

ARTICLE V. CONDITIONAL USES

Sec. 106-118. Permits.

The city plan commission may issue a conditional use permit for conditional uses after review and a public hearing as provided in the state statutes, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

(Ord. No. OR98-24, § I(106.0501), 10-26-1998)

Sec. 106-119. Application.

Applications for conditional use permits shall be made in duplicate to the building inspector on forms furnished by the building inspector, and shall include the following:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For floodplain conditional uses, such description shall also include information that is necessary for the plan commission to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity or cause danger to human or animal life. This additional information may include plans certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information.
- (3) Plat of survey prepared by a registered land surveyor or a sketch drawn to scale and approved by the building inspector, showing all of the information required under section 106-40 for a building permit and, in addition, the mean and historic high water lines and floodlands on or within 40 feet of the subject premises and existing and proposed landscaping.
- (4) Additional information as may be required by the city plan commission, city engineer or building inspector.

(Ord. No. OR98-24, § I(106.0502), 10-26-1998)

Sec. 106-120. Review and approval.

- (a) The city plan commission shall review the site, existing and proposed structures, proposed plans, neighboring uses, parking areas, driveway locations, highway access,

traffic generation and circulation, drainage, sewerage and water systems, and the proposed plan of operation.

- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the city plan commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (c) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic and highway access, shall be required of all conditional uses. Variances shall only be granted as provided in article XIII of this chapter.
- (d) Amendments. Changes subsequent to the initial issuance of a conditional use permit, which would result in a need to change the initial conditions, shall require an amendment to the conditional use permit. Enlargement of a conditional use shall be considered an amendment. The process for amending a permit shall, generally follow the procedures for granting a permit as set forth in section 106-118.
- (e) Revocation of conditional use permit. Should a permit applicant, his heirs or assigns fail to comply with the conditions of the permit issued by the plan commission or should the use or characteristics of the use be changed without prior approval by the plan commission, the conditional use permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in section 106-118.

(Ord. No. OR98-24, § I(106.0503), 10-26-1998)

Sec. 106-121. Hearings.

The city plan commission shall hold a public hearing on each application giving public notice as specified in section 106-362. The plan commission may subsequently issue the conditional use permit with appropriate conditions, deny the permit with reasons or require the submittal of a modified application.

(Ord. No. OR98-24, § I(106.0504), 10-26-1998)

Sec. 106-122. Public and semipublic uses.

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

- (1) Airports, airstrips, and landing fields in the I-1 light industrial district, I-2 heavy industrial district and A-1 agricultural district, provided that the site is not less than 20 acres.
- (2) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums, in all residential and commercial districts, in the I-1 light industrial district, I-2 heavy industrial district, and in the PD district.
- (3) Utility substations, wells, pumping stations and towers in all districts, provided that all principal structures and uses are not less than 50 feet from any residential

district lot line.

- (4) Public passenger transportation terminals such as heliports, and bus, but excluding airports, airstrips and landing fields, in all commercial districts and in the I-1 and I-2 industrial districts, provided that uses are not less than 100 feet from any residential district boundary.
- (5) Public, parochial and private elementary and secondary schools and churches in all residential districts and the park district, provided that the lot area is not less than two acres, and all principal structures and uses are not less than 50 feet from any lot line.
- (6) Cemeteries and crematories in any district, except R-1, R-2 and R-3, provided that no structure is located closer than 50 feet from any lot line.
- (7) Accessory structure in a residential district. The plan commission shall review any accessory structure with an area greater than 960 square feet. The commission may require landscape plans and screening as a condition of approval. There shall be no more than one accessory building per lot. If another accessory building is requested, the plan commission shall make a determination if the structure will be authorized.

