ARTICLE VII. - SPECIAL USE PERMITS

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Sec. 98-121. - Intent.

Certain uses are considered appropriate in more restrictive districts under special conditions of design, operation and appearance and may be permitted in designated districts when specifically authorized by this section after recommendation by the planning and zoning commission and approval by the city council. Such special use permits may be granted in order that the city may develop in accordance with the intent and purpose of this chapter, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.01)), 3-17-98)

Sec. 98-122. - Criteria for granting of special use permits.

In reaching a decision on any application for a special use permit, the city council shall determine:

(1) That the requested special use permit will establish only those uses permitted under this chapter;

(2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the applicant; and

(3) That the special use permit will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the city council may find necessary to protect and maintain the stability of adjacent properties. The city council may also determine conditions to be met to meet the intent of this chapter. They may include hours of operation.

(4) Granting of the special use permit will not adversely affect the character and appropriate use of the area or neighborhood in which it is proposed to locate; will not substantially depreciate the value of adjacent and nearby properties for use in accordance with the regulations of the zoning district in which they are located; will be in keeping with the spirit and intent of this chapter; will not adversely affect the implementation of the comprehensive plan; and will not adversely affect traffic, public utilities, public health, public safety, and the general welfare.

(5) No special use permit for the use of buildings or lands shall be approved until a site plan has been submitted and recommended by the planning and zoning commission and approved by the city council. The site plan may be submitted concurrently with the special use permit application or

separately following the initial recommendation and approval.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.02)), 3-17-98)

Sec. 98-123. - Site plans requirements.

Such required site plans shall show, at a minimum, the following:

(1) The location of the building or buildings to be constructed or altered;

(2) All parking, loading, and driveways to be constructed or altered;

(3) The location and dimensions of all screening devices, lighting equipment, exterior located equipment such as cooling systems, trash containers, signs, fire hydrants, and sidewalks;

(4) The location and details of all landscaping and plant materials to be installed;

(5) Elevations and floor plans of the buildings showing materials, treatments of exteriors, location of balconies, overhangs, and patios;

(6) A copy of any maintenance agreements or homeowners association requirements to insure the perpetual maintenance of all facilities within the development; and

(7) Such other details of the development as the commission may deem necessary to evaluate the impact of the development on adjoining and surrounding properties.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.03)), 3-17-98)

Sec. 98-124. - Authorized special use permits.

Uses shown in table 1 shall be permitted as special use permits in the districts as shown.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.04)), 3-17-98)

Sec. 98-125. - Applications for special use permits.

Upon receipt of an application for a special use permit, the application shall be referred to the zoning official for investigation as to the manner in which the proposed location and character of the special use permit will affect the master plan of the city. The zoning official shall report the results of his investigation to the planning and zoning commission, and thereafter the commission shall, after notice and hearing in accordance with section 98-213 make a recommendation to the city council denying or granting the permit, including the imposition of conditions of use which the commission may deem essential to insure that the special use permit is consistent with the spirit, purpose, and intent of the chapter. After review and recommendation by the planning and zoning commission, the city council, after publication as required by section 98-213 herein may approve, deny, or approve the special permit with such conditions as they may deem necessary to protect and implement the master plan of the city.

(Ord. No. 98-03, § 1(Exh. A, § 7(7.01.05)), 3-17-98)

Secs. 98-126—98-140. - Reserved.