

**CITY OF FREEPORT  
PLANNING COMMISSION  
Tuesday, January 26, 2010, 6:00 p.m.  
Freeport Police Department, Municipal Court Room  
430 North Brazosport Boulevard  
Freeport, Texas**

**AGENDA**

*Diane Williams, Chairperson  
Alonzo Martinez  
Joyce Adkins*

*Eric Hayes  
Edward Garcia  
Rueben Cuellar*

NOTICE is hereby given that the Planning Commission of the City of Freeport, Texas will meet in a regularly scheduled meeting on **Tuesday, January 26, 2010 at 6:00 P.M.** at the Freeport Police Department Municipal Courtroom, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

1. Open Meeting.
2. Approval of the Minutes for November 24, 2009, and the Minutes for December 15, 2009.
3. Discuss/consider amending the M-1, Light Manufacturing Zone District to include Recreational Vehicle Park, as a permitted use, or alternatively as a use that may be permitted by Specific-Use Permit.
4. Information about Committee on truck route and reminder of protocol.
5. Discussion of November 24, 2009 Planning Commission Meeting.
6. Election of Chairperson.
7. Adjourn.

**NOTE: ITEMS NOT NECESSARILY DISCUSSED IN THE ORDER THEY APPEAR ON THE AGENDA. THE PLANNING COMMISSION, AT ITS DISCRETION, MAY TAKE ACTION ON ANY OR ALL OF THE ITEMS LISTED.**

I, Melissa Farmer, Building/Permit Department Secretary, City of Freeport, Texas, hereby certify that this Agenda was posted on the official bulletin board/glass door of City Hall facing the rear parking lot of the building with 24-hour access at 200 West 2<sup>nd</sup> Street, Freeport, Texas on or before Friday, January 22, 2010 at 5:00 P.M.

Melissa Farmer

Melissa Farmer  
Building/Permit Department  
City of Freeport

I STATE OF TEXAS            )(  
COUNTY OF BRAZORIA    )(  
CITY OF FREEPORT        )(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on **Tuesday, November 24, 2009 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

**Planning Commission:**

*Diane Williams, Chairperson  
Eric Hayes  
Edward Garcia - Absent  
Reuben Cuellar - Absent  
Alonzo Martinez  
Joyce Adkins*

**Staff:**

*Kola Olayiwola  
Melissa Farmer  
Wallace Shaw  
Councilman, Ron Wise  
Nat Hickey  
Pat Taylor*

**Open Meeting.**

Ms. Diane Williams called meeting to order at 6:00 P.M.

**Invocation.**

Mr. Nat Hickey opened the meeting with prayer.

**Approval of Minutes.**

Mr. Eric Hayes moved to accept the minutes for October 27, 2009, seconded by Ms. Joyce Adkins, unanimous vote for approval. Ms. Joyce Adkins moved to accept the minutes for November 2, 2009, seconded by Mr. Eric Hayes, unanimous vote for approval.

**Discuss/review information supplied by the Building Official, Mr. Kola Olayiwola, on Permit Procedures.**

The Building Official, Mr. Kola Olayiwola, spoke with the Planning Commission about the Permit Procedures the Building Department would be handing out to customers when they inquired on when permits were needed and not needed.

Ms. Joyce Adkins wanted to know why the Procedures did not state anywhere about Tax Abatements. Mr. Kola Olayiwola stated that he would check in to adding that to the Permit Procedure packet but that there was notice of Tax Abatements on the secretary's desk.

No action was taken on this Item.

**Review Open Government Training DVD.**

The Planning Commission members will watch this DVD on the Planning Commissions next meeting.

**Election of Chairperson.**

Ms. Joyce Adkins made a motion to nominate Mr. Eric Hayes as the Chairperson, by a vote of 2-to-1, with Ms. Diane Williams voting against, the motion passed.

The minutes reflect that this motion was not seconded and the resulting vote was 2-to-1, indicating that one person did not vote. Nominations for chairperson will be held December 15, 2009.

