

ARTICLE V. SPECIAL USE PERMITS

SECTION 405.390: GENERAL CONSIDERATIONS

A. Delegation of Power. The Board of Aldermen is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in this Chapter; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Chapter; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of this Chapter and the health, safety, and welfare of the community. The Board of Aldermen 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 this Chapter, or where the standards of this Article are not found to exist.

B. Conditions and Guarantees. Prior to the granting of any special use permit, the Planning Commission or Board of Aldermen may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Commission may recommend or Board of Aldermen may require such evidence and guarantees as may be deemed necessary to insure that the conditions stipulated are being, and will be, fully complied with.

SECTION 405.400: PROCEDURES

A. Application. A written application for a special use permit shall be filed with the Zoning Administrator and shall include a statement indicating the Section of the ordinance under 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. The application shall be accompanied by an area map and site plan of the subject property.

B. Fees. Every application for a special use permit shall be subject to a filing fee of fifty dollars (\$50.00).

C. Site Plan. All applicants for a special use permit shall submit with their application ten (10) copies of a development plan for the property which shall include the following:

1. A Site plan showing:

- a. Approximate size and locations of all buildings.
- b. Access from streets.
- c. Parking arrangements and numbers of spaces.
- d. Interior drives and service areas.
- e. Landscaped areas.
- f. All proposed signs.

2. Location map showing development and zoning of adjacent property within one hundred (100) feet.
 3. The full legal description of the boundaries of said development area.
 4. A description of the general character of all buildings.
- D. Hearing. Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning Commission; provided however, that notice must be published in a newspaper of general circulation at least fifteen (15) days prior to the date set for hearing. The Planning Commission shall submit a recommendation to their Board of Aldermen within thirty (30) days after the close of the public hearing.
- E. Findings. In making a recommendation to the Board of Aldermen, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings 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 or a public health or safety hazard to adjacent properties or to the community at large.
- F. Action by Board of Aldermen. The Board of Aldermen shall consider the Planning Commission's recommendation at the next regularly scheduled Board of Aldermen meeting for which the agenda item can be docketed. The Board of Aldermen may adopt or may revise or amend and adopt such recommendation by resolution. If the Board of Aldermen fails to act upon a recommendation within one hundred twenty (120) days from the receipt thereof, the application shall be deemed to have been denied.

SECTION 405.410: STANDARDS FOR ISSUANCE OF 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:

1. 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.
2. Accessibility of the property to Police, fire, 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.
3. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
4. The location, nature, and height of buildings, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
5. The adequacy of required yard and open space requirements and sign provisions.
6. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.

SECTION 405.420: ADDITIONAL CONDITIONS FOR PARTICULAR SPECIAL USES

In granting a special use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:

1. Day care homes shall obtain a special use permit for the care of more than six (6) children in zoning districts permitting residents, provided that:
 - a. One (1) off-street parking space is provided for each non-resident or non-family member employee, in addition to the two (2) spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.
 - b. If located on an arterial or collector street, an off-street drop-off/pick-up area must be provided.
 - c. The requirements for accessory uses for the proposed day care home are met.
2. Residential or out-patient facilities for the treatment of alcohol or other drug abuse may be permitted as a special use in commercial districts, provided that:
 - a. State certification requirements of the Division of Alcohol and Drug Abuse of the Department of Mental Health shall be met.
 - b. The facility shall be subject to all building regulatory codes, subdivision regulations and other non-discriminatory regulations.
 - c. The design of the facility shall be generally compatible with other physical structures in the surrounding neighborhood, and the applicant shall submit site plans to the Planning Board for review and approval.
 - d. The facility shall be located no closer than one thousand (1,000) feet from another such facility, and no closer than three hundred (300) feet from any residentially zoned district, unless the Board of Aldermen approves a closer location by a majority vote of the full body.
3. Salvage yards shall be subject to the following additional requirements:
 - a. The salvage yard shall be located on no less than ten (10) acres of land and at least one thousand three hundred twenty (1,320) feet from a residential district or farmstead.
 - b. The salvage yard shall be screened by natural objects, plantings, fences, or other appropriate means so as to not be visible from the main traveled way of the street, or a highway on the interstate or the primary system, or any other State, County, or township highway, street or road, or a City street, or from adjoining property.
 - c. No junk salvaged materials shall be loaded, unloaded or stored, either temporarily or permanently, outside the enclosed building, fence or wall, or within public right-of-way.

d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department, except when prohibited by the State Department of Health. Burning, when permitted, shall be done only during daylight hours.

e. Prior to obtaining a building permit for any new building, the applicant shall prepare a site plan and submit it with the permit application for review and approval by the Zoning Officer. The site plan shall address the additional requirements for salvage yard permit applications.

SECTION 405.430: TIME LIMIT

A. Sunset. A special use permit shall expire, upon public hearing, unless a building permit is taken within twelve (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 twelve (12) months, the special use permit shall expire upon public hearing; except that the special use permit for an auto salvage yard shall automatically expire if the State license for operating the auto salvage yard lapses for a period of time more than six (6) months. (Ord. No. 98-01 §2 Art. V(E), 2-9-98)