Red lettering will be added to the code

Sec. 65-24. Special use regulations.

Subject to the provisions of this section, the Board of Aldermen of the City of Jackson may, after a public hearing before the board of aldermen, and after study and report by the city planning and zoning commission, authorize the special uses enumerated in this section in any district as herein qualified from which such uses are otherwise prohibited based on whether such buildings or use will:

(1) Substantially increase traffic hazards or congestion.

(2) Adversely affect the character of the neighborhood.

(3) Substantially increase fire hazards.

(4) Adversely affect the general welfare of the community.

(5) Overtax public utilities.

(6) Be in conflict with the city's comprehensive plan.

If the board's findings should be negative to the above, then the application may be granted; if affirmative as to any subject, then such permit shall be denied. In the granting of a special use permit, the board of aldermen may impose, and the planning and zoning commission may recommend, in writing, appropriate conditions and safeguards as may be deemed necessary to ensure compliance with the requirements of this zoning ordinance and to protect adjacent property and conserve property values.

Special use permits shall be classified by the board of aldermen at the time of granting as either (i) primarily authorizing physical alterations to a building, structure, or grounds or (ii) primarily authorizing a specific type of use or activity on the property. Permits classified under (i) shall run with the land, shall remain valid and binding on all subsequent owners of the property without the need for a new permit, and shall not expire or require renewal so long as the physical alterations remain in full compliance with the terms and conditions of the permit and this chapter. Permits classified under (ii) shall be personal to the applicant and shall not automatically transfer upon change of ownership; however, if the new owner intends to continue the same approved special use under the same conditions, the permit shall remain valid and shall transfer to the new owner without the need for a new application. Any proposed change, expansion, or alteration of the special use shall require a new special use permit application, and the board of aldermen shall review the application to determine whether to grant a new permit under the standards of this section.

Applications for special use permits, other than applications caused by a change in ownership, shall be made and processed in the same manner as provided for zoning amendments in section 65-29.

The following special uses are authorized, providing they comply with all the regulations set forth in this chapter for the district in which such use is located.

a. Any uses for which special use permits are required by other sections of this chapter.

b. Proprietary uses associated with churches and similar places of worship.

c. Certain home occupations under special conditions in an R-1, R-2, R-3, or R-4 district.

d. Fraternal organizations and private clubs in an R-1 and R-2 district.

e. Cemeteries and mausoleums in any residential or commercial district.

f. Bed and breakfast dwellings in an R-2 or R-3 district.

g. Petroleum product storage in an I-1 district, excluding gasoline storage tanks at retail gasoline stations.

h. Certain heavy industrial uses in an I-2 or I-3 district.

i. Mobile homes/manufactured homes/mobile office.

   1. *Mobile home—Emergency use.* A single mobile home may be located on any lot or tract in any commercial or industrial district for emergency residential purposes and temporary residential use by applicant upon issuance of a special use permit for a period not to exceed twelve (12) months. The holder of a special use permit hereunder may submit an application for no more than one (1) extension hereunder. The original special use permit and extension thereof shall in no event exceed a twenty-four (24) month period.

   2. *Mobile office/mobile office unit.* A single mobile office unit may be located on any lot or tract in any commercial or industrial district for use as an office unit only and not for residential uses, upon the grant of a special use permit, subject to the following conditions:

      i. The term shall not exceed two (2) years on the initial permit. Subsequent permits may be obtained for periods not to exceed twelve (12) months.

      ii. The lot or tract upon which the mobile office is to be located shall contain no less than ten thousand (10,000) square feet.

      iii. The mobile office so utilized shall not be converted to real property under Missouri Statutes unless same is in full and complete compliance with all city codes including, but not limited to, zoning and building codes.

      iv. Any other condition that the board of aldermen, in its sole discretion, believes necessary to provide sufficient compatibility with the spirit and intent of the code.

j. Commercial, recreational, or amusement development for temporary or seasonal periods only.

k. Commercial radio or television tower or broadcasting station, provided the following special conditions are met:

   1. If the proposed tower is located within one (1) mile of an existing tower(s), evidence must be submitted demonstrating why the existing tower(s) is not suitable or available for co-use.

   2. The tower is designed to accommodate the co-use of at least two (2) other providers and made available to other providers for co-use for reasonable terms. A notarized statement shall be provided as to the ability of the tower for co-use.

   3. The design of the tower and accessory structures shall maximize the use of building materials, colors, textures, screening, and landscaping that effectively blend the facilities within the surrounding natural setting and environment.

4. The tower shall be set back from the right-of-way line of any public street up to a distance equal to the height of the tower.

5. Towers or antennas located on structures shall not extend more than thirty (30) feet above the highest point of the structure.

6. The tower and antennas shall meet all federal regulations, including but not limited to, Federal Communications Commission (FCC) emission standards and Federal Aviation Administration (FAA) lighting requirements.

7. Any tower that is no longer in use for a telecommunications purpose shall be removed at the owner's expense. The owner of the tower shall provide the city with a copy of the notice to the FCC of intent to cease operations. All obsolete and abandoned towers and accessory facilities shall be removed within six (6) months of cessation of use. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The applicant shall submit an executed agreement to ensure compliance with this requirement. If the owner fails to remove an obsolete tower, the city may cause the tower to be removed and issue a special assessment tax bill for the cost of said removal, which shall be a lien against the real property affected.

l. Buildings in excess of the height and story requirements set forth in section 65-19.

m. Parking lots on land in residential districts, within three hundred (300) feet from the boundary of any commercial or industrial district, provided the following standards are met:

1. Ingress and egress to such lot shall be from a street directly serving the commercial, business, or industrial district.

2. No business involving the repair or service of vehicles, or sale, or display thereof shall be conducted from or upon such parking areas.

3. No structures shall be erected on the parking area except as provided for under item m.7 hereof.

4. No sign shall be erected on the parking area except as approved by the board of aldermen.

5. Parking areas shall be used for the parking of patrons using private passenger vehicles only and no charge shall be made for parking within such premises.

6. The parking shall be set back in conformity with the established or required yards for residential uses; and, where a parking area adjoins a dwelling use, it shall have a minimum side yard of ten (10) feet.

7. The parking area shall be suitably screened or fenced, paved and drained, lighted and maintained free of debris.

n. Airports, heliports, private air strips and helipads.

(Ord. No. 13-73, § 1, 11-18-13)