

**CITY OF OGALLALA**  
**APPLICATION FOR SPECIAL EXCEPTION**

*(Please type or print legibly)*

**Date** \_\_\_\_\_

**Applicants name** \_\_\_\_\_

**Home address** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**Type of special exception requested**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Address and legal description of property for which special exception is requested.**

\_\_\_\_\_  
\_\_\_\_\_

**Applicant signature** \_\_\_\_\_

*For department use only*

**Fee Paid** \_\_\_\_\_

**Application accepted by** \_\_\_\_\_ **Date** \_\_\_\_\_

## **Excerpt from Municipal Code**

### **44-1503. Special exceptions.**

(1) Generally. Upon application, pursuant to the provisions of this municipal code, the Council, upon receiving the recommendation of the Planning Commission, shall grant or refuse special exceptions in accordance with the following standards and the intent of this chapter. A written notice of the public hearing stating the time, date, and place of the Planning Commission and City Council meeting shall be sent to all property owners of record within 100 feet of the subject property, said notice to include the type of special exception being requested, prior to the request of special exception being considered. In addition, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten days prior to either hearing. In granting any special exceptions, the Council may prescribe and impose appropriate conditions and safeguards, including a specified time limit.

(2) Standards.

(a) Classified special exceptions shall be authorized only if they meet the following standards:

(i) Fire hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate firefighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

(ii) Noise. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

(iii) Vibration. The use shall not include vibration which is discernible without instruments on any adjoining lot or property.

(iv) Air pollution. The use shall not involve any pollution of air by flying ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

(v) Odors. The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

(vi) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

(vii) Traffic hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

(viii) Overtaxing of public utilities and facilities. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities, unless provision is made for any necessary adjustments.

(ix) Character of neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by

design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

(x) General welfare of the community. The use shall not involve any activity which adversely affects the general welfare of the community.

(xi) Conformity with Comprehensive Plan. The use shall be in conformance with the Comprehensive Plan.