

Special Exception Use Order Application



CITY OF OVIEDO
400 Alexandria Boulevard
Oviedo, Florida 32765

Application No. _____

Date Received _____

Pre-application Meeting Date _____

Phone: (407) 971-5775

Fax: (407) 971-5819

Applicant

If exempt under FS119.071 or FS493.6122 or FS741.3165 or FS741.4651, please fill out
Request for Redaction of Exempt Personal Information from Public Records form.

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Property Owner

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Consultant

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Submittal Checklist

Application and supporting documents shall be submitted electronically.

___ Authority/
Ownership Affidavit.

___ Boundary Survey with
the Legal Description
and Parcel Identification
Numbers.

___ Proof of Ownership
(a copy print out of
property appraiser's
information)

___ Site Plan

___ Narrative
demonstrating
compliance with LDC
Section 3.4(D)

___ Application Fee
\$2,165.00

___ Tech Fee
\$250.00

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Project Name: _____

Project Address and/or Parcel Identification Number(s). *Attach an official, sealed boundary survey with a complete legal description of the subject property to this application.*

Size of the Property (in acres) _____

Current Use _____

Proposed Use _____

Proposed Density/Intensity _____

Area of Building (in sq.ft) _____

Written narrative describing the Special Exception Use requested and demonstrating each of the following per Section 3.4(D).

Requirement	Provided	Not Provided
Site Plan detailing the required buffers, pedestrian access, mitigation, adjacent uses, etc.		
Land Use Compatibility		
Sufficient Size, Adequate Site Specifications, and Infrastructure to accommodate the proposed use		
Proper Use of Mitigative Techniques		
Hazardous Waste		
Compliance with applicable laws and ordinances		
Commercial Uses in Residential Districts		

Certification

I hereby certify that , to the best of my knowledge and belief, all information supplied with this application is true and complete, and that I am

the Property Owner of Record for the subject property described herein.

the Authorized Agent of the Property Owner of Record for the subject property described herein (notarized letter of authorization attached).

Signature _____

Name and Title (printed or typed)

Date

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The instructions are intended to provide you with the information necessary for you to complete an application for a Special Exception Use Order. The information requested to be part of your application represents the minimum requirements for submittal.

A project Manager will be assigned to your application to work with you throughout the application process. The project Manager will provide you information on all public meetings where your application will be considered. Our objective is to make the process clear and as understandable as possible for you.

Sufficiency Review

The Applicant is required to complete all parts of this application properly and completely in order for the Staff to begin processing the application. If the Staff determines within 2 business days that the application is not sufficient, you will be notified by email and the application will not be reviewed for compliance. Once the application is sufficient, staff will notify you by email and the application will move into Compliance Review.

Compliance Review

City Staff will review the completed application for compliance with the Land Development Code within the following review days:

1st Compliance Review-	28 calendar days
2nd Compliance Review-	21 calendar days
3rd Compliance Review-	14 calendar days (Applicants shall pay 50% of application fee)

If the application is compliant, the project Planner will schedule the application for board consideration.

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Board Consideration

Applications proceed through the following list of two (2) public meetings:

- 1) Local Planning Agency (LPA) - Public Meeting and Public Hearing
- 2) City Council– Public Meeting and Public Hearing

Issuance of Special Exception Use Order. 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 City Clerk 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 City shall provide a certified copy of the recorded special exception use order once the special exception use order is returned by the Seminole County Clerk of the Court.

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1) Purpose and Intent. The purpose of this subsection is to ensure that a special exception use is only 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 and is otherwise consistent with sound land use planning practices and principles and does not affect the public interest. 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 this 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 or otherwise be adverse to the public interest. Compliance with sound and generally accepted land use planning practices and principles must be demonstrated.

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.

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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 LDC, 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, codes and ordinances as may be appropriate. 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 Administrator may require additional information relevant to the proposed site to be submitted with an application for a special exception use order.

Revocation. A special exception use order may be revoked if, after notice and a hearing thereon, it is determined by the City, that the use fails to remain compliant with all applicable rules and regulations, including any specific conditions of approval duly mandated by the City Council.