

AN ORDINANCE amending Section 405.180 Special Use, by repealing Section 405.180, and enacting a new Section 405.180 in lieu thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, as follows:

Section 1. That Section 405.180 Special Use is amended to read as follows:

“A. General.

1. Any use not permitted in the district in which it is located may be allowed in any district by special use permit of the City Council, after public hearing and after recommendation of the Planning and Zoning Commission, under such conditions as to the operation, site, development, parking, signs and time limit as may be deemed necessary in order that it will conform to the general intent and purpose of this Chapter. Such uses shall comply with the height and area regulations of the district in which they may be located, except for any specific allowances made in the ordinance granting such special use permit.

2. Special use permits shall not be a substitute for rezoning but shall be allowed only where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions of this Chapter relating to the use, construction or alteration of buildings or structures or the use of land.

B. Initial Applications.

1. Applications for special use permits shall be considered at a public hearing before the Planning and Zoning Commission in the same manner as an application for rezoning of property. After such hearing the Planning and Zoning Commission shall make its findings of fact and recommendation to the City Council. The Planning and Zoning Commission may recommend such restrictions upon the operation, site, parking, signs and time limit of such permit as they find appropriate and necessary to ensure the guidelines set forth herein.

2. Special use permits may be permitted upon the showing of particular facts and circumstances which make the conditional use appropriate in the location in which the special use is proposed. Facts to be taken into account include the need for the special use, both in the neighborhood and in the community, and the effect on neighboring property values, on the use of neighboring property, on traffic patterns, and on the capacity of City facilities, such as water mains and sewer mains to serve the area.

3. However, in no case shall a special use permit be allowed to permit a non-conforming use which will materially interfere with the use of adjoining premises in conformity with the regulations applicable to the use district in which it is located.

C. Renewals Of Permits.



1. Special use may not be granted for more than three (3) consecutive years without a requirement that sixty (60) days prior to the expiration of such three (3) year period, the property owner shall successfully apply for a renewal of such permit for an additional three (3) year period. The initial grant of special use permit may limit the number of such renewals, but if no limit is set then the owner may apply for an additional three (3) year renewal without reference to the number previously granted such owner. Anything herein notwithstanding, the initial grant of a special use permit may be limited to any period less than three (3) years. **Notwithstanding the foregoing, government entities, including Newton County, Neosho School District, and other political subdivisions of the State of Missouri, may be granted special use in increments of up to ten (10) years, otherwise subject to the same terms and conditions of this Section.**

2. Procedure to renew.

a. A property owner wishing to renew his/her special use permit shall make written application for same and pay a fee of fifty dollars (\$50.00) to the City Collector. Immediately thereafter the City Building Inspector shall inspect the subject property determining if same is in compliance with the use granted. Within thirty (30) days of such application, the Building Inspector shall submit his/her findings to the Planning and Zoning Commission. Should the findings report the property as being in compliance with the use granted, Planning and Zoning Commission shall enter upon its records the successful application and the date of its expiration.

b. Should the findings of the Building Inspector be that the subject property is not in compliance with the use granted, the Planning and Zoning Commission shall set a hearing, no later than forty-five (45) days from the date of application, at which time the said Commission shall consider the findings of the Building Inspector and, giving adequate notice to the property owner, shall consider evidence offered in behalf of the property owner. After being fully apprised, planning and zoning shall make a finding of whether the subject property is in fact in compliance with the granted use. If it is found to be in compliance, the application shall be successful and so noted on the records with the date of its expiration. Should the use be found not in compliance then the application shall be denied. An unsuccessful applicant may apply for rezoning or special use permit in accord with the procedures as though an initial application.

3. Non-transferable. Special use permits shall be granted to a particular owner(s) and may not be assigned or transferred to any other owner but shall automatically expire upon the transfer of ownership of any fee in such property.

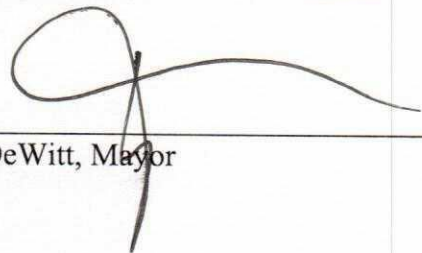
D. Miscellaneous. A special permit granted by the Planning and Zoning Commission under this Section shall be considered as an amendment to the Zoning Code as applicable to such property. In granting such permit the Planning and Zoning Commission may impose conditions which shall be complied with by the grantee before any final public utility connection may be made with such building or property, and such conditions shall not be construed as conditions precedent to the granting of the special permit or the change in zoning of said property, but shall be considered a precedent to such final public utility connections.”

Note: language which is **bold, underlined** has been added; language which is [~~bracketed, stricken~~] has been removed.

Section 2. That this ordinance shall be in full force and effect from and after its passage.

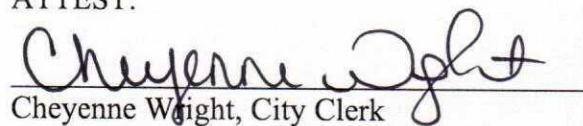
PASSED BY THE COUNCIL OF THE CITY OF NEOSHO, MISSOURI, this 15<sup>th</sup> day of November, 2022, by a vote of 7-yes.

0-no

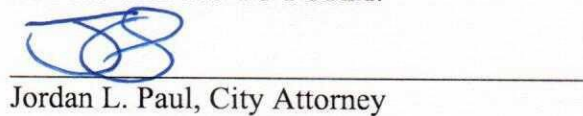


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Tyler DeWitt, Mayor

ATTEST:

  
\_\_\_\_\_  
Cheyenne Wright, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jordan L. Paul, City Attorney

