FOR OFFICE USE ONLY

Project No:_____

Project Name:_____

400 ALEXANDRIA BOULEVARD • OVIEDO, FLORIDA 32765

www.cityofoviedo.net

TEL: (407) 971-5775
FAX: (407) 971-5819

SPECIAL EXCEPTION USE ORDER APPLICATION

The Special Exception Use Order Application must adhere to Section 3.3(B) of the 2006 Oviedo Land Development Code (and other regulations as applicable). The review process is as follows:

Please submit three (3) complete copies of your application along with the required fees and supporting narrative and information for a Sufficiency Review. Within eight (8) days the Applicant will be notified of the results of the Sufficiency Review and either requested to submit ten (10) additional complete copies so that the Compliance Review may begin, or the Applicant will be notified that the Application has been found insufficient and that additional items are required to make the Application complete. In the latter case, the Compliance Review will begin after the insufficient items are provided. Note: At a minimum, the Application must include a narrative addressing each item listed under Section 3.3(B)(2) of the LDC Section attached to this Application.

If the Applicant is someone other than the property owner, please provide within the Application Package a Power of Attorney signed by the property owner, which authorizes the applicant to apply for this Special Exception at the location identified.

APPLICATION FEE: $1,640.00 (Resolution No. 1794-08)

Please complete the following information:

GENERAL INFORMATION

1. Project Name: _____

2. Project Address:_____

_____

3. Parcel ID No.: _____

4. Applicant:_____

Address: _____

Phone No.: _____ Fax No.:_____ E-Mail: _____

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Project No:_____

Project Name:_____

5. Property Owner: _____

Address: _____

Phone No.: _____ Fax No.:_____ E-Mail: _____

6. Land Development Code Section for which the Application is to Apply:

_____

_____

7. Description of Special Exception Requested:_____

_____

_____

8. Location Map Detailing Site

Please include a location map and any applicable plans or diagrams relative to the proposed site requiring a Special Exception.

ADDITIONAL DOCUMENTATION

Provide justification in writing the SEUO demonstrates each of the following per Section 3.3(B)(2):

1. Land Use Compatibility
2. Sufficient Site Size, Adequate Site Specifications, and Infrastructure to Accommodate the Proposed Use.
3. Proper Use of Mitigative Techniques.
4. Hazardous Waste.
5. Compliance with Applicable Laws and Ordinances.
6. Commercial Uses in Residential Districts.
7. Additional Criteria Applicable to Specific Land Uses.

8. Provide a description of the specific site for which the SEUO is being requested per Section 3.3 (B)(1).

CERTIFICATION

I hereby certify to the best of my knowledge and belief that all information submitted with this application is true and accurate.

☐ Owner of record for the property described herein.
☐ Authorized Agent (Power of Attorney attached)

_____ _____

Signature **Date**

CITY OF OVIEDO
LAND DEVELOPMENT CODE

Section 3.3 (B) Special Exception Use Orders

1) **Purpose and Intent:** The purpose of this Subsection is to ensure that a special exception use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This Subsection sets forth provisions and criteria for consideration of special exception uses on specific sites. Special exception uses shall be permitted only upon a finding by the City Council that the proposed use satisfies the provisions of this Subsection.

2) **Criteria for Approving a Special Exception Use:** A special exception use may be permitted upon a finding by the City Council that the proposed use, application, and, if applicable, development plan comply with the criteria herein specified, including specific conditions established by the City Council during its review of the respective application in order to ensure compliance with the Comprehensive Plan and LDC. Applications for a special exception use order shall clearly and convincingly demonstrate the following:

   a) **Land Use Compatibility:** The application shall demonstrate that the special exception use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts are compatible with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.

   b) **Sufficient Site Size, Adequate Site Specifications, and Infrastructure to Accommodate the Proposed Use:** The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of special exception use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic and pedestrian circulation, infrastructure, and similar site improvements needed to mitigate against potential adverse impacts of the proposed special exception use.

