

office, or for display purposes. No more than one office and no more than four display facilities shall be allowed for any purposes for any subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six months possible, provided construction remains continuous and no more than ten lots remain unsold in the subdivision. However, in no case shall more than four such extensions be granted.

- (3) Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business for profit may be allowed for the period of their actual duration up to a maximum of 30 days, except that two extensions of up to 30 days may be possible upon application and approval.
- (4) Temporary sales of seasonal products such as firewood, cut trees, plants, fruits and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to 30 days, except that two extensions of up to 30 days may be possible upon application and approval. Temporary sales of seasonal products may be allowed no more than 120 days, whether consecutive or cumulative, per site.
- (5) The chief building official, in approving or denying such application shall consider the nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this chapter. The chief building official shall have the right, upon finding that a hazard or nuisance shall exist by continuing such use, to revoke any temporary use at any time or to deny any extension. After which, such temporary use shall immediately cease and all temporary structures shall be removed within ten days of notification of such finding.

(Code 1982, § 41-36; Ord. No. 1270, § 2.07, 12-15-1981; Ord. No. 2000-10-080, § 1A, 10-3-2000; Ord. No. 2002-08-084, § I.12, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008; Ord. No. 2012-11-056, § 24, 11-5-2012; Ord. No. 2013-04-033, § 3, 4-2-2013)

Sec. 146-43. New and unlisted uses.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- (1) The director of planning shall refer the question of any new or unlisted use to the planning and zoning commission requesting a determination as to the zoning classification into which such use should be placed. The referral of the use determination question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, amount or nature of storage, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated, and the general requirements for public utilities such as water and sanitary sewer.

- (2) The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts in order to determine the zoning district or districts within which such use should be permitted.
- (3) The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall by resolution approve or deny the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.

(Code 1982, § 41-37; Ord. No. 1270, § 2.08, 12-15-1981; Ord. No. 2002-08-084, § I.13, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)

Sec. 146-44. Reserved.

Editor's note—Ord. No. 2012-11-056, § 25, adopted November 5, 2012, amended the Code by repealing former § 146-44 in its entirety. Former § 146-44 pertained to access management plan approval, and derived from the Code of 1982, § 41-38; Ord. No. 2002-08-084, adopted August 20, 2002; Ord. No. 2008-07-066, adopted July 14, 2008; and Ord. No. 2008-11-104, adopted November 4, 2008. Subsequently, the section was restored by Ord. No. 2013-04-033, adopted April 2, 2013, and repealed by Ord. No. 2013-04-034, adopted April 2, 2013.

Sec. 146-45. Site plan approval.

(a) *Site plans.*

- (1) *Applicability.* Approval of a site plan shall be required prior to the issuance of any building permit for the construction of a new non-residential or multiple-family residential structure; prior to the issuance of any building permit for any modification to a structure which affects its size, shape, or volume; prior to a structure's change in use that will require modifications to existing parking or loading space requirements or configurations; or as otherwise determined by the chief building official. All building permits must conform to an approved site plan. Single-family and two-family residential developments shall be subject to the requirements of chapter 122 of the Code of Ordinances.
- (2) *Site plan approval process.*
 - a. For site plan applications, the director of planning shall have the authority to approve, approve with conditions, or schedule the site plan for a planning and zoning commission meeting for action according to the procedures in subsection (a)(2)c. of this section. The director of planning shall not have the authority to disapprove a site plan application and shall forward any application which the director of planning cannot approve to the planning and zoning commission for action. The actions of the planning and zoning commission may be appealed to the city council. The city council shall be the final approval authority for site plans.