

SPECIAL EXCEPTION PROCESS

APPLICATION PROCEDURE

Applications for special exceptions may be obtained on-line at www.volusia.org, or from one of the two (2) Growth and Resource Management Department (Building & Zoning) locations: 123 West Indiana Avenue, DeLand, or 250 North Beach Street, Daytona Beach.

CHECKLIST

Information needed to complete the application includes:

- 1. A description of the special exception requested.
- 2. The property owner's name, address, and telephone number.
- 3. If the owner is not the applicant, the applicant's name, address and telephone number.
- 4. Information on utilities.
- 5. The tax parcel number and address of parcel.

NOTE: THE PARCEL NUMBER CAN BE OBTAINED FROM ANY OF THE THREE (3) VOLUSIA COUNTY PROPERTY APPRAISER'S OFFICES: 123 W. INDIANA AVENUE, DELAND; 250 NORTH BEACH STREET, DAYTONA BEACH; OR 810-A COMMED BLVD., ORANGE CITY.

- 6. General location of the site.
- 7. The number of acres in the parcel.
- 8. The square footage of each proposed building, if applicable.
- 9. If a Community Residential Home or Group Home, the number of residents; if day care, hours of operation and the number of children/adults.

ADDITIONAL REQUIREMENTS - CHECKLIST

The completed application must be returned *in person* to the Growth and Resource Management Department (Building & Zoning).

- 1. The application fee.
- 2. A notarized authorization form from the owner or an attorney representing the owner.
- 3. Two (2) copies of the legal description furnished electronically in MS Word format.
- 4. Two (2) current (no older than two years) signed and sealed surveys of the property prepared by a Florida Registered Land Surveyor.
- 5. Five (5) copies of a site plan that complies with Section 1104.00(A)(4) & (5) of the Zoning Ordinance and one 8½ " X 11" reduced copy of survey.
- 6. Written explanation of special exception (i.e. hours of operation, duration, number of clients, etc.).

APPLICATION DEADLINE

The deadline to submit applications to the Growth and Resource Management Department (Building & Zoning) is 12:00 noon, forty-five (45) days prior to the Planning and Land Development Regulation Commission (PLDRC) public hearing. The Growth and Resource Management Department (Building & Zoning) has three (3) working days from the date you submit your application to determine if it is complete and correct. If your application is found to be lacking any of the requested information, or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing, nor will it be placed on the PLDRC agenda unless a correct application is submitted within 3 working days after the filing deadline date.

PUBLIC NOTIFICATION

1. At least 10 days prior to the PLDRC public hearing, the applicant shall mail a letter of notification to owners of all property abutting the request site. (This includes property across the street.) Letters are to be sent by certified mail and are to contain an explanation of the request; the legal description of the property; and times, dates, and places of the PLDRC public hearing and the County Council public hearing. A sample letter can be obtained from the Growth and Resource Management Department (Building & Zoning). The names and addresses of the adjoining property owners are to be obtained from any of the three (3) Volusia County Property Appraiser's Offices: 123 West Indiana Avenue, DeLand; 250 North Beach Street, Daytona Beach; or 810-A Commed Boulevard, Orange City.
2. The applicant shall erect a Public Hearing Notice Poster on the property at least ten days prior to the PLDRC hearing. The poster will be furnished by the Growth and Resource Management Department (Building & Zoning). The poster shall remain in place until final action has been taken on the request. Maintenance of the poster is the responsibility of the applicant. If for some reason a new poster is required, the Growth and Resource Management Department (Building & Zoning) will furnish it upon request by the applicant.
3. An affidavit certifying compliance with these notification requirements and bearing the notarized signature of the applicant must be submitted to the Growth and Resource Management Department (Building & Zoning) prior to the PLDRC public hearing. A copy of the letter mailed to adjacent property owners and certified mail receipts must accompany the affidavit.
4. For further public notification, the Growth and Resource Management Department (Building & Zoning) will prepare a legal advertisement for publication in the local newspaper.

WRITTEN STAFF REPORT

For each application filed, the Growth and Resource Management Department (Building & Zoning) will prepare a written report for consideration by the Planning and Land Development Regulation Commission. The report will include comments on Comprehensive Plan consistency, existing land use, zoning, traffic, environment, availability of public services, and will conclude with a recommendation. A copy of this report is forwarded to the applicant no later than seven (7) days prior to the PLDRC Hearing date.

PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION PUBLIC HEARING

The PLDRC is a body consisting of seven (7) members appointed by the Volusia County Council. A public hearing is held the second Tuesday of every month, at 9:00 a.m. in the County Council Chambers on the second floor of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand. Following the public hearing and discussion of each application, the Commission votes on the application. They may accept, modify, return or seek additional information.

COUNTY COUNCIL PUBLIC HEARING

ANY NEW INFORMATION TO BE PRESENTED AT THE COUNTY COUNCIL MEETING THAT WAS NOT PREVIOUSLY PRESENTED TO THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION FOR ANY APPLICATION WILL BE GROUNDS TO RETURN AN APPLICATION TO THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION FOR FURTHER REVIEW. APPLICANTS SHALL INFORM AND PROVIDE STAFF WITH THE NEW INFORMATION PRIOR TO THE COUNCIL MEETING.

