

165.16 SPECIAL EXCEPTION USES.

1. **Procedures and Requirements.** Allowable special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this chapter. In granting a special exception use permit, the Board of Adjustment may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.
2. **Application for Special Exception Use Permit.** An application for a special exception use permit may be initiated by a property owner or his authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a site plan and other such plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the City Council.
3. **Procedure.** A special exception permit shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:
 - A. The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given to the public hearing as required by State statute by publication in a newspaper of general circulation in the City. If feasible, notice of the public hearing will be mailed to property owners within 200 feet of the exception request.
 - B. The Board of Adjustment is empowered under this chapter to grant the special exception as described in the application, and that granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing.
 - C. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under Section 165.19 of this chapter.
 - D. The concurring vote of three members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six-month period and construction is commenced.
 - E. The City Council may, after a decision of the Board of Adjustment is made, vote to delay the implementation of such decision for a period of 30 days. The Council may not overturn a decision of the Board of Adjustment. During the 30-day period the Board of Adjustment may or may not reconsider its decision.

4. Standards. No special exception use permit shall be granted by the Board of Adjustment unless such Board shall find:
- A. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
 - B. The special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted or substantially diminish and impair property values within the neighborhood.
 - C. The establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
 - D. Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
 - E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - F. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material.
 - G. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
 - H. The use shall not include vibration which is discernible without instruments on any adjoining lot or property.
 - I. The use shall not involve any malodorous gas or matter which is discernible on any adjoining property.
 - J. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
 - K. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road or highway.
 - L. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are initiated to limit traffic hazards and congestions.
 - M. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
 - N. The use will not be in major conflict with the Comprehensive City Plan.