ADDENDUM “B”

TYPE 2 ZONING EXCEPTION

In accordance with City Code Section 134-6.6.2, only the following may be approved as Type 2 zoning exceptions: **Select One**

1. Exceptions to any numerical regulation established in this chapter, when the exception does not exceed 50% of the applicable numerical regulation, other than separation distance requirements, and other than use requirements set forth in section 134-3.8 of this chapter.

2. Exceptions to the time period within which a use may be resumed after a temporary discontinuance of that use, when:
   a. Discontinuance of the use was due to unique circumstances not of the property owner's own making; and
   b. Resumption of the use will not have a significant adverse impact on the essential character of the surrounding area.

3. Exceptions to allow a pole sign when the board of adjustment determines that there is no feasible location for the placement of a monument sign that is outside of the vision clearance triangle required by section 114-14 of this code and the proposed sign does not obstruct the vision of drivers entering or exiting the subject or adjoining properties.

4. Exceptions to allow signs on a temporary basis in districts A, N, NM, or NX may be requested for approval of signs used on a temporary basis exceeding 12 square feet in total area for all signs used on a temporary basis on one lot.

5. Exceptions to allow signs used on a temporary basis in all districts other than A, N, NM, or NX exceeding 100 square feet total area for all signs used on a temporary basis on one lot.

6. Exceptions to allow a sign with full-motion video display for an events center.

7. Exceptions to allow seven or more signs on a temporary basis in all districts other than A, N, NX, and NM districts.

8. Other exceptions expressly provided in this chapter.

Furthermore, in accordance with City Code Section 134-6.6.8, Type 2 zoning exceptions may be approved only when the board of adjustment determines that all of the following general approval standards and criteria and any other specific criteria established in this zoning ordinance for the authorized Type 2 zoning exception have been met: **Please state how your request satisfies each requirement:**

1. The requested exception is reasonably necessary due to practical difficulties related to the subject property;

2. The practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception;

3. The requested exception will not have a significant adverse impact on the essential character of the surrounding area;

4. The requested exception by its design, construction and operation:
   a. Will adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property;
b. Will not impair an adequate supply of light and air to adjacent property;

c. Will not unduly increase congestion in the public streets;

d. Will not increase public danger of fire and safety; and

e. Will not diminish or impair established property values in the surrounding area.

5. The requested exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use.

City Code Section 6.6.7 BOARD OF ADJUSTMENT DECISION

A. Following receipt of a complete application for a Type 2 zoning exception, the board of adjustment must hold a public hearing to consider the matter. Following the close of the public hearing, the board of adjustment must act to approve the requested Type 2 zoning exception, approve the Type 2 zoning exception with conditions, or deny the Type 2 zoning exception based on the applicable standards and review criteria of section 134-6.6.8 of this article. Approval of a Type 2 zoning exception requires an affirmative vote of at least four members of the board of adjustment and may occur on the consent portion of the board of adjustment's agenda.

B. In approving a Type 2 zoning exception, the board of adjustment is authorized to impose such conditions and restrictions as the board determines to be necessary to ensure compliance with the standards of section 134-6.6.8 of this article, to reduce or minimize the effect of the Type 2 zoning exception upon other properties in the area, and to better carry out the general purpose and intent of this zoning ordinance.

6.6.9 LAPSE OF APPROVAL

A. All activity authorized by an approved Type 2 zoning exception must be completed within two years of the date of filing of the board's decision or less time if ordered by board decision, or the approval lapses and is of no further effect.

B. If any use of land or structure approved as a Type 2 zoning exception is discontinued for a period of six months or more, the approved Type 2 zoning exception lapses and is of no further effect.

C. If any use or structure approved as a Type 2 zoning exception is damaged or destroyed by any means, including damage or destruction by repair, alteration, replacement or upgrade, to an extent of 50% or more of its replacement cost at the time of damage or destruction, the approved Type 2 zoning exception lapses and is of no further effect.

D. Once a Type 2 zoning exception lapses, any subsequent use of such land or structure must conform to the regulations of the subject zoning district.