

Chapter 43—Special Exceptions

§43.010	Purpose and Intent
§43.020	Definitions Referenced
§43.030	Applicability
§43.040	Authorized Special Exception Uses
§43.050	Special Exception Application Submittal Requirements
§43.060	Review of Application
§43.070	Staff Review of Application
§43.080	Amendment to Application
§43.090	Withdrawal of Application
§43.100	Limitation on Application After Denial
§43.110	Conditional Approval
§43.120	Proffered Conditions
§43.130	Issues for Consideration
§43.140	Hearing Before Board of Zoning Appeals
§43.150	Action by Board of Zoning Appeals
§43.160	Public Hearings
§43.170	Conditions and Restrictions
§43.180	Effect of Issuance of a Permit for a Special Exception
§43.190	Period of Validity

§43.010 Purpose and Intent

The special exception procedure is designed to provide an opportunity for discretionary review of requests to establish or construct uses or structures which have the potential for a deleterious impact upon the health, safety, and welfare of the public or where the impact of the use on the immediate area or the city in general related to traffic, utilities, or other factor requires additional review criteria or requirements; and, in the event such uses or structures are approved, the authority to impose such conditions that are designed to avoid, minimize, or mitigate potentially adverse effects upon the community or other properties in the vicinity of the proposed use or structure.

§43.020 Definitions Referenced

The definitions of certain terms referenced in these Sections are set forth in Chapter 3 "Definitions" of this Ordinance, as amended.

§43.030 Applicability

The requirements herein established shall apply to all special exception uses or structures identified in this Ordinance except those exempted below. Where there is a conflict between the terms and/or requirements contained in this section and another section contained in this Ordinance, as amended or any other ordinance, code, or regulation of the City of Newnan, Georgia, the more restrictive shall apply.

For the purposes of this Section, special exceptions listed as "Developments of Regional Impacts," Chapter 43, §43.050, subsection 2(i) within this Ordinance, shall be heard and decided upon by the City Council under the same procedures as required for hearing special exceptions by the Board of Zoning Appeals.

§43.040 Authorized Special Exception Uses

Only those special exceptions that are expressly authorized as such in a particular zoning district, or elsewhere in this Ordinance may be approved.

§43.050 Special Exception Application Submittal Requirements

Applications for special exceptions must provide the following information:

1. Applications for special exceptions must provide a completed application. The application requests that the applicant be able to satisfactorily answer the following questions:
 - a) Why is the use proposed as a special exception appropriate for the district and area for which it is being applied for?
 - b) How is the proposed special exception a benefit to the surrounding neighborhood and city in general rather than a special privilege to an individual property owner?
 - c) How do the existing zoning district regulations (refer to Chapter 43, §43.040 of this Ordinance) prevent the establishment of the proposed special exception use, why are such conditions appropriate generally but an exception should be made in this individual circumstance?
 - d) What is the proposed period of time the special exception is requested for?
 - e) What additional criteria will you proffer to minimize the impact of the special exception on surrounding properties?
2. In addition, the following information must be provided along with the completed application:

Please attach the following documents to the completed application:

- a. A letter of intent giving the details of the proposed use of the property which should include, at a minimum, the following information:
 - 1) What the property is to be used for
 - 2) The size (in acres if one acre or more and in square feet if less than one acre) of the parcel or tract
 - 3) The zoning classification which exists at the time of the filing of the application
 - 4) The number of lots expected (if subsequent subdivision is planned) and/or the number of dwelling units proposed
 - 5) Dwelling unit size, if applicable (if a range, please provide such range)
 - 6) For non-residential projects, please provide the density of development in terms of gross square footage per acre
 - 7) The number of parking spaces to be provided
 - 8) The height of buildings
 - 9) Any proposed buffers and modification to existing buffers
 - 10) Availability of water and sewer facilities including existing distance to property
- b. Names and mailing addresses of all owners of all property within 250 feet of the subject property (from County Tax Assessor records). This is encouraged to be submitted in a MS Word mail merge data file format.
- c. Legal description of property with a metes and bounds description. This description must establish a point of beginning and from the point of beginning give each dimension bounding the property which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate

application and legal description must be submitted for each district requested. A copy of the deed may substitute for a separate description.

