

Additions are indicated by an underline  
Deletions are indicated by a ~~strikethrough~~

*Text in Italics* indicates the use currently is permitted and is proposed to be changed to a special permit to allow for additional review as well as the required public hearing.

## **Section 9.0 Special uses**

9.0.1 Purpose and intent. The purpose of special use approval is to allow the proper integration into the community of uses which may be suitable only under certain conditions and at appropriate locations. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, special uses require special consideration so that they may be properly located with respect to the objectives of this zoning chapter and their effect on nearby properties.

9.0.2 Authorization to grant or deny special uses. The planning board is hereby authorized to approve special uses. The special uses listed in this zoning law may be permitted, enlarged, or otherwise altered upon authorization by the planning board in accordance with the standards and procedures set forth in this section. In permitting a special use or the modification of a special use, the planning board may impose those standards and requirements expressly specified by this law and any additional conditions which the planning board considers necessary and reasonable to protect the best interests of the surrounding property, the neighborhood, or the city as a whole. These conditions may include, but are not limited to, size or controlling the location and number of vehicle access points, increasing the street width, limiting the number, size and location of signs, limiting hours of operation, and required fencing, screening and landscaping or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this law change in use or in lot area or an alteration of structure shall conform with the requirements dealing with special uses.

The duration of an approved special use permit shall be six months or such greater period not to exceed one year as may be specified in the approval by the planning board. Special use permit approval may be renewed by the planning board for a period of six months upon written application to the planning board and copies to the code enforcement officer, such application to be submitted prior to the expiration of the special use permit approval period.

On application, and after public notice and hearing, the planning board may authorize the issuance by the code enforcement officer of permits for any of the special uses for which this law requires such permits.

9.0.3 Procedures for special uses.

- a. A property owner(s) or his agent(s) may initiate a request for a special use or modification of a special use by filing an application which includes a legal description of the property, a proposed current site plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives, parking areas and all streets within 250 feet of the lot, plans and elevations necessary to show the proposed development, other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties and a filing fee.
- b. In the case where a special use has been approved a building permit shall be issued after the granting of the special use by the planning board, and then only in accordance with the terms and conditions of the special use permit.

- c. Before a special use is permitted the proposed special use shall be subject to public notice and a public hearing, pursuant to the procedures specified in section 9.1.6.
- d. The planning board, on its own motion, may revoke any special use permit for non-compliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing. The forgoing shall not be the exclusive remedy and it shall be unlawful and punishable for any person to violate any condition imposed by a special use permit. In such cases a period of 60 days shall be granted the applicant for full compliance prior to revocation of the said permit. In cases where there is imminent danger to the public health, safety or welfare, the revocation of the special use permit shall be immediate.
- e. The planning board may require that special use permits be periodically renewed after notice and a public hearing to determine if the original conditions have been complied with or whether conditions have changed since the original special use permit was granted.
- f. The planning board may, at its discretion, waive any submission requirements which it deems to be not relevant to the proposed use and site.

9.0.4 Standards governing all special uses. A special use shall comply with the standards of the district in which it is located. In approving such uses, the planning board shall take into consideration the public health, safety and welfare and comfort and convenience of the public in general and of the residents of the immediate neighborhood in general and shall, to the maximum extent possible further the expressed intent of this law and the accomplishment of the following objectives:

- a. In order to grant any special use, the planning board shall find that the request is in harmony with the general purpose and intent of this zoning law, taking into account the location and size of use, the nature and intensity of the operations involved in or conducted in connection with the use and the size of the site with respect to streets giving access thereto.
- b. In order to grant any special use, the planning board shall find that the establishment, maintenance, or operation of the use applied for, under the circumstances of the particular case, will not be more detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or will not be more detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city than would be the operation of any permitted use.
- c. The proposal will not result in the destruction, loss, or damage of any natural, scenic or significant historical resource.
- d. The proposal will not create excessive additional requirements of public cost for public facilities and services; and will not be detrimental to the economic welfare of the community.
- e. The proposal will be served adequately by essential public facilities such as highways, streets, police and fire protection, stormwater drainage, water and sewer,

schools or that the applicant for the proposed special use shall otherwise provide that these services be adequately obtained.

