

## Special Exceptions/Conditional Use Working Group Summary

4/26/11

**In General:** As part of the rewrite, uses may be designated as either permitted, limited or conditional rather than permitted or special exception as in the current ordinance. In addition, some current permitted or special exception uses may become limited uses in the new code. These changes plus the consolidation of uses into new groups requires an in depth review of all special exceptions and their applicable zones.

**Purpose:** Review all special exceptions, their definition, the current standards and proposed standards. Retain any significant language from current standards and remove unnecessary language from proposed standards. In addition, clarify definitions and standards where necessary, identify changes in use “status” (permitted/limited/conditional), and explain potential pros and cons of those changes.

### **Progress:**

- 55 out of 98 special exception definitions and standards have been reviewed (limited to those in the agricultural and residential zones). There are a total of 98 special exceptions for all zones.
- Seven working group meetings have been held.

**Method of Review:** Compile tables comparing the current standards to the proposed standards for each current special exception. A line by line comparison is made to insure that all necessary standards are addressed in the proposed language. This also allows the group to ensure there are no historically significant standards that may need to be carried over.

### **Examples of Suggested Changes:**

Process: With respect to the procedures for all special exceptions, the group believes that the length of the special exception process needs to be shortened and proposes different options on how to accomplish this.

- Change in the Board of Appeals process. Create different standards or process for those cases that are contested versus uncontested
- Determine a new process to review limited uses including a provision that all standards be listed on the permit itself as proof that applicant has complied with all standards (including other agency sign off)

Process will be addressed in more depth in Module 3 – Administration & Procedures. Thus, further discussion within the group will take place upon review of that module.

Uses:

- Cemeteries- Should animal and human cemeteries be considered the same use? What are the possible negative affects?
- Remove abattoir from agricultural processing as the operation of slaughterhouse has a significantly different impact on neighboring property owners. Based on current uses allowed as part of agricultural processing:

- Increase the minimum lotsize requirement for an abattoir to 20 acres
- Decrease proposed minimum lotsize for agricultural processing from 10 to 5 acres
- Country-Inn - make this a conditional use in RE-2 zone

**Still Under Discussion:**

- Home occupation, Major Impact - standards are still under discussion
- Nurseries and landscape contractors as an accessory to a nursery business. What standards should there be and in which zones should this use be allowed – either as a permitted, limited or special exception use?
- Daycare consolidation - definitions and standards still under discussion

**Questions for Code Studio:**

- What is the rationale for adding a dormitory use?
- Cable communication systems- standards say permitted- was this intended to be a permitted use?
- Cemeteries- was the intent to not have any new cemeteries?
- Charitable, Philanthropic Institution/service organization - define “outdoor recreation facilities” as current wording does not sound like an accessory use

**Questions/discussion points for ZAP:**

Some uses we would like to discuss further with the panel are

- Bed and Breakfast- food service is currently subject to regulation by DHHS- Who confirms DHHS has permitted food service and could this be a part of the actual use permit (DPS)?
- Should outdoor recreation be added as an accessory use in civic and institutional group?
- Needs to be talked about more within group- but possible collapse of daycare and teaching/educational facilities (many daycares are more like “mini-institutions”)

**What’s next?**

- Accessory apartment discussion
- Look at uses removed from agricultural and residential zones- Do we need them or can they be incorporated into an existing proposed use?