

CHAPTER 1183
Special Use Regulations

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CROSS REFERENCES

Planning Commission - see CHTR. Art. XI; P. & Z. 1125.01

1183.01 PERMIT AUTHORIZATION AND ISSUANCE.

Council, by special permit after public hearing, and subject to such protective restrictions as it deems necessary, may authorize the location, extension, or structural alteration of any one of the buildings or uses listed in each district as a special use. Special use permits may be issued to tenants and operators and/or property owners.

(Ord. 2003-1. Passed 3-13-03.)

1183.02 APPLICATION FOR SPECIAL USE PERMIT.

(a) A written application shall be filed with the Community Development Division, together with a filing fee of five hundred dollars (\$500.00), to obtain a special permit for the uses listed in each district as a special use or for uses previously issued a special use permit where alteration or an extension is requested.

(b) Upon receipt of an application, together with a site plan and necessary descriptive material of the entire parcel, the Community Development Director or other authorized inspector shall submit the application to the Planning Commission.

(Ord. 2003-1. Passed 3-13-03.)

1183.03 PLANNING COMMISSION REVIEW.

The Planning Commission shall review the application based on the conditions set forth in Section 1183.05, approve or disapprove the application and submit a report of its recommendations to Council.

(Ord. 2003-1. Passed 3-13-03.)

1183.04 COUNCIL ACTION.

No action shall be taken upon any applications for a proposed building or use referred to above unless the report of the Commission has been filed; provided, however, that if no report is received from the Commission within sixty (60) days, the Council may proceed with its action upon the application. Council shall vote on the special use permit following public hearing on the proposal. (Ord. 2003-1. Passed 3-13-03.)

1183.05 GENERAL CRITERIA FOR REVIEWING APPLICATIONS.

In considering whether or not such application for a special use permit should be granted, it shall be the duty of the Planning Commission and Council to give consideration to the effect of the requested use on the health, safety, morals and general welfare of the residents of the area in the vicinity of the property in question and the residents of the City generally. In considering the special use, the Commission and Council should consider the following:

- (a) The compatibility, (including, but not limited to that adjacent property values will not be adversely affected) with surrounding uses and compatibility with the surrounding neighborhood.
- (b) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
- (c) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area.
- (d) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood, not in terms of the street's capacity to absorb the additional traffic, but rather in terms of any significant increase in hourly or daily traffic levels.
- (e) The capacity of adjacent streets to handle increased traffic in terms of traffic volume.
- (f) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.
- (g) The requirements for public services where the demands of the proposed use is in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use.
- (h) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel.
- (i) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.
- (j) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscaped versus the use of buffers and screens.
- (k) The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation.
- (l) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature.
- (m) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.
(Ord. 2003-1. Passed 3-13-03.)

1183.06 SPECIFIC CRITERIA FOR REVIEWING APPLICATIONS.

In addition to the general criteria listed above, Special Uses shall comply with the following requirements for each use:

- (a) Churches and synagogues on sites less than three (3) acres.
 - (1) The lot area shall be adequate to accommodate the required off-street parking requirements of the use.

