

Special exceptions to re-establish, expand or intensify a lawful non-conforming use

For Special exceptions to re-establish, expand or intensify a lawful non-conforming use pursuant to Section 3.12.G of the Development Zoning and Land Development Regulations, the following applies:

Applications for ALL Special Exceptions shall be reviewed by the Planning and Development Board. A letter of support from the Community Redevelopment Agency will be necessary if project located within the Community Redevelopment Area. Conditions may be stipulated and made a requirement in granting any application for a special exception, when it is found by the Board to be necessary to further the purposes of the zoning district or compatibility with other property within the vicinity. All Special exceptions to re-establish, expand or intensify a lawful non-conforming will be reviewed based on the following criteria:

1. The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
2. The approval will not, under any circumstances of the particular case, be detrimental to the health safety and general welfare of persons working or residing within the vicinity.
3. The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the City.
4. The approval will, to the maximum extent possible, bring the use or building and the site upon which it is located into compliance with City Regulations.

These items are considered according to [quasi-judicial](#) procedures.

QUASI-JUDICIAL

The application regarding your property has been interpreted by Florida courts to be quasi-judicial in nature. This means that the City's decision is to be supported by competent, substantial evidence in the record regarding your application. In quasi-judicial procedures all witnesses are sworn in, subject to cross-examination, and the applicant, the City and any other interested party (e.g. a neighbor) are allowed opening and closing statements. However, the City's adopted quasi-judicial procedures allow you to waive this process and have your application heard and considered in a more informal manner, or legislatively, if you so wish and elect, and staff present agrees. You may identify your choice at the time of the meeting.