(Ord. No. OR98-24, § I(106.0505), 10-26-1998; Ord. No. 99-11, § II, 9-13-1999)

Sec. 106-123. Residential uses.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

- (1) Clubs, fraternities, lodges and meeting places of a noncommercial nature in any nonresidential district, provided that all principal structures and uses are not less than 25 feet from any lot line.
- (2) Housing for the elderly in the R-3 residential district, provided that the density of such housing shall not exceed 18 units per net acre; and provided that there shall be a minimum living area of 500 square feet for a one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.
- (3) Rest homes, nursing homes, clinics and children's nurseries in the R-3 residential district, provided that all principal structures and uses are not less than 50 feet from any lot line.
- (4) Community living arrangements which have a capacity for nine or more persons in the R-1, R-2 and R-3 residential districts.
- (5) Community living arrangements which have a capacity for 16 or more persons in the R-3 residential district.
- (6) Home industries in any residential district. A home industry is similar to a home occupation and shall generally be limited by the standards for home occupations set forth in section 106-47. The plan commission may, however, permit the conduct of a home industry in an accessory building. The plan commission may further permit the assembly and manufacturing of small-scale piece work or the use of nonhousehold appliances and tools when it is deemed not to be disruptive

to the neighborhood.

- (7) Accessory structure in a residential district. The plan commission shall review any accessory structure with an area greater than 960 square feet. The commission may require landscape plans and screening as a condition of approval.

(Ord. No. OR98-24, § I(106.0506), 10-26-1998; Ord. No. OR99-02, § II(106.0506(G)), 3-8-1999)

Sec. 106-124. Commercial uses.

The following commercial uses shall be conditional uses and may be permitted as specified:

- (1) Drive-in theaters in the C-2 highway commercial district, provided that a planting screen at least 25 feet wide is created along any side abutting a residential district, and no access is permitted to or within 1,000 feet of an arterial street.
- (2) Funeral homes in any commercial district, provided that all principal structures and uses are not less than 25 feet from any lot line.
- (3) Gasoline service stations in the C-1 and C-2 commercial districts, and in any industrial district, provided that all gas pumps meet the setback requirements and are located not closer than 40 feet from any side lot line.
- (4) Radio and television transmitting towers, receiving towers, relay and microwave towers and broadcast studios in the C-2 highway commercial and in any industrial district.
- (5) Limited manufacturing concerns featuring an outlet store and bearing the appearance of a retail establishment may be permitted in the C1 downtown commercial and C-2 highway commercial districts.
- (6) Roof-mounted satellite dish antennas in any commercial or industrial district. Any satellite dish antenna in the C-1 commercial district shall be considered a conditional use. Exceeding six feet in diameter requires a conditional use permit.
- (7) Solar collectors in the C-1 commercial district.

(Ord. No. OR98-24, § I(106.0507), 10-26-1998; Ord. No. OR02-12, § 1, 11-25-2002)

Sec. 106-125. Industrial and agricultural uses.

The following industrial and agricultural uses shall be conditional uses and may be permitted as specified:

- (1) Animal hospitals in the C-2 highway commercial district and the I-1 and I-2 industrial districts, provided that all principal structures and uses are not less than 100 feet from any residential use.
- (2) Dumps, disposal areas, incinerators and sewage treatment plants in A-1 agricultural districts and I-2 heavy industrial district.
- (3) Processing and industrial manufacture of feeds prepared for animals and fowl; storage of animal feeds, fertilizer, seeds, animal health products, and lawn and

garden equipment in the I-1 and I-2 industrial district, provided that all storage operations are conducted within an enclosed building.

- (4) Processing, manufacturing and storage of hazardous chemicals in the I-2 industrial district.
- (5) Lumberyards, millwork, saw mills and planing mills in the C-2 commercial district and the I-1 and I-2 industrial districts.
- (6) Industrial and [sic] processing of dimension hardwood flooring, veneer and plywood in the I-1 and I-2 industrial districts.
- (7) Freight yards, freight terminals, and transshipment depots in the I-1 and I-2 industrial districts.
- (8) Commercial service facilities, such as restaurants and fueling stations, in the I-1 and I-2 industrial districts, provided that all such services are physically and saleswise oriented toward industrial district users and employees, and that other users are only incidental customers.
- (9) Topsoil removal and the sale of topsoil removed from a parcel is a conditional use in all districts except the CD conservancy district. The plan commission shall require the use of adequate soil erosion control measures to prevent pollution of surface waters caused by runoff.
- (10) Foundry/plating [plating] company in the I-2 industrial district.

