

Board of County Commissioners Agenda Request

Date of Meeting: May 5, 2015

Date Submitted: April 21, 2015

To: Honorable Chairperson and Members of the Board

From: Robert Presnell, County Administrator
Allara Mills Gutcher, Planning & Community Development Director

Subject: **Public Hearing:** (Legislative) – Ordinance #2015-006 to address Special Exception Uses (SEU) in the Gadsden County Land Development Code (LDC).

Statement of Issue:

A public hearing seeking approval of Ordinance #2015-006 to amend the Gadsden County Land Development Code (LDC) to address ‘Special Exception Uses’ (SEU) including revising the definition of SEU in Subsection 2102, Definitions, Specifically; Renaming Section 7300 and creating Subsection 7303 ‘Supplemental Standards for Special Exception Uses’; and, amending Subsection 7202(A)(10) Type II Procedures (Attachments 1 & 2).

Background:

The LDC requires a considerable number of uses to be reviewed as SEU. However, the current LDC does not include criteria or standards to be considered when preparing findings of fact and rendering a decision on a proposed SEU. Florida case law had noted that special exceptions be reviewed against certain standards or criteria in rendering a decision to approve or deny a SEU.

Analysis:

As indicated in the review of case law, SEU ordinances have been held invalid on the grounds that they do not contain proper standards with which to guide a board in granting or denying special exceptions. Therefore, the first step is to develop criteria and standards necessary so that the PC and Board can determine whether a SEU is suitable at a specific location on a case-by-case basis and is in the public interest.

The Board of County Commissioners (Board) is asked to consider the following (Attachments #1):

- A revised definition;
- The following are proposed to be included in Sub. 7303, SEU:
 - Information requirements for submittals;
 - Review criteria;

- Amendments to approved SEU;
- Expiration and extensions of SEU; and,
- Violations and discontinuance of SEU.

The current FLUE and the LDC require many uses to be reviewed as SEU. It is anticipated that through the FLUE and LDC amendment process that the list of uses requiring SEU approval will be amended.

Land Development Code (LDC) required standards:

A LDC text amendment is considered a ‘legislative action’ and is to be reviewed under the Type IV Procedures per Subsection 7402 and 7204 of the LDC. The Planning Commission has made a recommendation to the BOCC on the validity of the LDC amendment as required by Subsection 7403 of the LDC.

Planning Commission Recommendation & Findings:

At their April 9, 2015 public hearing, the Planning Commission voted (9-1) to recommend approval of the SEU amendments with minor changes that are incorporated into the ordinance and with the findings presented by the Planning Division.

The amendment to the LDC:

1. Is consistent with the Gadsden County Comprehensive Plan;
2. Will provide proper criteria to guide the Board in approving or denying a SEU.

Options:

The Board has the following options:

1. Approve the proposed Ordinance #2015-006 amending Chapters 2 and 7 of the LDC, as presented and finding them consistent with the Comprehensive Plan.
2. Deny the proposed Ordinance #2015-006 to amend Chapters 2 and 7 of the LDC, as presented, finding the amendments not consistent with the Comprehensive Plan.

County Administrator’s Recommendation:

Option 1

Attachments:

1. Ordinance #2015-06 with Strike & Add Exhibits
2. Clean Copy of Exhibits
3. Advertisement sent to papers

ORDINANCE 2015-006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, ~~SPECIFICALLY AMENDING~~ SUBSECTION 2102, ~~DEFINITION OF SPECIAL EXCEPTION USES~~; RENAMING SECTION 7300 ~~TO INCLUDE SPECIAL EXCEPTION USES~~; ADDING ~~NEW~~ SECTION 7300, ~~ENTITLED~~ STANDARDS FOR SPECIAL EXCEPTION USES; AMENDING SUBSECTION 7202(A)(10), ~~REGARDING REVIEW PROCEDURES FOR SPECIAL EXCEPTION USE APPLICATIONS AND EXTENSIONS~~; PROVIDING FOR ~~REPEAL, SEVERABILITY, INCLUSION IN THE LAND DEVELOPMENT CODE, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING~~; ~~AND PROVIDING FOR AN EFFECTIVE DATE.~~

