

Sec. 1-9. Special exceptions.

Certain uses or development situations are "special exceptions." These uses or development situations are generally permitted in the zoning district indicated, but may involve consideration of special circumstances or factors to determine that they are appropriate to the specific location and property. These uses may also require additional conditions to be imposed to ensure compatibility with the surrounding area and consistency with the overall objectives of this Code.

- (1) *Procedure for review of special exception.*
 - a. A request for approval of a special exception shall be filed with the City Manager or his designee. The request may be filed and processed in conjunction with any other request, such as a request for a change of zoning. The request shall be accompanied by a development plan for the project, unless it is determined by the City Manager that the nature of the request and the issues involved are not appropriate for development plan review.
 - b. In considering a request for a special exception, the City Council shall evaluate the criteria as they relate to the specific use requested and the specific location of the proposed special exception.
 - c. If the City Council determines that the special exception reasonably meets the criteria, or can be conditioned to meet the criteria, it will approve the request. If the City Council determines that the proposed special exception cannot reasonably be conditioned to meet the criteria, it will deny the request. If the request is denied, the reasons therefor will be provided as part of the action denying the request.
- (2) *Criteria for special exceptions.* All applications for special exceptions shall be reviewed and approved in accordance with the following criteria:
 - a. The proposal shall be consistent with the Comprehensive Plan.
 - b. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - c. The proposed use shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district and shall be consistent with the character of the immediate neighborhood.
 - d. Adequate measures shall be taken for ingress, egress and parking in a manner consistent with traffic operations and safety.
 - e. The proposal shall not have a substantial adverse effect on any known archaeological, historical, or cultural resource located on or off the site.
 - f. The proposed design shall minimize adverse effects of the use on adjacent property, including visual impacts.
 - g. Adequate provision shall be made for buffers, landscaping, public open space, and other improvements necessitated by the proposal.
 - h. The use shall meet the lot and building requirements of the district in which it is located unless the requirements are specifically modified by the City Council. A special exception shall meet any specific requirements identified in this Code and no variance shall be granted from these requirements.
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The use shall comply at all times with the approved development plan, and any conditions imposed for establishment and operation of the use.

- (3) *Imposition of conditions.* In approving a special exception, the City Council may impose such additional reasonable conditions for establishment and operation of the use, including but not limited to:
- a. Hours of operation of the use.
 - b. Restraints to minimize environmental effects such as noise, vibration, air pollution, glare, and odor.
 - c. Special yard or other open space, lot area, or dimension requirements.
 - d. Height, size, or location limitations on buildings or other structures.
 - e. Increase of the required amount of street dedication, roadway width, or improvements within the street right-of-way.
 - f. Regulation of the size, location, screening, drainage, surfacing, or other improvement of a parking or truck loading area, and control of traffic generation or circulation.
 - g. Regulation of the number, size, location, height, or lighting of signs.
 - h. Regulation of the location, intensity, and shielding of outdoor lighting.
 - i. Berming, screening, landscaping, or other measures to protect adjacent or nearby property, including standards for installation and maintenance.
 - j. Regulation of the size, height, location, or materials for a fence or wall.
 - k. Regulations to protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.
 - l. Consideration of the size, style, history, and appearance of a structure to ensure architectural compatibility with other structures in the district.
- (4) *Previously approved special exceptions.* It is the intent of this Code that any use or situation approved as a special exception prior to the effective date of this Code shall continue to be valid unless the use or situation is abandoned for more than 180 days based on utility records and/or occupancy or a change is requested. Any change shall be processed as a new request for a special exception under the provisions of this Code. The use or activity permitted under a special exception shall be commenced within one year after approval or the special exception shall expire, unless a different term is provided as part of the approval of the special exception.

(Ord. No. 01-99, § 1(108), 11-3-1999)