   c) **Proper Use of Mitigative Techniques:** The application shall demonstrate that the special exception use has been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

   d) **Hazardous Waste:** The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of City approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The special exception use order shall provide for appropriate identification of hazardous waste and hazardous material, regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the City unless the specific location is consistent with the Comprehensive Plan, the Land Development Code, and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

   e) **Compliance with Applicable Laws and Ordinances:** A special exception use order application shall demonstrate compliance with all applicable Federal, State, County, and City laws and ordinances. Where permits are required from governmental agencies other than the

City, the permits shall be obtained as a condition of approval. The City may place other conditions on the approval of a special exception in order to protect the public health, safety, and welfare.

f) Commercial Uses in Residential Districts: Certain commercial uses may be allowed in residential districts with the issuance of a special exception use order. These commercial uses shall conform to the following additional criteria:

i) The site must be located on or at the intersection of two (2) collector roadways; one (1) collector and one (1) arterial roadway; or two (2) arterial roadways. If the site is not located at the intersection of a collector or arterial roadway, there shall be at least five hundred (500) feet between the proposed site and any existing commercial development.

ii) The development shall be designed to serve the immediate neighborhood. The scale, orientation of buildings, landscaping, signage, buffering, lighting, and other design considerations must all be found and determined to be compatible, as determined by the City through the review process, with the residential neighborhood.

iii) The development intensity and hours of operation shall be limited in accordance with traffic impact, visual compatibility, and natural site conditions.

iv) Convenient and safe pedestrian and non-motorized vehicular access must be provided.

v) The site must be serviced by central water and sewer.

g) Additional Criteria Applicable to Specific Land Uses: The Land Use Administration may require additional information relevant to the proposed site to be submitted with an application for a special exception use order.

3) Review Process

a) Pre-Application: It shall be the responsibility of the Applicant to request and obtain all required application forms and information that constitute a sufficient application. Prior to submitting an application, the Applicant may schedule a pre-application conference with the Land Use Administrator.

b) Application Submittal: The Applicant shall submit a sufficient application including the application form, required plans, supporting information, power of attorney (to allow parties to act on behalf of the Applicant and/or property owner), and all applicable fees to the Land Use Administrator for review.

c) Sufficiency Review

i) Upon receipt of an application, the Land Use Administrator or designee shall conduct a sufficiency review to determine if the application contains all required forms, plans, supporting information, and fees. Following the review, the Land Use Administrator or designee will notify the Applicant that the application is either sufficient or insufficient for review.

ii) If the application is found sufficient, the notification shall inform the Applicant of the requirements for compliance review.

iii) If the application is found insufficient, the notification will list the information that must be submitted for the application to be found sufficient. Prior to submittal of the required information, the Applicant may request a meeting with the Land Use Administrator to review the notice of insufficiency and the information that must be submitted to

constitute a sufficient application. Upon submittal of the required information, the Applicant shall pay an insufficient review fee.

d) Compliance Review

i) A sufficient application will undergo a compliance review to determine if the application clearly and convincingly demonstrates the criteria provided in Subsection (2):

1. Clearly and convincingly demonstrates the criteria provided in Subsection (2); and

2. Complies with applicable requirements of this Land Development Code, *Engineering Standards Manual*, and Florida Fire Prevention Code.

ii) The Applicant may amend the application prior to consideration of the application by the DRC, PZA, or City Council. The Applicant may also agree to amend the application during the consideration of the application by the DRC, PZA, or City Council. Said amendments must be made prior to the issuance of the special exception use order.

iii) **Review and Recommendation by DRC:** The DRC shall review the proposed application for special exception use order for compliance with the above requirements; formulate recommendations on the proposed special exception use order; and forward such recommendations to the Applicant, the PZA and the City Council.

iv) **Review and Recommendation by PZA:** The PZA shall review an application for a special exception use order and the recommendations of the DRC. The PZA shall make a written recommendation to the City Council to approve, approve with revisions, or deny the proposed special exception use order.

v) **Review and Action by City Council:** The City Council shall review an application for a special exception use order and the recommendations of the DRC and PZA; and act to approve, approve with revisions, or deny the application for special exception use order. The City Council may attach to the site development order any reasonable conditions or requirements in addition to those specified above. Such additional conditions or requirements shall be entered on the site development order and are enforceable in the same manner and to the same extent as the requirements specified above.

