

CHAPTER 1325
STANDARDS FOR SPECIAL PERMITS

1325.01	Conformance with Standards
1325.02	General Requirements
1325.03	"R" Use District Requirements
1325.04	"C" and "M" Use District Requirements
1325.05	Action of Planning Board

CROSS REFERENCES

Powers and Duties Board of Appeals - Charter 351 (2)
Powers and Duties of the Planning Board - Charter 504 (7)

1325.01 CONFORMANCE WITH STANDARDS

The types of uses for which special permits are required shall be deemed to be permitted uses in their respective districts subject, as to each specific use, to the satisfaction of the requirements and standards set forth in this chapter. Each specific use for which a special permit is sought shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use.

1325.02 GENERAL REQUIREMENTS

On application, the Board of Appeals may authorize, by resolution, the issuance of a special permit for any of the uses permitted in the district in which such use is proposed to be located. In authorizing the issuance of a special permit, the Board of Appeals shall take into consideration the public health, safety, and welfare, and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives:

1. All proposed structures, equipment, or material shall be readily accessible for fire and police protection.
2. The proposed use is of a location, size, and character that, in general, will be in harmony with the appropriate and orderly development of the district in which it is proposed, and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
3. In addition to the above, any use located in or directly adjacent to a residential district shall consider the following:
 - a) The location and size of such use, the nature and intensity of operations involved or conducted in connection therewith, its site layout, signage, and

relation to streets, shall be such that both pedestrian and vehicular traffic, and assembly of persons in connection therewith, will not be hazardous, inconvenient, or incongruous with the residential district or conflict with the normal traffic of the neighborhood.

- b) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of screening and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development of the use of adjacent land and buildings or diminish the value thereof.

Every application for a special permit shall be submitted in as many copies as required by the City and shall contain the relevant terms outlined herein, as determined during the pre-submission conference.

The procedure for a special permit shall be the same as specified for a site plan review, paragraph 1324.01. Further, the Board shall cause notice of all hearings to be mailed to the owners of all adjacent properties of any parcel which is the subject of a special permit hearing before the Board of Appeals.

In authorizing the issuance of a special permit, it shall be the duty of the Board of Appeals to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the general objectives of this Zoning Ordinance. The Board may require that special permits be periodically reviewed and/or renewed. Such review or renewal shall be granted following due public notice and hearing, and may be held only upon a determination by the Department of Planning and Economic Development that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are no longer being complied with. In such cases a period of thirty days shall be granted that applicant for full compliance prior to the revocation of the said permit. Any use for which a special permit may be granted shall be deemed to be a permitted use in the district in which such use is located provided that:

1. The provision in this Zoning Ordinance under which such permit was issued is still in effect;
2. Such permit was issued in conformity with the provisions of this Zoning Ordinance; and
3. Such permit shall be deemed to affect only the lot or portion thereof for which such permit may have been granted;
4. All applicable provisions of this Zoning Ordinance not otherwise varied by the special permit approval are adhered to.

1325.03 "R" USE DISTRICT REQUIREMENTS

With respect to the uses listed as requiring special permits in Residential and NPD Districts:

- A. The location and size of the use, the nature and intensity of the operations involved or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and assembly of persons in connection with it will not be hazardous or inconvenient to the predominant residential character of the neighborhood or be incongruous therewith or conflict with the normal traffic of the neighborhood, taking into account, among other things, convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections and the general character and intensity of development of the neighborhood.
- B. 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 or impair the value thereof.

1325.04 "C" AND "M" USE DISTRICT REQUIREMENTS

With respect to the uses listed as requiring special permits in "C" and "M" Districts:

- A. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it, shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, taking into account, among other things, vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.
- B. The nature, location, size and site layout of the use shall be such that it will be a harmonious part of the Commercial or Industrial District in which it is situated, taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in a Commercial or Industrial District.
- C. The site layout, the location, nature and height of walls and fences, and the display of signs in connection with the use, shall be such that the use will not hinder the appropriate development and use of adjacent land and buildings, or impair the value thereof.
- D. The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise, fumes, or flashing of lights, to a greater degree than is normal with respect to the proximity of commercial to residential uses.

1325.05 ACTION OF BOARD OF APPEALS

In acting on any application for a special permit, as provided in Section 1302.09, the Board of Appeals may impose any condition that it deems necessary to accomplish the reasonable application of the foregoing standards, and may deny such an application, but only in accordance with the foregoing standards.