

# Special Exceptions

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*Randolph County BZA*

## Randolph County Unified Zoning Ordinance

### Article XII – Special Exceptions

#### 12.01. Special Exception Use Approval

Uses listed as Special Exception Uses in the various zoning districts shall be permitted therein only upon the approval of a Petition for Special Exception by a vote of the Board of Zoning Appeals of Randolph County, Indiana. Application for a Special Exception Use shall be in accordance with the Rules of Procedure of the Board of Zoning Appeals and shall include a Plan of Operation, as defined herein, which shall become an enforceable part of the Board's approval.

#### 12.02. Special Exception Use Findings of Fact

The Board of Zoning Appeals shall approve an application for a Petition for Special Exception Use only upon the finding that:

- 1) The establishment, maintenance or operation of the Special Exception Use will not be detrimental to or endanger the public health, safety, morals or general welfare of the community.
- 2) The Special Exception Use will not be injurious to or diminish the use, value and enjoyment of other property in the immediate vicinity for the purposes already permitted.
- 3) The Special Exception Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted by right in the zoning district(s) of surrounding property.
- 4) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
- 5) Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets.
- 6) All construction and development is in conformance with the developmental standards applicable in the zoning district of the property included in the request.

#### 12.03. Conditions of Approval

The Board of Zoning Appeals may impose reasonable conditions upon its approval of a Petition for Special Exception Use to assure that the authorized use and improvements therefor conform to the intent of this Ordinance and the Findings of Fact for a Special Exception Use, and such conditions shall become enforceable as if they were provisions of this Ordinance.

#### 12.04. Duration of a Special Exception

Notwithstanding any other provisions contained herein, a Special Exception Use shall be limited to the specific use authorized, and improvements therefor, and shall be in perpetuity,

until such authorized use becomes an abandoned use as defined herein, unless otherwise specified by the Board of Zoning Appeals. Only accessory uses permitted in the applicable zoning district, and improvements therefor, shall be permitted and conducted in association with the authorized use unless otherwise specifically included in the Petition for Special Exception Use and approved by the Board of Zoning Appeals therewith.

#### 12.05. Improvement Location Permit Required

Unless an Improvement Location Permit is obtained within one year or the approval of a Petition for Special Exception Use by the Board of Zoning Appeals, the approval of such Petition shall be null and void. Provided, however, the Executive Director may approve extensions of such time, totaling not more than eighteen months from the initial approval date, only if such request is made in writing prior to the expiration of the initial year and demonstrates sufficient cause and need for the requested period of extension. The Executive Director may approve an extension period less than that requested or deny any extension upon the determination that the cause or need for the request is insufficient.

#### 12.06. Modification of a Special Exception Use

Any alteration, expansion or modification of the use or improvements therefor authorized by a Petition for Special Exception Use shall require a new petition for consideration by the Board of Zoning Appeals in accordance with these requirements and the Board's Rules of Procedure.