

Sec. 125-50 Special Use Permits

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Sec. 125-50.A. General

A special use permit may allow certain uses of land, buildings, or structures that may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate can be taken to assure compatibility with surrounding uses, public need, and the City as a whole. It is the intent of this section to allow for such uses by the granting of a special use permit, subject to the procedures, which are applicable to rezoning, as stated herein. The City Council, upon recommendation of the Planning and Zoning Commission, may by ordinance, grant a special use permit for special uses that are otherwise prohibited by this Ordinance, and may impose appropriate conditions and safeguards to conserve and protect property and property values in the neighborhood.

Sec. 125-50.B. Application Required

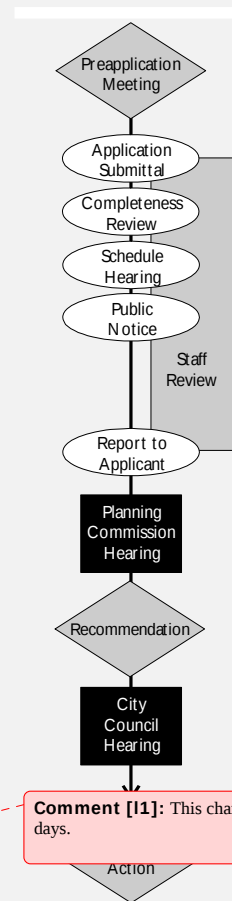
Any proposal for special use permit review shall be filed with the City Planner or designee. An application may be filed by the owner of property or his authorized agent, or by the City Planner or designee.

Sec. 125-50.C. Fee Required

Applications shall be accompanied by the appropriate filing fee. No fee shall be charged for special use permit applications filed by the City Planner or designee.

Sec. 125-50.D. Notice

1. **Written Notice.** Written notice of all public hearings before the Planning and Zoning Commission and City Council on proposed special use permits shall be sent to owners of real property lying within 500 feet of the subject property. Such notice shall be given not less than 21 days before the date set for hearing to all such owners who appear on the last approved City Tax Roll. Such notice may be served by



depositing the notice, properly addressed and postage paid, in the United States Mail. When property lying within 500 feet of the subject property is located in territory which was annexed to the City after the final date for the last approved City Tax Roll, at least 21 days notice of the time and place of the public hearing shall be published in an official newspaper or a paper of general circulation in the City.

Comment [12]: This changed from 15 days to 21 days.

2. **Posted Notice. (Signs)**

- a. The City Planner or designee shall direct the erection of at least 1 sign on each property for which a special use permit has been requested. Where possible such sign or signs shall be located in a conspicuous place or places upon such property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent to such property. The City shall be responsible for making, installing, and removing such signs, the costs for which shall be included as a part of the fees the City assesses to applicants for special use permit requests.
- b. Such sign shall be so erected not less than 21 days before the date set for the public hearing before the Planning and Zoning Commission. Any such sign shall be removed subsequent to final action by the City Council on the special use permit application.
- c. Such sign shall indicate that a special use permit has been requested and shall further set forth that additional information can be acquired by telephoning the number indicated thereon.
- d. The erection and/or the continued maintenance of any such sign shall not be deemed a condition precedent to the holding of any public hearing or to any official action concerning such special use permit use.

Comment [13]: This changed from 30 days to 21 days.

Sec. 125-50.E. Planning and Zoning Commission Hearing and Recommendation

The Planning and Zoning Commission shall hold public hearings on all properly filed special use permit applications. After closing of the public hearing on an application, the Planning and Zoning Commission shall transmit to the City Council its recommendation on said application.

Sec. 125-50.F. City Council Hearing and Action

1. ***Application recommended for approval.*** Every special use permit application that is recommended favorably by the Planning and Zoning Commission shall be forwarded to the City Council for setting and holding of a public hearing thereon.
2. ***Application Recommended for Denial*** When the Planning and Zoning Commission determines that a special use permit should be denied, it shall so report to City Council. After receiving the final report from the Planning and Zoning Commission,

the City Council may approve the proposal or deny the proposal, with or without prejudice as to refilling. And that decision shall be final unless an appeal is filed with the City Secretary's office within 12 days following City Council action.

Sec. 125-50.G. Revocation of Special Use Permit

Any special use permit granted under the authority of this section is subject to revocation for any of the following reasons:

1. Noncompliance with any applicable requirement set forth in this section;
2. Noncompliance with any special condition imposed at the time of approval of the special use permit;
3. Violation of any provisions of the Code of Ordinances pertaining to the use of land, construction or uses of buildings structures or activities conducted on the premises;
4. Where conditions in the neighborhood or surrounding property have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.

Procedure for revocation:

1. Revocation proceedings may be initiated by a majority vote of the City Council or the Planning and Zoning Commission.
2. An appeal of any decision of the City Council to revoke a special use permit may be filed in the District Court of the appropriate county. Any appeal taken shall not suspend the order of revocation during the process of the appeals unless so ordered by the District Court.

Sec. 125-50.H. Limitation On Reapplication

When a proposal is denied by the City Council or when the applicant has withdrawn his proposal after the giving of public notice, no new applications of like nature shall be accepted by the City or scheduled for a hearing by the Planning and Zoning Commission within a period of 12 months of the date of denial or withdrawal unless the proposal is denied without prejudice; provided, however, on receipt of written request by the original applicant describing substantially changed conditions in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the City Council may waive the mandatory delay period and authorize the acceptance of a new application.