**Adjourn.**

Mr. Eric Hayes made a motion to adjourn, seconded by Mr. Alonzo Martinez, unanimous vote for approval. Meeting was adjourned at 6:40 P.M.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Diane Williams, Chairperson

STATE OF TEXAS            )(

COUNTY OF BRAZORIA    )(

CITY OF FREEPORT       )(

BE IT REMEMBERED that the Planning and Traffic Commission of the City of Freeport, Texas met in a regular meeting on **Tuesday, December 15, 2009 at 6:00 P.M.** at the Police Department Conference Room, 430 North Brazosport Boulevard, Freeport, Texas to discuss the following:

**Planning Commission:**

*Diane Williams, Chairperson  
Eric Hayes  
Edward Garcia  
Reuben Cuellar  
Alonzo Martinez  
Joyce Adkins*

**Staff:**

*Kofa Olayiwola  
Melissa Farmer  
Wallace Shaw  
Councilman, Ron Wise  
Nat Hickey*

**Open Meeting.**

Ms. Diane Williams called meeting to order at 5:59 P.M.

**Invocation.**

Mr. Wallace Shaw opened the meeting with prayer.

**Approval of Minutes.**

Mr. Eric Hayes made a motion to disapprove the Minutes for November 24, 2009, seconded by Ms. Joyce Adkins, by a vote of 3-to-3, with Ms. Joyce Adkins, Mr. Eric Hayes and Mr. Alonzo Martinez voting for and Ms. Diane Williams, Mr. Rueben Cuellar and Mr. Edward Garcia opposing, the motion failed.

**Election of Chairperson.**

Ms. Diane Williams opened the floor for nominations.

Ms. Joyce Adkins made a motion to nominate Mr. Eric Hayes, seconded by Mr. Alonzo Martinez, with Mr. Eric Hayes, Ms. Joyce Adkins and Mr. Alonzo Martinez voting for Mr. Eric Hayes.

Mr. Edward Garcia made a motion to nominate Mr. Rueben Cuellar, seconded by Ms. Diane Williams, with Mr. Rueben Cuellar, Mr. Edward Garcia and Ms. Diane Williams voting for Mr. Rueben Cuellar.

By a vote of 3-to-3, both motions failed.

**Adjourn.**

Mr. Eric Hayes made a motion to adjourn, seconded by Mr. Rueben Cuellar, unanimous vote for approval. Meeting was adjourned at 6:17 P.M.

These minutes read and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Diane Williams, Chairperson

## PROPERTY MANAGEMENT

Larry McDonald  
Mayor

Clan Cameron  
Councilmember  
Ward A

Jim Phillips  
Councilmember  
Ward B

Ron Wise  
Councilmember  
Ward C

Norma Moreno Garcia  
Councilmember/  
Mayor Pro Tem  
Ward D

Melissa Farmer  
Planning & Zoning

: RV Park - SH 332

January 7, 2010

Jeff Pynes  
Chief Executive Officer  
City Manager

Please place the following item on the January 26, 2010, Planning Commission agenda:

**Discuss / Consider amending the M-1, Light Manufacturing Zone District to include R-2C District, Single Family Residential, Recreational Vehicle Park, as a permitted use, or alternatively as a use that may be permitted by specific use permit.**

Mr Johnnie Shipman, owner of the Beach, Bait & Tackle property, is interested in developing an RV Park on the property on the west side of the Beach, Bait & Tackle buildings and the townsite flood protection levee.

Doyle & Wachstetter, Inc., have been retained by Mr Shipman to prepare a plat of the proposed project. A copy of same is attached.

I have discussed the project with both the city attorney and building inspector and they both are in agreement that possibly the best method to consider the project would be to amend the M-1 zoning designation to include the R-2C zoning to be a permitted use, or alternatively by a use that may be permitted by specific use permit.

In the event the Planning Commission concur, a recommendation could be presented to the Council on either Monday, February 1 or 15, 2010, for consideration.

Find attached a copy of the Wachstetter plat, a copies of Sections 120.20 and 155.035 regarding RV Parks.

Please advise if Mr. Shipman should be at the January 2010 Planning meeting to answer any questions the Commission may have.