- f. The proposal essentially conforms with the comprehensive development plan.
- g. All proposed structures, equipment or material shall be readily accessible for fire and police protection.
- h. The proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the orderly development of adjacent properties, in accordance with the zoning classification of such properties.
- i. The proposal conforms to all applicable requirements of article 10, "Development guidelines".

~~In addition to the above, in the case of any use located in, or directly adjacent to, a residential district:~~

- ~~aj.~~ The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to existing streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood.
- ~~bk.~~ The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- l. The operation of any such use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact adjacent properties.
- m. When a commercial or industrial special use abuts a residential property the Planning Board may find it necessary to require screening of sufficient height and density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.
- n. Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
- o. Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water-related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.
- p. Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.

- q. Such use shall be attractively landscaped.
- r. A special use permit shall not be issued for a use on a lot where there is an existing violation of this chapter unrelated to the use which is the subject of the requested special use permit, as determined by the Planning Board.
- s. As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.
- t. In addition to the general standards for special use permits as set forth herein, the Planning Board may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this chapter.

#### 9.0.5 Regulations Governing Certain Uses, Buildings and Structures

- a. Accessory Uses and Structures. Accessory Uses or Structures may be permitted as a special use in the R3, RT and CC districts subject to the regulations in section 10.5.
- b. Adult Uses. Adult Uses may be permitted as a special use in the I, and I2 districts subject to the regulations in section 10.22.
- c. Bed and Breakfast. Bed and Breakfast establishments may be permitted as a special use in the R3, PR and RT districts subject to the following regulations:
  - 1. The use shall not be permitted in other than a single family dwelling.
  - 2. The one-family dwelling in which the bed and breakfast is located shall be the principal residence of the owner of the one-family dwelling.
  - 3. In addition to the off street parking required for the dwelling, one parking space shall be provided for each guest room. All parking areas shall be screened from view by a visual barrier approved by the Planning Board.
  - 4. The use shall be compatible with adjacent properties.
  - 5. The use as a bed and breakfast shall not involve any exterior alterations to the structure that will make it appear as anything other than a single family home.
- d. Drive-in Uses. Drive-in uses may be permitted as a special use in the RT, CC, I, I2, I3 and GC districts subject to the regulations in section 10.19.
- e. Fast Food Restaurants. Fast food restaurants may be permitted as a special use in the WC, I, I2, and I3 districts subject to the regulations in section 10.18.

- f. Gasoline Filling Stations and Gasoline/Grocery Store Marts. Gasoline Filling Stations and Gasoline/Grocery Store Marts may be permitted as a special use in the I, I2, I3 and GC districts as a special use subject to the regulations 10.16.
- g. Home Occupations. Home Occupations may be permitted as a special use in the R1, R2, R3, and PR district as a special use subject to the regulations in 10.13.
- h. Multi-Family dwellings. Multi-family dwellings may be permitted as a special use in the PR, R1, R2, R3, RT, GC and CC districts subject to the regulations in section 10.15. Multi-family dwelling units are not permitted on the first floor of any buildings in the CC district.
- i. Parking Lots, Commercial or Private. Commercial or private parking lots maybe permitted as a special use in all residential districts subject to the regulations in section 10.20.
- j. Townhouses. Townhouses may be permitted as a special use in the R3, RT, CC and WC districts subject to the regulations in section 10.15.
- k. Vehicle Repair Shops (Garages, service/repair) and Vehicle Sales. Vehicle repair shops and vehicle sales may be permitted as a special use in the CC and GC districts subject to the regulations in section 10.16 and the following regulations

  - 1. Vehicle repair shops and vehicle sales are not permitted on any properties with frontage on North Union Street in the CC district.
- l. Warehousing and Wholesale and Retail Distribution Centers including offices and showrooms. Warehousing and wholesale and retail distribution center including offices and showrooms may be permitted as a special use in the CC district subject to the following regulations:

  - 1. Warehousing and Wholesale and Retail Distribution Centers are not permitted on any properties with frontage on North Union Street in the CC district.
  - 2. The design of the building shall be compatible with surrounding buildings in materials, proportions and massing.