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

WHEREAS, the Board of County Commissioners of Gadsden County has adopted the Gadsden County Land Development Code, as required pursuant to §163.3202, Florida Statutes; and

WHEREAS, The Gadsden County Planning Commission, acting as the local planning agency, reviewed this amendment and made a recommendation to the Board of County Commissioners; and

WHEREAS, duly noticed public hearings were conducted on such proposed amendment on April 9, 2015 by the Gadsden County Planning Commission and on May 5, 2015 by the Board of County Commissioners.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

SECTION I: ~~Approval and Adoption of Amendment.~~

Chapter 2, Section 2100 of the Gadsden County Land Development Code is amended, as ~~set forth specified~~ in Exhibit "A" to this Ordinance; and,

Chapter 7, ~~amending~~ Section 7300 ~~and adding Subsection 7303 of~~ the Gadsden County Land Development Code ~~is amended~~, as ~~specified set forth~~ in Exhibit "B" to this Ordinance; and,

Chapter 7, Subsection 7202(A)(10) is amended as ~~specified set forth~~ in "Exhibit "C" to this Ordinance.

~~SECTION I: Approval of Amendment.~~

~~We, the Board of County Commissioners of Gadsden County, hereby adopt the amendment to the definition within Chapter 2, Subsection 2102, as hereby included as Exhibit "A"; the as hereby included as Exhibit "B", of the Gadsden County Land Development Code.~~

SECTION II: Repeal

Those parts of Chapter 2, ~~Subsection 2102~~ and Chapter 7, ~~Subsection 7202(A) (10)~~, of the Gadsden County Land Development Code, as amended by this ordinance, ~~and in existence prior to the adoption of this ordinance and~~ in conflict herewith are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Inclusion in the Land Development Code

This Ordinance shall be codified in the Gadsden County Land Development Code as set forth in Exhibits "A," "B," and "C."

SECTION V: Modification

It is the intent of the Board of County Commissioners that the provisions of this Ordinance, including the amendments attached hereto as "A," "B," and "C" may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk pursuant to Section 6.

Section ~~3VI~~: Effective Date

This Ordinance shall become effective ~~upon filing with the Florida Department of State~~ as provided by law.

The above and foregoing Ordinance was read and approved at a public hearing at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 5th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: _____

Brenda Holt, Chairman

Nicholas Thomas
Clerk of the Circuit Court

Exhibit 'A'

Subsection 2102, Specifically

Special Exception Uses: A use that is not prohibited within a particular Future Land Use Category but may not be generally appropriate unless it is demonstrated that the use will comply with special criteria and standards for location and operation of such use. ~~Certain proposed uses may only be permitted in a given Land Use District by Special Exception approval as a Type II application provided they are not specifically prohibited in the district. Special Exceptions are considered on a case by case basis, weighing the proposed use, its benefits and impacts and any other special mitigating or other factors which would affect the surrounding properties and the County. Projects approved as special exceptions are not considered to create precedent due to the individual attention paid to siting, buffering, mitigation and other factors during permitting.~~

Exhibit 'B'

Section 7300. Hardship Relief Variance Procedures and Special Exception Uses

Subsection 7303. Standards for Special Exception Uses

The approval of a special exception use does not create precedence as each use is considered on a case-by-case basis. Due to the nature of special exception uses, criteria shall be applied to ensure compatibility of the proposed use with adjacent and nearby uses and developments. The burden is on the applicant to provide the information required in Part A of this section.

- A. **Required Information.** At minimum, the following information must be provided in writing and on a site plan, as applicable, as part of the application in order for consideration of the request:
1. Describe the proposed special exception use;
 2. The physical factors by which the environmental impacts of the project on the site and adjacent sites can be assessed;
 3. The scale and character of the proposed special exception use in relationship to adjacent and nearby uses and structures;
 4. Setbacks required and proposed to insure compatibility;
 5. Transportation impacts, access and location;
 6. The location of available utilities;
 7. The location, dimensions, and lighting of signage;
 8. The location of off-street parking and loading areas where required and screening detail, if applicable;
 9. The exterior lighting detail with reference to glare, traffic safety and compatibility with surrounding properties;
 10. The location of refuse and service areas, with particular reference to location and screening in relation to adjacent uses;
 11. Buffering and screening detail at 1.5 times the buffer requirements including type, dimensions and materials;
 12. Days and hours of operation;
 13. Number, frequency, and duration of special events annually;
 14. Measures to insure compatibility including but not limited to those listed in Subsection 5002.B, Compatibility of the Land Development Code.

