



CITY OF HAWTHORNE
SPECIAL EXCEPTION PETITION

Name of Applicant(s): _____

Address: _____

City, State, Zip Code: _____

Email: _____

Telephone: _____

Name of Applicant's Agent (if applicable): _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

A Special Exception is requested in conformity with the Land Development Regulations to permit a _____ on the property described below, and in conformity with the site plan dated ____.

LOCATION AND USE

Legal Description: (may be attached as separate pages)

Total acreage of land to be considered under this petition: _____

Future Land Use Plan Map Category: _____

Zoning District: _____

A previous petition for special exception:

_____ was made with respect to these premises, Petition No.

_____ was not made with respect to these premises.

I hereby certify that all of the above statements and the statements contained in any documents or plans submitted herewith are true and correct to the best of my knowledge and belief.

If title holder(s) are represented by an agent, a letter of such designation from the title holder(s) addressed to the Land Development Regulation Administrator must be attached.

Applicant/Agent Name (Type or Print Name)

Applicant/Agent Signature

Date

FOR OFFICE USE ONLY

Date Filed: _____

Special Exception Petition No. _____

Fee Amount: _____

Receipt No.: _____

Date of Planning and Zoning Board Meeting: _____

Date of Board of Adjustment Public Hearing: _____

Date Notice published: _____

Newspaper: _____

Planning and Zoning Board Recommendation: _____

Board of Adjustment decision: _____

(Granted/Denied)

NOTICE TO APPLICANTS

FOR

SPECIAL EXCEPTIONS

1. A special exception is a use that would not be appropriate generally or without restriction throughout a land use classification but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a land use classification as a special exception if specific provision for such a special exception is made in the Land Development Regulations.
2. The following is required to be submitted along with the Petition for a Special Exception.
 - a. site plan at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off street parking and off-street loading areas, and refuse and service areas; and required yards and other open spaces.
 - b. plans showing proposed locations for utility hook-up.
 - c. plans for screening and buffering with reference as to type, dimensions and character.
 - d. proposed landscaping; and
 - e. proposed signs and lighting, including type, dimensions, and character.

PLEASE NOTE THAT ADDITIONAL REQUIREMENTS FOR MANY SPECIAL EXCEPTION PETITIONS MAY BE FOUND UNDER EACH ZONING DISTRICT OR WITHIN THE SUPPLEMENTARY REGULATIONS.

The following excerpt of the City of Hawthorne Land Development Regulations is provided for your reference. Please pay particular attention to the findings within Subsection 3 when completing items, a-e as stated above. These findings will need to be made (as applicable) to approve the petition.

• **Sec. 12.2. - Special exceptions.**

12.2.1. *Board of adjustment; powers and duties; special exceptions.* The board of adjustment shall have the power to hear and decide upon appeals in specific cases such special exceptions as the board of adjustment is specifically authorized to pass on under the terms of article 4 of these land development regulations; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when not in harmony with the purpose and intent of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which special exception is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these land development regulations and punishable as provided in these land development regulations. If the board of adjustment shall deny a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in this article, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific special exception requested, if any. The procedure for taking an appeal for a special exception shall be as set forth in this article, and in addition, a special exception shall not be granted by the board of adjustment unless and until:

1. *Written petition.* A written petition for special exception is submitted by the applicant indicating the section of article 4 of these land development regulations under which the special exception is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the board of adjustment must make under this article below. The petition should include material necessary to demonstrate that the grant of special exception will be in harmony with the general intent and purpose of these land development regulations, will not be injurious to the neighborhood or to adjoining properties, or be otherwise detrimental to the public welfare. Such material shall include, but is not limited to, the following:

(1) Site plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking, and off-street loading areas, and refuse and service areas; and required yards and other open spaces.

(2) Plans showing proposed locations for utility hookup.

(3) Plans for screening and buffering with reference as to type, dimensions, and character.

(4) Proposed landscaping; and signs and lighting, including type, dimensions, and character. Where these land development regulations place additional regulations on specific special exceptions, the petition should demonstrate that such requirements are met.

2. *Planning and zoning board report.* It is the intent of these land development regulations that all proposed special exceptions shall be heard in the first instance by the planning and zoning board and that the planning and zoning board's report and recommendations in such matters be advisory only to the board of adjustment. Within a reasonable time after a proposed special exception is officially received by the planning and zoning board, the planning and zoning board shall submit its report and recommendations concerning the proposed special exception to the board of adjustment. Before making a recommendation concerning the proposed special exception, the planning and zoning board shall hold a public hearing to consider the proposed special exception. The planning and zoning board shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. At the hearing, any party may appear in person or by agent. Where the designated members of the planning

and zoning board perform the functions of the board of adjustment, the provisions of this section shall not apply.

3. *Findings.* Before any special exception shall be granted, the board of adjustment shall make a specific finding that it is empowered under article 4 of these land development regulations to grant the special exception described in the petition, and that the granting of the special exception will not adversely affect the public interest. Before any special exception shall be granted, the board of adjustment shall further make a determination that the specific rules governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:

- (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (b) Off-street parking and loading areas, where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
- (c) Refuse and service areas, with particular reference to the items in (a) and (b) above.
- (d) Utilities, with reference to locations, availability, and compatibility.
- (e) Screening and buffering with reference to type, dimensions, and character.
- (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
- (g) Required yards and other open space.
- (h) Considerations relating to general compatibility with adjacent properties and other properties in the district including, but not limited to:
 - (1) Whether the proposed use would be in conformance with the city's comprehensive plan and would have an adverse effect on the comprehensive plan.
 - (2) Whether the proposed use is compatible with the established land use pattern.
 - (3) Whether the proposed use would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets.
 - (4) Whether changed or changing conditions find the proposed use to be advantageous to the community and the neighborhood.
 - (5) Whether the proposed use will adversely influence living conditions in the neighborhood.

- (6) Whether the proposed use will create or excessively increase traffic congestion or otherwise affect public safety.
- (7) Whether the proposed use will create a drainage problem.
- (8) Whether the proposed use will seriously reduce light and air to adjacent areas.
- (9) Whether the proposed use will adversely affect property values in the adjacent area.
- (10) Whether the proposed use will be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
- (11) Whether the proposed use is out of scale with the needs of the neighborhood or the community.

4. *Limitations on subsequent written petition for a special exception.* No written petition by an owner of real property for a special exception for a particular parcel of property, or part thereof, shall be filed with the land development regulation administrator until the expiration of 12 calendar months from the date of denial of a written petition for a special exception for such property, or part thereof, unless the board of adjustment specifically waives said waiting period based upon a consideration of the following factors:

- (a) The new written petition constitutes a proposed special exception different from the one proposed in the denied written petition.
- (b) Failure to waive said 12-month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.