  
N C Hickey  
Property Mgr

Encls

xc: Johnny Shipman  
K Olayiwola



which meets all the requirements of the applicable standard codes included in this code of ordinances. (Ord. 1760, passed 4-4-93) Penalty, see § 10.99

~~Cross-reference:~~

~~Anchorage; tie down requirements, see § 152.06~~

(c) A site plan of the park showing all recreational vehicle spaces, structures, streets, driveways, walkways and other service facilities and such other information as the Building Official may reasonably require to establish that the park has been constructed, altered, or expanded according to the permit issued therefor.

**RECREATIONAL VEHICLE PARKS**

**§ 120.20 LOCATION OF PARKS.**

Recreational vehicle parks may only be located in a recreational vehicle park zoning district as defined in the zoning code. *Q 2 - C 155, 035*  
(Ord. 1760, passed 4-4-93) Penalty, see § 10.99

(2) If the applicant is not the owner, the applicant must be a lessee of the owner pursuant to a written lease having a remaining term (including any provisions for renewal and extension of such lease) of not less than the term for which the license will be issued.

**§ 120.21 LICENSE ISSUANCE; FEE.**

(3) The Building Official shall grant such application and issue an original license to operate a recreational vehicle park to the applicant unless he finds the information contained in such application to be inaccurate. The original license shall expire on January 2 of the calendar year next following the year in which it is issued.

(A) *License required.* It shall be unlawful for any person to operate a recreational vehicle park within the corporate limits of the city unless such person holds a valid license issued in the name of such person for a specific park.

(C) *Application for license renewal.* An application to renew a license to operate a recreational vehicle park in the city shall be made on forms furnished by the city, shall be signed by the licensee, shall contain such information as the Building Official may reasonably require to gather information reflecting any change in the information required in the original application or last filed renewal application and shall be accompanied by an affidavit of the applicant as to the truth of the matters contained in the application and the annual license fee mentioned below. If the applicant is not the owner, the applicant must be a lessee of the owner pursuant to a written lease having a remaining term (including any provisions for renewal and extension of such lease) of not less than the term for which the license will be renewed. The Building Official shall grant such application unless the information contained therein is inaccurate or unless the Building Official believes that the licensee committed or allowed any violation of the provision of this chapter applicable to such park to occur which has not been corrected. A license which has been suspended pursuant to § 120.26 may not be renewed during the period for which it was suspended.

(B) *Application for original license.*

(1) All original applications for an original license to operate a recreational vehicle park in the city shall be on forms furnished by the city, shall be signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the matters contained in the application and accompanied by the annual license fee mentioned below. The application shall contain the following:

(a) The name and address of the applicant and, if the applicant is not the owner of the premises on which the park is located, the name and address of the owner with a copy of a lease to the applicant from the owner being attached.

(b) The legal description, street address, and zoning classification of the park.



(D) *License fee.* The annual license fee shall be \$20 per recreational vehicle space. The annual fee for a original license shall be prorated for the balance of the year.  
(Ord. 1760, passed 4-4-93) Penalty, see § 10.99

#### § 120.22 TRANSFER OF LICENSE; FEE.

(A) Every person desiring to purchase a recreational vehicle park located in the city shall apply for a transfer of such license on forms to be furnished by the city which shall be signed by the licensee, shall contain such information as the Building Official may reasonably require to assure the Building Official that the park is being and will be operated in compliance with all the requirements of this chapter and shall be accompanied by an affidavit of the applicant as to the truth of the matters contained in the application and the license transfer fee mentioned below. A license which has been suspended as provided in § 120.26 may not be transferred during the period for which it was suspended.

(B) All applications for transfer of a license to operate a recreational vehicle park within the city shall be accompanied by a fee of \$20 per recreational vehicle space.  
(Ord. 1760, passed 4-4-93) Penalty, see § 10.99

#### § 120.23 APPEAL FROM DENIAL OF LICENSE.

Any person whose original application for a license to operate a recreational vehicle park is denied and any person whose application to renew or transfer such license has been denied may request and shall be granted a hearing on the matter by the City Council which shall, by majority vote of its members present and voting at any regular or special meeting at which the same appears as an item on the agenda, affirm or reverse the denial of such application by the Building Official. If the decision of the Building Official is reversed by the City Council, the Building Official shall issue the license or any renewal or

transfer the same with such requirements as such majority of the City Council may reasonably require. Any decision of the City Council in such appeal shall be final.  
(Ord. 1760, passed 4-4-93)

#### § 120.24 MAINTENANCE AND OPERATION OF PARKS.

(A) *Maintenance of site requirements.* All site requirements set forth in § 7.2C of the zoning code shall be maintained at all time in good working order and condition.