- B. **Criteria for approval.** The following criteria shall be used in the determination of the issuance of the special exception use:
1. Compatibility of the proposed special exception use with adjacent and nearby uses in terms of use, scale, character, height, setbacks, and open space;
 2. General compatibility with adjacent and nearby properties;
 3. The noise, glare or odor effects of the use on surrounding areas;
 4. The impacts of refuse and service areas, with particular reference to location and screening in relation to adjacent uses;
 5. The impacts of off-street parking and loading areas on adjacent uses;
 6. The impacts of signs and proposed exterior lighting if any with reference to glare, traffic safety and compatibility with adjacent and nearby properties;
 7. The impacts of transportation access and location with respect to abutting transportation facilities particularly in reference to automotive, bicycle, pedestrian, public service and fire safety, convenience, traffic flow and control;
 8. Utilities, with reference to location and availability;
 9. The adequacy of buffers with reference to type, dimensions and character;
 10. The impacts of hours of operation and the frequency and duration of special events;
 11. The adequacy of setbacks and buffers in screening and insuring compatibility with adjacent properties;
 12. Compliance with supplemental requirements set forth in the Land Development Code for the particular use involved.
- C. **Conditions and Safeguards.** In granting a special exception, the Board of County Commissioners may prescribe specific conditions to address the criteria listed in Part B above as a condition of the approval of a special exception use.
- D. **Expiration, Extension and Revocation.** A development order shall be issued for the special exception use within twelve (12) months from the date of grant, unless an extension is granted by filing an appeal to the Planning Official. The extension request must demonstrate that the use is being actively pursued by evidence of an application for building permit, preliminary site or development plan, preliminary plat, state permit or other evidence satisfactory to the Board. The extension shall not exceed six (6) months from the expiration of the special exception approval. No more than one (1) extension may be granted.

Noncompliance with the terms of the special exception shall be deemed a violation of the special exception approval and shall be resolved within 90 consecutive days or the special exception use shall be revoked.

- E. **Discontinuance.** Unless an extension is approved by the Board of County Commissioners within two (2) years of the discontinuance of the use for which the special exception was granted, the special exception use shall expire. An application for extension shall be filed with the Planning Division and be supported with evidence demonstrating that the use was being actively pursued, such as but not limited to the continuation of electrical services, an active real estate contract, a contract to buy or sell the use, building permits, etc. No more than one (1) extension may be granted.
- F. **Quasi-Judicial.** A SEU shall be considered at a quasi-judicial hearing and shall adhere to the requirements of Subsection 7202.

Exhibit 'C'

Chapter 7, Development Orders, Development Permits and Development Agreements

Subsection 7202. Type II Procedures.

- A. Type II application(s) shall be used in reviewing the following applications:
1. Conceptual, Preliminary and Final major subdivision plat approval.
 2. Location and site plan approval for a Mobile Home development. A Mobile Home development includes a Mobile Home Subdivision and Mobile Home Park.
 3. Location and site plan approval for multi-family developments (all residential developments greater than four (4) dwelling units), excluding multi-family developments in the USA and COMMERCIAL land use categories. See Subsection 5103.3.b. of this Code.
 4. Site Plan for commercial campground.
 5. Location and site plan approval for condominium development, Recreational Vehicle (RV) Park and Mobile Home Park.
 6. Development of Regional Impact approvals or Notices of Proposed Change to a DRI.
 7. Location and site plan approval for an Adult Congregate Living Facility (ACLF) and Day Care Center.
 8. Location and site plan approval for all adult entertainment uses.
 9. Location and site plan approval for Class II land use activities.
 10. Special Exception Use approvals and the extension of discontinuance. ~~for proposed uses not specifically listed in a given land use category.~~

