

## Specific Use Permits

- A. Purpose. This Section provides the City Council the opportunity to grant, deny or conditionally approve specific use permits for non-residential manufactured homes or HUD-code manufactured homes within the City. Because of the nature of the use and the possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the location and site plan of the proposed use are required.
- B. Procedure. The City Council, after a public hearing and proper notice to all parties affected, and recommendations from the Board of Adjustments may authorize the issuance of a specific use permit for a HUD-code manufactured home pursuant to the procedures in this subsection.
- C. Application. Application for a specific use permit to locate a HUD-code manufactured home within any area other than those designated in the Article 3.13 shall be made to the City Council on forms provided by the City.
- D. Use Permit Application Fee. The application shall be accompanied by a non-refundable fee of \$50.00 (Fifty Dollars).
- E. Hearing Date. The application and all required documents shall be submitted to the City Secretary for review. A Board of Adjustment hearing date shall not be set until the application and fee have been accepted by the City. Hearing will be scheduled in accordance with established procedures.
- F. Notification and Hearing. A public hearing shall be held by the City Council prior to the issuance of any specific use permit. The notification and public hearing process for specific use permits under this subsection shall be as follows:
  - 1. A written notice of the application shall be sent by U. S. Mail to the last known owner or occupant of each property within two hundred feet (200') of the tract or parcel of land for which the specific use permit is requested;
  - 2. Such written notice shall be mailed at least fifteen (15) days prior to the date of a public hearing to be held with respect to the application; and
  - 3. The public hearing notice shall be published in the official newspaper giving notice of the application and the public hearing to be held with respect to such application.
- G. In recommending that a Special Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for drainage, adequate off-street parking,

screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Board of Adjustment and City Council may consider the following:

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;
  - 2) The specific use permit will be compatible with, and not injurious to, the use and enjoyment of the property, or neighboring properties, nor materially diminish or impair property values within the immediate vicinity;
  - 3) The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
  - 4) Adequate utilities, access roads, drainage, parking and driveways and other necessary support facilities have been or will be provided;
  - 5) The applicant shall establish that the use and occupancy will comply with all applicable terms of this ordinance;
  - 6) Any negative impact on the surrounding area has been mitigated;
  - 7) That any additional conditions specified ensure that the intent of the district purposes is being upheld.
- H. In granting a Special Use Permit, the Board of Adjustment and City Council may impose conditions which shall be complied with by the owner or grantee before a Certificate of Occupancy may be issued by the Building Official for use of the building on such property pursuant to such Special Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.
- I. No Special Use Permit shall be granted unless the applicant, owner and grantee of the Special Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Special Use Permit, as attached to the site plan drawing (or drawings) and reviewed by the Board of Adjustment and approved by the City Council. The City Council finds that it is not in conflict with the public interest to grant such permit.