

PART C

SECTION IV SPECIAL PERMITS

Article 1 Information and Procedures

1. The City Planning Commission, after a public hearing, and with the approval of the Common Council by ordinance except as otherwise provided in this Ordinance, may permit the utilization of land by one (1) or more of the Special Permit Uses enumerated in these rules and regulations for the zoning district in which the land is situated subject to appropriate and reasonable conditions and safeguards tending to promote the intent of such rules and regulations.
2. Each specific use for which a permit is sought shall be considered as an individual case and shall conform, in addition to all other applicable standards prescribed in these rules and regulations, to the detailed application of the following standards in a manner appropriate to the particular circumstances of such use:
 - a. The nature 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 both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with such use will not be hazardous or detrimental to the predominant character of the neighborhood or to the normal traffic of the neighborhood, taking into consideration among other things, convenient routes of pedestrian traffic, particularly street intersections, vehicular turning movements in relation to routes and of traffic flow, site distances and adequacy of parking facilities.
 - b. The nature, locations, size, intensity and site layout of use shall be in harmony with the appropriate and orderly development of the area in which it is situated and that its operation shall not be detrimental by reason of dust, noise, odor, fumes, explosion, glare or otherwise.
 - c. The location and height of buildings, the location, nature and height of walls, fences and other structures, and the nature and extent of drainage and landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent lands and buildings, nor impair the value thereof.
3. In addition, each permitted use shall comply with the following requirement:
 - a. All structures shall maintain side, rear and front yards as required in the zoning district in which the use is located: PROVIDED, however, any such use locating in a residential district shall provide side, rear and front yards equal to the height of the building or structure utilized when greater than the existing yard requirements established within the district; and provided further that, abutting public lands intended for open space recreational use may be used in computing such yard requirements.
4. All applications submitted for Special Permit review shall contain detailed plans, including site, elevations and plans of structures, and accessory use areas and landscaped development of the entire parcel devoted to Special Permit Use, and such other documents and illustrations as shall be necessary to make the above review.

5. All uses of land or buildings, now in existence, which heretofore were permitted as of right and which would hereafter be required to obtain a special permit shall be entitled to such special permit without hearing, upon submission of site plans and elevations of structures drawn to scale, notwithstanding any failure to meet the requirements of this Article or any other provision of this Ordinance.
6. No lands or building for which a special permit has been issued, or is issuable shall be changed to another special permit use, nor shall any alteration, or enlargement, of any structure, facility or designated area necessary or incidental to such special permit use, be made without obtaining a new special permit relating to such alteration, enlargement or change, except as provided in Paragraph 7 below. All requests for such new permits shall be considered in the same manner and under the same criteria as an original request.
7. The City Planning Commission, however, shall have the authority to alter and/or modify any Special Permit development plans and/or conditions attached thereto, which have been approved by the City Planning Commission, and if required under the Zoning Ordinance by Common Council, provided that the requested alterations and/or modifications to the approved plans and/or conditions meet the following criteria:
 - a. That the proposal does not substantially change the use, design, character or nature of the development of the property in question.
 - b. That the proposal is not detrimental to the appropriate development or use of adjacent lands and buildings.
 - c. That the proposal is not detrimental to the orderly flow of vehicular and pedestrian traffic on-site and off-site.

Any request for alterations and/or modifications to Special Permits heretofore approved which do not meet the above criteria shall be considered as a request for a new Special Permit and shall be processed under the same criteria as an original request.
8. Failure to comply with the appropriate and reasonable conditions and safeguards set forth in a special permit, pursuant to this Article and applicable paragraphs of Part C, Section IV, Article 2, shall be grounds for considering special permit revocation. Deliberations leading to revocation must be preceded by a report confirming failure to comply, submitted to the City Planning Commission by the office duly charged with enforcement of the zoning rules and regulations. Revocation shall be based on a finding by both the City Planning Commission and Common Council that the failure to comply has or will have a detrimental effect on the character and development of the surrounding properties and neighborhood. (Absence of a finding of detrimental effect does not release a property owner from obligation to bring about compliance. Nor does absence of such finding impinge upon enforcement measures to insure compliance.) No matter of revocation shall be decided until after a public hearing has been held with due notice.
9. Where utilization of land requires a special permit pursuant to these rules and regulations, the Board of Zoning Appeals may not grant a variance in lieu of such special permit. Nor may denial of a special permit be appealed to the Board of Zoning Appeals. (Denial of special permits shall not be considered decisions or determinations of administrative officers charged with the enforcement of zoning matters.)