

## LAND DEVELOPMENT CODE – EXCERPT FROM ARTICLE IV

### § 4-8. SPECIAL EXCEPTIONS.

A request for a special exception pursuant to the specific provisions of this Code may be initiated at any time by the City Commission, by the Planning and Zoning Commission, or by the land owner including his duly authorized agent, of the land for which the special exception is requested. Where there are multiple property owners, owners of fifty-one (51) percent of the parcels or fifty-one (51) percent of the interest in the total parcel must be represented as formal applicants.

An application shall be made on standard forms provided therefore, and shall be submitted with the appropriate fee to the Planning Department. The application shall be signed by the applicant or his agent, such signature being verified under oath. Section 5-19 of the Ocoee Land Development Code contains additional Special Exception provisions applicable to telecommunications service facilities.

#### A. Review of Application.

- (1) After the application is determined to be complete, it shall be forwarded to the Development Review Committee for review. The Director of Planning (or the Development Review Committee) shall make a report containing a recommended determination of facts which are relevant to consideration of the proposal and a recommended determination of the consistency of the proposal with the adopted Comprehensive Plan.
- (2) The proposal shall be considered by the Planning and Zoning Commission at a public hearing after due public notice, along with the report of the Director of Planning. Following completion of the public hearing, the Planning and Zoning Commission or Development Review Committee shall make a report of its findings and recommendations to the City Commission. Both the Planning and Zoning Commission and City Commission public hearings must be advertised in a newspaper at least seven (7) days before each hearing.

All property owners within 300 feet of the subject property must also be notified by mail at least seven (7) days prior to the hearing date. This notice may include information on both Planning and Zoning Commission and City Commission hearings if the item goes before both Commissions. If the hearing information for the City Commission meeting is not available at the time the notices must be sent for the Planning and Zoning Commission meeting, a second notice to property owners must be mailed seven (7) days before the City Commission hearing detailing the meeting time, place, and other particulars.

- (3) The proposal shall be considered by the City Commission at a public hearing after due public notice, along with the report of the Director of Planning and the report of the Planning and Zoning Commission. Following completion of the public hearing, the City Commission shall approve, disapprove, amend and approve the proposal, or approve the proposal with conditions. Any action taken shall be accompanied by the findings of the City Commission upon which the action was based.
- (4) In approving a proposal, the City Commission may attach appropriate conditions to ensure compliance with the provisions of this Code. Such conditions may limit the uses, size of uses or structure, or characteristics of the operation of a use, or may require buffers, landscaping, or other improvements not normally required.

Conditions may also require the periodic review of the use and may provide for the expiration of the special exception on a date certain.

B. Standards for Action by the City Commission.

Approval of a special exception application shall be granted by the City Commission only upon finding that:

- (1) The proposed uses and structures would not violate the land uses, densities, or other directives of the adopted Comprehensive Plan or of this Code.
- (2) The proposed uses and structures would be compatible with the uses, structures and activities on adjacent and nearby lands.
- (3) The proposed uses and structures would not violate the health, safety, welfare, and/or convenience of those residing, working or owning land in the vicinity of the proposed use or structure, specifically with respect to:
  - (a) The use or structure would not exceed the applicable density or bulk regulations except as specifically authorized, nor shall the use or structure result in overcrowding of land or buildings;
  - (b) The use or structure would not impair pedestrian or vehicular movement in adjoining streets so as to violate adopted level of service standards;
  - (c) The use or structure would not create a fire hazard;
  - (d) The use or structure would not result in noise, odor, glare, vibration, or other similar characteristic which is detectable at the property line and which exceeds the level which will result from permitted uses;
  - (e) The use or structure would not prevent an adjoining landowner from the legal use of his property pursuant to this Code;
  - (f) The use or structure would not violate a requirement of limitation of any applicable state or federal law or regulation, and;
  - (g) The use or structure would not result in the inadequacy or inability of any public facility or service to meet adopted standards.