Council may require preliminary architectural drawings or sketches on all buildings or group of buildings showing front, side and rear elevations of the proposed building, structure or other improvements and the proposed location of such buildings on the lot as the same will appear after the work has been completed. Such drawings or sketches shall be considered in an endeavor to ascertain that such buildings, structures, and other improvements shall be so designed or constructed that they will not be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the City and the district wherein located. (Ord. 18, 5-1-1978; 1997 Code)

10-13-2: **PERMIT PROCEDURE:** The following procedures shall be followed in requesting a special use permit:

- A. Application; Fee: The applicant for a special use permit shall file his application with the Zoning Administrator on forms provided by the City and when the application is filed pay a fee of twenty dollars (\$20.00) payable to the City Treasurer to assist in covering the cost of advertising.
- B. Adjacent Property Owners And Occupants: The applicant shall submit at the time of application a map showing the names and addresses of all property owners and occupants within three hundred feet (300') of the property in question.

- C. Additional Documentation: In support of determining the issuance of the special use permit, and before setting the date for public hearing, the City Council may require preliminary architectural drawings or sketches on all buildings or group of buildings showing front, side and rear elevations of the proposed building, structure or other improvements at their proposed location on the lot and as the same will appear after the work has been completed.
- D. Public Hearing; Decision Of Council: The City Council shall set the date for public hearing for its next regular meeting after compliance with the above specified provisions.
- E. Notice Of Hearing: The City Council shall notify by mail all property owners within three hundred feet (300') of the property in question at least ten (10) days prior to the date of the public hearing. Failure of any property owner or occupant to receive such notice shall not invalidate the proceedings.
- F. Appearance At Hearing: The applicant or his representative shall appear before the City Council and answer any questions concerning the proposed special use.
- G. Adverse Effects: The City Council shall consider possible adverse effects of the proposed special use and what additional requirements may be necessary to prevent such adverse effects.
- H. Decision Of Council: The City Council shall, within seventy (70) days from the date of public hearing, make its decision concerning the special use. (Ord. 18, 5-1-1978; 1997 Code)

10-13-3: **REVIEW CRITERIA:** The City Council, in considering an application for a special use permit, shall prepare its report and make findings on the following criteria:

- A. That the establishment, maintenance or operation will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations or ordinances of other governmental agencies.
- B. That each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of the City and the use district wherein proposed.

- C. That the use will not be substantially injurious to the permitted uses, not unduly restrict the enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values within the area.
- D. That the establishment of the use will not impede the orderly and normal development and improvement of the surrounding property for uses permitted in the zoning district.
- E. That adequate water supply and sewage disposal facilities are provided and in accordance with applicable standards.
- F. That adequate access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided.
- G. That adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion on public roads.
- H. That the use will conform to all applicable regulations of the district wherein proposed. (Ord. 18, 5-1-1978; 1997 Code)