

CHAPTER 160 - SPECIAL EXCEPTIONS

160.00 Special Exception, Requirements and Procedures. The Special Exceptions listed in the individual Districts and those listed below and their accessory buildings and uses may be permitted by the Board in the Districts, in accordance with the procedures set forth in this section.

160.01 Special Exception, All Districts. Uses permitted in any District subject to the requirements of this section:

- Airport or heliport
- Artificial lake of three or more acres
- Cemetery
- Church or Temple
- Hospital
- Mineral Extraction
- Public water wells, water stations, filtration plants, reservoirs and storage tanks
- Radio, TV, transmitting towers and microwave tower
- Sewage disposal plant (primary use)
- Telephone exchange
- Transmission lines for gas, oil, electricity, or other utilities

160.02 Minimum Lot Area: Special Exception Uses. A lot on which one of the following uses is located may not be smaller in area than the area prescribed for that use opposite it on the following table:

Use	Minimum Lot Area
Airport	80 acres
Assembly halls	1 acre
Auction sales yard	2 acres
Cemetery or crematory	20 acres
Charitable institutions	1 acre
Church or temple	1 acre
Clinic	15,000 sq. ft.
Commercial facility for raising and breeding non-farm fowl and animals	3 acres
Commercial greenhouse	25,000 sq. ft.
Farm equipment sales	1 acre
Fireworks storage and sales	20,000 sq. ft.
Fraternity or sorority	*
Heliport	1 acre
Hospital	5 acres
Hotel or motel	25,000 sq. ft.
Junk yard	10 acres
Kennel	2 acres
Kindergarten or day nursery	110 sq. ft. per child
Lodge or private club	*
Marina	*
Penal or correctional institution	320 acres
Police station or fire station	200,00 sq. ft.
Public camp	5 acres

Public or commercial garbage disposal plant	5 acres
Public or commercial sanitary fill or refuse dump	10 acres
Public or employee parking lot	1,500 sq. ft.
Riding stable	20,000 sq. ft. plus 5,000 sq. ft. for every horse over four *
Seasonal fishing or hunting lodge	*
Slaughterhouse	6 acres
Stadium or coliseum	5 acres
Storage of disable vehicles	3 acres
Tourist home	*
Transmission lines for gas, oil, electricity or other utilities	*
Travel Trailer Park	5 acres (4,000 sq. ft. per unit
Truck service center	1 acre
Warehouse (grain elevator)	3 acres
Wholesale Produce terminal	15 acres

* The requirements of the district in which the use is located apply to the use.

160.03 Setbacks: Special Exception Uses.

- a. The following uses are subject to the special setbacks prescribed, in feet by the following table. If no figure appears for a front yard setback, the standard setback prescribed for the District applies.

Use	Front	Side	Rear
Anhydrous Ammonia or similar liquid fertilizer, storage & distribution (commercial) halls	300	300 20	300 Assembly 15
Bottled gas storage & distribution or crematory institutions	300	300 50	300 Cemetery 50 Charitable 15
Clinic facility for raising and breeding non-farm fowl and animals	20	10	30 Commercial
greenhouse	100	100	100 Commercial
300 300 300	100	40	40 Confinement feeding
Home for the aged		10	
Hospital	100	40	40
Hotel or Motel		20	
Industrial Park	100	75 *	35 (abutting other use)
Junk Yard	150	150	150
	300 *	300 *	300 *
Kindergarten or day nursery		20	15
Liquid fertilizer storage and distribution (commercial)	300	300	300

Manufacturing, storage or use of explosives	300 *	300 *	300 *
Material storage, open	300 *	300 *	300 *
Mineral extraction, borrow pit, or topsoil removal, and their storage areas	150	150	150
Travel trailer park	100	40	40
Nursing home, orphanage		10	30
Outdoor commercial recreational enterprise		40	40
Penal or correctional institution	100	100	100
Petroleum tank farm (commercial)	300	300	300
Private recreational development		40	40
Public camp	100	40	40
Public or commercial sanitary fill, refuse dump, or garbage disposal plant	300	300	300
Public or commercial sewage disposal plant	300	300	300
Public water wells, water stations, filtration plants, reservoirs and storage tanks		20	15
Race track		40	40
Riding stable	100	100	100
Sales barn for livestock resale	300	300	300
Shooting range		40	40
Slaughterhouse	300	300	300
Stadium or coliseum		50	50
Storage of disabled vehicles	100 *	100 *	100 *
Theater, outdoor	100	40	40
Warehouse (grain elevator)	100	75 *	
			35 (abutting other use)
Wholesale produce terminal	100	75 *	
			35 (abutting other use)