- d. A certified plat (stamped and dated) drawn to scale by a registered engineer, architect, land planner, land surveyor, or landscape architect registered in the State of Georgia, that shall include the following information:
- 1) Boundary survey showing property lines with lengths and bearings
 - 2) Adjoining streets, existing and proposed, showing right-of-way
 - 3) Locations of existing buildings dimensioned and to scale, paved areas, dedicated parking spaces, and other improvements on the property
 - 4) North arrow and scale
 - 5) Adjacent land ownership, zoning and current land use
 - 6) Total and net acreage of property
 - 7) Proposed building locations
 - 8) Existing and proposed driveways
 - 9) Lakes, ponds, streams, and other watercourses
 - 10) Floodplain, wetlands, and slopes equal to or greater than 20 percent
 - 11) Cemeteries, burial grounds, and other historic or culturally significant features
 - 12) Required and/or proposed setbacks and buffers
 - 13) Other elements as may be requested by the Planning Department staff to explain application

Submit one (1) copy if the plat is 11" x 17" or smaller. For larger plats up to 36" x 48", please submit twenty-five (25) folded copies or one (1) at the larger size plus twenty-five (25) clear copies at 8.5" x 11".

- e. Completed Disclosure of Campaign Contributions and Gifts form
- f. If the applicant and the property owner are not the same, please complete an Property Owner's Authorization form or Authorization of Attorney form.
- g. For multiple owners, an attached sheet with signatures duly notarized may be attached.
- h. A community impact study must be submitted if the development meets any of the following criteria:
- 1) Office proposals in excess of 200,000 gross square feet
 - 2) Commercial proposals in excess of 250,000 gross square feet
 - 3) Industrial proposals which would employ over 500 persons
 - 4) Multi-Family proposals in excess of 150 units

This study shall provide a narrative and include tabular data on the proposed development's impact on schools, roads and streets, and public services including police, fire protection, sanitation, and taxes.

- i. A Development of Regional Impact (DRI) form shall be completed and submitted to the City to be transmitted to the Chattahoochee Flint Regional Development Center for review and comment if the development meets any of the following criteria: (Amended by City Council on 1-22-2002)
- 1) Office—Greater than 400,000 gross square feet.
 - 2) Commercial—Greater than 300,000 gross square feet.
 - 3) Whole & Distribution—Greater than 500,000 gross square feet.

- 4) Hospitals and Health Care Facilities—Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day.
- 5) Housing—Greater than 400 new lots or units.
- 6) Industrial—Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 120 acres.
- 7) Hotels—Greater than 400 rooms.
- 8) Mixed Use—Total gross square feet greater than 400,000; or covering more than 120 acres.
- 9) Airports—All new airports, runways, and runway extensions.
- 10) Attractions & Recreational Facilities—Greater than 1,500 parking spaces or a seating capacity of more than 6,000.
- 11) Post-Secondary Schools—New school with a capacity of more than 2,400 students, or expansion by at least 25 percent (25%) of capacity.
- 12) Waste Handling Facilities—New facility or expansion of use of an existing facility by 50 percent (50%) or more; and located within one-half mile of a jurisdictional boundary.
- 13) Quarries, Asphalt & Cement Plants—New facility or expansion of existing facility by more than 50 percent (50%); and located within one-half mile of a jurisdictional boundary.
- 14) Wastewater Treatment Facilities—New facility or expansion of existing facility by more than 50 percent (50%); and located within one-half (0.5) mile of a jurisdictional boundary.
- 15) Petroleum Storage Facilities—Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels; and located within one-half mile of a jurisdictional boundary.
- 16) Water Supply Intakes/Reservoirs—New facilities.
- 17) Intermodal Terminals—New Facilities.
- 18) Truck Stops—A new facility with more than three (3) diesel fuel pumps; or containing a half-acre of truck parking or 10 truck parking spaces.
- 19) Any Other Development Types Not Identified Above (Including Parking Facilities)—1000 Parking Spaces.

