



Baker County Community Development

Building – Planning – Zoning – Code Enforcement

360 East Shuey Avenue
Macclenny, FL 32063

Office (904) 259-3354
Fax (904)259-5057

APPLICATION FOR SPECIAL EXCEPTION

Application # _____ Date of Application _____

PROPERTY OWNER(S)	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
	Telephone Number:	Fax #:	
E-mail Address:			

APPLICANT/AGENT	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
Telephone Number:	Fax #:		
E-mail Address:			

PROPERTY DESCRIPTION	Property Address(es)		
	Property Location(s) (briefly describe, do not use "see attached legal description")		
	Acreage		
Parcel # (tax ID #)			
BCC District #			

DESCRIPTION OF REQUEST	Special Exception Sought:		
	Reason this Special Exception is being sought:		
	Article# and Section of LDR		
Zoning & Land Use Classification			
Previous application filed & date			

PART IV 10.04.00 APPLICATION PROCEDURES

Sec. 10.04.01 Special Exceptions; General.

The Land Planning Agency shall have the power to hear and decide upon requests for special exceptions as authorized by land classifications; 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 not promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare as set forth in Article III, *Zoning*, 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 a 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:

- A. void the special exception,
- B. be deemed a violation of these land development regulations; and,
- C. shall be punishable as provided in these land development regulations.

Sec. 10.04.02 Special Exception; Application Procedure

The procedure for taking a request for a special exception shall be as set forth in this Article:

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A. Written Petition. A written petition for special exception shall be submitted by the applicant stating the pertinent facts on which the request is based. " The petition should include material necessary to demonstrate that the granting of the special exception would promote 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. An acceptable site plan at an appropriate scale with such reasonable information shown thereon as may be required by the Planning Director.

Such site plan shall include, as a minimum, the following:

- a. Lot dimensions with property line monuments located thereon.
- b. Proposed placement and size of proposed structures on the property.
- c. Location and size of existing structures on the property.
- d. Provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas; and required yards and other open spaces.
- e. Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property as directly affects the application.
- f. Plans showing proposed locations for utility hook-up.
- g. Plans for screening and buffering with reference as to type, dimensions, and character.
- h. 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.

B. Schedule of Hearing. Upon receipt of the petition, the Planning Department shall schedule a hearing before the Land Planning Agency pursuant to Section *10.06.00, Hearing Procedures*, to consider the application. Scheduling of this hearing shall provide ample time to give public notice thereof, as well as due notice to the parties involved. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.

C. Findings. The hearing provided for under this section shall be to review written and/or oral comments from the public in accordance with the Board's established procedures; to determine whether the specific rules governing the special exception, if any, have been met by the petitioner; to review relevant information from the applicant regarding the requested special exception and to insure that satisfactory provision and arrangement has been made concerning the following matters, where applicable:

- 1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.
- 2. Off-street parking and loading areas shall be provided as required, shall take into account relevant factors in (1) preceding and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.
- 3. Refuse and service areas shall be located with consideration for relevant factors in number (1) and number (2) preceding.

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- 4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.
- 5. Screening and buffering shall be provided which preserves or improves

compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

7. Required yards and open spaces shall be provided.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

9. The economic effect of the proposed use on adjacent and nearby properties shall be positive. Considerations shall include, but not be limited to:

a. Conformity with the County's Comprehensive Plan and the effects upon the Comprehensive Plan;

b. The existing land use pattern;

c. The impact of the proposed use upon the load on public facilities such as schools, utilities, and streets;

d. Changed or changing conditions which find the proposed use to be advantageous to the community and the neighborhood;

e. The impact of the proposed use upon living conditions in the neighborhood;

f. The impact of the proposed use upon traffic congestion or other public safety matters;

g. The impact of the proposed use upon drainage;

h. The impact of the proposed use upon light and air to adjacent areas;

i. The impact of the proposed use upon property values in the adjacent area;

j. The impact of the proposed use upon the improvement or development of adjacent property in accordance with existing regulations; and

k. The impact of the proposed use with regard to the scale of needs of the neighborhood or the community.

If the Land Planning Agency determines that sufficient factual data was presented, then it shall render a decision to either:

1. approve the request as Submitted;

2. approve the request with conditions, which shall have the legal force of zoning; or

3. disapprove the request.

