



SECTION 3.0 SPECIAL EXCEPTION

Section 3.01 Purpose

This section describes the process for a [Special Exception](#). This process is for the review of uses that would not normally be appropriate within a zoning district, but if subject to appropriate limitations, conditions, and safeguards, would promote health, safety, welfare, convenience, and comfort of the public. The special exception process can only be applied to those uses noted as special exception uses in [Chapter 3](#) and in [Chapter 4](#) of the [Unified Land Development Code \(LDC\)](#).

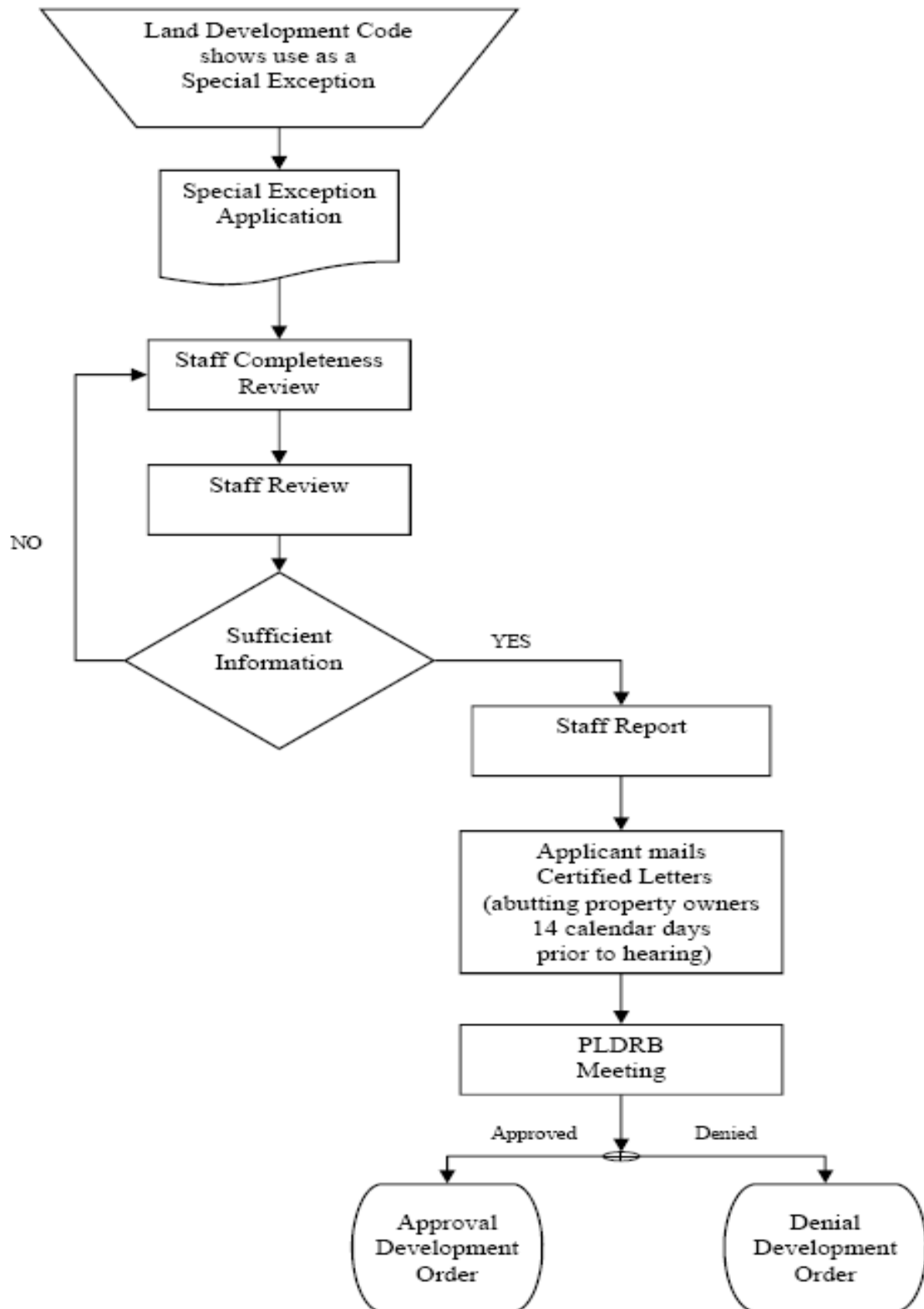
Section 3.02 Application Process

- A. The Applicant shall submit a complete [application package](#) to the City. A meeting with City Staff is recommended for submittal of the application package.
- B. Per [subsection 2.05.04](#) of the [LDC](#), the application package will undergo a completeness review by the City.
- C. Upon acceptance, the application package shall be reviewed for compliance.
- D. The City will schedule the application on the next available Planning and Land Development Regulation Board agenda for a public hearing upon satisfying compliance review. The Planning and Land Development Regulation Board is the level of authority to authorize the issuance of a [Special Exception](#) Development Order. If a [Special Exception](#) Development Order Approval is issued, it does not authorize the disturbance of any part of the subject property involved, but authorizes the filing of an application for another development order or building permit.