~~ORDINANCE 2014 -~~

~~AN ORDINANCE AMENDING
SUBSECTION 2102 SPECIFICALLY,
CHAPTER 5, DEVELOPMENT
STANDARDS, ADDING NEW
SUBSECTION 5211 SUPPLEMENTAL
STANDARDS FOR SPECIAL EXCEPTION
USES; SUBSECTION A) CRITERIA FOR
APPROVAL, B) CONDITIONS AND
SAFEGUARDS, C) MINOR AND MAJOR
AMENDMENTS TO APPROVED SPECIAL
EXCEPTIONS, D) EXPIRATION AND
ADMINISTRATIVE EXTENSIONS, AND
SUBSECTION E) DISCONTINUANCE;
AMENDING SUBSECTION 7202(A)(10),
SPECIAL EXCEPTION; PROVIDING FOR
SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.~~

~~*Whereas,* Gadsden County allows for certain
proposed uses to only be permitted in a given Land
Use District by Special Exception approval as a Type
II application provided they are not specifically
prohibited in the district;~~

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~~**Whereas,** Special Exception Uses are considered by the Board of County Commissioners on a case by case basis, weighing the proposed use, its benefits and impacts and any other special mitigating or other factors which would affect the surrounding properties and the County;~~

~~**Whereas,** the projects approved as special exceptions are not considered to create precedent due to the individual attention paid to siting, buffering, mitigation and other factors during permitting; and~~

~~**Whereas,** the County proposes the adoption of criteria to be utilized in weighing the suitability of the special exception use at the proposed location and to ensure that the use is consistent with the Comprehensive Plan and Land Development Code; and any other requirements of the Gadsden County Code of Ordinances; and~~

~~**Whereas,** the proposed ordinance will facilitate the suitability of the proposed use without creating additional conflicts or impacts on adjacent property owners and to provide for the extension and cessation of the use once it is discontinued;~~

~~Whereas, 'Supplemental Standards for Special Exceptions' will provide the necessary criteria required for the assessment of findings for evaluating special exception applications; and,~~

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~~Whereas, Subsection 5210 'Supplemental Standards for Electrical Transmission Lines' is to be removed. Implementation shall remain within Article III, Chapter 34, Article III of the Gadsden County Code of Ordinances and as consistent with the 'Florida Electrical Transmission Line Act', § 403.52 – 403.537, Florida Statutes;~~

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~~Section 1: ADOPTION OF ORDINANCE.~~

~~Amendments are to be adopted as listed in Exhibit 'A' of this Ordinance.~~

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~~Section 2: SEVERABILITY~~

~~The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable so that if any section, subsection,~~

~~paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid by a valid judgment of a court of competent jurisdiction, such judgment shall not affect the validity of any other section, subsection, paragraph, sentence, clause and phrase of this Ordinance, for the board of county commissioners declares that it is its intent that it would have enacted this Ordinance without such invalid or unconstitutional provision(s).~~

~~**Section 3: EFFECTIVE DATE; FILING WITH DEPARTMENT OF STATE**~~

~~— This Ordinance shall take effect upon filing with the Department of State.~~

~~— **DULY PASSED AND ADOPTED BY** a vote of ___ to ___ by the Board of County Commissioners of Gadsden County, Florida, this the ___ day of _____, 2014.~~

~~BOARD OF COUNTY
COMMISSIONERS OF
GADSDEN COUNTY,
FLORIDA~~

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By: _____

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Eric Hinson, Chairman

~~Nicholas Thomas
Clerk of the Circuit Court~~

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~~Exhibit~~ Exhibit 'A'

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~~Section 2100~~ DEFINITIONS

~~Subsection 2102,~~ Specifically

Special Exception Use: A use that is not prohibited within a particular Future Land Use Category but may not be generally appropriate unless it is demonstrated that the use will comply with special criteria and standards for location and operation of such use. ~~A use that is not specifically prohibited but that may not be generally appropriate within a particular land use category but which, if controlled as to number, area, location or relation to the~~

~~neighborhood, would not adversely affect the public health, safety, or general welfare. Such uses may be permissible in a land use category as specifically indicated in the provisions of these regulations. Certain proposed uses may only be permitted in a given Land Use District by Special Exception approval as a Type II application provided they are not specifically prohibited in the district. Special Exceptions are considered on a case by case basis, weighing the proposed use, its benefits and impacts and any other special mitigating or other factors which would affect the surrounding properties and the County. Projects approved as special exceptions are not considered to create precedent due to the individual attention paid to siting, buffering, mitigation and other factors during permitting.~~

