

Specific Use Review.

- (a) Who may file. An application for specific use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by city officials ordinarily to initiate amendments to the zoning map.
- (b) Submission of application. A complete application shall be submitted to the city administrator, along with the appropriate fee. The city administrator may require the application for specific use approval to be accompanied by a site plan of existing and proposed development of the affected site.
- (c) Applicable development standards. Unless otherwise specified in this chapter, no specific use approval shall be granted for any use that does not conform to standards of the district in which it is located. Each specific use shall also be subject to any specific use requirements set forth in articles 14.03 through 14.05.
- (d) Review by city administrator. After determining that the application is complete, the city administrator shall place the request on a meeting agenda for consideration by the planning commission.
- (e) Hearing and action by planning commission.
 - 1) The planning commission shall, after appropriate notice, conduct a public hearing on each request for approval of a specific use.
 - 2) At the public hearing, the planning commission shall consider the application, any pertinent comments by the city staff, and relevant support materials and public testimony given at the public hearing.
 - 3) After the close of the public hearing, the planning commission shall recommend that the city council approve the request, approve the request with additional conditions, or deny the request. The planning commission may propose such conditions as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of specific use approval, and hours of operations for specific use so allowed.
 - 4) A recommendation by the planning commission to deny a request for specific use shall be the final decision on that matter, if not appealed in writing to the city council within ten (10) days.
- (f) Hearing and action by city council.
 - 1) The city council shall, after appropriate notice and recommendation from the planning commission, conduct a public hearing on each request for approval of a specific use, except for such requests which are recommended by the planning commission to be denied and are not formally appealed to city council.
 - 2) At the public hearing, the city council shall consider the application, any pertinent comments by city staff, the planning commission

recommendation, other relevant support materials, and public testimony given at the public hearing.

- 3) After the close of the public hearing, the city council shall approve the request, approve the request with additional conditions, or deny the request. The council may attach such conditions to a specific use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of specific use approval, and hours of operation of the specific use.
- 4) Where written protest against a proposed specific use is made and signed by (a) the owners of 20 percent or more of the area subject to the specific use or (b) the owners of 20 percent or more of the land area within 200 feet of the affected area, then the proposed specific use shall require a favorable vote of at least three-fourths of all the members of the city council to become effective. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

(g) Specific use approval criteria.

- 1) Impacts minimized. Whether and then extent to which the proposed specific use creates adverse effects, including adverse visual impacts, on adjacent properties.
- 2) Consistent with zoning ordinance. Whether and the extent to which the proposed specific use would conflict with any portion of this chapter, including the applicable zoning district intent statement.
- 3) Compatible with surrounding area. Whether and the extent to which the proposed specific use is compatible with existing and anticipated uses surrounding the subject land.
- 4) Effect on natural environment. Whether and the extent to which the proposed specific use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands, and the practical functioning of the natural environment.
- 5) Community need. Whether and the extent to which the proposed specific use addresses a demonstrated community need.
- 6) Development patterns. Whether and the extent to which the proposed specific use would result in a logical and orderly pattern of urban development in the community.

(h) Expiration of specific use approval.

- 1) All specific use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of

the specific use approval, provided that the city administrator, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

- 2) If the designated use is not made of the property within the time limitation granted, the specific use approval shall be cancelled and revoked and be of no effect.