CHAPTER 28

SPECIAL EXCEPTIONS

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16.28.101: **PURPOSE:** The purpose of this chapter is to allow for activities, clearly associated with a class II, class III, class IV or class V use, provided such associated activity can be properly integrated into the planning, site design, site layout, building design and building layout, and can be conducted in a manner that creates no adverse impacts to adjoining uses, properties or the city as a whole. (Ord. 2005-13, 2005)

16.28.102: **APPROVAL AUTHORITY:** The city council, following the receipt of a commission recommendation, is authorized to review all special exception applications. (Ord. 2005-13, 2005)

16.28.103: **ALLOWED SPECIAL EXCEPTIONS:** The following special exceptions may be authorized under the provisions of this chapter:

(1) A height greater than twenty five feet (25') for a primary residential building, as required by subsection 16.11.126(1) of this title.

(2) A height greater than thirty five feet (35') for a primary commercial and industrial building, as required by subsection 16.11.126(4) of this title. (Ord. 2012-02, 2012)

(3) A gross building area greater than those allowed in chapter 33 of this title (section 16.33.102, "Table 33-2, Table Of Uses, Nonresidential Zoning Districts", of this title), for all listed uses in neighborhood commercial (CN), community commercial (C-1), resort commercial (RC), resort mixed use (RMU), commercial professional and research (CPR) and commercial with light manufacturing (CLM). (Ord. 2014-05, 2014)

(4) A height greater than one story, with a maximum height of fifteen feet (15') for pitched roofs, or thirteen feet (13') for flat roofs for guesthouse or casita, as provided by subsection 16.12.107(10) of this title.

(5) A commercial sign that overhangs a public right of way, including sidewalk but not extending into the street, provided each of the following conditions are met:

(a) The commercial business currently has a legal nonconforming sign located within the public right of way;

(b) The pole, or other device to which the overhanging sign will be attached, is located on applicant's property outside the public right of way;

(c) No part of the sign, pole or other device to which the sign is attached can be higher than twenty feet (20').

(d) If the sign overhangs a sidewalk, the bottom of the sign must be at least eight feet (8') above the sidewalk.

(e) The maximum size of the sign can be no larger than seventy two (72) square feet. (Ord. 2012-02, 2012)

16.28.104: APPLICATION INITIATION AND COMPLETENESS:

(1) A request for a special exception shall be made on the application.

(2) A property owner may present a special exception application for review and decision. An agent of the property owner, or a lessee of the property, may present a special exception application for review