(B) *Fire safety standards.*

(1) *Storage and handling of liquified petroleum gases.* In recreational vehicles parks in which liquified petroleum gases are stored and dispensed, their handling and storage shall comply with requirements of International Fire Code, 2003 Edition adopted by § 92.50.

(2) *Storage and handling of flammable liquids.* In recreational vehicle parks in which gasoline, fuel, oil, or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with the provisions of International Fire Code, 2003 Edition adopted by § 92.50.

(3) *Firefighting.* Approaches to all recreational vehicle spaces shall be kept clear at all times for access by firefighting equipment. The recreational vehicle park shall provide an adequate water supply for Fire Department operations which shall be connected to the city's public water supply system. This shall include standard city fire hydrants located within 500 feet of all recreational vehicle spaces measured along the driveways and internal streets of the recreational vehicle park. These fire hydrants shall be made available for periodic inspection by the Fire Department and Water Department of the city. The adequacy of the water supply for firefighting shall be determined by state standards.

(4) *Barbecue pits, fireplaces, and stoves.*

All fireplaces, wood burning stoves and other forms of outdoor cooking shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both in the area where used and in neighboring area of the recreational vehicle park. No open fire shall be permitted in the park.

(C) *Solid waste disposal.* The licensee or agent of a recreational vehicle park shall be responsible for the collection and lawful disposal of all solid waste generated in the park as follows:

(1) The licensee or agent of the park shall be responsible for maintaining the entire area of the park free from weeds, dry brush, leaves, high grass, and the accumulation of debris and to prevent the growth of noxious weeds detrimental to health in accordance with the applicable provision of this code of ordinances. All extermination methods and other methods to control insects and pests must conform to the requirements of the Health Director of the city.

(2) All refuse and garbage handling must be in accordance with the applicable city ordinance. One centralized container may be utilized but it must be of sufficient size to handle all trash and garbage generated within the park without having to be emptied more than twice per week.

(D) *Restriction to recreational vehicles.* With the exception of the service buildings, recreational buildings, and other community service buildings including but not being limited to management residence and/or office, repair shops, storage facilities, sanitary and laundry facilities, and indoor recreation areas constructed and maintained pursuant to the provisions of § 7.2C of the zoning code, only recreational vehicles shall be located in any recreational vehicle park.

(E) *Illumination of parks.* The illumination of all common access routes, driveways, internal streets, off-street parking areas, and service buildings within a recreational vehicle park shall meet the reasonable requirements of the Building Official to insure adequate visibility within such areas at night by park residents and guests and public safety personnel who might be called to the park at night.

(F) *Provisions for handicapped.* All buildings, walkways, and other structures in the park shall meet the standards for accessibility by the handicapped established by the applicable city, state, and federal regulations.

(Ord. 1760, passed 4-4-93) Penalty, see § 10.99

**Cross-reference:**

*Solid waste, see Ch. 50*

*International Fire Code adopted, see*

*§ 92.50*

*Zoning code, see Ch. 155*

**§ 120.25 INSPECTION OF PARKS.**

The Building Official, the Health Officer, the Fire Chief, and the Police Chief of the city and their respective designees shall have the right and are hereby directed at all reasonable times to enter upon any premises for which a license to operate a recreational vehicle park has been issued for the purpose of determining whether a condition or practice exists thereon in violation of the provisions of this chapter.

