

Division 17. Government (G) Zone Waivers**Section IV-1701. Purpose and Applicability**

The City Commission is hereby authorized to grant such waivers from the literal terms of these regulations where there are practical difficulties or unnecessary hardships so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

Section IV-1702. Application Requirements

In addition to the general application requirements set forth in administrative regulations, an application for a waiver shall be accompanied by documentation that establishes how the applicant meets the criteria of Section IV-1706.

(Ord. No. 99-4113, Sec. 7, 3-15-99)

Section IV-1703. Staff Review and Report

The Planning Department shall review the application for the waiver and may request-comments of members of the DRC, and shall prepare a written staff analysis of the issues raised by the application.

Section IV-1704. Planning Board Review

The Planning Board shall conduct a public hearing to review the proposed waiver, and shall consider the written staff analysis and the testimony at the public hearing, and make a recommendation upon the requested waiver. The Board may include in its recommendation any modifications or conditions to the request it deems necessary, and the reasons therefor.

Section IV-1705. City Commission Review

A. Upon receipt of the Planning Board's recommendation and the written staff analysis, the City Commission may affirm the Planning Board's recommendation without a hearing or may hold a public hearing to consider the application for a G zone waiver and grant, grant with conditions, or deny the application.

B. The City Commission shall make findings that the criteria of these regulations have or have not been satisfied by the Applicant.

C. Action taken by the City Commission to grant a waiver or to grant a waiver with conditions or safeguards shall be documented in the form of a resolution containing a legal description of the real property to which the waiver applies, together with the terms of the waiver, findings of fact and any additional conditions or safeguards imposed.

(Ord. No. 00-4193, Sec. 9, 2-22-00)

Section IV-1706. Standards for Review

In reaching a decision as to whether or not the waiver application should be approved, approved with changes, approved with conditions, or disapproved, the Planning Board and the City Commission shall consider;

A. For uses that are uniquely governmental, such as fire stations, police stations, sewage treatment plants, pump-stations, or similar uses, whether the requested waiver is the minimum waiver that will make possible the reasonable use of the land and that the waiver will not be injurious to the neighborhood or otherwise detrimental to the public welfare. (This paragraph is meant to govern those use types not identified as primary uses in Section VI-702 and Table VI-701 of this Code.)

B. For all other uses, such as office buildings, auditoriums, restaurants, etc. (regardless of ownership), the waiver shall not be granted unless:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings of a similar nature in other zoning districts.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. Literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other similar properties in other zoning district under the terms of these regulations and would cause unnecessary and undue hardship for the applicant.
4. The waiver, if granted, is the minimum waiver that will make possible the reasonable use of the land, building or structure.
5. The granting of the waiver will be consistent with the general intent and purpose of these regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Section IV-1707. Expiration of Approval

In granting any waiver, the City Commission shall prescribe appropriate conditions and safeguards in conformity with these regulations, including, but not limited to, reasonable time limits within which the development for which a waiver is required shall be initiated, diligently pursued and completed. If the development is not initiated and diligently pursued in said time period, the waiver shall be deemed to automatically expire. In no case, may work for which a waiver is granted not be initiated within one (1) year. Prior to the end of the year, if work has not begun, the applicant may request one (1) time extension not to exceed one (1) additional year. The City Commission may approve such request upon determining that the request is warranted

under the circumstances. Violation of such conditions and safeguards, when made a part of the terms under which the waiver is granted, shall be deemed a violation of these regulations.

Section IV-1708. Changes to Government (G) Zone Waivers.

A G zone waiver may be amended by adoption of a resolution by the City Commission, provided the notice and public hearing requirements of Sections IV-201 and 202 of these regulations are followed. The application requesting an amendment shall demonstrate compliance with the standards for review in Section IV-1706 and that the amendment is warranted under the circumstances.