

### CITY OF PORT ST. JOE SPECIAL EXCEPTION REQUEST APPLICATION

Property Address: \_\_\_\_\_ Zoning: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City, State, and Zip: \_\_\_\_\_

Parcel Number: \_\_\_\_\_ Applicant if different: \_\_\_\_\_

\_\_\_\_\_  
Owner signature

Swore to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. Personally known or produced identification \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

#### PUBLIC NOTICE

**A SIGN WILL BE POSTED FOR FIFTEEN DAYS ON THE PROPERTY SEEKING THE SPECIAL EXCEPTION AND A NOTICE WILL BE PUBLISHED IN THE LOCAL NEWSPAPER.**

#### APPLICATION REQUIREMENTS:

Application Fee - \$300

A letter indicating the section of the LDR under which special exception is being requested

Legal Description of Property

Copy of the Deed

Copy of the Survey

Site plan of the proposed improvements

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

committee, or other administrative official; or to decide in favor of the applicant on any matters upon which it is required to decide in the application of these regulations.

(f) Review and recommend updating and amendment of the comprehensive plan and land development regulations. All plan amendments and revised regulations shall require planning and development review board review and recommendation prior to approval by the board of city commissioners.

(g) Review and make findings and recommendations regarding level 2 major development plans to the board of city commissioners.

#### **Sec. 2.12. Same--Board of city commissioners.**

For the purposes of these land development regulations, the board of city commissioners of the city is responsible for review and approval of preliminary and final subdivision plats, and for review and approval of all level 2 major development plan proposals.

#### **Sec. 2.13. Special exceptions--Requirements and procedures.**

A special exception shall not be granted by the planning and development review board unless and until the following requirements and procedures are met:

(1) A written application for a special exception is submitted indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is required.

(2) Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent and the owners of abutting property shall be notified by mail. Notice of such hearing shall be published in a newspaper as required by law and posted on the property in question at least 15 days prior to the public hearing. Required fees as set forth in this Code shall be deposited with the city clerk to cover the cost of posting notices and notification by mail.

(3) The public hearing shall be held in accordance with the notice. Any adjoining property owner or any party whose substantial interest may be affected may appear in person, or by agent or attorney.

(4) The planning and development review board shall make a finding that it is empowered under the section of these regulations described in the application to grant the special exception, and provided that the granting of the special exception will not adversely affect the public interest. The planning and development review board shall confer with appropriate representatives of boards and/or committees having development review responsibility or specific knowledge regarding the special exception.

(5) Before any special exception shall be issued, the planning and development review board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:

a. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and to convenience, traffic flow and control, and access in case of fire or catastrophe;

- b. Offstreet parking and loading areas where required, with particular attention to the items in subsection a. 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 subsection a. and b. above;
- d. Utilities with reference to location, 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 effect and compatibility and harmony with properties in the district;
- g. Required yards and other open space;
- h. General compatibility with adjacent properties and other property in the district.

(6) Any restrictions imposed as a condition of granting the special exception, such as limitations on size or square footage, including future expansions, shall be specified at the time the special exception is granted.

#### **Sec. 2.14. Variances--Requirements and procedures.**

A variance from the terms of these regulations shall not be granted by the planning and development review board unless and until the following requirements or procedures are met:

- (1) A written application for a variance (hardship relief) is submitted to the building inspector demonstrating that a hardship exists based on one of the following conditions:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not involved and which are not applicable to other lands, structures or buildings in the same district;
  - b. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
  - c. That the special conditions and circumstances do not result from the actions of the applicant; or
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.
- (2) No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- (3) Notice of public hearing shall be given in accordance with the provisions specified under "special exceptions" and a public hearing shall be held. Any