

## **CHAPTER 165.72      SPECIAL USE PERMITS**

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### **165.72.010      Purpose**

The formulation and enactment of a comprehensive Zoning Chapter is based on the division of the entire City into districts in each of which are permitted special uses that are mutually compatible. In addition to such permitted, compatible uses, however, it is recognized that there are other uses which it may be necessary or desirable to allow in a given district but which, on account of their potential influence upon neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Chapter as “special uses” and fall into three categories:

- A.      Uses either municipally operated or operated by publicly regulated utilities, or uses traditionally affected by public interest; and
- B.      Uses entirely private in character which, on account of their peculiar locational need, the nature of the service they offer to the public, and their possible damaging influence on the neighborhood, may have to be established in a district or districts in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations; and
- C.      Non conforming uses which, as special uses, can be made more compatible with their surroundings.

Each zoning district of the City sets forth in “Use Regulations” the particular uses which may be allowed as special uses upon application and approval by the Board as set forth in the zoning district requirements, this section, and in 165.80 of this Chapter.

### **165.72.020      Application for Special Use**

An application for a special use shall be filed with the Building Official on forms provided by that office and accompanied by such information as shall be established form time to time by the Board. The Building Official shall forward to the Board without delay a copy of each special use permit proposed for authorization of a special use.

Any proposed application for a special use shall be referred to the City Planning and Zoning Commission for consideration and report before any action is taken by the Board in approving or denying such applications.

### **165.72.030      Authorization**

Special uses may be authorized by special use permit granted by the Board in the same manner and for the same purposes as variance; provided, that no application for special use shall be acted upon until after the Board has noticed and held a public hearing, and prepared and filed a finding of fact thereon.

**165.72.040      General Restrictive Provisions**

A.      In its determination upon these particular uses at the location requested, the Board shall consider all of the following provisions:

1.      The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
2.      Such uses shall not impair an adequate supply of light and air to surrounding property.
3.      Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
4.      Such use shall not diminish or impair established property values in adjoining or surrounding property.
5.      Such use shall be in accord with the intent, purpose and spirit of this Chapter and the comprehensive plan of the City.

B.      All authorizations passed by the Board for special use permits shall expire one hundred eighty days after the date of authorization unless a building permit has been issued and the actual construction started.

C.      Where unusual circumstances may prevent compliance with the time required for start of construction, the Board may, upon written request by the affected party, extend the time for required start of construction an additional one hundred eighty days. Excavation shall not be considered construction for the purpose of enforcing this chapter.

**165.72.050      Conditions**

The Board may impose such conditions or restrictions upon the construction, location and operation of a special use, including but not limited to provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, and off-street parking and loading, as shall be deemed necessary to secure the general objectives of this Chapter, and to reduce injury to the value of property in the neighborhood.