

ARTICLE 10

SPECIAL USE PERMITS

1. General Considerations:

- A. Delegation of Power: The Governing Body is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. The Governing Body shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.
- B. Conditions and Guarantees: Prior to the granting of any special use permit, the Planning Commission or Governing Body may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Commission may recommend or the Governing Body may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.
- C. Special Use Permits in Residential Districts: In no event shall special use permits in residential districts be transferable from an owner-applicant to a subsequent owner of the subject real estate or structure.

2. Procedures:

- A. Application: A written application for a special use permit shall be filed with the Zoning Administrator and shall include a statement indicating the section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map, a list of the owners of record of all property within 200 feet of the subject property and site plan of the subject property.
- B. Fees: Every application for a special use permit shall be subject to a filing fee.
- C. Site Plan: All applicants for a special use permit shall submit with their application ten copies of a development plan for the property which shall include the following:
 - 1. A site plan showing:

- a. Approximate size and locations of all structures.
 - b. Access from streets.
 - c. Parking arrangements and numbers of spaces.
 - d. Interior drives and service areas.
 - e. Landscaped areas.
 - f. All proposed signs.
2. Location map showing development and zoning of adjacent property within 100 feet.
 3. The full legal description of the boundaries of said development area.
 4. A description of the general character of all structures.
- D. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning Commission; provided, however, that notice must be published in a newspaper of general circulation at least 20 days prior to the date set for hearing. In addition to such publication notice, written notice of such proposal shall be mailed to all the owners of lands located within 200 ft. of subject property. Failure to receive such notice shall not invalidate any subsequent action taken. The Planning Commission shall submit a recommendation to their Governing Body within 30 days after the close of the public hearing.
- E. Findings: In making a recommendation to the Governing Body, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.
- F. Action by Governing Body: The Governing Body shall consider the Planning Commission's recommendation at the next regularly scheduled Governing Body meeting for which the agenda item can be docketed. The Governing Body may adopt or may revise or amend and adopt such recommendation by resolution. If the Governing Body fails to act upon a recommendation within 120 days from the receipt thereof, the application shall be deemed to have been denied.
3. Standards for Issuance of Special Use Permits: Generally: Before any permit shall be granted, the Planning Commission shall make written findings certifying that adequate provision has been made for the following:

- A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.
 - B. Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
 - C. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
 - D. The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
 - E. The adequacy of required yard and open space requirements and sign provisions.
 - F. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.
4. Uses Additional Conditions for Particular Special Uses: In granting a special use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:
- A. Day care centers shall obtain a special use permit for the care of more than six children in zoning districts permitting residents, provided that:
 - 1. One off-street parking space is provided for each non-resident or non-family member employee, in addition to the two spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.
 - 2. If located on an arterial or collector street, an off-street drop-off/pick-up area must be provided.
 - 3. The requirements for accessory uses for the proposed day care home are met.
 - B. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards:
 - 1. Shall be located at least 300 feet from a residential district zone.
 - 2. The operation shall be conducted wholly within a noncombustible structure or within an area completely enclosed by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, color and texture, and shall be maintained in good condition by the property owner. No scrap, junk or other salvaged materials shall be piled to exceed the height of this wall or fence.

3. No junk or salvaged material shall be loaded, unloaded or stored, either temporarily or permanently, outside the enclosed structure, fence or wall.
 4. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department, except when prohibited by the Kansas Department of Health and Environment.
- C. Funeral, mortuary or crematory services shall be located on a collector or arterial street as shown on the Comprehensive Plan.
- D. Wind-powered generating systems shall conform to the following standards:
1. No tower or propeller shall be located so as to be within a distance equal to its height of any structure, power line or antenna located on any other piece of property.
 2. The height of the tower and propeller shall not exceed by more than 50 percent the height limitation of the district in which it is located, and the bottom tip of any propeller shall be at least ten feet above any accessible pedestrian area.
 3. The system and its component parts shall be totally surrounded by a fence at least six feet and not more than eight feet in height unless otherwise physically inaccessible to the public.
 4. The system shall not cause interference to the radio and television reception on adjacent property.
 5. The system shall contain a breaking device for winds in excess of 40 miles per hour.
 6. The system shall be approved for safety by a testing laboratory and shall be covered by a homeowners or business insurance policy.
 7. The minimum lot width shall not be less than the required width in the underlying zone district.
- E. Travel trailer camps shall be permitted subject to the following conditions:
1. The site selected for travel trailer camp areas shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road which it has frontage on. Short-term occupancy shall not exceed 30 days, except as approved by the Zoning Administrator.
 2. Minimum tract size shall be two (2) acres and be in one (1) ownership.

3. The maximum number of travel trailer spaces allowed within the permitted districts shall not be more than 20 per acre. Consideration shall be given to whether the camp and the density level are designed accordingly. The densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type camp located at or near a scenic historical or outdoor recreational area provides for longer and extended stays of several days or weeks.
4. Minimum width of a trailer space shall be 25 feet and it shall be so designed to provide space for parking both the trailer and towing vehicle off the roadway. No trailer unit shall be closer than ten feet to any other adjacent unit, structure or roadway, and all spaces shall have direct access to the roadway. No unit shall be placed closer than 30 feet to any of the development property lines, and the ten feet nearest the property line shall be permanently maintained as a sodded and/or landscaped area.
5. A central office or convenience establishment with an attendant shall be provided within the trailer camp to register guests and provide service and supervision to the camp for camps in excess of five acres.
6. The applicant for a travel trailer camp shall submit a development plan to the Planning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to fully evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24" x 36" dimensions as a proposed development plan showing:
 - a. General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.
 - b. Parking area location, sizes and capacity.
 - c. Ingress and egress points for the project.
 - d. Use of structures.
 - e. General layout of typical travel trailer space showing size of space and proposed improvements.
 - f. Layout of roadway within the camp.
 - g. Net density of proposed project, expressed in terms of units per acre.
 - h. General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system.

- i. Plan and method of sewage disposal and water supply.
 - j. Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas.
 - k. The development shall provide a general refuse storage area or areas which shall be provided with a paved concrete surface and shall be enclosed to screen it from view.
7. The travel trailer camps shall be planned and constructed in accordance with the minimum standards as established in this section and as outlined below:
- a. All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material.
 - b. All camps shall be provided with general outdoor lighting with a minimum of 0.3-foot candles of general illumination.
 - c. All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained.

F. Kennels-breeding and boarding:

1. The minimum lot size shall not be less than two acres.
2. No kennel structures or runs shall be located nearer than 75 feet to any property lines.
3. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade, or chain link fence with aluminum strip intertwined or other equivalent fencing, providing a sight barrier to the dogs.

G. Bed and Breakfast: The following requirements shall apply:

1. Two off-street parking spaces with one additional off-street parking space per lodging room shall be provided.
2. The structure shall be no smaller than 1,800 square feet in living area.

5. Time Limit:

- A. Sunset: A special use permit shall expire, upon public hearing, unless a building permit is taken within 12 months to effectuate such specially permitted use; or if no building permit is required, evidence of use is filed with building inspector.

- B. Abandonment: Once a specially permitted use ceases or is abandoned for a period of more than 12 months, the special use permit shall expire upon public hearing; except that the special use permit for an auto salvage yard shall automatically expire if the state license for operating the auto salvage yard lapses for a period of time more than six months.
- C. Home Occupation: A special use permit for a home occupation shall not be transferable to a new owner of the real estate.