



SECTION 6.01

Special Exception Use

A Special Exception Use is a use beyond the primary uses of a zoning district. If such a use is proposed the following review procedures must be followed. (See *Section 9.10 of the UDO for more detailed information.*)

SPECIAL EXCEPTION USE REVIEW

Expected Review Time: Approximately 116-138 days [Amended Resolution #15-26, #18-07, 19-02]*

Primary Processing Department: Planning & Zoning

Departments involved in Special Exception Use Review Process: Planning & Zoning, Engineering, Parks & Recreation, Fire & Rescue, Public Works, and Water Quality. [Amended Resolution #07-31]

Notes:

- Special Exception Use Petitions may only be approved upon the presentation of sufficient evidence. This is achieved by providing written responses to the questions included in the Special Exception Use Petition.
- Special Exception Use involves a Public Hearing with final approval being granted by the Town Council. [Amended Ordinance # 04-06]
- Waivers can only be requested if submitted at time of Filing of Special Exception Use Petition. See Section 6.06 of this manual for specific information regarding waivers. [Amended Resolution #03-25]
- If the Special Exception Use includes the construction of new structures or buildings or exterior modifications to existing structures or buildings a Development Plan Petition in accordance with Section 4 of this document shall also be submitted. [Added Resolution #15-26]
- See the Special Exception Use Packet for detailed submittal requirements.

Prior to Filing Petition:

1. Schedule a Concept Plan Review Meeting through the Department of Planning & Zoning. This meeting must be held a minimum of five (5) business days prior to the submittal of the Special Exception Use Petition, however, it is recommended that you have this meeting at least thirty (30) days prior to filing. This meeting must not be held more than eight (8) weeks prior to filing the petition. See Section 1.01 Concept Plan Review for more information regarding this required meeting.

Petition Filing:

1. Submit Petition for Special Exception Use along with any supporting documentation by the posted deadline date and time to the Department of Planning & Zoning as specified on the General and Conditional Use Rezoning and Special Exception Use w/o Development Plan Schedule or Town Council Public Hearing Schedule as specified at the Concept Plan Review Meeting. The Special Exception Use Packet provides a detailed list of all application submittal requirements. [Amended Resolution #09-16, #18-07]*
2. The Department of Planning & Zoning will notify Petitioner of an incomplete petition or any missing information within two (2) business days after the submittal deadline date. This information must be completed and submitted within one (1) business day, or the petition will be placed in the next available review cycle after the information is submitted and the petition is deemed complete.

3. The Department of Planning & Zoning will notify Petitioner after determination of complete submittal, the date and time of the Developer Conference to review Staff's Comments as well as the anticipated review schedule and Public Hearing information. [Amended Resolution #15-26]*

Petition Review Process:

1. The Department of Planning & Zoning will forward a copy of the completed petition to all Staff in the specific review process.
2. Staff will review the submitted petition and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition prior to the Developer Conference.
3. Developer Conference- Please see Section 1.02 of this Manual for specific information regarding this meeting.
4. Revised plans and any requested information must be submitted for staff review in accordance with the Town Council Public Hearing Schedule to remain in the review cycle. If plans are submitted after the deadline date, they will be processed in the next available review cycle.
5. Staff will review the revised plans and the Department of Planning & Zoning will forward all Staff comments to those named on the Petition in accordance with the Town Council Public Hearing Schedule. [Amended Ordinance #04-06]

Determination of Official Action:

1. The Plans for Official Action must be submitted in accordance with the Town Council Public Hearing Schedule. [Amended Ordinance #04-06]
2. Staff shall then prepare a report to the Planning Board including discussion of all plans and policies relevant to the proposed petition along with a recommendation by the Staff to approve, approve with conditions, or deny the proposed Special Exception Use Petition.
3. Staff and the Petitioner shall attend the Planning Board meeting. The Planning Board will review the submitted petition as follows:
 - a. Staff shall be given a reasonable time by the Planning Board to introduce the matter being considered and for the presentation of evidence, statements regarding the matter being considered, and to provide a recommendation on the Petition.
 - b. Petitioners shall be allotted a total of fifteen (15) minutes to present evidence, statements and arguments in support of the matter being considered.

At the conclusion of remarks by any party, the Planning Board shall have the right to ask questions pertaining to the evidence, statements and argument presented. Time involved in responding to questions by the Planning Board by the Petitioner shall not be considered for purposes of calculating time for presentation.

After collecting the evidence and the Planning Board has no remaining questions, the Planning Board shall make a recommendation to the Town Council to either: approve, approve with conditions, or deny the Petition for Special Exception Use. Only upon request by the Petitioner, shall the recommendation on the Petition be continued to the next regularly scheduled Planning Board meeting so as to be able to provide additional evidence in support of the request. [Amended Ordinance #04-06]

4. Staff will forward the final staff recommendation, and the Planning Board recommendation to the Town Council prior to the Public Hearing. [Amended Ordinance #04-06]

5. Staff and the Petitioner shall attend the Public Hearing before the Town Council. The Public Hearing shall be conducted in conformance with the Quasi-Judicial Public Hearing Procedures in Section 1.03 of this Manual. After the Public Hearing, the Town Council may make a final determination to either: approve, approve with conditions, deny, or table the petition request or refer the proposal back to the Planning Board for further review. [Amended Ordinance #04-06] [Amended Resolution #15-26]*
6. The Department of Planning & Zoning will notify all persons named on the Special Exception Use Petition regarding the Town Council's decision within ten (10) days of their action. [Amended Ordinance #04-06, #09-16]

Next Steps:

[Removed Resolution #15-26]*

1. A Final Plat, if applicable, must be requested and approved by the Town, recorded by the Petitioner, and returned to the Department of Planning & Zoning prior to issuance of a UDO Permit. The Final Plat Procedures can be found in Section 9.00 of this Manual.
2. A request for a UDO Permit must be submitted to and issued by the Department of Planning & Zoning prior to obtaining a Building Permit, and all necessary procedures must be followed to obtain a Certificate of Occupancy. The procedures for the building process may be found in Section 10.00 of this Manual.