Exhibit 'B'

Section 7300. Hardship Relief Variance Procedures and Special Exception Uses

Subsection 7305210. Supplemental Standards for Special Exception Uses

The approval of a special exception use does not create precedence as each use is considered on a case-by-case basis. Special exception uses are considered on a case by case basis, weighing the proposed use, its benefits and impacts, and any other special mitigating or other factors which would affect the surrounding properties and the County. Projects approved as special exceptions are not considered to create precedent due to the individual attention paid to siting, buffering, mitigation and other factors during permitting. Applications for preliminary site development plan or subdivision approval may be processed concurrently with applications for Special Exceptions. Special exception use applications must address and meet the applicable criteria for approval listed in this subsection. Due to the nature of special exception uses, criteria shall be applied to ensure compatibility of the proposed use with adjacent and nearby uses and developments. The burden is on the applicant to provide the information required in Part A of this section.

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Required Information. Criteria for approval. At minimum, the following information must be provided in writing and on a site plan, as applicable, as part of the application in order for consideration of the request: The Board of County Commissioners shall approve, approve with conditions, or deny a special exception use, based on findings as to whether the special exception use complies with the review criteria listed below:

1. Describe the proposed special exception use;
2. The physical factors by which the environmental impacts of the project on the site and adjacent sites can be assessed;
3. The scale and character of the proposed special exception use in relationship to adjacent and nearby uses and structures;
4. Setbacks required and proposed to insure compatibility.
5. Transportation impacts, access and location;
6. The location of available utilities;
7. The location, dimensions, and lighting of signage;
8. The location of off-street parking and loading areas where required and screening detail, if applicable;

- 9. The exterior lighting detail with reference to glare, traffic safety and compatibility with surrounding properties;
- 10. The location of refuse and service areas, with particular reference to location and screening in relation to adjacent uses;
- 11. Buffering and screening detail at 1.5 times the buffer requirements including type, dimensions and materials;
- 12. Days and hours of operation;
- 13. Number, frequency, and duration of special events annually;
- 14. Measures to insure compatibility including but not limited to those listed in Subsection 5002.B, Compatibility of the Land Development Code.

A. Criteria for approval. The following criteria shall be used in the determination of the issuance of the special exception use:

- 1. Compatibility of the proposed special exception use with adjacent and nearby uses in terms of use, scale, character, height, setbacks, and open space;
- 2. General compatibility with adjacent and nearby properties;
- 3. The noise, glare or odor effects of the use on surrounding areas;
- 4. compatibility factors by which the viability of the development in terms of use, scale, height, setbacks, and open space can be assessed;

Transportation access and location with respect to abutting transportation facilities; The impacts of refuse and service areas, with particular reference to location and screening in relation to adjacent uses;

- 5. The impacts of off-street parking and loading areas on adjacent uses;

~~(a)~~ 6. The impacts of signs, if any, and proposed exterior lighting if any with reference to glare, traffic safety and compatibility with adjacent and nearby surrounding properties;

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~~4.~~ 7. The impacts of transportation access and location with respect to abutting transportation facilities and;

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~~Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:~~

~~Ingress and egress to the property and proposed structures thereon with particular in reference to automotive, bicycle, and pedestrian, public service and fire safety, safety and convenience, traffic flow and control and access in case of fire or catastrophe.;~~

- 8. Off-street parking and loading areas where required;

The noise, glare or odor effects of the special exception on surrounding properties;

~~Refuse and service areas, with particular reference to location and screening to adjacent uses;~~

Utilities, with reference to location and availability;

9. ~~The adequacy of B~~buffering and screening at 1.5 times the buffer requirements of this Chapter with rreference to type, dimensions and character;

10. ~~The impacts of Limits on hours of operation and the frequency and duration number of special events;~~

11. ~~The adequacy of Required yards and open space are met;~~setbacks and buffers in screening and insuring compatibility with adjacent properties;

~~General compatibility with surrounding properties~~12. ; and

Compliance with supplemental Any special requirements set forth in the Land Development Code for the particular use involved.

Commented [J1]:

(b)

~~B.~~ **Conditions and Safeguards.** In granting a ny special exception, the Board of County Commissioners may prescribe specific appropriate conditions to address the criteria listed in Part B above as a condition of the approval of a special exception use.

