

ARTICLE XVI USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION

Section 16.01. APPLICATION. For all uses permitted after special approval, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs, and road rights-of-way.

Section 16.02. HEARING. Requests for uses permitted after special approval may be heard and decided at any regular or special meetings of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on uses permitted after special approval shall be sent to the person requesting the special approval and to owners and occupants of property within a minimum of five hundred (500) feet from the property lines of the property which is the subject of the request for special approval. Notice shall be sent by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less than five (5) days nor more than fifteen (15) days prior to the hearing.

Section 16.03. STANDARDS. Requests for uses permitted after special approval shall be granted or denied based on the following standards:

- A. The location, size, and character of the proposed use shall be in harmony with and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. The decision of the Planning Commission shall be incorporated in a statement containing the conclusion on which the decision is based, and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Section 16.05. EXPIRATION. Planning Commission permission for a Use Permitted After Special Approval shall expire one year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

Section 16.06. REVOCATION. The Planning Commission may revoke any use granted after special approval in the event that the requirements of the Ordinance or any conditions are not complied with. Prior to any revocation, the Planning Commission shall conduct a public hearing pursuant to Section 16.02.