(Ord. No. OR98-24, § I(106.0508), 10-26-1998)

Sec. 106-126. Recreational uses.

The following public recreational facilities shall be conditional uses and may be permitted as specified:

- (1) Archery ranges, camps, conservatories, driving ranges, indoor firearm ranges, golf courses, gymnasiums, music halls, polo fields, pools, riding academies, stadiums and zoological and botanical gardens in the park district, provided that the lot area is not less than three acres and all structures are not less than 50 feet from any district boundary.
- (2) Commercial recreation facilities, such as arcades, bowling alleys, clubs, dancehalls, driving ranges, gymnasiums, indoor swimming pools, lodges, miniature golf facilities, physical culture facilities, pool and billiard halls, racetracks, indoor firearm ranges, Turkish baths, skating rinks and theaters are conditional uses and may be permitted in the C-1 and C-2 commercial districts.

(Ord. No. OR98-24, § I(106.0509), 10-26-1998)

Sec. 106-127. Conservancy uses.

(Ord. No. OR98-24, § I(106.0510), 10-26-1998)

Sec. 106-128. Floodland uses.

Provisions related to floodland uses are found in chapter 38 of this Code.
(Ord. No. OR98-24, § I(106.0511), 10-26-1998)

Sec. 106-129. Temporary uses.

The following uses are conditional uses and may be permitted as specified:

- (1) Flea markets may be permitted in a C-1, C-2 or any industrial district for a period not to exceed ten days. Special requirements may be imposed by the plan commission for parking, sanitary facilities, lighting and hours of operation. No temporary use listed in this subsection shall be conducted within the street right-of-way. Temporary uses permitted under this subsection may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies and debris shall be removed from the site within ten days following the temporary activity.
- (2) Circuses and animal shows may be permitted in a PD, C-1, C-2 or any industrial district for a period not to exceed ten days. Special requirements may be imposed by the plan commission for parking, sanitary facilities, lighting and hours of operation. The plan commission may limit or prohibit the display of dangerous animals such as tigers or snakes. No temporary use listed in this subsection shall be conducted within the street right-of-way. Temporary uses permitted under this subsection may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies and debris shall be removed from the site within ten days following the temporary activity.
- (3) Fireworks sales facilities may be permitted in a C-1, C-2 or any industrial district for a period not to exceed 30 days. No permit to sell fireworks may be granted until the fire chief has reviewed the plan of operation and reported his findings and recommendations to the plan commission. No permit to sell fireworks shall be granted on any site where alcoholic beverages are served. Special requirements may be imposed by the plan commission for parking, sanitary facilities, lighting and hours of operation. No temporary use listed in this subsection shall be conducted within the street right-of-way. Temporary uses permitted under this subsection may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies and debris shall be removed from the site within ten days following the temporary activity.
- (4) Christmas tree sales may be permitted in a C-1, C-2 or any industrial district for a period not to exceed 45 days. Special requirements may be imposed by the plan commission for parking, sanitary facilities, lighting and hours of operation. No temporary use listed in this subsection shall be conducted within the street right-of-way. Temporary uses permitted under this subsection may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies and debris shall be removed from the site within ten days following the temporary activity. An approved garden center does not need a conditional use permit to sell Christmas trees.

- (5) Farmers markets may be permitted in a C-1, C-2 or any industrial district for a period not to exceed 60 days which may be nonconsecutive during any calendar year. Farmers market permits may be renewed by the plan commission for parking, sanitary facilities, lighting and hours of operation. No temporary use listed in this subsection shall be conducted within the street right-of-way. Temporary uses permitted under this subsection may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies and debris shall be removed from the site within ten days following the temporary activity.

(Ord. No. OR98-24, § I(106.0512), 10-26-1998)

Secs. 106-130--106-145. Reserved.