



**Marion County
Board of County Commissioners**

Growth Services
2710 E. Silver Springs
Blvd. Ocala, FL 34470
Phone: 352-438-2600 Fax:
352-438-2601

SPECIAL USE PERMIT APPLICATION - REGULAR - \$1,000.00

The undersigned hereby requests a Special Use Permit in accordance with Marion County Land Development Code, Articles 2 and 4, for the purpose of: _____

Legal Description: (Please attach a copy of the deed and location map.) **Parcel Zoning:** _____

Parcel account number(s): _____

Property dimensions: _____ **Total acreage:** _____

Directions: _____

Each property owner(s) MUST sign this application or provide written authorization naming an applicant or agent to act on his behalf. **Please print all information, except for the Owner and Applicant/Agent signature.**

Property Owner name (please print)

Applicant or agent name (please print)

Mailing Address

Mailing Address

City, State, Zip code

City, State, Zip code

Phone number (include area code)

Phone number (include area code)

E-mail address

E-mail address

Signature

Signature

PLEASE NOTE: A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present, the request may be postponed or **denied**. Hearing notices will be mailed to the address(es) listed above. All information submitted must be correct and legible to process the Application. Contact Growth Services Planning & Zoning at (352) 438-2675 for more information.

STAFF/OFFICE USE ONLY				
Project No.:		Code Case No.:		Application No.:
Rcvd by:	Rcvd Date: / /	FLUM:	Zoning Map No.:	Rev: 07/1/2019

SPECIAL USE PERMIT – REGULAR APPLICATION
APPLICANT’S SUBMISSION CHECKLIST & GENERAL INFORMATION

- _____1. A completed Application accompanied by payment of the Application Fee. (Please make checks payable to: Marion County Board of County Commissioners.)
- _____2. One copy of the current property deed demonstrating the Owner(s) signing the Application is the property owner(s).
- _____3. One copy of the legal description of the controlled property that will be subject to the Application, particularly if this legal description is different from the property legal description on the copy of the current deed submitted.
- _____4. One set of written Findings of Fact (using 8 ½” x 11” letter-size paper) that demonstrate that the proposed use will not adversely affect the public interest, the proposed use is consistent with the Comprehensive Plan, and the proposed use is compatible with the land uses in the surrounding area. (*Please see the Findings of Fact Information on the following page.*)
- _____5. A Conceptual Plan, prepared consistent with the provisions of Article 6 of the Land Development Code (LDC) and using an appropriate scale, shall be submitted showing:
- 1) Location of existing and proposed structures and/or operation areas on the property,
 - 2) Location of driveways for ingress & egress, off-street parking, and off-street loading areas,
 - 3) Refuse and service areas,
 - 4) Required yards and other open spaces,
 - 5) Proposed screening and buffering with reference as to type, dimensions, and character, as generally required and particularly for applicable specific requirements such as those listed in LDC Division 4.3,
 - 6) Locations for utilities, including water and sewer,
 - 7) Where additional requirements on the preparation of conceptual plan are required to demonstrate the general findings of fact provided, those requirements shall be met.

Conceptual Plan - Number of Copies

- _____ If provided on a single 8 ½” x 11” (letter-size) page – **one copy is required.**
- OR**
- _____ If provided in a format larger than one 8 ½” x 11” (letter-size) page – **21 copies are required.**
- _____6. For *Applications for parking a commercial vehicle(s) exceeding 10,000 lbs.*, list the vehicle identification number (VIN) on the application and attach a photo of the vehicle.
- _____7. If applicable, 20 copies of an Environmental Assessment for Listed Species (EALS) or EALS Exemption request, prepared consistent with LDC Division 6.5.
- _____8. If applicable, 20 copies of a Karst Topography and High Recharge Area Study, prepared consistent with LDC Division 6.10.

SPECIAL USE PERMIT – REGULAR APPLICATION
APPLICANT’S SUBMISSION CHECKLIST & GENERAL INFORMATION

APPLICATION FINDINGS OF FACTS REQUIREMENTS

The application must include a written description addressing the following findings, either on the Concept Plan or in a separate written description. The P&Z may make further written findings that the specific requirements, if any, governing the individual SUP, excluding towers, have been made concerning the following matters, where applicable:

- 1) Provision for ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
- 2) Provision for off-street parking and loading areas, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.
- 3) Provisions for refuse and service area, with particular reference to the items in (1) and (2) above.
- 4) Provision for utilities, with reference to locations, availability and compatibility.
- 5) Provision for screening and buffering of dissimilar uses and of adjacent properties where necessary.
- 6) Provision for signs, if any, and exterior lighting with consideration given to glare, traffic safety, economic effects and compatibility and harmony with properties in the surrounding area.
- 7) Provision for required yards and other green space.
- 8) Provision for general compatibility with adjacent properties and other property in the surrounding area.
- 9) Provision for meeting any special requirements required by the site analysis for the particular use involved.

