

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, December 20, 2022

6:00 p.m.

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 11/15/22
- IV. Proposals

Special Use Permit to create a “Live / Work Unit” that includes the existing second floor residential space and the first floor office space on the north side of the building. These spaces will be occupied by a tenant for dwelling and practicing musical instruments

Address: 110 Cedar Street

Applicant: Harry Barsuk, owner

Actions: 1. Review application and discussion
2. Decision on Special Use Permit

- V. Setting of Next Meeting: January 17, 2023
- VI. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

DRAFT MINUTES

October 18, 2022

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *David Beatty, Edward Flynn, Derek Geib, Duane Preston*

Members absent: Rebecca Cohen, John Ognibene

Others present: Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Four members were present and Chairman Duane Preston declared a quorum.

II. Call to order

Mr. Preston called the meeting to order at 6:00 p.m.

III. Previous Meeting Minutes

There were no corrections to the minutes. Mr. Preston assumed the motion and the minutes were approved as written by unanimous consent.

RESULT: Approval of October 18, 2022 meeting minutes.

IV. Proposals

- A. Special Use Permit to operate a Brew Pub in the Harvester Center, which is located within the I-1 industrial use district

Address: *36-90 Harvester (aka 56 Harvester Center, Harvester Center)*

Applicant: Michelle Snyder

Actions:

1. Review application
2. Public hearing and discussion
3. Action on Special Use Permit

1. Review Application

Mr. Preston read the summary of the proposal

2. Public Hearing and Discussion

MOTION: Mr. Flynn moved to open the public hearing. The motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:02 p.m.

Jarrold Clark, property manager for Harvester Center, spoke on behalf of the brewery. He explained that the project at this point consists of a tasting room, with the brewery itself at a

location in Strykersville. Brewing of beverages is not proposed at this site, therefore, the project does not meet the requirements for a Brew Pub. The applicant chose to withdraw the proposal.

MOTION: Mr. Preston moved to close the public hearing. The motion was seconded by Mr. Beatty, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:09 p.m.

3. Action by the Board

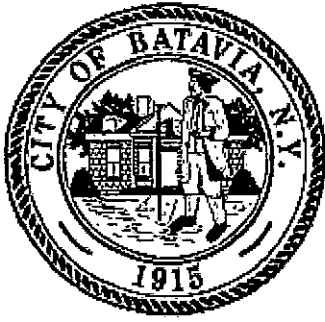
No action was needed; the application for the Special Use Permit was withdrawn.

V. Setting of Next Meeting: December 22, 2022

VI. Adjournment

Mr. Preston moved to adjourn the meeting at 6:12 p.m., and Mr. Beatty seconded the motion. All voted in favor.

Meg Chilano
Recording Secretary



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 11/28/22

Re: 110 Cedar St.
Tax Parcel No. 84.020-3-19

Zoning Use District: I-1

The applicant, Harry Barsuk, owner rep., has filed a Special Use Permit application to create a "Live/Work Unit" that includes the existing second floor residential space and the first floor office space on the north side of the building. These spaces will be occupied by a tenant for dwelling and practicing musical instruments.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of a County owned park.

City Planning and Development Committee- Special Use Permits may be authorized by the PDC under the terms and specifications provided in BMC 190-37

BMC 190-15 C (4) Allows issuance of special use permits for Live/Work Units that are in compliance with BMC 190-37 K.

A Live/Work Unit is, by definition, "A place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing."

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

DEPARTMENT USE ONLY:
GCDP Referral # _____

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning and Development Committee
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6345 Ext. _____

2. APPLICANT INFORMATION

Name Harry Barsuk
Address PO Box 683
City, State, Zip Batavia, NY 14021
Phone (585) 465 - 9532 Ext. _____ Email barsukrecycling@gmail.com

MUNICIPALITY: City Town Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|--|--|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

- A. Full Address 110 Cedar St.
- B. Nearest intersecting road Ellicott St.
- C. Tax Map Parcel Number 84.020-3-19
- D. Total area of the property _____ Area of property to be disturbed _____
- E. Present zoning district(s) I-1