Section 3.03 Notification Requirement

Refer to [subsection 2.05.03](#) and [Table 2-2](#) of the [LDC](#). The Applicant shall submit an [affidavit](#) to the City, on a form provided by the City, as a measure of compliance.

Special Exceptions



**GENERAL APPLICATION:**

- | | |
|--|--|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Nonstatutory Land Division/Parcel Reconfiguration | <input type="checkbox"/> Vacating Plat |
| <input type="checkbox"/> Subdivision Master Plan | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Master Site Plan | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Technical Site Plan | <input type="checkbox"/> Nonresidential Controlling Master Site Plan |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Site Plan Addition |
| <input type="checkbox"/> Wireless Communication Facility (new structure) | <input type="checkbox"/> Development Order Modification |
| <input type="checkbox"/> Parking Flexibility | |

CD Plus Application #: _____ Application Submittal Date: _____

Fee Paid: \$ _____ Date of Acceptance: _____

Employee Name Accepting Application (print name): _____

Rejected on _____ Rejected by: _____

Reason for Rejection: _____

A. PROJECT NAME: _____

B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): _____

C. PROPERTY APPRAISER'S PARCEL NUMBER(s): _____

D. LEGAL DESCRIPTION: _____ Subdivision Name; _____ Section; _____ Block; _____ Lot

E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: _____

F. FUTURE LAND USE MAP DESIGNATION: _____ EXISTING ZONING DISTRICT: _____

OVERLAY DISTRICT: _____

G. FLOOD ZONE: _____ COMMUNITY PANEL NUMBER: _____ DATE: _____

H. PRESENT USE OF PROPERTY: _____

I. DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS): _____

J. PROPOSED NUMBER OF LOTS: _____

K. CHECK APPROPRIATE BOX FOR SITE PLAN:

- ☐ Tier 1 (up to 40,000 sq. ft. / 40 units)
- ☐ Tier 2 (up to 100,000 sq. ft. / 100 units)
- ☐ Tier 3 (exceeding 100,000 sq. ft. / 100 units)

L. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:

M. WATER/SEWER PROVIDER: _____

N. IS THERE AN EXISTING MORTGAGE? ☐ Yes ☐ No

**OWNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

APPLICANT / AGENT:**MORTGAGE HOLDER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

ENGINEER OR PROFESSIONAL:**PLANNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

TRAFFIC ENGINEER:**SURVEYOR:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

LANDSCAPE ARCHITECT:**ATTORNEY:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

DEVELOPER OR DOCKMASTER:

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

Signature of owner OR person authorized to represent this application

Signature(s) _____

Printed or typed name(s): _____

NOTARY: This instrument was acknowledged before me on this _____ day of _____, 20____ by

_____ who is/are personally known to me, or who has/have produced

_____ as identification. (SEAL)

Signature of Notary Public, State of Florida

General Application (sheet 2 of 2)



**SPECIAL EXCEPTION
APPLICATION SUBMITTAL CHECKLIST
(NOT for Home Occupations)**

☐ = Mandatory ☐ = As applicable ☐ = sub items

The following checklist is a tool to facilitate compliance for the submittal package. Place a check in each symbol below to indicate that the item has been addressed. As indicated in the above key legend, an item with a square indicates the item is mandatory, while the triangle indicates it may or may not be applicable. If applicable, then the item is mandatory.

At a minimum, the documents listed below are required to process a request for a special exception. This checklist **must** be completed by the Applicant and included in the application submittal package in order for the application to be accepted. If a required document is not provided then a statement justifying the action is to be submitted, which will be taken into consideration.

It is recommended to schedule an appointment for submittal of the application package by contacting a Land Development Technician at (386) 986-3736.