e) **Issuance of Special Exception Use Order:** For purposes of this Subsection, a special exception use order is issued when the City Council approves the application. When an application is found to be compliant, a special exception use order shall be issued by the order-approving authority. The special exception use order shall be signed by the property owner(s), or authorized representative, and the Land Use Administrator. The Applicant shall record the special exception use order with Seminole County within fourteen (14) days of signature by the Land Use Administrator and pay the costs to record the special exception use order. The Applicant shall provide a certified copy of the recorded special exception use order to the Land Use Administrator upon recording.

f) **Progress Conferences:** At any time during the review process, the Applicant may request a Progress Conference with the Land Use Administrator. Progress Conferences are encouraged and may assist in expediting the approval of the special exception use order application.

g) **Abated Application:** An application shall be abated when no activity occurs for six (6) consecutive months. The Land Use Administrator shall issue a Notice of Abated Application to the Applicant. Any submittal after the issuance of a Notice of Abated Application shall require the payment of an Abated Application fee and must comply with any amendments to this LDC, the Engineering Standards Manual, or Fire Prevention Code adopted after the last review of the application.

h) Abandoned Application: An application shall be abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator shall issue a Notice of Abandoned Application to the Applicant. Any submittal after the issuance of a Notice of Abandoned Application shall constitute a new application.

4) Effect of Special Exception Use Orders on Successors and Assigns: Special Exception Use Orders are transferable. However, so long the land or structure or any portion thereof covered under the special exception use order continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the special exception use order) may make use of the land except in accordance with the conditions and requirements of the special exception use order. The provisions of special exception use order run with and burden the real property to which it relates until release or amended in accordance with formal action of the City.

5) Amendment to an Approved Special Exception Use Order: An application to amend an approved special exception use order shall be processed and reviewed in the same manner as the application for the approved special exception use order.

6) Expiration: A special exception use order shall expire automatically if the use fails to remain compliant with all applicable rules and regulations, including any specific conditions of approval duly mandated by the City Council.

7) Extensions

a) The City Council may extend for a period of twelve (12) months the date when a special exception use order would otherwise expire pursuant to Subsection (6) if it concludes that:

i) The special exception use order has not yet expired,

ii) The special exception use order recipient has proceeded with due diligence and in good faith, and

iii) Conditions have not changed so substantially as to warrant a new application.

b) The City Council may grant successive extensions for periods up to 12 months upon the same findings, subject to compliance with Article IX, Concurrency Management.

8) Non-Conforming Situations: Notwithstanding any of the provisions of Article VII, Non-Conforming Situations, this Subsection shall be applicable to special exception use orders issued prior to the date this Subsection becomes effective.

FOR OFFICE USE ONLY
Project Name_____

Project No._____

Project Name:_____
Applicant Name:_____

SPECIAL EXCEPTION USE ORDER APPLICATION SUFFICIENCY CHECKLIST

If Not Applicable, provide justification

Item No:	***Checklist Item***	***Yes***	***No***	***Location in Submittal***	***Comments/Justification***
	Pre-Application Conference Held				
	GENERAL INFORMATION				
1	Project Name				
2	Project Address				
3	Parcel ID Number				
4	Applicant Name, Address, Telephone, E-mail, Fax				
5	Owner Name, Address, Telephone, E-mail, Fax				
6	Applicable Land Development Code Section				
7	Description of Special Exception Requested				
8	Location Map Detailing Site				
	ADDITIONAL DOCUMENTATION				
1	Land Use Compatibility				
2	Sufficient Size/Infrasturture				
3	Proper Use of Mitigative Techniques				
4	Hazardous Waste				
5	Compliance with Applicable Laws and Ordinances				
6	Commercial Uses in Residential Districts				
7	Additional Criteria Applicable to Specific Land Uses				
8	Description of Site				
	CERTIFICATION				
1	Certificate Form Completed/Signed				