(Ord. 1760, passed 4-4-93)

**§ 120.26 VIOLATION; SUSPENSION; APPEAL.**

(A) Whenever, upon inspection of any recreational vehicle park, the Building Official, the Health Officer, the Fire Chief, or the Police Chief of the city or their respective designee finds that conditions or practices exist which are in violation of any provision of this chapter exist at such park, the Building Official shall issue and deliver to the licensee of such park a written notice setting forth each such condition or practice and notifying the licensee that unless such condition or practice is corrected or stopped within the time specified in such notice, which shall be a reasonable time taking into consideration the time required in the opinion of the Building Official for the correction or stopping of such condition or practice, the license of such licensee to operate such park shall be suspended. At the end of such notice period, the Building Official shall reinspect such park and, if all conditions or practices mentioned in such notice have not been corrected or

stopped, the Building Official shall immediately suspend the license of such licensee to operate such park for such period of time as the Building Official deems appropriate.

(B) Any person whose license to operate a recreational vehicle park is suspended shall have the right to have such suspension reviewed by the City Council which shall, by majority vote of its members present and voting at any regular or special meeting at which the same appears as an item on the agenda, affirm or reverse the suspension of such license by the Building Official. If the decision of the Building Official is reversed by the City Council, the City Council may either reinstate the license or suspend it for a lesser period of time than that for which it was suspended by the Building Official. Any decision of the City Council in such appeal shall be final.

(Ord. 1760, passed 4-4-93)

concrete foundation and connected to the city's water and sewer system within ten days, but the chassis of such home may not be more than 24 inches above ground level.

(3) Within ten days after any such home is placed on a permanent foundation in this district, vinyl or masonry skirting completely surrounding the exterior of such dwelling must be installed so as to provide adequate access and ventilation and must thereafter be continually maintained in a good state of repair. Provided, however, if vinyl skirting is used, it must have a minimum thickness of not less than the thickness of the outer siding of the manufactured home to which it is being attached. As used herein, 'adequate access' means a crawl space of at least 18 inches but not more than 24 inches.

(4) All such homes installed in this district must meet all then current requirements for a new HUD-code manufactured home to be installed in counties of the state of Texas located on the Gulf of Mexico contained in federal and state HUD-code manufactured home construction and safety standards.

(5) All such homes installed in this district must be new and must meet then current standard housing or other standard codes adopted by the Code of Ordinances of the city, except as modified by this section, if not in conflict with federal and state HUD-code manufactured home construction and safety standards.

(6) All such homes installed in this district must contain a minimum of 850 square feet of living area. The term **LIVING AREA** excludes any attached garage, patio or porch.  
(Ord. 1845, passed 11-16-98; Am. Ord. 1861, passed 6-7-99) Penalty, see § 155.999

**§ 155.035 R-2C DISTRICT, SINGLE FAMILY RESIDENTIAL, RECREATIONAL VEHICLE PARK.**

This district is intended to promote and preserve single family recreational vehicle park development in suitable locations within the city. For the definition of a Recreational Vehicle Park, please refer to the definitions of Recreational Vehicle Park contained in § 155.002.

*See Page 16-A RV Park  
RV Park Equip = R-2C  
(Sec 155.71)*

(A) *Minimum requirements for lot area and setback.*

Lot area: 1250 SF  
Lot width: 25'  
Setback:  
Front: 0'  
Rear: 0'  
Side:  
One: 0'  
Sum of both: 0'

(B) *Minimum requirements for setbacks from adjacent property lines which may include the width of utility easements.*

Setback:  
Front: 25'  
Rear: 10'  
Side:  
One: 5'  
Sum of both: 10'

(C) *Minimum requirements for setbacks from property lines located adjacent to properties zoned R-1, R-2, R-2A or R-3. These setbacks will act as a buffer zone and may include the width of utility easements.*

Setback:  
Front: 25'  
Rear: 25'  
Side:  
One: 25'  
Sum of both: 50'

(D) *See § 155.023 for supplementary district regulations, exceptions and parking requirements applicable to the R-2 District.*

(E) *See § 155.060 (D) and (E) for temporary use permits that may be granted by the Board of Adjustments and specific use permits that may be recommended by the City Planning Commission under certain circumstances and conditions.*

(F) *Permitted uses and parking.* Only recreational vehicle parks with their necessary service buildings are permitted in this district. Sufficient width and length for the parking of one automobile or

pickup shall be included within each space (see § 155.023 (I)(2)) and an off-street parking area for guests and visitors shall be included at the ratio of one for each recreational vehicle space in the park.