* Abutting residential use

- b. Buildings with the following uses may be located no closer to private interior roads in planned developments that are subject to through traffic than the distances, in feet, respectively prescribed by the following table:

Use	Setback
Country club or golf course	85
Industrial park	85
Mobile home park or travel trailer park	50
Outdoor commercial recreational enterprise	40
Public camp	40
Wholesale produce terminal	85

160.04 Minimum Distances From Residential District or Use Special Exception Uses.

- a. The following uses may not be located near an RA, R1, R2, R3 or MH District closer than the distance, in feet, listed opposite in the following table:

Use	Feet
Auction sales yard	25
Airport or heliport	25
Anhydrous ammonia, or similar liquid fertilizer storage or distribution (commercial)	300
Borrow pit	300
Confinement feeding operation	1320
Fireworks storage and sales	300
Manufacturing, storage or use of explosives	300
Material storage, open	300
Penal or correctional institution	300
Public or commercial sewage disposal plant	300
Sales barn for livestock resale	300
Slaughterhouse	300
Topsoil removal area (including storage area)	300
Truck freight terminal	100
Wholesale produce terminal	100
Farm equipment sales	50

- b. A parking area or loading berth for any of the following uses may not be located closer to a residential district or use than the distance, in feet, listed opposite it in the following table:

Use	Parking Area	Loading Berth
Airport or heliport	25	100
Clinic	10	
Commercial facility for raising and breeding non-farm fowl and animals	25	50
Commercial greenhouse		50
Contractor's storage yard	300	300
Country club or golf course	10	
General industry	25	100
Hospital	25	50
Industrial park	25	100
Junk yard	1320	1320
Light industry	25	100
Mineral extraction, borrow pit, or topsoil removal, and their storage areas		300
Outdoor commercial recreational enterprise	25	50
Penal or correctional institution	300	300
Police station or fire station	10	
Private recreational development	25	
Public camp	25	
Sales barn for livestock resale	50	100
Slaughterhouse	50	300
Stadium or coliseum	25	50
Storage or disabled vehicles	25	50

Theater, outdoor	25	50
Travel trailer park	25	
Truck freight terminal	100	100
Warehouse (grain elevator)	100	100
Wholesale produce terminal	100	100

160.05 Fences and Walls - Special Exception Uses. The following uses shall be fenced or walled as respectively prescribed by the following table at the discretion of the Board:

Use	Enclosure
Airport or heliport	Adequate to protect abutting Use
Auction sales yard	Adequate to protect abutting Use
Confinement feeding operation Contractor's storage yard	6-foot woven wire fence Solid wall or solid painted fence sufficient to hide from view
Kindergarten or day nursery (play area only)	4-foot wire mesh fence
Mineral extraction, borrow pit, topsoil removal, and their storage areas (where they abut residential uses)	6-foot woven wire fence
Outdoor commercial recreational enterprise, if accessible to public	6-foot woven wire fence
Private swimming pool, if accessible to public	6-foot chain link fence
Public or commercial garbage disposal plant	6-foot solid painted fence
Public or employee parking area (along front line and such other boundaries as the Commission considers necessary to protect residential property), except at approved entrances and exits	4-foot masonry wall, 6 inches thick
Slaughterhouse	6-foot solid painted fence
Storage of disabled vehicles	6-foot solid painted fence
Theater, outdoor	8-foot painted board fence
Truck service center	6-foot solid painted fence
Wholesale produce terminal	6-foot wire mesh fence

160.06 Screen Planting Abutting Residential Use Special Exception Uses. Tight screen planting of the dimensions given five years after installation, effective during all seasons to block the view from abutting existing residential uses shall be provided for the following uses in accordance with the following table at the discretion of the Board:

