

SECTION 40 - SPECIAL USE PERMITS

40.1 GENERAL PROVISIONS

40.1.1 The County Board of Commissioners may by special permit, after referral to and recommendation from the Planning Commission, authorize and permit "special uses" that are designated in the district use regulations if it is found that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area and the special use is in accordance with the intent and purpose of the district in which it is permitted, including, among other things, such specific purposes as:

1. developing both urban and non-urban areas;
2. lessening congestion in the streets or roads;
3. reducing the waste of excessive amounts of road;
4. securing safety from fire and other dangers;
5. lessening or avoiding the accumulation or runoff of storm or flood waters;
6. providing adequate light and air;
7. preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
8. promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
9. protecting the tax base;
10. protecting property against blight and depreciation;
11. securing economy in governmental expenditures;
12. fostering the state's agriculture, recreation, and other industries;
13. encouraging the most appropriate use of land in the County; and,
14. preserving, protecting, and enhancing historic buildings, places, and districts.

40.1.2 The County Board of Commissioners will grant or deny a special use permit in accordance with the standards set forth herein, the intent and purpose of this Regulation, and the recommendations of the Planning Commission. In reviewing a request for a special use permit, additional information may be requested by the County Board of Commissioners.

This additional information will be sent to the Planning Commission for its review and recommendation regarding the issuance of the special permit prior to the County Board of Commissioners consideration of the special permit.

In granting the special use permit, the County Board of Commissioners will authorize the issuance of the special use permit and may prescribe and improve appropriate conditions, including operational plans, safeguards, and a specified time limit for the use of the special use permit.

40.1.3 Routine or ordinary maintenance, repair or alterations may be made to such a building or structure. All structures shall comply with Sarpy County Building, Electrical, Plumbing,

and Heating Codes, and shall comply with applicable sections of the Sarpy County Utilities Regulations relative to water and sewer.

- 40.1.4 No structural alterations, repairs, additions or enlargements shall be made in or to such building or structure existing under a special use permit unless a new special use permit is granted for such alterations, repairs, additions, or enlargement, in accordance with the rules and procedures of the County Board of Commissioners.

40.2 APPLICATIONS FOR SPECIAL USE PERMITS AND PLANNING COMMISSION RECOMMENDATIONS

40.2.1 A request for a special use permit for a special use or modification of a special use may be initiated by a property owner or his/her authorized representative by filing an application with the Director of Planning upon forms prescribed for this purpose. The application shall be accompanied by a non-refundable fee as established in the "Master Fee Schedule for the Planning and Building Department" adopted by the County Board. Applicants shall also be required to pay a Mailing Fee as established in the "Master Fee Schedule for the Planning and Building Department" adopted by the County Board for written notices to be sent to property owners within 300 feet of the property which is the subject of the special use permit request. All fees are required to be paid in advance of scheduling the application with the Planning Commission or the County Board.

40.2.2 Applicants shall submit the site plans and other such plans and data showing the dimensions, arrangements, description, data, and other materials shall constitute a record essential to the understanding of the proposed use or proposed modification.

40.2.3 The other information required shall be addressed in the application to identify for the Planning Commission and County Board of Commissioners that the proposed use or modification will conform to the required performance standards contained in these regulations.

40.2.4 The operational plans will be identified by the Director of Planning in consultation with other Sarpy County Officials and will be based on compliance with local rules and regulations and state and federal laws and regulations.

40.2.5 After filing a completed application for a special use permit or modification of a special use, the Planning Commission shall have 30 days to review the materials and make a recommendation to the County Board of Commissioners. This recommendation can include appropriate conditions and a specified time limit for the performance of the special use permit or modification of a special use.

40.3 PUBLIC HEARING

40.3.1 Before issuance of any special use permit, the County Board of Commissioners will consider the application for the special use permit together with the recommendations of the Planning Commission at a public hearing held at the call of the Chairman of the County Board of Commissioners within 30 days of the completion of the Planning Commission's review and after prior notice of the time, place and purpose of the hearing has been given by publication in a legal paper with general circulation in Sarpy County one time at least 10 days prior to such hearing.

40.3.2 At the time of submittal of a Special Use Permit application, the applicant shall present the Planning Department a certified address list from a title company of those persons who own property within 300 feet of the subject site. The Planning Department will

send written notice of the special use permit request to property owners within 300 feet of the property which is the subject of the special use permit. Such notice will also include the date and time of the Planning Commission public hearing and the estimated date of the County Board public hearing.

40.4 **DECISIONS**

40.4.1 The concurring vote of the majority of the members of the County Board of Commissioners shall be necessary to grant a special use permit.

