

**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, § 1.13, 8-20-2002; Ord. No. 2008-07-066, § 1, 7-14-2008)