Applicants shall submit a Request for Review form to the City of Newnan. The City shall provide comment on the proposed project and submit the document to the RDC for review. The City may not take action on any application related to the Request for Review until the RDC has received the form.

- j. Filing fee payable to the City of Newnan.

§43.060 Review of Application

An application for a special exception shall be filed with the Zoning Administrator to be considered by the Board of Zoning Appeals and shall contain such material and be processed pursuant to the following:

1. Pre-Application Conference

Prior to filing an application, an applicant shall meet with the Planning Department and discuss his intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Planning Department shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Planning Department and shall be accompanied by a sketch map of the site, a description of the proposed project or use, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the City. The Planning Department

shall respond to each written request for a pre-application conference within fifteen (15) calendar days.

2. Review of Application for Completeness

No application shall be accepted and reviewed unless determined by the Planning Department to be complete. A complete application is one which meets such minimum submission requirements as may be established pursuant to Chapter 43, §43.040 of this Ordinance as applicable.

3. Acceptance of Complete Application

Within seven (7) calendar days of receipt of an application, the Planning Department shall either accept the application if it is complete and forward to the applicant a notice of acceptance or reject the application if it is incomplete and forward to the applicant a notice of incompleteness specifying those areas of additional information necessary for review.

- a. If neither a notice of acceptance nor incompleteness is sent, the application shall be deemed accepted for the purposes of beginning the time limits of this Ordinance twenty-one (21) calendar days after the filing of the application.
- b. If notice of incompleteness is sent, the applicant may resubmit the application with the additional data required, in which event the Planning Department shall review the resubmitted application in the manner provided in this section for the application.
- c. If the application is not resubmitted, the Planning Department shall notify the applicant that the original application has been rejected as incomplete.

§43.070 Staff Review of Application

1. General Review/Referral

Upon acceptance of the application for special exception, the Planning Department shall forward a copy to any City or state agencies whose comments are necessary or desirable for full and appropriate review of the merits of the application.

2. Referral Responsibilities

Each reviewing agency shall, within seven (7) calendar days of the receipt of the referral, prepare a staff report which sets out in writing its comments and recommendations regarding the application and shall forward such staff report to the Planning Department.

3. Review of Referrals

Referral comments shall be obtained and reviewed by the Planning Department within fourteen (14) calendar days after a final application has been accepted. The Planning Department shall forward to the applicant a written review of the issues raised by the application.

4. Applicant Response

Upon receipt of the written review, an applicant may request a meeting with the Planning Department to discuss the matters contained in the written review and the application generally. Such request shall be in writing and shall include a response to the matters raised in the written review received. If the applicant's response and/or such a meeting results in an amended application, the provisions of Chapter 43, §43.070 of this Ordinance shall apply.

5. Special Exception Report and Notice to Applicant

The Planning Department shall compile the referrals and any other necessary information, prepare a written staff report with proposed findings and a recommendation, and notify the applicant that the report is complete and the application is ready to be presented to the Board of Zoning Appeals for hearing.

§43.080 Amendment to Application

An application may be amended by the submittal of additional information or proposed changes to the application after it has been accepted. If the additional information or proposed changes submitted are to conform with recommendations made by City staff, commissions or boards, then it shall not be deemed an amendment and the application shall continue to be processed on its original timeline. However, if the additional information or proposed changes submitted by the applicant are at the applicant's request, then the Planning Department shall review the information within fifteen (15) calendar days of receipt and render a finding as to whether the submitted information necessitates repeating any portion of the reviewing process including public hearings. If any portion must be repeated, the Planning Department will notify the applicant in writing within the fifteen (15) calendar day period that the additional information or proposed changes will require an extension of the time limits prescribed in this Section and such notice shall specify the required extension. The applicant will then have fifteen (15) calendar days to provide the Director of Planning with a written response either granting the necessary extension or withdrawing the additional information or proposed changes which necessitated the extension. If the applicant chooses to withdraw the information, then the application will proceed based on its original timeline.