Use	Screen
Airport or heliport	6 feet high; 3 feet wide
Artificial lake of 3 or more acres	6 feet high; 3 feet wide
Crematory	6 feet high; 3 feet wide
Clinic	6 feet high; 3 feet wide
Commercial facility for raising and breeding non-farm fowl and animals	6 feet high; 3 feet wide
Confinement feeding operation	6 feet high; 6 feet wide
Country club or golf course	6 feet high; 3 feet wide
General industry	6 feet high; 3 feet wide
Hospital	6 feet high; 3 feet wide
Hotel or motel	6 feet high; 6 feet wide
Industrial park	6 feet high; 6 feet wide
Kindergarten	6 feet high; 6 feet wide
Kennel or day nursery	6 feet high; 3 feet wide
Light industry	6 feet high; 3 feet wide
Mineral extraction, borrow pit, topsoil removal, and their storage areas	6 feet high; 3 feet wide
Outdoor Travel trailer park	6 feet high; 3 feet wide
Commercial recreational enterprise	8 feet high; 3 feet wide
Police station or fire station	6 feet high; 3 feet wide
Private recreational development	8 feet high; 3 feet wide
Private swimming pool	6 feet high; 3 feet wide
Public camp	8 feet high; 3 feet wide
Public or commercial sanitary fill or garbage disposal plant (also along abutting street)	5 feet high; 3 feet wide
Public or commercial sewage disposal plant	6 feet high; 3 feet wide
Restaurants, Drive-In	6 feet high; 3 feet wide
Race Track	8 feet high; 6 feet wide
Shopping Riding stable	6 feet high; 3 feet wide
Shopping center	6 feet high; 3 feet wide
Shooting range	6 feet high; 6 feet wide
Slaughterhouse (along abutting street)	6 feet high; 6 feet wide
Stadium or coliseum	6 feet high; 6 feet wide
Telephone Storage or disabled vehicles	6 feet high; 3 feet wide
Telephone exchange or public utility substation (also along abutting street)	Adequate for purpose
Truck freight terminal	6 feet high; 6 feet wide
Truck service center	6 feet high; 3 feet wide
Warehouse (grain elevator)	6 feet high; 3 feet wide
Wholesale produce terminal	6 feet high; 3 feet wide

160.07 Entrances - Special Exception Uses. As used in this section, the term "entrance" means a passageway generally 30 feet wide from premises to thoroughfare by which vehicles enter or leave. The applicant shall obtain a permit from the Town Engineer for the "entrance".

- a. This subsection limits the number of entrances to a primary or secondary street. However, it does not apply to entrances for emergency use only.

- b. Each of the following uses, for which Special Exceptions are prescribed is limited to 1 entrance.

Artificial lake of 3 or more acres or private swimming pool
Bait Sales
Clinic
Commercial facility for raising and breeding non-farm fowl and animals
Commercial greenhouse
Contractor's storage yard
Country club or golf course
Home for aged
Industrial park
Kennel
Kindergarten or day nursery
Manufacturing, storage or use of explosives
Material storage, open
Mineral extraction, borrow pit, topsoil removal, and their storage areas
Penal or correctional institution
Private recreational development
Public camp
Public or commercial sanitary land fill or garbage disposal plant
Public or commercial sewage disposal plant
Public or employee parking area
Race Track
Radio, TV transmitting towers and microwave towers
Railroad right-of-way and necessary uses
Riding stable
Roadside produce sales stand
Sales barn for livestock resale
Shooting range
Slaughterhouse
Storage of disabled vehicles
Telephone exchange
Theater, outdoor
Tourist home
Truck freight terminal
Truck service center
Warehouse (grain elevator)
Wholesale produce terminal

- c. Each of the following uses, for which Special Exceptions are prescribed is limited to 2 entrances:

Airport or heliport
Cemetery or crematory
Confinement feeding operation
Hotel or motel
Outdoor commercial recreational enterprise
Stadium or coliseum
Travel trailer park

- a. The Special Exceptions listed in the Districts and this Section and their accessory buildings and uses may be permitted by the Board in the Districts indicated therein, in accordance with the procedure set forth in this section.

The Special Exceptions listed in the Districts and this Section are those customarily located in the community. When an appeal is taken to the Board upon the denial of an application for an Improvement Location Permit for a use not specifically stated or implied elsewhere in these regulations and not listed the Board shall refer the matter of this proposed use to the Plan Commission for consideration as an amendment to the regulations.

- b. Upon receipt of an application for an Improvement Location Permit for a Special Exception by the Building Commissioner, it shall be referred to the Commission for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Master Plan. The commission shall report the results of its study to the Board within forty-five days following receipt of the application. If no such report has been filed with the Board within this time period, the Board may proceed to process the application.

The Board shall then proceed with a hearing on the application in the manner prescribed in the ordinance adopting these regulations. Following the hearing, and upon an affirmative finding by the Board that:

1. The proposed Special Exception is to be located in a District wherein such use may be permitted, and
 2. The requirements set forth in the District and this Section for such Special Exception will be met, and
 3. The Special Exception is consistent with the spirit, purpose and intent of these regulations, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare the Board shall order the Building Commissioner to issue an Improvement Location Permit for the Special Exception.
- c. An Existing Use which is listed herein as a Special Exception, and which is located in a District in which such Special Exception may be permitted, is a conforming use. Any expansion of such Special Exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.