

INSTRUCTIONS FOR APPLICANTS FILING ZONING
SPECIAL EXCEPTION APPLICATIONS

A special exception is a use that would not be appropriate generally or without restriction throughout a zoning division or district but which, if controlled as to number, acres, location, size or relation to the neighborhood, would not adversely affect the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning classification or district as a special exception if specific provision for such a special exception is made in the Land Development Regulations (LDRs).

The following information is required from an applicant filing a zoning special exception application:

1. Copy of property deed.
2. Site plan (see attachment for list of required items on site plan).
3. Copy of aerial map from Property Appraiser's Office with the subject property highlighted.
4. Legal description of subject property, if the legal description in the deed is larger than the actual property being applied for.
5. \$450 application fee.
6. Completed application (attached).
7. Authorization letter from owner, if owner is represented by an agent (see attached sample).

The above information must be submitted to the Planning & Zoning Office, 224 Pine Avenue, Live Oak, Florida 32064 by the 15th day of the month. The application will be considered by the Zoning Board of Adjustment at the regular Board meeting on the last Thursday of the following month (approximately 45 days later). Meeting dates are subject to change. The Planning & Zoning Office will notify the applicant by mail of the exact date, time and place of the hearing.

The County LDRs require that a public notice be published once in the legal section of a local newspaper at least 10 days prior to the hearing date. The LDRs also require that a sign be posted on the subject property. The Planning & Zoning Office will ensure these requirements are met. In addition, the Planning & Zoning Office will send letters to all landowners who own property in close proximity to the subject property.

The burden is on the applicant to furnish competent evidence to prove that the request is consistent with the Comprehensive Plan and LDRs and complies with all procedural requirements. The proceedings will be quasi-judicial in nature, and the parties will be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the Zoning Board of Adjustment acts. Anyone may appear before the Zoning Board of Adjustment to comment on the application.

The Zoning Board of Adjustment is required to base its decision to grant or deny applications on requirements in Section 12.2.1 (3) of the LDRs. A copy of said section is attached.

For further information, contact the Planning & Zoning Office at 386/364-3401.

**APPLICATION FOR ZONING
SPECIAL EXCEPTION**

Name of Title Holder(s): _____

Address: _____ City, State, Zip: _____

Phone Number: _____

Agent's Name & Address (if applicable): _____

_____ Phone Number: _____

Please provide the following information:

1. Legal Description: _____

_____ Attach separate sheet if necessary.)

2. Driving Directions to Subject Property: _____

3. Describe the proposed use, including, where applicable, size of buildings, number of employees, expected average daily traffic, and any other data pertinent to this use: _____

4. Has a zoning application been applied for on the subject property in the past? _____. If so, please provide the Application No.: _____

5. List the specific special exception and section number from the Land Development Regulations for which you are applying: _____

IF REPRESENTED BY AN AGENT, A LETTER OF CONSENT FROM THE TITLE HOLDER(S) MUST BE ATTACHED.

SITE PLAN REQUIREMENTS

The site plan should be drawn to an appropriate scale. The following items should be included on the site plan to be submitted as part of the zoning special exception application package. They are:

1. Ingress and egress to property and proposed or existing structures (including fencing).
2. Offstreet parking and loading areas (including dimensions of spaces).
3. Refuse and service areas.
4. Location of utility hook-ups (including electric, water & sewer).
5. Screening and buffering with reference to type, dimensions and character.
6. Proposed signs and lighting, including type, dimensions and character.
7. Required yards and other open spaces.

I HEREBY CERTIFY THAT ALL OF THE ABOVE STATEMENTS AND ALL INFORMATION PROVIDED IN ANY PAPERS OR PLANS SUBMITTED HEREWITH ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Title Holder(s)

Date

FOR OFFICE USE ONLY

Zoning District: _____ Land Use Plan Map Category: _____

Date Filed: _____ Special Exception Request No. _____

Fee amount: \$450 _____

Date hearing held: _____

Action by Board: _____

(Granted, Denied, etc.)

Additional Comments: _____

Planning & Zoning Director
Suwannee County, Florida

Date

AUTHORIZATION FOR AGENT TO REPRESENT OWNER(S)

IN ZONING/LAND USE MATTERS

I (We), the undersigned owner(s), do hereby authorize_____

to act as my (our) agent in any and all zoning/land use requests and to represent us at all zoning/land use hearings pertaining to the following described real estate:

Date

Owner

Owner

IMPORTANT NOTICE

In some instances, buildings used in association with special exceptions/special permits, even if they are existing buildings, must be permitted by the County Building Department and comply with building and fire codes and the Americans with Disabilities Act (ADA) and Florida handicapped provisions (which include bathroom facilities). Compliance with these codes can be costly, which may result in the project not being feasible. Therefore, before proceeding with zoning approval, all applicants are strongly advised to contact the Suwannee County Building Department, 220 Pine Avenue, Live Oak (386/364-3407) to determine if such permitting will be required from that office.