§43.090 Withdrawal of Application

An application may be withdrawn by the applicant any time prior to the action on the request by the Board of Zoning Appeals or City Council.

§43.100 Limitation on Application After Denial

After the official denial of an application, substantially the same application concerning any or all of the same property shall not be filed within twelve (12) months of the date of denial.

§43.110 Conditional Approval

As part of approving a special exception, the Board of Zoning Appeals may require reasonable conditions governing the use of such property, such conditions being in addition to, or modification of, the regulations provided for a particular zone or zoning district by this Ordinance. See Chapter 33, §33.080 for additional information regarding conditional uses. Conditional uses should not be confused with conditions of zoning which are conditions specific to a development proposal which may be applied by City Council regarding such proposal.

§43.120 Proffered Conditions

As part of an application for a special exception, a property owner may proffer in writing the provision of reasonable applicant proposed conditions to apply and be part of the special exception sought to be approved by said application. Proffered conditions may include written statements, development plans, profiles, elevations, or other demonstrative materials and shall be subject to the following procedures and regulations:

1. When Proffers Are Made
 - a. It is the intent of this Ordinance that any proffered conditions be submitted for staff review as part of an initial application for special exception. Further, it is the intent of this Ordinance that revised proffers be publicly available no later than twenty-one (21) calendar days, and the staff report be publicly available no later than five (5) calendar days, prior to the Board of Zoning Appeals public hearing on the application.
 - b. In no event shall the applicant's proposed statement of proffered conditions be submitted later than thirty (30) calendar days prior to the scheduled public hearing before the Board of Zoning Appeals.
 - c. Nothing in this paragraph shall prevent the Board of Zoning Appeals from approving an application subject to changes in proffers agreed to by an applicant at the public hearing so long as the change imposes a more restrictive standard and the ordinance adopted accurately reflects such changes.

2. Contents of Proffer

Proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

3. Filing And Notice Of Accepted Proffers

If the special exception is adopted subject to proffered conditions, then the property in question shall be appropriately annotated on the Zoning Map and the proffers shall be placed in the Zoning Administrator's official proffer file.

4. Proffers Govern Development

Proffered conditions shall become a part of the zoning regulations applicable to the property which shall be clearly shown on the Zoning Map with a capital "P" unless subsequently changed by an amendment to the Zoning Map, which amendment is not part of a comprehensive implementation of a new or substantially revised zoning ordinance, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

5. Substantial Conformance Required

Upon approval of a special exception with proffers, any site plan, subdivision plat, development plan or other application for development thereafter submitted shall be in substantial conformance with all proffered conditions. No development shall be approved by any City official in the absence of said substantial conformance.

6. Substantial Conformance Defined

For the purpose of this Section, substantial conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for

adjustment due to final design or engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials proffered by the applicant.

7. Enforcement of Proffers

The Zoning Administrator shall be vested with all necessary authority on behalf of the Board of Zoning Appeals to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any non-conformity with a proffered condition and the ability to bring legal action to ensure compliance including injunction, abatement, or other appropriate action or proceedings, as provided for in Chapter 6, "Enforcement" of this Ordinance. Any person, group, company, or organization aggrieved by an interpretation of the Zoning Administrator may appeal such interpretation as provided by Chapter 44, §44.130, "Variances and Appeals" of this Ordinance.

8. Guarantee for Construction of Improvements

A guarantee, satisfactory to the Board, may be required in an amount sufficient for and conditioned upon the construction of any public improvements required by the proffered conditions. This guarantee may be reduced or released by the Board or agent thereof, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guarantee shall be required no later than final site plan or subdivision approval.