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~~B. and safeguards in order to protect public health, safety, and welfare, in conformity with this subsection. Special exception uses are considered on a case by case basis, weighing the proposed use, its benefits and impacts, and any other special mitigating or other factors which would affect the surrounding properties and the County. Projects approved as special exceptions are not considered to create precedent due to the individual attention paid to siting, buffering, mitigation and other factors during permitting. Applications for preliminary site development plan or subdivision approval may be processed concurrently with applications for Special Exceptions.~~

~~C. Expiration & Administrative Extensions. A special exception shall commence within twelve (12) months from the date of grant, unless an extension is granted by filing an appeal to the Planning Official. The extension request must demonstrate that the use is being actively pursued by evidence of an application for building permit, preliminary site or development plan, preliminary plat, state permit or other evidence satisfactory to the Board. The extension shall not exceed six (6) months from the expiration of the special exception approval. No more than one (1) extension may be granted~~Expiration, Extension and Revocation. A development order shall be issued for the special exception

within twelve (12) months from the date of grant, unless an extension is granted by filing an appeal to the Planning Official. The extension request must demonstrate that the use is being actively pursued by evidence of an application for building permit, preliminary site or development plan, preliminary plat, state permit or other evidence satisfactory to the Board of County Commissioners. The extension shall not exceed six (6) months from the expiration of the special exception approval. No more than one (1) extension may be granted

Noncompliance with the terms of the special exception shall be deemed a violation of the special exception approval and shall be resolved within 90 consecutive days or the special exception use shall be revoked.

D. Discontinuance. Any special exception shall expire within two (2) years following the discontinuance of the use for which the special exception was granted. The applicant may appeal for an extension to by the Board of County Commissioners with the Planning Division Planning Official. The application extension must be approved within shall not exceed two (2) years off from the discontinuance expiration of the special exception use and. The extension request must provide evidence demonstrating that the use was is being actively pursued by evidence, such as but not limited to, evidence of the continuation of electrical services, an active real estate contract, a contract to buy or sell the use, building permits, etc. No more than one (1) extension may be granted.

E. Quasi-Judicial. A SEU shall be considered at a quasi-judicial hearing and shall adhere to the requirements of Subsection 7202.

Exhibit 'C'

Chapter 7, Development Orders, Development Permits and Development Agreements

Subsection 7202. Type II Procedures.

- A. Type II application(s) shall be used in reviewing the following applications:
1. Conceptual, Preliminary and Final major subdivision plat approval.
 2. Location and site plan approval for a Mobile Home development. A Mobile Home development includes a Mobile Home Subdivision and Mobile Home Park.
 3. Location and site plan approval for multi-family developments (all residential developments greater than four (4) dwelling units), excluding multi-family developments in the USA and COMMERCIAL land use categories. See Subsection 5103.3.b. of this Code.
 4. Site Plan for commercial campground.
 5. Location and site plan approval for condominium development, Recreational Vehicle (RV) Park and Mobile Home Park.
 6. Development of Regional Impact approvals or Notices of Proposed Change to a DRI.
 7. Location and site plan approval for an Adult Congregate Living Facility (ACLF) and Day Care Center.
 8. Location and site plan approval for all adult entertainment uses.
 9. Location and site plan approval for Class II land use activities.