- (2) The principal structure shall be located a minimum of fifty (50) feet from any adjacent residential property line.
 - (3) The parking area shall be located a minimum of ten (10) feet from the street right-of-way, twenty five (25) feet from all property lines and comply with Chapter 1188 for visual screening. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood.
 - (4) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking.
 - (5) A cemetery associated with a church shall be subject to the conditions of Section 1145.03(a)(3).
- (b) Nursery, prekindergarten, kindergarten, daycare, special and other private schools, provided that any of these uses are on at least a one (1) acre site.
- (1) Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Planning Commission.
 - (2) The applicant shall submit a parking and traffic circulation plan to the Planning Commission for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
 - (3) One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
- (c) Cemeteries, at least ten (10) acres in area.
- (1) The site shall have direct access to a major thoroughfare that the Planning Commission determines is adequate to serve the size of the facility proposed.
 - (2) Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
 - (3) All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100) feet of any property line.
 - (4) All graves or burial lots shall be set back not less than fifty (50) feet from any property line.
- (d) Institutions of an educational, religious or philanthropic (e.g., YMCA, etc.) nature, institutions of higher learning and research (e.g., colleges and universities), hospitals, nursing homes and senior housing facilities, provided that buildings shall be set back an additional one (1) foot over usual yard requirements for each one (1) foot the building exceeds the usual thirty-five (35) feet height limit.
- (1) The lot area shall be adequate to accommodate the required off-street parking requirements of the use.
 - (2) The principal structure shall be located a minimum of fifty (50) feet from any adjacent residential property line.
 - (3) The parking area shall be located a minimum of ten (10) feet from the street right-of-way, twenty five (25) feet from all property lines and

comply with Chapter 1188 for visual screening. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Planning Commission so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood.

- (4) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking.
- (e) Residential group homes subject to the following conditions.
- (1) The proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
 - (2) The proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
 - (3) The proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
 - (4) Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
 - (5) No such facility may be located within six-hundred (600) feet of another such facility.
 - (6) No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
 - (7) The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
 - (8) Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
 - (9) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
 - (10) The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant
- (f) Two Family Dwellings.
- (1) The required front yard may be reduced to a distance equal to the average setback of the structures on the adjacent lots, but not less than twenty (20) feet.
 - (2) The accessory buildings for each unit shall be separated by a minimum of twenty (20) feet.
 - (3) Driveways and parking spaces shall be set back five (5) feet from the side lot lines.
- (g) Townhouses
- (1) Front, side, and rear yards for the entire parcel may be reduced to fifteen (15) feet.
 - (2) Interior spaces between buildings shall be ten (10) feet.
 - (3) Patios may be enclosed with a solid wall or fence. The space between patio fences or walls shall not be less than five (5) feet.
 - (4) Trash containers shall be screened with fences and gates.
 - (5) Driveways shall not be less than 10 feet in width.
- (h) Auto repair facilities, filling stations and car washes

- (1) Minimum lot area devoted to use not less than 25,000 SF.
 - (2) Minimum street frontage 150 feet.
 - (3) Access driveways a minimum of 120 feet from any street intersection.
 - (4) An enclosed area of at least 2000 SF with restrooms for both men and women.
 - (5) No exterior sales or storage of merchandise.
(Ord. 2003-1. Passed 3-13-03.)
- (i) Drive-in and drive-through uses
 - (1) Must be enclosed on both sides and have a roof so as to appear to be within the building.
 - (2) All queue shall be away from the right-of-way, hidden from public view, and shall not interfere with vehicular traffic or pedestrian walkways
 - (3) Shall not include any additional signs other than those required for efficient vehicular movements.

1183.07 EXTENSION AND REVOCATION.

Council may grant an extension of all or any part of a special use permit if any approved Special Use Permit granted by Council is not exercised and put into use within twelve (12) months of the date of approval. Council, after a public hearing, may revoke a Special Use Permit for failure of compliance with the regulations and restrictions of the Zoning Code or the requirements of the Special Use Permit.
(Ord. 2003-1. Passed 3-13-03.)

1183.08 MINOR VARIATIONS.

The Planning Commission has jurisdiction to approve minor variations from the Special Use Permit plan provided that the variations shall remain in harmony with the general purpose and intent of the approved plan and the ordinance approving such plan.
(Ord. 2003-1. Passed 3-13-03.)

1183.09 AIRPORT USES.

Council may grant a Special Use Permit under the stipulations of this Chapter 1183 for airport components and related facilities upon property within the boundaries of the airport.
(Ord. 2003-1. Passed 3-13-03.)

1183.10 ENFORCEMENT AND PENALTY.

This Chapter is subject to enforcement and penalty as specified in Chapter 1129.