5. REFERRAL CASE INFORMATION:

- A. Has this referral been previously reviewed by the Genesee County Planning Board?
 NO YES If yes, give date and action taken _____
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law
BMC 190-15 C (4) and 190-37
- C. Please describe the nature of this request Approval for a "Live/Work Unit" in a portion of this building located in an industrial district.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input checked="" type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Cover letter</u> |
| <input type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

PERMIT NO. _____



SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: 110 Cedar Street
OWNER: Barsuk Properties, LLC
Address: PO Box 683; Batavia, NY 14021

Application Date: 11/22/2022
Tax Parcel No.: 84.020-3-19
Phone No. 716-465-9532

- COUNTY PLANNING REVIEW
- ZONING VARIANCE REQUIRED
- I-1 ZONING DISTRICT
- NO HISTORIC DISTRICT
- A-E FLOOD ZONE
- NO HISTORIC LANDMARK
- NO CORNER LOT
- NO CITY ENGINEER REVIEW
- NO SITE PLAN REVIEW
- NO CITY COUNCIL REVIEW
- NO BID
- _____ OTHER

PROJECT DESCRIPTION:
Establishment of office and apartment as a Live/Work Unit in accordance with requirements of 190-37K and 190-15 c(4).

EXISTING USE: offices/Warehouse/Apartment PROPOSED USE: Live/Work Unit
N.Y.S. BLDG. CODE OCC. CLASS: R-3 and B N.Y.S. BLDG. CODE OCC. CLASS: Same
LOT SIZE: 520x930 LOT AREA: 6.30 acres

CITY PLANNING & DEVELOPMENT REVIEW:

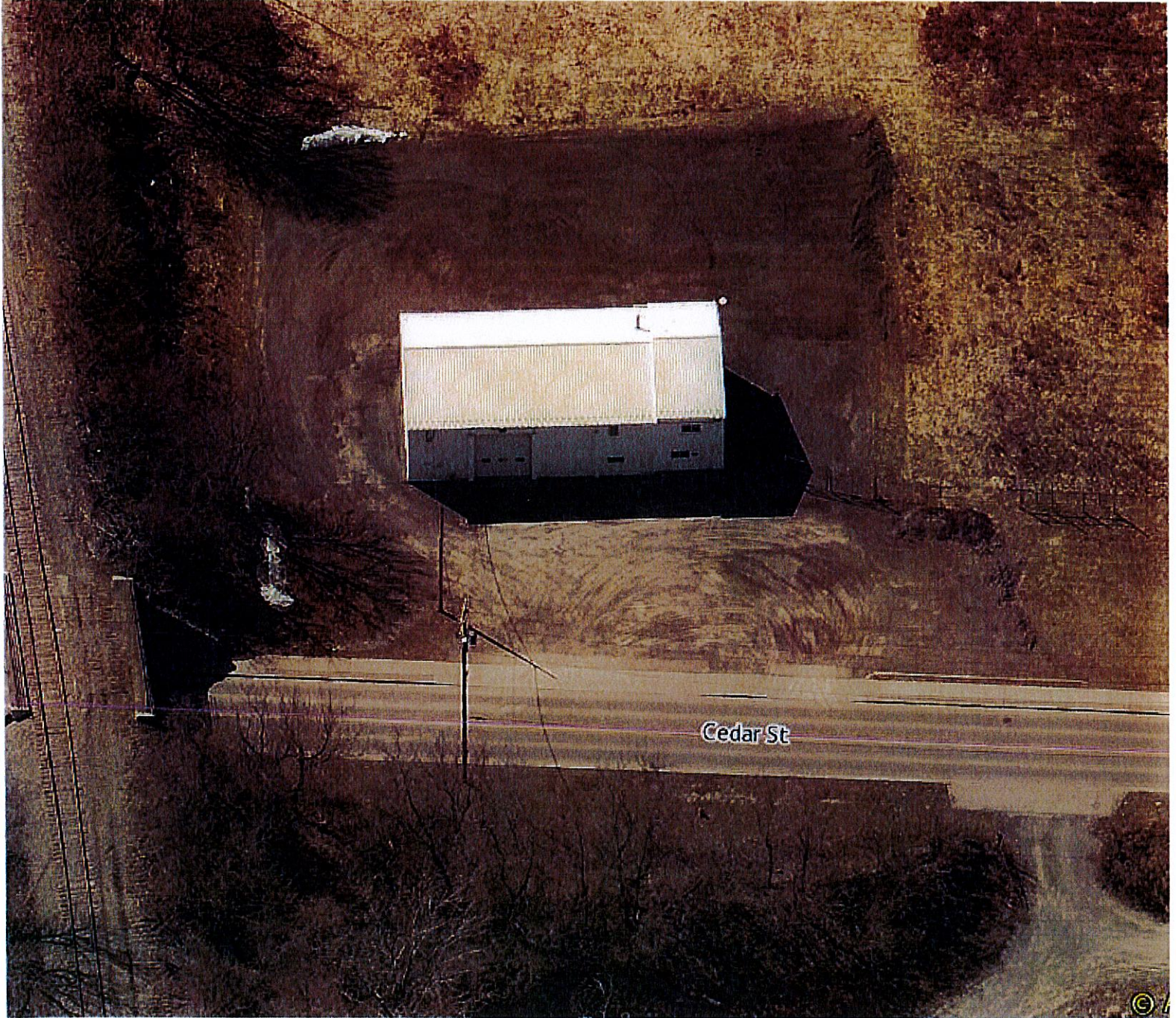
___ APPROVAL AS PRESENTED ___ DISAPPROVAL ___ APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE: _____ DATE: _____

