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MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-662

DATE: December 11, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services

FROM: Karen Friedman, AICP, Principal Planner KBF

RE: Proposed Revisions to §155.2406.D, Special Exception Review Criteria

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As a result of the research and reports addressing the uses subject to the Temporary Moratorium, Staff has recommended requiring Special Exception approval for several existing uses as well as for several new uses. Therefore in conjunction with these recommendations, Staff analyzed the Special Exception Review Criteria. More specifically Staff analyzed the existing review standards and the review criteria utilized by the City between 1994 through 2012 (*a copy of Staff's analysis is attached*). Based on this analysis Staff is recommending revisions to the review criteria as follows:

Criteria #5 – The text amendment would clarify that appropriateness and compatibility is with neighboring lands (a definition of neighboring is also inserted as Criteria #12). The text amendment would clarify how appropriateness and compatibility is determined.

Criteria #7 – The text amendment would clarify that buffering etc... needs to address neighboring lands.

Criteria #9 – The text amendment would clarify that traffic etc... needs to address the neighborhood.

Criteria #10 – The text amendment reinserts review criteria from Ord. 1994-56 and addresses the need for the use in the neighborhood, including the availability of the use.

Criteria #12 – The text amendment reinserts a definition of neighborhood specific to this section. The definition references 500 ft – ½ mile. These distances take into consideration the mailed notice standard (properties within 500 ft) as well as the service area for a Neighborhood Park, per the City's Comprehensive Plan (½ mile radius).

Staff's Request

Staff is requesting the Board approve the recommended changes to the Zoning Code to the City Commission for adoption.

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§ 155.2406. SPECIAL EXCEPTION

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D. Special Exception Review Standards

A Special Exception shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;
5. Is appropriate for its location and is compatible with the general character of ~~surrounding~~ neighboring lands and the uses permitted in the zoning district(s) of ~~surrounding~~ neighboring lands. Evidence for this standard shall include, but not be limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in the neighborhood;
6. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on ~~adjacent~~ neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;
10. Fulfills a demonstrated need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district; and
11. Complies with all other relevant city, state and federal laws and regulations.
12. For purposes of determining impacts on neighboring properties and/or the neighborhood, the terms neighboring properties and neighborhood shall include the area affected by the requested special exception, which is typically an area of 500 ft to a one-half mile radius from the subject site.

Zoning Code 155.2406.D / New Code	Ord. 1994-56 / Old Code	Comment
1. Is consistent with the comprehensive plan;	(1) Will be consistent with the city's comprehensive plan	No change recommended
2. Complies with all applicable zoning district standards;	(6) Will not adversely affect the health, safety, security, morals, or general welfare of the neighborhood.	No change recommended.
3. Complies with all applicable use-specific standards in Article 4: Use Standards;	(8) Conforms with all other specific standards set forth in the code of ordinances or the comprehensive plan.	No change recommended
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;	(7) Will not, with consideration given to existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities including schools, police and fire protection, water, sanitary sewer, public road, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors or workers in the neighborhood.	No change recommended
5. Is appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;	(2) Will be in harmony with the general character of the neighborhood. In determining whether the proposed special exception use will be in harmony with the character of the neighborhood, consideration shall be given, but not limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in the neighborhood.	Add "neighborhood" to criteria. Recommend adding back in *"consideration shall be given, but not limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in the neighborhood."*
6. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;	(7) Will not, with consideration given to existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities including schools, police and fire protection, water, sanitary sewer, public road, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors or workers in the neighborhood.	No change recommended
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;		Add "neighborhood" to criteria
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;	(7) Will not, with consideration given to existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities including schools, police and fire protection, water, sanitary sewer, public road, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors or workers in the neighborhood.	No change recommended
9. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;	(4) Shall not create a traffic hazard or nuisance with consideration given, but not limited to, location of existing uses, turning movements in relation to the access to public roads and intersections or its location in relations to other buildings or proposed buildings on or near the site within the neighborhood, the traffic pattern from such buildings or by reason of the special exceptions' location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital or other public use or place of public assembly.	Add "neighborhood" to criteria
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district; and	(5) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property, or the neighborhood with consideration given, but not limited to, noise, vibration, fumes, odors, dust, glare, other environmental hazard, or physical activity which will be generated and is otherwise present in the area.	No change recommended
11. Complies with all other relevant city, state and federal laws and regulations.		No change recommended
	(3) There exists a need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses.	Recommend adding this language back in.
	For the purpose of this section, the term neighborhood shall be defined as the area affected by the requested special exception.	Add this language back in but add in quantifiable standards. 500 feet is mailing requirement. However the Open Space / Recreation element states a Neighborhood park serves radius of up to one half (1/2) mile. Therefore include both.