

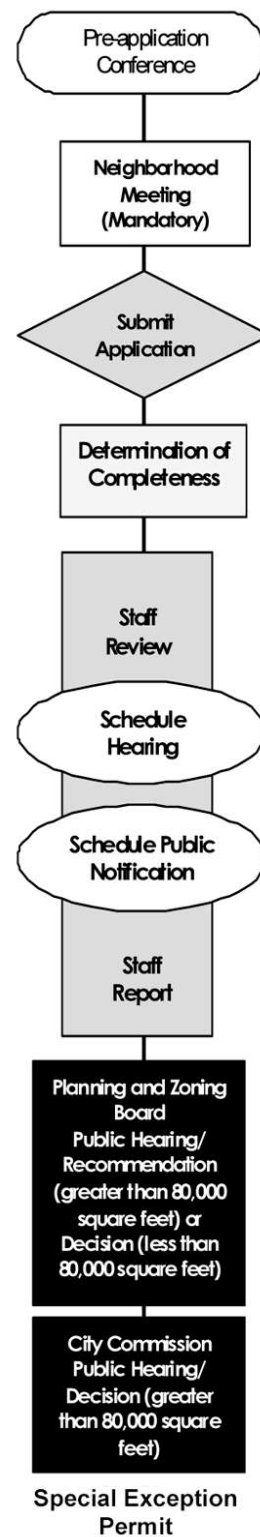
#### 2.4.4 *Special exception permit.*

- (A) *Purpose.* The purpose of this subsection is to provide a means for reviewing applications for approval of uses allowed as special exceptions. These are uses that are generally compatible with the other uses permitted in a zone district, but require individual review of their location, design, configuration, density, intensity, and public facility impact to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses. Special exception uses may require the imposition of conditions to ensure the appropriateness of the use at a particular location.
- (B) *Authority.* The City Commission is authorized to review and decide applications for special exception permits for a building consisting of greater than or equal to 80,000 square feet in area in accordance with this section. The PZB is authorized to review and decide applications for all other special exception permits in accordance with this section. Only those uses identified as special exceptions in Table 4.1-1, Table of Allowed Uses and Table 5.1-3, Table of Dimensional Standards in the Business Zoning Districts, for the CI and CP zoning districts, are authorized to be considered as special exceptions under this section. The designation of a use as a special exception in Table 4.1-1, Table of Allowed Uses or Table 5.1-3, Table of Dimensional Standards in the Business Zoning Districts, for the CI and CP zoning districts, does not constitute an authorization that such use shall be approved as a special exception permit in accordance with this section. Rather, each proposed special exception shall be evaluated for compliance with the standards set forth in this section and the applicable standards for the use in [Section 4.3](#), Use specific standards, or Section 5.2.3(B), if appropriate.
- (C) *Procedure.*
  - (1) *Application submission, review, public notification, and scheduling hearing.* The procedures and requirements for submission and review of an application are established in [Section 2.2](#), Common development review procedures.
  - (2) *Review and recommendation by PZB and review and action by City Commission on application for special exception permit for building greater than or equal to 80,000 square feet in area.*
    - (a) *Review and recommendation by PZB on application for special exception permit for building greater than or equal to 80,000 square feet in area.* After preparation of a staff report, public notification, and the scheduling of a public hearing, the PZB shall conduct a public hearing on the application for a special exception permit for a building greater than or equal to 80,000 square feet in area in accordance with Section 2.3.1, Quasi-judicial public hearings. At the public hearing, the PZB shall consider the application, the relevant support materials, the staff report, and the testimony and evidence given at the public hearing, and following the close of the public hearing, make a report to the City Commission recommending either to approve, approve with conditions, or deny the application based on the standards in Section 2.4.4(D), special exception standards.

*Review and action by City Commission on application for special exception permit for building greater than or equal to 80,000 square feet in area.* After receipt of the report from the PZB, public notification, and the scheduling of a public hearing for the application for a special exception permit for a building greater than or equal to 80,000 square feet in area, the City Commission shall consider the application during a public hearing in accordance with Section 2.3.1, Quasi-judicial public hearings. At the public hearing, the City Commission shall review the application, the relevant support materials, the staff report, the report of the PZB, and the testimony given at the hearing. After the close of the hearing, the City Commission shall either approve, approve with conditions, or deny the application based on the standards in Subsection 2.4.4(D) of this section, Special exception standards.