Also, your project may require a sanitary sewer permit and/or water well monitoring from the local Environmental Health Department or the Florida Department of Environmental Regulation. All applicants are strongly advised to contact the local Environmental Health Department, County Road 249 (Nobles Ferry Road), Live Oak (386/362-2708, Ext. 243) to obtain permitting information prior to proceeding with zoning approval, since the applicant may discover information about the sewer/water permit that could prohibit the intended project.

1. An appeal from any final order or decision of the Land Development Regulation Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Land Development Regulation Administrator a written notice of appeal specifying the grounds therefore. A notice of appeal shall be considered filed with the Land Development Regulation Administrator when delivered to the Office of the Land Development Regulation Administrator. The date and time of filing shall be entered on the notice by County staff.
2. An appeal must be taken within thirty (30) days after the date of the decision or order appealed from.
3. Whenever an appeal is filed, the Land Development Regulation Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from.
4. An appeal stays all actions by the Land Development Regulation Administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Land Development Regulation Administrator certifies to the Board of Adjustment that (because of the facts stated in the certificate) a stay would, in the Land Development Regulation Administrator's opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court of record on application, on notice to the Land Development Regulation Administrator from whom the appeal is taken and on due cause shown.
5. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

SECTION 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 they would adversely affect the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

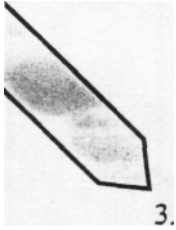
Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which special exception is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception 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 granting of the special exception would not adversely affect the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general 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 hook-up; (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 or attorney.

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.

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 would not adversely affect the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. 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 (1) 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 (.1) and (2) 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 property in the district including but not limited to:
- (1) Conformity with the County's Comprehensive Plan and the effects upon the Comprehensive Plan;
 - (2) The existing land use pattern;
 - (3) The impact of the proposed use upon the load on public facilities, such as schools, utilities, and streets;
 - (4) Changed or changing conditions which find the proposed use to be advantageous to the community and the neighborhood;
 - (5) The impact of the proposed use upon living conditions in the neighborhood;
 - (6) The impact of the proposed use upon traffic congestion or other public safety matters;
 - (7) The impact of the proposed use upon drainage;
 - (8) The impact of the proposed use upon light and air to adjacent areas;
 - (9) The impact of the proposed use upon property values in the adjacent area;
 - (10) The impact of the proposed use upon the improvement or development of adjacent property in accordance with existing regulations; and
 - (11) The impact of the proposed use with regard to the scale of needs of the neighborhood or the community.

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 twelve (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 specially 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 (1) proposed in the denied written petition.
- (b) Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

SECTION 12.3 VARIANCES, GENERAL. The specific provisions of this Section apply to the following portions of these land development regulations. Not all portions of these land development regulations provide for variances to the requirements contained therein. This is due to the inappropriateness of granting variances to such specific regulations as, but not limited to, the use of land, hazardous building requirements, historic site designation.

12.3.1 Variances to Zoning Regulations. The Board of Adjustment shall have power to authorize upon appeal such variance from the terms of these land development regulations as will not be contrary to the public interest and where, owing to special conditions particular to the property and not the result of the action of the applicant a literal enforcement of the provisions of these land development regulations would result in unnecessary and undue hardship on the land.

In granting any variance to the provisions of Article 4 of these land development regulations, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with such regulations, including but not limited to, reasonable time limits within which the action for which variance 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 variance is granted, shall be deemed a violation of these land development regulations.

Under no circumstance shall the Board of Adjustment grant a variance to permit a use not permitted under the terms of these land development regulations in the zoning district involved, or any use expressly or by implication prohibited by the terms of these land development regulations in the zoning district.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance. The procedure for taking an appeal for a variance shall be as set forth in this Article, and in addition, a variance shall not be granted by the Board of Adjustment unless and until:

12.3.1.1 Written petition. A written petition for a variance from the terms of these land development regulations is submitted by the applicant indicating the section of these land development regulations from which the variance 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 Section 12.3.1.2 below.

SAMPLE