The County Council schedules a public hearing on special exception applications for its second meeting of the month following the PLDRC public hearing. The County Council holds its public hearings at 2:00 p.m. in the County Council Chambers on the second floor of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand. At this public hearing, the County Council votes to approve, deny, or continue the application. An application will not be heard by the County Council unless the Public Notification requirements described above have been satisfied.



**BUILDING AND ZONING DIVISION
COUNTY OF VOLUSIA
PRE- APPLICATION MEETING FORM**

You must set up a pre-application meeting **before** submitting your application. Please call extension 2777 from one of the following numbers to set up an appointment: From the DeLand area at (386) 943-7059, from Daytona/Ormond Beach at 248-8115, and from New Smyrna Beach/Oak Hill at 424-6815 or fax this completed form to (386) 626-6570.

The following background information is required to schedule a pre-application meeting. County staff will use this to research the project site in preparation for the meeting. Although this is the minimal amount of background material required, more information is welcome. Please reference the list of Recommended Pre-Application Materials. Please attach additional sheets or plans as needed.

APPLICANT

OWNER

Name: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____ Fax: _____
 E-Mail Address: _____
 Contact Person: _____

Name: _____
 Address: _____
 City/State/Zip: _____
 Phone: _____ Fax: _____
 E-Mail Address: _____
 Contact Person: _____

My application will be: (Please check the type of request)

- ___ A Rezoning from _____ to _____.
- ___ A Special Exception/Conditional Use for a _____.
- ___ A Variance to _____.
- ___ A Minor/Major Amendment to _____.

PROJECT INFORMATION

Tax parcel number(s): _____
 Address of parcel: _____
 Size of parcel: _____ Existing zoning: _____
 Future Land Use: _____
 Existing Use of Property: _____

You are recommended to submit the following with this form:

- A signed and sealed survey of the property (should be no more than 2 years old)
- Legal description of the subject property, if not on the survey
- A site plan to scale (for Special Exceptions & Variances)
- Written description of the request

Violation(s): _____ TRS Meeting Date: _____ EMD Required: YES NO N/C Lot Letter Required: _____ Unrecorded Subdivision: _____ Other: _____

STAFF USE ONLY

Planner's Comments/Notes: _____

 _____ Notifications Discussed

Date Submitted: _____ Taken By: _____ Time: _____ a.m./p.m.



SPECIAL EXCEPTION APPLICATION
THE ZONING ORDINANCE OF VOLUSIA COUNTY, FLORIDA

PLEASE PRINT OR TYPE

Pre-Application Meeting Date: _____

APPLICANT:

Name _____ E-Mail Address _____
Street Address _____ Phone _____
City _____ State _____ Zip _____

STATUS:

___ Owner ___ Agent for Owner ___ Attorney for Owner ___ Contract Purchaser

OWNER:

Name _____
Street Address _____ Phone _____
City _____ State _____ Zip _____

This is a request for a Special Exception for a _____

on _____ zoned property. The Comprehensive Plan Land Use Designation is _____
Zoning Classification(s)

Size of Parcel _____ Tax Parcel #: _____

Address of Property: _____

Sq. ft. of building, if applicable: _____ If Group Home or Daycare Center, # of proposed clients/members: _____

This property is located on the _____ side of _____ Rd./St./Ave., approximately _____ ft./mi. N-S-E-W from its intersection with _____ Rd./St./Ave. The property is near _____ in the community of _____, and/or adjacent to the City of _____.

Circle applicable Utility: Private Septic/Well Central Sewer/Water by: _____ Other: _____

APPLICATION WILL NOT BE ACCEPTED UNLESS ALL OF THE FOLLOWING ARE ATTACHED:

- Two (2) signed and sealed surveys of the property (no more than 2 years old).
Two (2) copies of the legal description (furnished electronically in MS Word format).
Notarized Authorization of Owner (if applicant is other than the Owner or Attorney for the Owner).
5 Copies of site plan (to scale) complying with §1104.00 of the Zoning Ord. and 1 reduced to 8 1/2" x 11".
Nonconforming lot letter, if applicable.
Written explanation.
Pre-Application Meeting Form
Application fee.

Case # _____

ALL SUBMITTALS MUST BE MADE IN PERSON BY 12:00 NOON ON DEADLINE DATE AND FEES MUST BE PAID BEFORE APPLICATION WILL BE ACCEPTED.

IF THIS APPLICATION IS APPROVED, ALL OTHER COUNTY ORDINANCES SHALL BE COMPLIED WITH AND FEES PAID.

This request will be considered at the Planning and Land Development Regulation Commission (PLDRC) Public Hearing on _____(mo/day/yr), in the County Council Chambers of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida, beginning at 9:00 a.m.

The recommendation of the aforesaid Commission will be considered at the Volusia County Council Public Hearing held on _____(mo/day/yr), in the County Council Chambers of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida beginning at 10:30 a.m.