(G) *Height regulations.* No building shall exceed 30 feet or two stories in height.

(H) *Special requirements.*

(1) Proposals for the development of any recreational vehicle park shall be required to abide by the same approval process as required for a planned unit development district (see § 155.045) with the exception of § 155.045 (F)(1) and (H)(1)(c), (d), and (f), which are not applicable. In applying § 155.045 to § 155.035, the term 'Recreational Vehicle Park' shall be substituted for the term 'Planned Unit Development.'

(2) No more than one recreational vehicle may be placed in a single space.

(3) All development must comply with currently adopted technical codes.

(4) There shall be a 3% landscaping requirement for any proposed recreational vehicle park unless such park is located adjacent to property zoned for R-1, R-2, R-2A, or R-3, in which case 50% of the required buffer zone abutting any of the above mentioned zones shall be appropriately landscaped. Landscaping requirements will be subject to the approval of the Planning and Zoning Commission and the City Council.

(5) Other requirements applicable to recreational vehicle parks found in Chapter 120 of the City Code of Ordinances.

(Ord. 1100-94-1, passed 4-4-93) Penalty, see § 155.999

**§ 155.036 R-3 DISTRICT, MULTI-FAMILY RESIDENTIAL.**

This district consists mainly of areas which contain some two-family or multiple-family development or which are centrally located or suitable for ultimate two-family or multiple-family development. In addition to the general purposes applying to all residential districts, the regulations of District R-3 are designed to encourage the provision of conveniently located, centrally maintained rental accommodations.

(A) *Minimum requirements for lot area, width and setback.*

(1) *Single family or two family dwelling.*

Lot area: 6250 SF  
Lot width: 50'  
Setback:  
Front: 25'  
Rear: 5'  
Side:  
One: 5'  
Sum of both: 10'

(2) *Multi-family dwelling.*

Lot area: 6250 SF  
Lot width: 50'  
Setback:  
Front: 25'  
Rear: 5'  
Side:  
One: 7'  
Sum of both: 23'

(B) See § 155.023 for supplementary district regulations, exceptions and parking requirements applying to the R-3 District.

(C) See § 155.060 (D) and (E) for temporary use permits that may be granted by the Board of Adjustment and specific use permits that may be recommended by the City Planning Commission within the R-3 District under certain circumstances and conditions.

Parking Ratio	Specific Use	District
1/400	Ambulance Service	R-2
1/100	Benevolent, non-profit, charitable, state chartered organizations	in any district
none	Cemetery or mausoleum	R
1/3 seats	Church or other place of worship including parish houses and Sunday schools but excluding missions or temporary revivals	R
1/200	City, County, State and Federal government administrative buildings	R
1/400	City fire and police station	R
none	City, County, State and Federal government garage, maintenance yard, or similar government establishment	R
none	Concession stand within a park, playground or playfield	R
none	Earth moving and excavations depositing of construction materials, clay, earth, gravel, minerals, rock, sand, or stone on the ground	in any district
1/400	Electrical substation	R
1/400	Gas Compressor or regulator station	R
none	Golf Course, but not including commercial golf games or amusement	R
1/3 beds	Institution, correctional, detention, penal or for use of insane, feeble minded, alcoholic or narcotic patients on a minimum site of 15 acres	R

Parking Ratio	Specific Use	District
1/3 beds	Institution for children and aged; non-profit	R
1/400	Liquor Store	C-2
none	Mining, including exploration for or production of gas or oil; extraction of clay, gravel or sand; quarrying of rock or stone	in any district
1/3 beds min. 1/1 bed max.	Personal Care Homes	in any district
1/400	Public Library or museum	R
none	Radio or television broadcasting transmitter or tower, microwave relay tower	in any district
1/3 beds	Sanitorium on a site of 10 acres or more	R
1/1.5 emp.	Schools; elementary, high, college and universities, public, private or denominational	in any district
1/1.5 emp	School nursery, kindergarten, or day care for children	R
1/100	Sexually oriented business	C-3
1/200	Shopping center on a site of 5 acres or more	R
1/400	Telephone exchange but not including garage shop or service	R
1/1.5 emp.	Wrecker Storage Pens/Facilities	M-1
none	Wholesale offices with storage facilities if the permit authorizing such use is limited to a stated period of time to be determined by the City Council at the time such permit is granted	C-1
none	Fabrication and assembly of products if the permit authorizing such use is limited to a stated period of time to be determined by the City Council at the time such permit is granted	C-2

(2) A specific use permit is an amendment to the district regulations of the Zoning Ordinance that permits the permanent establishment of a specific use within a zoning district in which such specific use may be established.