40.5 **PERFORMANCE STANDARDS**

40.5.1 No special use permit shall be granted by the County Board of Commissioners unless such Board shall find:

- (A) That the establishment, maintenance, or operation of the special use will not be detrimental to nor endanger the public health, safety, morals, comfort, or general welfare of the community.
- (B) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- (C) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (D) That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- (E) That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
- (F) The special use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the handling of any such material.
- (G) The special use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- (H) The special use shall not include vibration which is discernible without instruments on any adjoining lot or property.
- (I) The special use shall not involve any pollution of the air by fly-ash, dust, vapors or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
- (J) The special use shall not involve any malodorous gas or matter which is discernible on any adjoining property or from any public street, road, or highway.
- (K) The special use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- (L) The special use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

40.5.2 The County Board of Commissioners may revoke a special use permit if the use has been abandoned for a period of at least one (1) year, or if the use is found to have

substantially varied the use or structure for the originally-permitted intent, and thus is found in non-conformance with the special use permit as issued.

40.5.3 Special use permits for trailers and mobile homes:

- (A) A travel trailer, camping trailer, pick-up coach, auto camper, or motorized home belonging to a guest of the property owner may park and occupy for temporary lodging on the same lot but not for more than 14 days in a one-month period. A special use permit is not required in this case.
- (B) A trailer or mobile home may be used as a temporary office incidental to the construction of a building development for the duration of the construction provided that the trailer is located on the same lot as the construction project and only after obtaining a temporary special construction permit and paying the County a fee in accordance with the "Master Fee Schedule for the Planning and Building Department" adopted by the County Board.
- (C) No single-wide mobile home shall be permitted in any district as a permanent residence except for Mobile Home Residential District (RMH).
- (D) Any single wide mobile home used for seasonal recreational purposes shall apply for and receive approval of a special permit for such single wide mobile home for a three year period.
- (E) Any change in ownership of a single wide mobile home used for seasonal recreational purposes shall apply for and receive approval of the change of ownership for a single wide mobile home for a three year period.
- (F) Special use trailer permits may be renewed after a public notice for renewal of the special use permit which shall be published by the Director of Planning in a legal paper of general circulation in Sarpy County, one time at least 10 days prior to renewal. If no written objections to the renewal are received within 30 days of the public notice, the application will be heard by the Director of Planning. If written objections are received, the renewal will follow the same procedure as an application for a special use permit.

40.5.4 Standards for Salvage Yard Special Permits:

- (A) The application for a special use permit shall be accompanied with a proposed development plan together with other documents prescribing the general intent or covenant to meet the minimum requirements described herein:
 - 1. Any salvage yard shall be at least 500 feet distant in all directions from any residential dwelling.
 - 2. The out-of-doors yards shall be screened by a wall at least 50 percent solid or uniformly-painted solid fence not less than 6 feet in height, or in lieu thereof, a landscape buffer strip 5 feet in width with deciduous evergreen trees and large shrubs to provide a landscape screen at least 10 feet high.
 - 3. Off-street parking or service area in connection with the yards may be located outside of the screened-in area.

40.6 **PROCEDURE FOR A PLANNED DEVELOPMENT PLAN TO ACCOMODATE TRANSPORTABLE SEASONAL DWELLING UNITS**

- 40.6.1 A Planned Development Plan shall be filed with the application for re-zoning as an amendment to the Zoning Map showing the buffer areas for landscape plantings, the layout of lots, the access roads or drives, utilities distribution system, service facilities,

earth grading plan, and such other information deemed necessary; and, such Development Plans, diagrams, and calculations shall be the basis for the issuance of a building permit or special use permit in conformity therewith.

40.6.2 Development Plan alterations which increase the number of dwelling units, the arrangement of lots, or roadway or driveway alignment shall require a re-submission for approval of the application for re-zoning. Any minor changes or adjustments in the lot lines, or decrease in the number of dwelling units may be approved by the Director of Planning without re-submission.

40.7 **ADMINISTRATIVE APPROVAL**

The Director of Planning, shall have the right to approve and issue Administrative Special Use Permits under certain specified conditions as listed below.

Administrative Action: Application will be made on a form so designated by the Planning and Building Department. A non-refundable application fee as established in the "Master Fee Schedule for the Planning and Building Department" adopted by the County Board shall accompany the completed application and any additional documentation. The Planning and Building Department shall approve or disapprove the special use permit within fifteen (15) working days of receipt of the completed application and any required additional documentation. In the event of disapproval, the Planning and Building Department shall give the applicant a written statement showing the reason for the disapproval. If approval is given; a permit will be issued, signed by the Director of Planning and Building.

Appeal of Administrative Disapproval: The applicant has the privilege of requesting that the Planning Commission and the County Board of Commissioners review and consider the application after due notice and public hearing and order the issuance or denial of the permit with reasons in writing.

40.7.1 Permitted Special Uses Applicable for Administrative Approval:

Sludge Disposal and Storage in Agricultural Zones. Applicant must provide a copy of executed contract between the applicant and the City of Omaha's Public Works Department-Waste Water Residual Office, as well as a copy of the executed contract between the applicant and Environmental Control.

40.7.2 Special use permits eligible for administrative approval may be approved after a public notice for approval of the special use permit, which shall be published by the Director of Planning and Building in a legal paper of general circulation in Sarpy County, one time, at the first opportunity after receipt of the application. If no written objections to the special use permit are received within 30 days of public notice, the application can be approved by the Director of Planning. If written objections are received, the application will follow the same procedure as for other special use permits requiring public hearing and approval by the Planning Commission and County Board of Commissioners.