Under Section 1104.00(j), if a Special Exception does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or if its use is abandoned for 12 consecutive months from the date of rendition, it shall expire.) However, the zoning enforcement official may extend the Special Exception for up to an additional 12 month period of time if the applicant can demonstrate that a good-faith reliance has been on-going to accomplish the approved Special Exception.

ANY NEW INFORMATION TO BE PRESENTED AT THE COUNTY COUNCIL MEETING THAT WAS NOT PREVIOUSLY PRESENTED TO THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION FOR ANY APPLICATION WILL BE GROUNDS TO RETURN AN APPLICATION TO THE PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION FOR FURTHER REVIEW. APPLICANTS SHALL INFORM AND PROVIDE STAFF WITH THE NEW INFORMATION PRIOR TO THE COUNCIL MEETING.

APPLICANT'S RIGHTS FOR APPEAL OR REHEARING AND RES JUDICATA ARE STATED IN SECTIONS 1002.00 AND 1105.00 OF THE ZONING ORDINANCE 80-8, AS AMENDED.

Signature of Applicant: _____
PRINT NAME

Signature of Applicant: _____
PRINT NAME

- - - - - **DO NOT WRITE BELOW THIS LINE** - - - - -

Date Submitted: _____ Accepted/Reviewed By.: _____

FILING FEE PAID: _____ RECEIPT#: _____ OFFICE: _____

AMANDA ROW ID: _____

CITY NOTIFICATION REQUIRED (1,320 ft.) YES _____ NO _____

NAME OF CITY _____

NOTARIZED AUTHORIZATION OF OWNER (PLEASE PRINT)

I/We, _____,
(owners name)

as the sole or joint fee simple title holder(s) of the property described as: _____

(legal description or parcel number)

authorize _____ to act as my agent
(applicants' name)

to seek _____ on the above property.
(special exception, rezoning, or variance)

My application will be heard at a public hearing on _____ (mo/day/yr) before
the Planning and Land Development Regulation Commission (PLDRC) and on
_____ (mo/day/yr) before the Volusia County Council (if applicable), unless
continued or rescheduled at the public hearing.

OWNER'S SIGNATURE

OWNER'S SIGNATURE

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____
(date)
by _____, who is personally
(name of person acknowledging)
known to me or who has produced _____ as
(type of identification)
identification and who did not take an oath.

NOTARY PUBLIC, STATE OF FLORIDA

Type or Print Name:

Commission No.:

My Commission Expires: _____

SPECIAL EXCEPTION

NOTICE TO ADJOINING PROPERTY OWNERS
(PLEASE PRINT)

Dear _____:

This is to inform you that I have filed an application for a Special Exception, Case Number _____, for a Public Hearing with the Volusia County Planning and Land Development Regulation Commission (PLDRC). This Hearing will be held on Tuesday, _____(mo/day/yr), commencing at 9:00 a. m. The recommendations of the Commission will be forwarded to the Volusia County Council which will hold a Public Hearing on this application on Thursday, _____(mo/day/yr). This application will be heard in the County Council Chambers of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida, commencing at 2:00 p.m., or as soon thereafter as the matter may be heard.

I am requesting this Public Hearing for the purpose of seeking a Special Exception for a:

in the _____ zoning classification.

All interested parties may appear at these hearings to hear this request.

The legal description of my property is as follows:

The size of the property is _____ square feet/acres.

The property is located at _____

Appeals and Rehearing and Administrative Res Judicata are stated in Sections 1002.00, 1004.00, and 1005.00 of the Zoning Ordinance No. 80-8, as amended.

APPLICANT NAME: _____
(Signature)

(Print Name)

ADDRESS: _____

PARCEL NUMBER(S): _____

PHONE: Area Code (_____) _____

For more information, contact Building and Zoning in DeLand at (386) 943-7059; from the Daytona/Ormond Beach area at 248-8115; and from the New Smyrna Beach/Oak Hill area at 424-6815, Monday through Friday 8:00 a.m. to 5:00 p.m.

Name	Tax Parcel # (12 digits)	Certified Mail Receipt Number

(Use additional pages if necessary)

Our policy is to recommend that cases be continued as a matter of course by the PLDRC unless an Affidavit of Compliance has been submitted one week before the PLDRC meeting in order to be heard on the scheduled date.

ADJACENT PROPERTY OWNERS THAT ARE LISTED AS CONFIDENTIAL ON THE CURRENT TAX ROLL MUST BE NOTIFIED BY PROVIDING THE CERTIFIED MAIL TO THE DELAND PROPERTY APPRAISER'S OFFICE.

Case Number _____ Hearing Date _____
 Typed or Printed Name _____
 Signature _____
 Address _____
 Parcel Numbers _____

STATE OF FLORIDA
 COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ (Date)
 by _____ (Name of Person), who has produced
 _____ (Type of Identification) as identification and
 who did not take an oath.

 NOTARY PUBLIC, STATE OF FLORIDA
 Type or Print Name:

 Commission No.: _____
 My Commission Expires: _____

MAILING ADDRESS:
 County of Volusia
 Building and Zoning Division, Room 205
 123 West Indiana Avenue
 DeLand, Florida 32720-4604