

Sec. 146-41. - Specific use permits.

The city council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the planning and zoning commission that the use is in general conformance with the master plan of the city and containing such requirements and safeguards as are necessary to protect adjoining property, authorize the granting of a specific use permit for those uses indicated by "S" in the schedule of uses to this chapter, according to the following criteria:

- (1) An application for a specific use permit shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions. A specific use permit that will require the construction of a new structure shall be accompanied by said site plan. A site plan may not be required if a specific use permit is applied for that will locate in an existing structure, if the director of planning determines that the existing site adequately addresses the above elements and a site plan is not necessary to evaluate the specific use permit.
- (2) In recommending that a specific use permit for the premises under consideration be granted, the planning and zoning commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.
- (3) Every specific use permit granted under these provisions shall be considered as an amendment to the zoning chapter and shall remain applicable to the property so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the specific use permit is voluntarily vacated for a period in excess of 180 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same.
- (4) In granting a specific use permit, the city council may impose conditions that shall be complied with by the owner or grantee before a certificate of

occupancy may be issued by the chief building official for use of the building on such property pursuant to such specific use permit. Such conditions are not precedent to the granting of a specific use permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

- (5) No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawings and approved by the city council.
- (6) A building permit shall be applied for and secured within six months from the time of granting the specific use permit; provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission, except in the case of a private street development, which shall have no limit regarding the application and securing of a building permit. A specific use permit shall expire six months after its approval or extension date if no building permits have been issued for the site, or if a building permit has been issued but has subsequently lapsed.
- (7) No building, premises, or land used under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.
- (8) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to such specific use permit.
- (9) When the city council authorizes granting of a specific use permit, the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.
- (10) A specific use permit issued by the city shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, and subsection (5) of this section shall be applicable to the new owner or occupant of the property. However, a specific use permit issued for a private club shall not be considered a property right but a personal privilege of the permit holder in accordance with the Alcoholic Beverage Code, and thus shall not be transferable or assignable from one

owner or owners of the permitted property to a new owner or occupant of the permitted property.

(11) Special specific use permit regulations and considerations are as follows:

- a. Car wash. In the BN neighborhood business district, a specific use permit may be approved to allow a car wash only in connection with an auto fuel sales facility. The car wash shall be limited to a fully automated facility, which will accommodate only one vehicle at a time. The location and orientation of the facility on the site and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate, in determining whether the permit should be approved.
- b. Service station. In the BN neighborhood business district, motor vehicle fuel sales with facilities to fuel four vehicles at one time is allowed by right and motor vehicle fuel sales with facilities to fuel up to eight vehicles is allowed by right if the gas pumps are located within 350 feet of the intersection of two arterial roadways as shown on the thoroughfare plan. A specific use permit may be approved to allow additional facilities to fuel more than the number of vehicles allowed by right regardless of the location. Additionally, no major automotive repairs, body and fender work or automotive painting may be conducted. All uses and waste materials must be kept within a solid enclosure so that the contents are not visible from the street or other properties, and no stock of goods may be displayed out of doors with the exception of lubricants and additives for frequent sale, and no lighting may be constructed to shine on neighboring properties used for residential purposes. A maximum of two brand identification signs shall be allowed if their only illumination is non-flashing and does not contain a rotating, oscillating or revolving beam or beacon of light. They may be installed at the property line. They shall also conform to chapter 134. In determining whether a specific use permit should be approved to allow this use in a district where such permit would be required, the number of fueling stations, the range of automotive services to be provided and the proximity of residentially zoned areas shall be considered, in addition to any other factors deemed appropriate.
- c. Private club. ~~In the C planned center district, BG general business district, BC commercial business district, CHD commercial historic district, and PD planned development district, a~~ private club may be approved to allow for social and dining facilities, as well as alcoholic beverage service in all districts specified in the schedule

of uses. Private clubs shall meet the requirements listed under the definition of "private clubs" in section 146-46

- d. Bed and breakfast facilities. Bed and breakfast facilities may be approved in all districts specified in the schedule of uses. Bed and breakfast facilities shall develop according to the regulations set out in chapter 138, article IV, of this Code and made a part hereof.
- e. Private street subdivisions. Private street developments may be approved in all districts specified in the schedule of uses. Private street developments shall develop according to the regulations set out in chapter 142, article VII, and made a part hereof.
- f. Mini-warehouse uses. ~~In the C planned center district and BG general business district, m~~Mini-warehouse facilities shall be allowed with the approval of a specific use permit in all districts specified in the schedule of uses. All proposed mini-warehouse developments ~~in the C planned center district and BG general business district requiring approval of a specific use permit;~~ shall satisfy the following development standards:

1. No overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way;
2. Each building shall be covered with 100 percent masonry materials (brick or stone);
3. Proposed mini-warehouse buildings located directly adjacent to residential uses or zones shall be limited to a single story; and
4. Proposed mini-warehouse buildings located directly adjacent to single family residential uses or zones shall feature a pitched roof (minimum 4:12 slope).

In determining whether a specific use permit should be approved to allow this use in a district where such permit would be required, the following factors shall be considered:

1. The compatibility of the proposed use with the adjacent uses and other uses in the immediate area;
2. The development's proposed location within the city; and
3. Any other factors deemed appropriate.

- g. Other uses. Those uses indicated by "S" in the schedule of uses of this chapter shall require the approval of a specific use permit, and shall comply with the requirements of this chapter.

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