

ORDINANCE NO. 10-714

AN ORDINANCE creating Sections 11-121 through 11-125 of the Municipal Code of the City of Friend, Nebraska, allowing for a procedure to authorize conditional use permits within the zoning districts of the City of Friend; to specify the conditions that must be met for residences within these districts; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA:

Section 1. That Section 11-121 of the Municipal Code of the City of Friend, Nebraska is hereby created to read as follows:

§11-121: General Provisions

The City Council may, by conditional use permit after a Public Hearing authorize and permit conditional uses as designated from time to time in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The City Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the City Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 2. That Section 11-122 of the Municipal Code of the City of Friend, Nebraska is hereby created to read as follows:

§11-122 Application for Conditional Use Permits; Initial Submission to Planning Commission; Public Hearing; Contents of Application

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose. All applications shall be initially submitted to the Planning Commission, which shall review the same and submit its recommendation to the City Council after the holding of a public hearing by the Planning Commission, notice of which shall be given by publication in a legal paper of general circulation in the City of Friend one time at least 10 days prior to such hearing. A drawing or site plan and other such plans shall accompany the application, as well as data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a non-refundable fee.

Section 3. That Section 11-123 of the Municipal Code of the City of Friend, Nebraska is hereby created to read as follows:

§11-123 Public Hearing by City Council

Before issuance of any conditional use permit, the City Council will consider the application for the conditional use permit at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Friend, one time at least 10 days prior to such hearing.

Section 4. That Section 11-124 of the Municipal Code of the City of Friend, Nebraska is hereby created to read as follows:

§11-124 Decisions

A majority vote of the City Council shall be necessary to grant a conditional use permit. Work being allowed by a conditional use permit must begin within 12 months otherwise the conditional use permit shall become null and void unless the City Council grants a longer period of time.

Section 5. That Section 11-125 of the Municipal Code of the City of Friend, Nebraska is hereby created to read as follows:

§11-125 Findings Required

No conditional use permit shall be granted unless the City Council has found:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- (2) That the conditional 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.
- (3) That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- (4) That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- (7) The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- (8) The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
- (9) The use shall not involve any direct or reflected glare, which is visible from any adjoining property or from any public street, road, or highway.
- (10) The use shall not involve any activity substantially increasing the movement or traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- (11) The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

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