<u>Member</u> Applicant Signature	<u>11/22/2022</u> Date	
Permit Fee: <u>\$150</u>	Issue Date: _____	

Narrative for Special Use Permit Application

A tenant has been identified who has confirmed his intention, if approved, to occupy the downstairs office space and upper apartment on the property in furtherance of his trade and residential needs. The tenant in question is a musician who is a member of a band that has recorded a number of songs and plays publicly throughout the Western, New York region. The use of the downstairs office will be for the tenant and band members to practice their trade; namely, to write and record songs, create music videos, and rehearse for public performances. The upper apartment area will be used by the tenant as his personal residence. The warehouse section of the building is separated from the office and apartment areas by a concrete wall and a fire-rated door. The warehouse section of the building will not be used by the tenant and will not be included as part of the proposed Live/Work unit.



Cedar St



§ 190-37. Special use permits. [Amended 11-9-1998]

The following uses may be permitted provided a special use permit is authorized by the Planning and Development Committee under the terms and specifications herein. The necessity for certain specific uses is recognized. At the same time they, or any of them, may be or become inimical to the public health, safety and general welfare of the community if located without consideration to the existing conditions and surroundings. Special use permits authorize a particular land use that is permitted by the provisions of this chapter, but may require additional conditions to assure that the proposed use is in harmony with this chapter and will not adversely affect the neighborhood conditions. The following standards and proceedings are hereby established which are intended to provide the Planning and Development Committee with a guide for the purpose of reviewing certain uses not otherwise permitted in this chapter.

- A. Municipal or public utility structures. Municipal or public utility structures or facilities may be permitted by special use permit in residential and commercial zoning districts provided that:
- (1) The proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - (2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the district in which it is located.
 - (3) Adequate and attractive fences and other safety devices will be provided.
 - (4) A buffer strip 10 feet in width shall be provided around the perimeter of the property.
 - (5) Adequate off-street parking shall be provided.
 - (6) All of the area, yard and building coverage requirements of the respective zoning district will be met.
- B. Professional offices. Professional offices for attorneys, physicians and/or dentists may be permitted by special use permit in the R-3 Residential District, provided that:
- (1) A minimum area of 10,000 square feet with 75 feet of frontage shall be provided.
 - (2) Not more than 30% of the lot shall be covered by building area.
 - (3) A minimum of 35 feet for rear and front yards and a minimum of 12 feet for one side yard and a total of 25 feet for both side yards shall be required for all new construction.
 - (4) On an existing structure which is connected and providing no additions are

required, the City Council shall determine that the proposed use and structure will not be detrimental to adjoining properties.