(3) The Building Official shall not issue a Certificate of Occupancy and Compliance for such uses that are hereafter created, changed, converted or enlarged, either wholly or in part, until a specific use permit has been obtained in accordance with the amendment procedures set forth in § 155.064.

(4) The purpose of the regulations described in this subsection is to allow the proper integration into the city of uses which may be suitable only in specific locations in a zoning district.

(5) Application for a specific use permit shall be made by the property owner or certified agent thereof to the Planning Commission on forms prescribed for this purpose by the City Council. Such application shall be accompanied by a site plan as set forth in § 155.023. Specific use permits, revocable, conditional or valid for a term period may be issued

for any of the uses or purposes for which such permits are required or permitted by the terms of this chapter. Granting of a specific use permit does not exempt the applicant from complying with the requirements of the Building Code or other ordinances.

(6) The fee to cover administrative and processing costs of a specific use permit application shall be as established by the City Council. If in accordance with the procedures of § 155.064 (A)(2) an application for a specific use permit receives an unfavorable recommendation from the Planning Commission after public hearing and is not appealed to the City Council within 10 days; half of the fee will be refunded to the applicant.

(7) In considering any application for a specific use permit, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures. The Planning Commission may recommend disapproval of an application for a specific use permit, and, in recommending approval of a specific use permit, the Planning Commission may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to the regulations of the district in which the particular use is located, as they may deem necessary for the protection of the adjacent properties and public interest.

(8) Provided that the Planning Commission finds:

(a) That the proposed structure or use conforms to the requirements and intent of this chapter and the Comprehensive Plan of the city;

(b) That any additional conditions stipulated by the Planning Commission as deemed necessary in the public interest have been met; and

(c) That such use will not under the circumstances of the particular case constitute a nuisance or be detrimental to the public welfare of the community, the Planning Commission shall make a favorable recommendation in behalf of the application to the City Council.

(9) Every specific use permit granted by the City Council shall be considered as an amendment to the Zoning Ordinance as applicable to such property. In granting such permit, the City Council may impose conditions which shall be complied with by the grantee before a Certificate of Occupancy and Compliance may be issued by the Building Official for the use of the buildings on such property pursuant to said specific use permit; and such conditions shall not be construed as conditions precedent to the granting of the specific use permit; but shall be construed as conditions precedent to the granting of the Certificate of Occupancy and Compliance.

(10) Following the passage of a Specific Use Permit Ordinance by the City Council, the Building Official shall issue Certificate of Occupancy and Compliance, as provided in division (C) above, and shall insure that development is undertaken and completed with said permits.

(F) *Construction and use to be as provided in applications, plans, building permits and Certificate of Occupancy and Compliance.* Building permits or Certificates of Occupancy and Compliance issued on the basis of plans and applications approved by the Building Official authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed violation of this chapter and punishable as provided by § 155.999.

(G) No building permit or certificate of occupancy and compliance for the use of any building or structure as a game room for coin operated machines, other than one used or to be used exclusively for excluded machines, shall be issued. (Ord. 1100 § 9, passed 4-3-64; Am. Ord. 1100-W, passed 10-24-77; Am. Ord. 1100-VV, passed 4-6-81; Am. Ord. 1100-YY, passed 7-20-81; Am. Ord. 1100-90-1, passed 8-6-90; Am. Ord. 1100-97-1, passed 6-2-97; Am. Ord. 2004-2040, passed 3-15-04; Am. Ord. 2004-2041, passed 3-15-04; Am. Ord. 2005-2077, passed 3-21-05) Penalty, see § 155.999