9. No Permits Shall Be Issued Not In Compliance With Proffers

Failure to meet or comply with any proffered conditions shall be sufficient cause to deny the issuance of any site plan or subdivision approvals, grading permits, zoning permits, building permits, or certificates of occupancy as may be determined appropriate by the Zoning Administrator. In addition to the other penalties appropriate for violations of this Ordinance, failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any development approvals or permits relating to the land area which was the subject of the conditional zoning. To this end, each application for a development approval or permit shall include an affidavit by the applicant that all applicable proffers have or will be complied with as agreed upon at the time of rezoning. The burden shall be on the applicant to verify that proposed development complies with any and all proffered conditions.

10. Appeal of Proffer Decision

Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal such decision to the Board of Appeals. Such appeal shall be filed within thirty (30) calendar days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying the grounds on which aggrieved and the basis for the appeal. Upon receipt of the appeal notice, the Board of Appeals shall take such testimony as it deems appropriate and shall render its decision within sixty (60) calendar days after receipt of the appeal notice. The Board of Appeals may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator.

§43.130 Issues for Consideration

In considering a special exception application, the following factors shall be given reasonable consideration by the Board of Zoning Appeals. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed special exception is consistent with the Comprehensive Plan.
2. Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.
3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.
6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
9. The timing and phasing of the proposed development and the duration of the proposed use.
10. Whether the proposed special exception will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
11. Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.
12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
13. Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of the City of Newnan.
14. Whether the proposed special exception will be served adequately by essential public facilities and services.
15. The effect of the proposed special exception on groundwater supply.
16. The effect of the proposed special exception on the structural capacity of the soils.
17. Whether the proposed use will facilitate orderly and safe road development and transportation.
18. The effect of the proposed special exception on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.

19. Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
20. Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.
21. The effect of the proposed special exception use in enhancing affordable shelter opportunities for residents of the City.
22. The location, character, and size of any outdoor storage.
23. The proposed use of open space.
24. The location of any major floodplain and steep slopes.
25. The location and use of any existing non-conforming uses and structures.
26. The location and type of any fuel and fuel storage.
27. The location and use of any anticipated accessory uses and structures.
28. The area of each use; if appropriate.
29. The proposed days/hours of operation.
30. The location and screening of parking and loading spaces and/or areas.
31. The location and nature of any proposed security features and provisions.
32. A description of any features above the roof line of any structures.
33. The number of employees.
34. The location of any existing and/or proposed adequate on and off-site infrastructure.
35. Any anticipated odors which may be generated by the uses on site.
36. Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.

§43.140 Hearing Before Board of Zoning Appeals

No later than one-hundred twenty (120) calendar days after an application has been accepted, a duly noticed public hearing shall be held by the Board of Zoning Appeals regarding an application for a special exception.

§43.150 Action by Board of Zoning Appeals

After the conclusion of its public hearing, the Board of Zoning Appeals shall act on the application for special exception. The Board of Zoning Appeals need not confine its action to the proposed special exception as set forth in the application.

§43.160 Public Hearings

Public hearings shall be conducted for all special exceptions by the Board of Zoning Appeals. Public hearing shall require public notification that meets the minimum requirements of the Georgia Zoning Procedures Act and the Georgia Open Meetings Act as follows:

1. Legal Notice

Due notice of the public hearing before Board of Zoning Appeals shall be published in a newspaper of general circulation for the City of Newnan in which is carried the legal advertisements of the City of Newnan by advertising the date, time, place, and purpose of the public hearing at least fifteen (15) and not more than forty-five (45) days prior to the date of first hearing conducted by the Board of Zoning Appeals. If the application is for a special exception, then this notice shall also include the location of the property (address or tax map reference), the zoning classification of the property, and the proposed special exception.

2. Signs Posted

As to an application for a special exception, the Zoning Administrator or his/her designee shall post a sign at least fifteen (15) and not more than forty-five (45) days in advance of the Board of Zoning Appeals hearing. Such sign shall be placed in a conspicuous place on the property for which an application has been submitted. Such sign or signs shall contain information as to the application including the zoning classification of the property, the proposed special exception, and the date, time, and place of the Public Hearing before Board of Zoning Appeals.