- (5) Off-street parking shall be provided at a rate of one space per 150 square feet of floor area or fraction thereof. No parking shall be permitted within any portion of the front yard.
 - (6) Where a parking area for four or more cars adjoins a residential property, a planted buffer strip at least 10 feet wide shall be provided between the parking area and the adjoining property.
 - (7) No more than four physicians or dentists shall occupy one building.
 - (8) If the proposed use is to be located in a residential building, the residential facade shall be maintained.
- C. High-rise apartments. High-rise apartments may be permitted by special use permit in the R-3 Residential, C-1 Limited Commercial and C-2 General Commercial Districts, provided that:
- (1) Detailed plot plans, showing parking, building location, buffer areas, etc., shall be submitted.
 - (2) No structure shall contain more than one dwelling unit per 650 square feet of lot area. For structures which exceed eight stories in height, the minimum lot area per dwelling unit shall not exceed 800 square feet.
 - (3) The minimum lot width shall be 150 feet.
 - (4) All yards shall have a minimum depth equal to not less than 1/2 the height of the tallest building but in no case shall the required yard areas be less than 35 feet.
 - (5) No apartment unit shall have less than 396 square feet of gross living area.
 - (6) Parking may be provided in any yard area but the front yard and shall be in the ratio as approved by the City Council.
 - (7) Not more than 40% of the lot area shall be covered by building area.
 - (8) Each building shall be provided with at least one passenger elevator and one service/passenger elevator.
 - (9) One project identification sign shall be permitted which shall not exceed 25 square feet in area and shall be situated not less than 10 feet within the property lines. The sign may include only the name of the project, the street address, and the presence or lack of vacancies.
- D. Cleaning establishments. Cleaning establishments may be permitted by special use permit in the C-2 General Commercial and Industrial Districts, provided that:
- (1) It shall be determined that the proposed use is compatible in the adjoining land

uses.

- (2) The proposed use will not adversely affect the general health, safety and welfare of the public.
- (3) The applicant shall indicate precautions taken to protect the general health, safety and welfare of the public.

E. Automobile service stations; garages; drive-in restaurants. Automobile service stations and/or garages for the storage, adjustment or repair of motor vehicles, drive-in restaurants and other similar uses where specific attention and consideration must be given to traffic generation and the disruption of traffic flow as well as the danger to the general public due to hazards by fire and explosion may be permitted by special use permit in C-2, I-1 and I-2 Districts, provided that: **[Amended 11-9-2020 by Ord. No. 2-2020]**

- (1) A site plan shall be prepared to show the location of buildings, parking areas, and driveways. In addition, the site plan shall show the number and location of fuel tanks to be installed; the dimensions and capacity of each storage tank; the depth the tanks will be placed below the ground; the number and location of pumps to be installed; the type of structure and accessory buildings to be constructed; the location, height, and lighting power of proposed lighting standards; and the manner in which buffering is to be provided.
- (2) Automobile service stations and drive-in restaurants shall have the following yard restrictions:
 - (a) A minimum lot size of 15,000 square feet with a minimum width of 125 feet.
 - (b) Minimum front and side yard areas of 25 feet with a minimum rear yard of 35 feet.
 - (c) Maximum lot coverage of 20%.
 - (d) Maximum building height of one story or 18 feet.
- (3) Driveways at service stations, drive-in restaurants and other uses providing drive-in service shall not be less than 20 feet nor more than 24 feet in width at any point. Driveways must be at least 20 feet from any side lot line and 50 feet from the intersection of street lines. No more than two driveways shall be permitted for each 125 feet of street frontage.
- (4) The entire area of the site traveled by motor vehicles shall be hard surfaced.
- (5) Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.
- (6) Accessory goods for sale may be displayed on the pump island and the

building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.