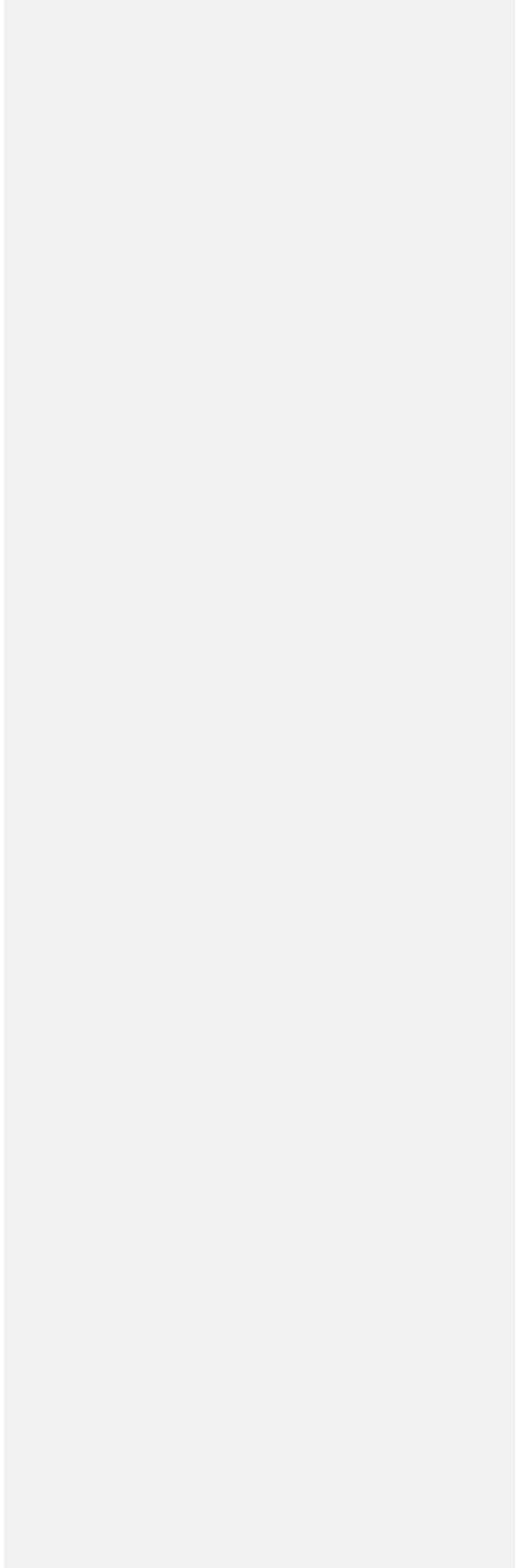
~~Subsection 7202. Type II Procedures.~~

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~~A. Type II application(s) shall be used in reviewing the following applications:~~

- ~~1. Conceptual, Preliminary and Final major subdivision plat approval.~~
- ~~2. Location and site plan approval for a Mobile Home development. A Mobile Home development includes a Mobile Home Subdivision and Mobile Home Park.~~
- ~~3. Location and site plan approval for multi-family developments (all residential developments greater than four (4) dwelling units), excluding multi-family developments in the USA and COMMERCIAL land use categories. See Subsection 5103.3.b. of this Code.~~
- ~~4. Site Plan for commercial campground.~~
- ~~5. Location and site plan approval for condominium development, Recreational Vehicle (RV) Park and Mobile Home Park.~~
- ~~6. Development of Regional Impact approvals or Notices of Proposed Change to a DRI.~~
- ~~7. Location and site plan approval for an Adult Congregate Living Facility (ACLF) and Day Care Center.~~
- ~~8. Location and site plan approval for all adult entertainment uses.~~
- ~~9. Location and site plan approval for Class II land use activities.~~
- ~~10. Special Exception Use approvals and extension of a discontinuance. for proposed uses not specifically listed in a given land use category. Special exceptions shall comply with Subsection 5211, Supplemental Standards for Special Exception Uses.~~

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GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING NOTICE

The Gadsden County Board of County Commissioners will hold a regularly scheduled meeting on **Tuesday, May 5, 2015**, at **6:00 p.m.** in the Board of County Commission Chambers located at 7 East Jefferson Street, Quincy, FL. The proposed agenda will include the following:

PUBLIC HEARING - A hearing to consider the adoption of proposed Ordinance # 2015-006 to amend the Gadsden County Land Development Code.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE LAND DEVELOPMENT CODE SPECIFICALLY SUBSECTION 2102; RENAMING SECTION 7300; ADDING NEW SECTION 7300, STANDARDS FOR SPECIAL EXCEPTION USES; AMENDING SUBSECTION 7202(A)(10), SPECIAL EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Persons wishing to review the files on the above projects may do so on the County website at gadsdencountyfl.gov or at the Gadsden County Administrator's Office located at 1B East Jefferson Street, Quincy, FL. In accordance with the Americans with Disabilities Act, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by calling 850-875-8650, at least 48 hours prior to the hearing.

If any person decides to appeal any decision made with respect to any matter considered at such public hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be used.