(b)

- (3) *Review and action by PZB on application for special exception permit for uses other than building greater than or equal to 80,000 square feet in area.* After preparation of a staff report, public notification, and the scheduling of a public hearing, the PZB shall conduct a public hearing on the application for a special exception permit for uses other than a building greater than or equal to 80,000 square feet in area in accordance with Section 2.3.1, Quasi-judicial public hearings. At the public hearing, the PZB shall consider the application, the relevant support materials, the staff report, and the testimony and evidence given at the public hearing. After the close of the public hearing, the PZB shall approve, approve with conditions, or deny the application based on the standards in Subsection 2.4.4(D) of this section, Special exception standards.



- (D) *Special exception standards.* A special exception permit shall be approved only upon a finding the applicant demonstrates all the following standards are met:

- (1) *Complies with use specific regulations.* The proposed special exception complies with all relevant standards in [Section 4.3](#), Use specific standards, or Section 5.2.3(B), as applicable.
- (2) *Compatibility.* The proposed special exception is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zone district.
- (3) *Design minimizes adverse impact.* The design of the proposed special exception minimizes adverse effects, including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.

- (4) *Design minimizes environmental impact.* The proposed special exception minimizes environmental impacts and does not cause significant deterioration of light, water and air resources, wildlife habitat, stormwater management, scenic resources, and other natural resources.
  - (5) *Roads and other public facilities.* There is adequate public facility capacity available to serve the proposed special exception, and the proposed special exception use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.
  - (6) *Not injure neighboring land or property values.* The proposed special exception will not substantially injure the use of neighboring land for those uses that are permitted in the zone district, or reduce land values.
  - (7) *Drawings.* A site plan (Subsection 2.4.9 of this section) or preliminary plat (Subsection 2.4.10(G)(3) of this section) has been prepared that demonstrates how the proposed special exception use complies with the other standards of this subsection.
  - (8) *Complies with all other relevant laws and ordinances.* The proposed special exception use complies with all other relevant City laws and ordinances, State and Federal laws, and regulations.
- (E) *Conditions of approval.* In approving a special exception permit, the PZB may impose appropriate conditions on the permit approval in accordance with Subsection 2.2.14 of this section, Conditions of approval.
- (F) *Denial.* If the PZB denies an application for a special exception permit, the record shall clearly indicate the reasons for denial.
- (G) *Effect.* Issuance of a special exception permit shall authorize only the particular special exception that is approved in the permit. A special exception permit, including any conditions, shall run with the land and shall not be affected by a change in ownership, unless specifically conditioned as part of the approval.
- (H) *Expiration.*
- (1) *Generally.* The PZB may prescribe a time limit within which development shall begin or be completed on the special exception permit, or both. Failure to begin and/or complete such development within the time limit specified shall void the special exception permit. Unless specified otherwise by the PZB, a building permit shall be obtained for the development approved by the permit within 12 months from the date of approval, and development shall be completed on the building permit within the time allowed under the City's building regulations, or the special exception permit shall expire and be void. In cases where a building permit is not required to establish an approved special exception use, a certificate of LDR compliance (Subsection 2.4.15 of this section) shall be obtained within 12 months from the date of approval, or the special exception permit shall expire and be void.
  - (2) *Extension.* Upon written application submitted at least 30 days prior to the expiration of the permit period by the applicant, and upon a showing of good cause, the PZB may grant one extension not to exceed six months. The approval shall be deemed extended until the PZB has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall result in the expiration of the special exception permit.
- (I) *Amendments.* A special exception permit may be amended, extended or modified only in accordance with the procedures and standards established for its original approval.
- (J) *Appeal of PZB decision on special exception permit.* Any person aggrieved or affected by a decision of the Planning and Zoning Board may appeal such decision to the City Commission in accordance with Subsection 2.4.21 of this section, Appeal of decisions of the Planning and Zoning Board.