If the Land Planning Agency 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.

D. Limitations on Subsequent Written Petition for a Special Exception. No written petition by an owner of real property for a special exception for a

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particular parcel of property, or part thereof, shall be filed with the Planning Department 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 Land Planning Agency specially waives said waiting period based upon a consideration of the following factors:

1. The new written petition constitutes a proposed special exception different from the one proposed in the denied written petition.

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. Within thirty (30) days of the rendering of a decision by the Land Planning Agency regarding a requested special exception, an appeal may be filed with the Circuit Court. Such appeal may be filed by the original applicant, the Planning Director, or a surrounding property owner. See Section 10.03.00, *Appeals*, for appeal procedures.

NOTES:

- Applications cannot be processed until all fees are paid.
- Application fees and other required fees will not be refunded if an application is denied by the Local Planning Agency and/or Board of Commissioners.
- Owner/applicant is responsible for all legal advertisement fees for required advertising, in addition to application fees and other applicable fees.
- Pursuant to § 286.0105 of Florida Statutes, if a person decides to appeal any decision made by the Local Planning Agency or County Commission, with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. According to the Americans with Disabilities Act, persons needing a special accommodation or an

interpreter to participate in a public hearing should contact the Administration Department at (904) 259-3613, at least 48 hours prior to the time of the hearing.

II. REQUIRED ATTACHMENTS:

A. All applications (zoning and land use amendments)

_____ Legal Description: An accurate legal description of the specific property being requested for zoning or land use change. The legal description may be either lot and block or metes and bounds. A copy of the legal description must be provided in both digital (MS Word) and print format.

_____ Property Ownership Affidavit: Notarized letter(s) of the property owner's consent to amend the future land use/rezone the subject property(ies).

_____ Copy of property owner's recorded Warranty Deed.

_____ Agent Authorization (if applicable): Notarized letter(s) designating an agent to act on behalf of the property owner(s).

_____ Boundary survey of the site.

_____ Application fee(s), advertising fee(s) and other fees, as required.

_____ Other supporting data required by staff: _____

III. APPLICATION CERTIFICATION

I, hereby, certify that I am the owner (or the authorized agent of the owner(s)) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief.

Signature of Owner(s) (or Applicant/Agent
if Agent Authorization form is attached)

(Date)

PROPERTY OWNERSHIP AFFIDAVIT

Date: _____

Baker County
Planning and Zoning Department
360 E Shuey Avenue
Macclenny, FL 32063

PROPERTY DESCRIPTION:

Parcel ID: _____ Lot #: _____

Street Address: _____

I, _____
Property Owner (Please Print) Property Owner (Please Print)

hereby certify that I am the owner of the above referenced property also described in the attached legal description in connection with filing application(s) for _____ submitted to the Baker County Planning and Zoning Department.

(Owner Signature) (Owner Signature)

STATE OF FLORIDA
COUNTY OF _____

The foregoing affidavit was sworn and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification.

(Notary Signature)

AGENT AUTHORIZATION

Date: _____

Baker County
Planning and Zoning Department
360 E Shuey Avenue
Macclenny, Florida 32063

PROPERTY DESCRIPTION:

Parcel ID: _____ Lot Number: _____

Street Address: _____

Property Owner: _____
(Please Print)

Property Owner: _____
(Please Print)

The undersigned, registered property owner(s) of the above noted property, do hereby authorize

_____, of _____
(Agent) (Name of firm)

to act as agent to file application(s) for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

(Owner Signature)

(Owner Signature)

STATE OF FLORIDA
COUNTY OF _____

The foregoing affidavit was sworn and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification.

(Notary Signature)

Fee for Special Exception

Baker County Planning and Zoning Department

Application Fee \$100.00

Advertising Fee \$100.00

- Newspaper Ad
- Property Signage
- Property Owner Notice
(Minimum 15 notices, additional fee may be required)

Total _____

\$

Paid: Cash _____, Check: _____, Receipt # _____, Date: _____

Name: _____

Parcel ID#: _____

PERMITS WILL NOT BE ISSUED UNTIL ALL FEES ARE PAID

Technical Fees for the following but not limited to them may have extra charges.

1. Attorney Option
2. State Surveyor Opinion
3. Engineer Opinion
4. Assistance from Northeast Regional Council
5. Mapping Assistance