3. Procedures

The following rules of procedure shall govern public hearings on special exceptions before the Board of Zoning Appeals.

- a. Procedures relating to application, notice, and advertisement of items on the public hearing agenda shall conform to the requirements of state law and the City of Newnan codes and ordinances.
- b. Exercise of the Board's power shall conform to the standards expressed in this Ordinance, as amended.
- c. The Planning Department shall provide a limited number of copies of the policies required by O.C.G.A. §36-66-1 et. Seq., which copies shall be available on request to interested members of the public.
- d. Individuals desiring to address the Board of Zoning Appeals regarding an agenda item are required to complete a name and address card and mail or present it to the Zoning Administrator. Applicants or proponents of an item on the public hearing agenda shall be heard first and shall have a minimum of ten (10) minutes and a maximum of fifteen (15) minutes in which to present any information pertinent to the issue to be decided. Such time shall be divided among those wishing to speak in favor of the issue. Opponents of the issue may respond and shall also have a minimum of ten (10) minutes and a maximum of fifteen (15) minutes in which to present any information pertinent to the issue to be decided or speak against the application or issue. Such time shall be divided among those wishing to speak. Applicants, proponents, and opponents may use any remaining portion of their ten (10) minutes for rebuttal.

- e. In the event there is more than one (1) speaker per side, speakers must divide their time in order to complete their full presentation within the allotted time.
- f. Following the presentation of positions by members of the public, the public hearing shall be closed and no member of the public shall speak without first being addressed by the Board.
- g. At the close of the public hearing, a recommendation from planning staff and any other presentation from a member of the administrative staff with information pertinent to the issue to be decided shall be afforded.
- h. Following the staff recommendation, Board members may ask anyone present to answer specific questions.
- i. Following questions and/or comments by Board members, a motion for action on the issue shall be in order. A majority of affirmative votes is required to pass any motion before the Board.
- j. Authorized recommendation or action by the Board of Zoning Appeals with respect to any motion pending before it shall consist of one of the following: approval, approval with conditions, denial, tabling, withdrawal, or continuance to a time and date specified in the minutes of the meeting.
- k. No official action shall be taken except upon the affirmative vote of a majority of the Board of Zoning Appeals.

§43.170 Conditions and Restrictions

In approving a special exception, the Board of Zoning Appeals may impose such conditions, safeguards and restrictions upon the premises benefited by the special exception as may be necessary to avoid, minimize or mitigate any potentially adverse or injurious effect of such special exceptions upon other property in the neighborhood, and to carry out the general purpose and intent of this Ordinance. Conditions and restrictions may include, but are not limited to, those related to fencing, planting or other landscaping, additional set backs from property lines, location and arrangement of lighting, setting of reasonable time limitations and other reasonable requirements deemed necessary to safeguard the interest of the general public. The Board may require a guarantee or bond to ensure that conditions imposed will be complied with. All required conditions shall be set out in the documentation approving the special exception permit.

§43.180 Effect of Issuance of a Permit for a Special Exception

The issuance of a permit for a special exception shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the City, including, but not limited to, a building permit, a certificate of occupancy, site plan and subdivision approval.

§43.190 Period of Validity

- 1. Unless a longer period of validity is specifically approved as a part of such application, no special exception permit shall be valid for a period longer than five (5) years from the date on which the special exception was granted, unless within such five (5) year period: (1) a building permit is obtained and the erection or alteration of a structure is started and diligently pursued, or (2) an occupancy permit is obtained and a use commenced; or 3) issuance of a zoning permit. Such period of validity may be extended for good cause shown, by application to the body that approved the special exception.

2. As a condition of approval, a special exception permit may be granted for a specific period of time less than five (5) years with expiration of the approval to occur at the termination of said period. In such case, an extension may be granted prior to expiration by the original approving body, upon written application, without notice or hearing. After expiration, no extension may be granted without complying with the requirements for an initial application for a special exception.