

ARTICLE 19

CONDITIONAL USES

Sections:

19-1. Application of Conditional Uses

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19-3. Continuance of a Conditional Use

Section 19-1. Application of Conditional Uses

- 19-101** Recognizing that certain uses may be desirable when located in the city, but that these uses may be incompatible with other uses permitted in a district, certain Conditional Uses listed herein, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted by Conditional Use Permit, except as otherwise specified, in any district from which they are prohibited.
- 19-102** Before the location or establishment of, or before any changes in a Conditional Use Permit, the application procedures, conceptual plan requirements and public hearing requirements of these regulations shall be followed.
- 19-103** The Planning Commission may, within the specifications herein provided, permit such buildings, structures, or uses where requested. In considering any application for a conditional use permit, the Planning Commission shall give consideration to the health, safety, morals, comfort and general welfare of the inhabitants of the City of Herington, including but not limited to the following factors:
- a. The stability and integrity of the various zoning districts;
 - b. Conservation of property values;
 - c. Protection against fire and casualties;
 - d. Observation of general police regulations;
 - e. Prevention of traffic congestion;
 - f. Promotion of traffic safety and the orderly parking of motor vehicles;
 - g. Promotion of the safety of individuals and property;
 - h. Provision for adequate light and air;
 - i. Prevention of overcrowding and excessive intensity of land uses;
 - j. Provision for public utilities and schools;
 - k. Invasion by inappropriate uses;
 - l. Value, type and character of existing or authorized improvements and land uses;
 - m. Encouragement of improvements and land uses in keeping with overall planning; and
 - n. Provision for orderly and proper renewal, development and growth.

In this regard the Planning Commission may impose reasonable conditions on the approval of a Conditional Use Permit

Section 19-2. Supplemental Regulations

19-201

In addition to the conditional uses which may be allowed in various zoning districts as set out in Appendix A, the following conditional uses may be approved by the Planning Commission as provided in this section:

1. Quarrying, mining or removal of sand, gravel or stone and the processing of the same, including asphalt and concrete plants, all of which shall be permitted by separate conditional use permits provided:
 - a. All quarries and mining operations and asphalt and concrete plants shall be screened by a method approved by the Planning Commission when the same are visible from any public road.
 - b. The applicant shall provide an approvable method for dust abatement on all unpaved interior roads.
 - c. Where applicable, a maintenance agreement between the applicant and the jurisdiction shall be required to maintain the roads that provide the ingress/egress to the operation.
 - d. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation to the proposed use of the site in a general plan of the proposed use. The reclamation plan submitted shall be binding only to the extent that said plan shows the intent of the applicant for reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Planning Commission before reclamation work may begin. Said approval shall require a public hearing under the same procedures as the original Conditional Use Permit.
 - e. All area quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of 100 horizontal feet from any road right-of-way and 30 horizontal feet from all other property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface.
 - f. No structure, equipment, quarry products or other materials shall be erected or stored within 100 feet of any property or right-of-way line.
 - g. The applicant's operation shall be inspected by the Planning Commission, or its designate, on or before July

1st of every third year following approval of the Conditional Use Permit for compliance with the above listed requirements and if found to be in violation shall have the permit removed if the noncompliance is not corrected within 60 days of written notice from the Planning Commission, or its designate, itemizing the violations and corrective measures necessary for compliance.

2. Kennels, provided:

- a. The kennel occupies a minimum lot size of five acres.
- b. No kennel structure or runs shall be located nearer than 150 feet to any property line.
- c. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the animals.
- d. The kennel shall have adequate measures to prevent odor, dust noise or drainage from becoming objectionable to uses on other properties. No incineration of animal refuse shall be permitted.
- e. All state licensing and operation requirements are met.
- f. Greyhound facilities shall only be permitted in the Agriculture (A) District.

3. Junk yards or salvage yards, provided:

- a. The junk yard or salvage yard occupies a minimum lot size of 10 acres.
- b. All such uses shall be located at least 300 feet from a property line.
- c. All such uses shall be completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained as to insure maximum safety to the public, obscure the junk or salvage from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other materials within the yard. No scrap, junk or other salvaged materials may be piled so as to exceed the heights of this enclosing fence or wall.
- d. No materials shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the fence or wall.

- e. No junkyard or salvage yard may be placed in a floodplain or flood way.

Section 19-3 Continuance of a Conditional Use

19-301 A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of its authorization, as long as all conditions placed on it are met. If a particular use ceases to exist for a period of six months, it will forfeit its Conditional Use Permit, and will not be allowed to exist again unless a new application is made, a public hearing held as provided for in these regulations, and a new Conditional Use Permit approved.