- (7) All fuel pumps shall be located at least 20 feet from any street or property line and pumps shall have automatic shutoffs as approved by the Fire Department.
- (8) Parking for service stations shall be provided in the ratio of one space per 100 square feet of floor area or fraction thereof in the principal building. Parking for drive-in restaurants shall be provided in the ratio of four spaces per 100 square feet of floor area or fraction thereof in the principal building.
- (9) Where such parking areas abut a residential zoning district, they shall be screened by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the City Council will be adequate to prevent the transmission of headlight glare across the district boundary line. Such buffer screen shall have a minimum height of six feet above finished grade at the highest point of the parking area. The materials shall be in keeping with the character of the adjacent residential area.
- (10) No automobile service station or public garage shall be located within 500 feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. The distance shall be measured in a straight line from the public entrance to the lot line nearest such entrance along the street line.
- (11) No service station shall be located within 1,000 feet of an existing station on the same side of the highway. If a station is located at the intersection of two streets, this distance shall be measured along both streets which abut the property.
- (12) The areas shall be illuminated by nonglare lighting standards, focused downward, and which, in the opinion of the City Council, will not create a nuisance to adjoining property owners.
- (13) Drive-in restaurants for the purposes of this subsection are defined as eating establishments for customers normally arriving by motor vehicles, who are provided quick service, food and drink, and such customers obtain their own food and drink at a counter or other place for dispensing food therein and consume such food and drink upon the premises; or in such type restaurants where customers may be waited upon without leaving their vehicles by employees of the drive-in restaurant.
- (14) The use of an automobile service station may include the sale or rental of vehicles with a special permit from the City Council. No vehicles shall be parked or displayed in the required front yards, and a detailed plot plan showing the areas in which such vehicles are to be stored shall accompany the application for the special use permit.

- F. Automobile junkyards; reclamation centers. As defined by this chapter, junkyards, automobile junkyards, or reclamation centers may be permitted by special use permit in the I-1 and I-2 Industrial Districts, provided that:
- (1) All wrecking, dismantling, processing and other related operations shall be conducted within the property lines which shall be completely enclosed by a solid fence material of not less than six feet in height. Such fence shall be of a height sufficient to preclude the visibility of materials from all public rights-of-way.
 - (2) The keeping of such fence in good maintenance shall be a condition of the issuance of the special use permit. The Council may revoke this authorization if such fence is not maintained in good condition.
 - (3) No junkyard shall be located within 200 feet of a residential district. This distance shall be measured from the nearest point of the property line of the junkyard to the residential district.
- G. Large-scale multifamily developments. Large-scale multifamily developments, including garden apartments and townhouses may be permitted in any residential district and the C-1 Limited Commercial District, provided that:
- (1) A detailed site plan showing the location of all buildings, driveways, parking areas, and recreation space buffer areas, is submitted in accordance with § 51-8B of Chapter 51, Building Construction, of the Code of the City of Batavia.
 - (2) Special use permit for such uses shall be required at any time the number of units in a particular development reaches six or more, whether the six are proposed at any one time, single, or in any combination totaling six or more.
 - (3) The total number of dwelling units for a multifamily project shall not exceed a density of:
 - (a) Six units per gross acre of land in R-1 Districts.
 - (b) Twelve units per gross acre of land in R-2 Districts.
 - (c) Twenty units per gross acre of land in R-3 and C-1 Districts.
 - (4) There shall be no dwelling units below the first story or above the second story.
 - (5) Each dwelling unit shall contain complete kitchen facilities, toilet and bathing facilities, and shall have a minimum gross floor area in accordance with the following:
 - (a) One-bedroom dwelling units and/or efficiency units shall have a minimum of 600 square feet.
 - (b) Two-bedroom dwelling units shall have a minimum of 800 square feet.