- ☐ A. Completed [application form](#) filed by property owner or property owner's representative (refer to [subsection 2.05.04.A](#) of the [Unified Land Development Code \(LDC\)](#).
- ☐ 1. Application notarized
- ☐ B. For an owner's representative, submit [letter of authorization](#).
- ☐ C. Provide copy of proof of land ownership (deed or certificate by lawyer, abstract company, or title company) that verifies the owner of record.
- ☐ D. Traffic:
- ☐ 1. Report/Statement
- ☐ a. Trip generation numbers
- ☐ E. Current survey prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the status of the parcel within one (1) year from the date of submitting the application.
- ☐ 1. Signed and sealed by a registered land surveyor
- ☐ 2. Survey accompanied by an affidavit that no changes have been made to the property since the date of the survey.
- ☐ F. Cover letter addressed to "Members of the Planning and Land Development Regulation Board" that provides factual, relevant information as to the Applicant's position and provides justification for the requested use.
- ☐ 1. Each special exception request must provide sufficient data to show compliance with the individual criteria of that particular use. See [subsections 2.05.05 and 2.07.03](#) of the [LDC](#).
- ☐ G. Scaled conceptual plan depicting the following and any other information pertinent to the application:
- ☐ 1. Property boundaries
- ☐ 2. Streets
- ☐ 3. Easements
- ☐ 4. All existing and proposed structures
- ☐ 5. Dimensions of all existing and proposed structures
- ☐ 6. Setbacks from the property lines to all structures
- ☐ 7. Intended use (if applicable).
- ☐ 8. Provide a reduced copy on 11" by 17" paper.
- ☐ 9. If plan is in color, submit ten (10) copies



- ☐ **H.** List of the names, mailing addresses, and parcel identification numbers of all abutting property owners. Property ownership information should be obtained from the Flagler County Property Appraiser's Office. (Abutting property means any property that is immediately contiguous to or that is immediately across any road or public rights-of-way from the property subject to such hearing).
- ☐ **I.** If residential component proposed, recommend obtaining School Capacity Availability Letter of Determination (see forms in Section 8 of this manual) and submit as part of the application package.
- ☐ **J.** Optional exhibits, such as photographs, letters of support from neighboring property owners, or other information intended to support the Applicant's position, may be submitted.
- ☐ **K.** For projects along State Roads, contact Florida Department of Transportation (FDOT) at (386) 943-5000 for review of the proposed connections. Submit FDOT comments, conditions, or approvals along with the above stated documents.
- ☐ **L.** Other materials and documents as required by the Planning Manager shall accompany such application.
- ☐ **M.** Nonrefundable filing fee established by resolution: \$200 plus \$25 per acre (payable to 'City of Palm Coast').



Property Owner Letter of Authorization

*****IF APPLICANT IS NOT THE PROPERTY OWNER*****

Dear Planning Manager,

I / We,

(All property owners)

being the current property owner(s) of the property legally described as Parcel Number(s)

and also described as Subdivision _____,

Section _____, Block _____, Lot _____, OR

Street Address or Physical Location:

Do hereby designate and authorize

(name of agent / applicant)

representing _____

(Individual or Corporate Name)

to sign on my/our behalf, as my/our agent to submit an application for a

(type of application)

for the property described above.

Signature of property owner

Print name

Signature of property owner

Print name

NOTARY: This instrument was acknowledged before me on this _____ day of _____,

20____ by _____ who is/are personally known to me, or

who has/have produced _____ as identification.

(SEAL)

Signature of Notary Public, State of Florida



AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF _____

COUNTY OF _____

COMES NOW, _____, being first duly sworn, who deposes and says:

(1) That he/she is the _____, an officer of _____ corporation existing under the laws of the State of _____.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: _____ relating to the following described real property:

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

Signature

Print name

Signature

Print name

NOTARY: This instrument was acknowledged before me on this _____ day of _____, 20____ by _____ who is/are personally known to me, or who has/have produced _____ as identification.

(SEAL)

Signature of Notary Public, State of Florida



JOINDER AND CONSENT AFFIDAVIT

JOINDER AND CONSENT BY _____
Name of Lending Institution / Mortgage Holder

COME NOW, _____ and Joins and Consents to the
covenants and conditions set forth herein and hereunto sets his hand and seal this ____ day
of _____, 20__.

ATTEST:

Name of Lending Institution

Corporate Secretary

Corporate President

Printed Name

Printed Name

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by
_____, who is/are personally known to me or who
has produced _____ as identification and who did execute said
instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

NOTARY PUBLIC (SEAL)

NOTARY PUBLIC SIGNATURE



NOTIFICATION AFFIDAVIT for VARIANCE / SPECIAL EXCEPTION

COUNTY OF FLAGLER X
STATE OF FLORIDA X

Before me this ____ day of _____, 20____ personally appeared

_____ who after providing

_____ as identification and

who _____ **did**, _____ **did not** take an oath, and who being duly sworn, deposes and says as follows:

"I have read and fully understand the provisions of this instrument."

1. Each abutting property owner (as defined in the Unified Land Development Code) of the boundary lines of **Application #** _____, has been mailed a letter by certified mail at least fourteen (14) calendar days before the hearing date notifying them of the date, time, and place of the _____, Planning & Land Development Regulation Board (PLDRB) hearing; and
2. No other documentation was provided in the envelope with the notification letter.

