

## SEC. 13-1-11 USE REGULATIONS.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
  - (1) Classes of Conditional Uses. Conditional uses may be either denominated “regular” or “limited”.
  - (2) General Conditional Use Provisions. Provisions applicable to conditional uses generally:
    - a. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission and Common Council in accordance with Article E of this Chapter excepting those existent at time of adoption of the Zoning Code.
    - b. Those existing uses which are classified as “conditional uses” for the district(s) in which they are located at the time of adoption of this Code require no action by the Common Council, upon the recommendation of the Plan Commission, for them to continue as valid conditional uses, and the same shall be deemed to be “regular” conditional uses.
    - c. Proposed change from permitted use in a district to a conditional use shall require review, public hearing and approval by the Common Council, upon the recommendation of the Plan Commission, in accordance with Article E of this Chapter.
    - d. Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Common Council, upon the recommendation of the Plan Commission, in accordance with Article E of this Chapter.
    - e. Provisions in this Chapter relating generally to Conditional Uses shall, except when in conflict with specific provisions relating to either regular or limited conditional uses (which specific provisions would then control) shall be deemed to be applicable to both regular and limited conditional uses.
  - (3) Specific Regular Conditional Use Provisions. Provisions applicable specifically to regular conditional uses:
    - a. Regular conditional uses, either allowed by action of the Common Council, upon the recommendation of the Plan Commission, or existent at time of adoption of this Code, shall be non-lapsing, shall survive vacancies and change of ownership of the properties where located and be subject to substitution with other conditional use(s) of same or similar type without approval of the Common Council, upon the recommendation of the Plan Commission. Change to conditional use of other than same or similar type shall require procedures and approval in accordance with Article E.
    - b. See Subsection (c)(2)a above as to conditional uses existent at time of adoption of this Code being deemed to be regular conditional uses.

- (4) Specific Limited Conditional Use Provisions. Provisions applicable specifically to limited conditional uses:
  - a. Limited conditional uses authorized by the Common Council, upon the recommendation of the Plan Commission, shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
  - b. Limited conditional uses authorized by the Common Council, upon the recommendation of the Plan Commission, shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Common Council approval and the procedures required in Article E of this Chapter.
- (d) **Uses Not Specified in Code.**
  - (1) Uses not specified in this Chapter which are found by the Common Council, upon the recommendation of the Plan Commission, to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator.
  - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Common Council, upon the recommendation of the Plan Commission, after public hearing and approval in accordance with Article E of this Chapter.