- (c) Three-bedroom dwelling units shall have a minimum of 1,000 square feet.
- (6) There shall be no more than 16 dwelling units in each building or structure.
 - (7) No multifamily dwelling structure shall be located within 25 feet of another dwelling structure, swimming pool, recreation building, or garage.
 - (8) Every building shall have a minimum setback of 20 feet from any and all interior roads, driveways, and parking areas.
 - (9) There shall be a buffer strip planted with evergreen shrubs along the entire perimeter of the property, exclusive of the front yard(s), of at least 15 feet in width measured from the property line. No parking or recreation areas shall be permitted within this buffer strip.
 - (10) Parking shall be required at the ratio of no less than 1 1/2 spaces per dwelling unit.
 - (11) A minimum of 10% of the total tract area shall be designated for common recreational purposes. The area designated for recreation shall, in the opinion of the City Council, be suitable for such purposes.
 - (12) Sufficient laundry, drying, garbage pickup and other utility areas must be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter.
 - (13) There shall be a minimum common storage area in each building for bicycles, perambulators and similar type of equipment of 30 square feet in area and a minimum of six feet in height per dwelling unit.
 - (14) Driveways, parking areas, dwelling entranceways, and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles. Such light sources shall, where necessary, be shielded to avoid glare disturbing to occupants of buildings.
 - (15) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.
 - (16) The proposed use shall meet the area and yard requirements specified in Schedule I of this chapter.¹
- H. Heliports and helistops. Heliports and helistops may be permitted by special use permit in the I-1 and I-2 and P-1 and P-2 Districts, provided that:

1. Editor's Note: Schedule I is included at the end of this chapter.

- (1) All applications for a heliport or helistop in the City shall include all of the information identified in § 51-8D of Chapter 51, Building Construction, of the Code of the City of Batavia, as well as anticipated frequency of helicopter operations; proposed landing areas, including ground and building sites; types of craft to be utilized; takeoff and landing approaches, emergency landing sites; fire participation facilities; and structural support capabilities for rooftop landing sites.
- (2) Heliports or helistops shall not be permitted within 1,000 feet of any residential district except by special use permit authorized by the City Council.
- (3) All helicopter landing areas shall be enclosed by wind-deflection fences which are four feet in height.
- (4) All helicopter landing surfaces shall be free from dust, dirt and other loose material and shall be covered by a surface approved by the City Engineer.
- (5) For rooftop landing areas the structure shall be capable of supporting a gross concentrated load equal to 1.75 times the helicopter's weight.
- (6) Routes of helicopters shall be over terrain which affords suitable emergency landing areas no farther away than a glide angle of one foot vertically to four feet horizontally.
- (7) Minimum landing areas for a heliport shall be 100 feet by 100 feet exclusive of tie-down facilities, taxi-ways, service and parking areas. On rooftop sites, the minimum landing area shall be 40 feet by 40 feet for helicopters of less than 3,500 pounds gross weight. The minimum size of the touchdown area for helicopters over 3,500 pounds gross weight shall be at least 1 1/2 times the rotor diameter.
- (8) Rooftop helicopter landing facilities shall be located in an area that will permit a glide slope angle of eight feet horizontal distance for every one foot vertical clearance required. Two such approaches shall be available, at least 90° removed from each other.
- (9) On all touchdown or landing areas, whether elevated or flush with the roof, provision shall be made for collecting fuel which may be spilled in event of any emergency. Separator or clarifier tanks for collecting spilled fuel shall be installed under approval and supervision of the City Engineer.
- (10) Fire-fighting facilities approved by the Batavia Fire Department shall be provided at all landing sites.
- (11) All landing sites shall be approved and marked as prescribed by the Federal Aviation Administration.
- (12) For rooftop sites no light standards, roof vents, guy lines, television antennas, or other similar rooftop obstructions which may be difficult to see from the air shall be permitted within the required glide slope on three sides, or within an

arc of 270°.