Signature of Responsible Party

Printed Name

Mailing Address

Signature of Person Taking Acknowledgement

SEAL

Name of Acknowledger (Typed, Printed or Stamped)

This document, once executed, must be returned to a Land Development Technician in the City of Palm Coast Community Development Department at least seven (7) days prior to the hearing date. Failure to provide document by that time will result in the application not being placed on the agenda for a public hearing.



SCHOOL PLANNING AND CONCURRENCY APPLICATION / SCHOOL IMPACT ANALYSIS FLAGLER COUNTY PUBLIC SCHOOLS, FACILITIES PLANNING DEPARTMENT 1769 EAST MOODY BLVD - BUILDING # 2 BUNNELL, FLORIDA 32110

Instructions: Please submit two copies of completed application, location map and fee for each new residential project to the appropriate local government.

I. Application Type

☐ Check one only:

☐ School Capacity Determination (Land Use & Zoning) ☐ Letter of No Impact ☐ Letter of Exemption

☐ Time Extension ☐ Project Amendment / Re-evaluation ☐ Non Binding Determination

School Capacity Availability Letter of Determination (Site Plan & Subdivision) See attached Fee Schedule. Make check payable to your local Government. In the event that a Mitigation Agreement is necessary, an additional fee may be required.

II: Project Information:

Project Name: _____ Local Government: _____

Parcel ID#: _____ (attach separate sheet for multiple parcels):

Location/Address of Subject property: _____ (attach location map)

Closest Major Intersection: _____

III: Ownership/Agent Information:

Owner/Contract Purchaser Name(s): _____

Agent/Contact Person: _____

Mailing address: _____

Telephone #: _____ Fax #: _____ E-mail: _____

IV: Development Information:

Project Data			
Current		Proposed	
Future Land Use:		Future Land Use:	
Zoning:		Zoning:	
Residential Units Proposed			
Single Family Detached:	Single Family Attached:	Apartments:	Mobile Homes:
Total Units:	Total Acres:	Phased Project: Yes <input type="checkbox"/> No <input type="checkbox"/>	



**SCHOOL PLANNING AND CONCURRENCY APPLICATION / SCHOOL IMPACT
ANALYSIS FLAGLER COUNTY PUBLIC SCHOOLS, FACILITIES PLANNING DEPARTMENT**

Applicant shall provide the information above to the Flagler County School District to calculate student generation, evaluate school capacity and address any potential mitigation. The applicant is responsible for obtaining any additional information required to complete the review process. For further information regarding this application process, please contact the local government with jurisdiction.

I hereby certify the statements and/or information contained in this application with any attachments submitted herewith are true and correct to the best of my knowledge.

Disclaimers:

By my signature hereto, I do hereby certify that the information contained in the application is true and correct to the best of my knowledge and understand that deliberate misrepresentation of such information may be grounds for denial or reversal of this application and/or revocation of any approval based upon this application.

I further acknowledge that the School Board of Flagler County may not defend any challenge to my proposed application and that it may be my sole obligation to defend any and all action and approvals of this application. Submission of this application initiates a process and does not imply approval by the School Board of Flagler County and any of its staff.

I further acknowledge that I have read the information contained in this application and have had sufficient opportunity to inquire with regard to matters set forth therein and accordingly, fully understand all applicable procedures and matters relating to this application. I hereby represent that I have the lawful right and authority to file this application.

Signature: _____

Owner: Agent: _____

Date: _____

If applicant is not the owner of record, a letter of authorization from the property owner(s) must be included with this form at the time of application submittal. If owner is a company/corporation, please submit documentation that signatory is registered agent of the company.

Official Use Only	
Application Received	
Date:	Time:
By:	



**SCHOOL PLANNING AND CONCURRENCY APPLICATION / SCHOOL IMPACT
ANALYSIS FLAGLER COUNTY PUBLIC SCHOOLS, FACILITIES PLANNING DEPARTMENT**

**FLAGLER COUNTY PUBLIC SCHOOLS
PLANNING SERVICES FEE SCHEDULE**

School Capacity Availability Reports/Letters

School Capacity Determination Nonbinding Review – FLU/Rezone)	\$200.00
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School Capacity Availability Letter of Determination (SCALD)
(Issued Prior to Final Plat/Site Plan or equivalent approval)

3-10 Units	\$150.00
11-49 Units	\$300.00
50+ Units	\$500.00

Letter of No Impact	\$100.00
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Letter of Exemption	\$100.00
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Time Extension	\$100.00
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Concurrency Determination Re-evaluation	\$150.00
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Proportionate Share Mitigation

3-10 Units	\$500.00
11-49 Units	\$1,000.00
50+ Units	\$2,500.00

Appeals

Application Fee	\$1,000.00
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Make check payable.....to City of Palm Coast, Flagler County or City of Bunnell.