

**ARTICLE 6
CONDITIONAL USES AND SPECIAL USES**

11-601. CONDITIONAL AND SPECIAL USE PERMITS:

Conditional and special uses are those types of uses which, due to their nature, are determined to be more intense than the normal uses permitted within a given zoning district or where the produce, process, mode of operation or nature of business may prove detrimental to the health, safety, welfare or property value of the immediate neighborhood and its environment. Within the various zoning districts, conditional and special uses that are specifically listed in the district regulations, may be permitted only after additional requirements are complied with as established within this section.

The Kimball City Council shall approve the establishment of a conditional or special use by granting a Conditional or Special Use Permit. All requests for a Conditional or Special Use Permit shall be reviewed by the Kimball Planning Commission. The Planning Commission recommendation shall be forwarded to, considered, and acted upon by the City Council as soon as practical. Such action shall be taken at a properly advertised meeting of the City Council as required by State Statute and shall be an agenda item. Notices, hearings, and other procedures for consideration of the conditional or special use shall be those as required by State Statute and the City of Kimball.

11-602. APPLICATION REQUIREMENTS FOR A CONDITIONAL OR SPECIAL USE PERMIT:

An application for a Conditional or Special Use Permit shall be in writing and signed by the owner of the lot, tract of land, building or structure for which the permit is being requested. The application, which shall consist of forms and information required by the City of Kimball and which may be amended from time to time by the Kimball City Council, shall be filed with the City Clerk along with the appropriate filing fee. At a minimum the application form shall include the following:

1. General Information:
 - A. Name, address, and telephone number of the applicants.
 - B. Name, address, and authorization of the owner of the property proposed for the conditional use if different from above.
 - C. Legal description of the property under consideration.
 - D. Total acreage of the parcel under consideration.
 - E. Existing land use of the parcel under consideration.
 - F. Existing land uses of all the properties adjacent to said property.
 - G. Signatures of the applicant and fee owners or their authorized legal agent.
 - H. A certified list of the names, addresses and the corresponding Parcel Identification Number assigned by the Kimball County Assessor of the surface owners of the property within three hundred (300) feet of the property subject to the applicant. The source of such records shall be the records the Kimball County Assessor.
2. A detailed description of the proposed operation and use shall be supplied including the following:
 - A. Type of use for which the application is being made.
 - B. Proximity of the proposed use to residential structures.
 - C. A statement explaining that the proposal is consistent with the Kimball Comprehensive Plan.
 - D. A statement which explains that the proposal is consistent with the intent of the district in which the use is located.
3. A vicinity map depicting the location of the proposed use related to roads, surrounding land uses and structures.
4. A site plan of the conditional or special use area depicting the location and extent of the proposed use and measures to lessen the impact of the use.

11-603. MINIMUM REQUIREMENTS.

A Conditional or Special Use Permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:

1. The proposed conditional or special use complies with all applicable provisions of these regulations including intensity of use regulations, yard regulations and conditional use limitations
2. The proposed conditional or special use at the specified location will not adversely affect the welfare or convenience of the public.
3. The proposed conditional or special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
4. The nature, size and scope of the conditional or special use and its location in relation to transportation systems will not dominate the immediate neighborhood so as to prevent development and use of the neighboring property in accordance with applicable zoning regulations.
5. Off-street parking and loading will be provided as required in this chapter.
6. Adequate utility, drainage, and other necessary facilities have been or will be provided.
7. Adequate access to roads, or entrance and exit drives, will be provided and shall be so designed to prevent traffic hazards and to minimize congestion in public streets and alleys.

11-604. ADDITIONAL REQUIREMENTS :

1. In granting a conditional or special use, the Planning Commission shall recommend, and the City Council may impose certain conditions, safeguards and restrictions upon the premise benefited by the conditional or special use which may be necessary to reduce or minimize any potential injurious effect of conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any additional requirements set by the City Council shall be filed with the application.
2. Any expansion or enlargement of a conditional or special use shall be treated as a new use and shall require a new application under the provisions of this section.
3. Ordinary repairs and maintenance may be performed upon structures associated with a conditional or special use so long as such repairs and maintenance do not have the effect of expanding or enlarging the use.
4. If the conditional or special use has not commenced within twelve months from the date of approval or is discontinued for a period of twelve consecutive months it shall be presumed inactive. The City of Kimball shall initiate an administrative hearing to consider whether to grant an extension of time to commence the use or revoke the conditional or special use. If the conditional or special use is revoked, it shall be necessary to follow the procedures and requirements of this Section in order to re-establish any conditional or special use.

11-605. CITY COUNCIL APPROVAL

The Kimball City Council shall approve the Conditional or Special Use Permit if the applicant has met the requirements as set forth within this section.

11-606. SPECIFIC TO THE REAL ESTATE AND APPLICANT

Conditional or Special Use Permits are specific to the real estate described in the application, and to the applicant to whom the permit is issued. The permit shall be filed in the real estate records of Kimball County.

Permits shall be transferred to subsequent owners of the real estate on request if the terms of the permit are agreed to by the subsequent owner.