- (13) Such lights as are installed shall illuminate and be directed onto the touchdown pad only, and in such a manner that the light rays cannot interfere with the helicopter pilot's vision.
 - (14) Approved means of communication, such as telephone, radio, fire alarm box or signaling device, shall be provided adjacent to the landing area.
- I. Restricted residential uses. Restricted residential uses shall be permitted in C-3 Central Commercial Districts as defined herein with the following provisions: **[Added 7-8-1996]**
- (1) A detailed site plan showing the location and size of all buildings, entrances, exits, driveways, signage, parking areas, and dumpsters is submitted in accordance with § 51-8 of Chapter 51, Building Construction, of the Code of the City of Batavia.
 - (2) A detailed floor plan drawn to scale of all interior portions of any building or any renovations to existing buildings shall be submitted as part of the special use permit application.
 - (3) The maximum height from curb level for any new building constructed shall be four stories.
 - (4) No residential use shall be permitted on the first floor. The first floor use must be consistent with other allowed uses in the C-3 Central Commercial Districts.
 - (5) There shall be no more than two bedrooms per unit.
 - (6) Any new building constructed shall be built to the front lot lines on Main Street and Jackson Street within the C-3 Central Commercial District.
 - (7) A parking plan shall be submitted detailing plans for parking. An annual fee for parking shall be required for any use by residents of City-owned parking lots with those limitations set forth by the City Council if the special use permit application is approved.
 - (8) Separate signage denoting residential use shall be allowed as approved in the special use review.
 - (9) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.
- J. Accessory dwelling units. Accessory dwelling units may be permitted by special use permit in the R-1 Residential District, provided that: **[Added 10-25-1999]**
- (1) No changes are made to the front exterior of the single-family dwelling to maintain the appearance of a single-family home.

- (2) Accessory units will only be allowed in owner-occupied single-family residences.
 - (3) Garages may not be converted to accessory dwelling units.
 - (4) Entrances for the accessory unit shall not be on the front exterior to maintain the single-family appearance of the structure.
 - (5) One parking space to be provided for the accessory dwelling unit.
- K. Standards applicable for all special use permits. The Planning and Development Committee may issue a special use permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this chapter. **[Added 11-9-1998; amended 11-9-2020 by Ord. No. 2-2020]**
- (1) The location and size of such use and intensity of the operations involved in or conducted therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons therewith will not be hazardous and shall be in harmony with the orderly development of the district.
 - (2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
 - (3) The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.
 - (4) The operation of any such use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact adjacent properties.
 - (5) When a commercial or industrial special use abuts a residential property, the Planning and Development Committee may find it necessary to require screening of sufficient height and density (i.e., fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.
 - (6) Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.
 - (7) The proposed use shall meet the off-street parking and loading requirements of similar uses.
 - (8) Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water-related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.
 - (9) Traffic access to and from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.

- (10) Such use shall be attractively landscaped.
 - (11) A special use permit shall not be issued for a use on a lot where there is an existing violation of this chapter unrelated to the use which is the subject of the requested special use permit, as determined by the Planning and Development Committee.
 - (12) As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.
 - (13) In addition to the general standards for special use permits as set forth herein, the Planning and Development Committee may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this chapter.
 - (14) The above standards are not intended to apply to uses whose regulation has been preempted by the state or federal government.
- L. Adult uses as per Article VI. **[Added 12-13-1999]**
- M. Public storage rental units/buildings. Public storage rental units/buildings may be permitted by special use permit in the I-1 and I-2 Districts provided: **[Added 12-9-2019 by Ord. No. 2-2019]**
- (1) A site plan be prepared and show the arrangement of storage buildings and outside storage areas, exterior lighting, landscaping, screening, fencing, and garbage/trash storage areas, in addition to the site plan requirements of § 190-44.
 - (2) Buildings are not to exceed one story in height and not more than 20 feet above grade.
 - (3) Buildings and outside storage areas are to be a minimum of 100 feet from any residential use property.
 - (4) Storage of the following will be prohibited:
 - (a) Flammable liquids, gases or solids in excess of those permitted by the International Fire Code.
 - (b) Storage of food products.
 - (c) Outside storage of junk automobiles/vehicles, auto parts, or mechanical equipment other than recreational vehicles, motor homes, travel trailers, campers, boats.
 - (d) Storage of garbage, trash or recyclable materials.
 - (5) Off-street parking shall be provided for visitors at the rate of one space per 20 rental units.

- (6) No materials or products of any kind may be displayed or offered for sale on site.
- (7) Outdoor lighting shall be designed so the maximum illumination at the property line does not exceed zero footcandle on adjacent residential use properties.