

## PART 3. SPECIAL EXCEPTION USES

### 7.3.1 Purpose and Applicability; "Special Exception"

- (a) The classification of "special exception " is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district, but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the City of Natchez as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.
- (b) Accordingly, any use designated as a "special exception use" in an individual zoning district shall not be established without the approval of the Planning Commission in accordance with the procedures and requirements set forth in Figure 7.3.1 which illustrates the process for approval of "special exception uses."

**Figure 7.3.1. Process of Special Exception Uses**

APPLICATION To Planning Director
PUBLIC HEARING Before Planning Commission
DECISION By Planning Commission

### 7.3.2 Criteria for Review

The Planning Commission shall not approve the proposed special exception unless and until they make the following findings based on evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

- (a) That the proposed use or development of the land will not materially endanger the public health or safety;
- (b) That the proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region;
- (c) That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
- (d) That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
- (e) That the proposed use or development of the land will generally conform to the Comprehensive Plan and other official plans adopted by the City of Natchez;
- (f) That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities; and
- (g) That the proposed use will not cause undue traffic congestion or create a traffic hazard.

### 7.3.3 Effect of Approval or Denial

*Subsequent permits and approvals.* Approval of the application for special exception use approval authorizes the applicant to obtain other permits or approvals which may be required for the proposed development. If the special exception use included a major site plan, then approval of the special exception use also constitutes approval of the site plan. The Planning Director shall review applications for these permits for compliance with the terms of the special exception use approval. A permit, certificate, or other approval shall be issued and valid only for work which complies with the terms of the special exception use approval.

#### **7.3.4 Changes to Terms and Conditions of Approval**

Any changes to the terms or conditions of approval of the special exception use shall require separate review and approval by the Planning Commission. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth in the Part for an original application for special exception use approval. This section shall not apply, however, to modifications to the approved site plan for the special exception use.

#### **7.3.5 Changes to Approved Plans**

- (a) Except for minor changes authorized pursuant to subsection (b) below, no part of an approved development shall be revised, enlarged, or modified unless such revision, enlargement or modification is approved by governing board or commission in accordance with the requirements of this Part for an application for planned unit development and master land use plan approval.
- (b) The Planning Director may approve the following minor changes to an approved plan in accordance with (c) and (d) below without the approval of the governing board or commission:
  - (1) Relocation of a road or intersection;
  - (2) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of the buildings or uses shown on the approved plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards.
- (c) In approving an application for a change to an approved plan, the Planning Director shall make the following findings:
  - (1) That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area;
  - (2) That the effect of the landscaping, buffers, or screening on the site, or on the approved master land use plan, is not diminished;
  - (3) That the number of access points to public streets is neither increased or substantially relocated;
  - (4) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;
  - (5) That the change will result in better or equal performance of the overall objectives of the approved master land use plan and specific zoning district classification;
  - (6) That the changes do not otherwise violate any provision of this Ordinance, the City Code, or other applicable laws;
  - (7) That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.
- (d) If the Planning Director determines that an application for a change to an approved plan would be a significant departure from the spirit or intent of the approved plan, the Planning Director may require that the application be reconsidered by the governing board or commission.