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

Land Development Code shows use as a Special Exception

Special Exception Application

Staff Completeness Review

Staff Review

NO

Sufficient Information

YES

Staff Report

Applicant mails Certified Letters (abutting property owners 14 calendar days prior to hearing)

PLDRB Meeting

Approved

Denial Development Order

Approval Development Order

Denied
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
<table>
<thead>
<tr>
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<th>APPLICANT / AGENT:</th>
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<tbody>
<tr>
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<tr>
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</tr>
<tr>
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<td>Phone Number:</td>
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<tr>
<td>E-mail Address:</td>
<td>E-mail Address:</td>
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</tbody>
</table>

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
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 statement when generating fewer than 10 pm peak hour trips; Traffic Study when exceeding ten (10) pm peak hour trips.

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’).
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   Signature of property owner

__________________________  ____________________________

Print name   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          Signature

____________________  ______________________
Print name          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.
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:

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<tr>
<th>Project Data</th>
<th>Current</th>
<th>Proposed</th>
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<tbody>
<tr>
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Residential Units Proposed

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<th>Mobile Homes:</th>
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<tbody>
<tr>
<td>Total Units:</td>
<td>Total Acres:</td>
<td>Phased Project: Yes ☐ No ☐</td>
<td></td>
</tr>
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</table>
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: ____________________________________
Date: ______________

Owner: Agent: ____________________________________

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.

<table>
<thead>
<tr>
<th>Official Use Only</th>
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</thead>
<tbody>
<tr>
<td>ApplicationReceived</td>
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<tr>
<td>Date:</td>
</tr>
<tr>
<td>By:</td>
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Revised June 2009
FLAGLER COUNTY PUBLIC SCHOOLS
PLANNING SERVICES FEE SCHEDULE

School Capacity Availability Reports/Letters

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tr>
<td>School Capacity Determination</td>
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<tr>
<td>Nonbinding Review – FLU/Rezone</td>
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School Capacity Availability Letter of Determination (SCALD)
(Issued Prior to Final Plat/Site Plan or equivalent approval)

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<td>Concurrency Determination Re-evaluation</td>
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Proportionate Share Mitigation

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Appeals

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Make check payable…..to City of Palm Coast, Flagler County or City of Bunnell.

Page 3