

Sec. 2-110. - Requirements for approval.

Approval of a special exception application shall be recommended by the board of adjustment and approved by the city council only upon a finding that:

- (1) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency;
- (2) The request is consistent with the goals, objectives, and policies of an adopted comprehensive plan, element, or portions thereof;
- (3) Adequate off-street parking and loading areas may be provided without creating undue noise, glare, odor or other detrimental effects upon adjoining properties;
- (4) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development;
- (5) Hardships or practical difficulties are unique and singular with regards the property of the applicant requesting the variance and are not those suffered in common with other properties similarly located;
- (6) The literal interpretation of the provisions of chapter 22 of this LDC would deprive the applicant of rights commonly enjoyed by other properties in the same district and area under the terms of chapter 22 of this LDC;
- (7) The special exception, if allowed, will not substantially interfere with or injure the rights of other property owners whose property would be affected by the allowance of the special exception;
- (8) The special exception is in harmony with and serves the general intent and purpose of this Land Development Code and the comprehensive plan;
- (9) The situation sought to be relieved by the special exception does not result from an illegal act or from actions of the applicant resulting in a self-imposed hardship;
- (10) Allowing the special exception will result in substantial justice being done, considering both the public benefits intended to be secured by this Land Development Code and the individual hardships that will be suffered by a failure of the city council to grant the special exception;
- (11) Adequate screening and/or buffering will be provided to protect and provide compatibility with adjoining properties;
- (12) Signs, if any, and proposed exterior lighting will be so designed and arranged as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility or disharmony with adjoining properties;
- (13) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties;
- (14) The use, as proposed, will be in conformance with all stated provisions and requirements of this Land Development Code;
- (15) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare or convenience of residents and workers in the city;
- (16) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility or because of vehicular movement, noise or fume generation, or type of physical activity;
- (17) The use, as proposed for development, will be compatible with the existing or permitted use of adjacent properties and other property within the zoning district;
- (18) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the board of adjustment may prescribe, including, but not

limited to, a reasonable time limit within which the action for which special approval is requested shall be begun, completed, or both.

(Ord. No. 05-536, § 301.33, 12-20-2005)