ADVISORIES:

- 1) If approved, the Special Use Permit will NOT become effective until 14 days AFTER the final decision is made by the Marion County Board of County Commissioners.
- 2) A representative is strongly encouraged to attend the public hearings when this application will be discussed. If no representative is present and additional information is required, the request may be postponed or denied.

SPECIAL USE PERMIT APPLICATION – REVIEW PROCESS SUMMARY

1. APPLICATION SUBMISSION [Land Development Code (LDC) Section 2.8.2]

- A. A formal written application for a Special Use Permit (SUP) on a form provided by the Growth Services Department is submitted to the Planning/Zoning Manager indicating the section of this Code under which the SUP is sought and stating the grounds on which it is requested.
- B. A fee in the amount established by resolution of the Board of County Commissioners (BCC) shall accompany the application. The fee schedule is available at the Growth Services Department.
- C. A Conceptual Plan prepared in accordance with the provisions of LDC Article 6 and at an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas, and required yards and other open spaces.
 - (1) Plans for screening and buffering with reference as to type, dimensions and character. Where additional requirements on the preparation of conceptual plan are required to demonstrate the General Findings below, those requirements shall be met.
 - (2) Proposed locations for utilities including water and sewer.
- D. **The application must include a written description addressing the following findings, either on the Concept Plan or in a separate written description.** The P&Z may make further written findings that the specific requirements, if any, governing the individual SUP, excluding towers, have been made concerning the following matters, where applicable:
 - (1) Provision for ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
 - (2) Provision for off-street parking and loading areas, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.
 - (3) Provisions for refuse and service area, with particular reference to the items in (1) and (2) above.
 - (4) Provision for utilities, with reference to locations, availability and compatibility.
 - (5) Provision for screening and buffering of dissimilar uses and of adjacent properties where necessary.
 - (6) Provision for signs, if any, and exterior lighting with consideration given to glare, traffic safety, economic effects and compatibility and harmony with properties in the surrounding area.

- (7) Provision for required yards and other green space.
 - (8) Provision for general compatibility with adjacent properties and other property in the surrounding area.
 - (9) Provision for meeting any special requirements required by the site analysis for the particular use involved.
- E. Applications for Telecommunication Towers shall include a description of the following findings. The P&Z may make further written findings that the specific requirements contained in the LDC Section 4.3.25 governing a SUP for telecommunication towers has been made concerning the following matters, where applicable:
- (1) Setbacks from Parent Property Lines.
 - (2) Certified Fall Radius.
 - (3) Locational Requirements Relative to Offsite Uses and Zoning.
 - (4) Provisions for Collocation.
 - (5) Tower Clustering.
 - (6) Landscaping, Screening and Buffers.
 - (7) Lighting of Tower.
 - (8) Color of Tower.
 - (9) Building design and blending of tower facilities to the natural setting and built environment.
 - (10) Antenna Compatibility.
 - (11) Signage.
 - (12) Security Fencing.
 - (13) Inventory of Existing Sites.
 - (14) Compliance with current standards and regulations of the FAA, the FCC and any other Federal governmental agency with the authority to regulate towers and antennas.
 - (15) Building Codes and Standards.
 - (16) Provision of parking spaces and provisions for removal of refuse.
 - (17) Provision for utilities.
 - (18) Provisions for general compatibility with adjacent properties and other property in the surrounding area.
- F. Findings and submittal requirements for Mining applications as specified in LDC Article 4.3.11.
- G. The findings and recommendations of the P&Z shall be forwarded to the BCC for review and approval.

2. GROWTH SERVICES SCHEDULING & RECOMMENDATION [LDC Section 2.8.3]

- A. Public hearings related to this application request are set for the calendar year and the schedule is available from the Growth Services Department. A normal SUP application cycle will take 90± days to complete.
- B. The Growth Services Department shall review the application for a SUP and shall make recommendations to the P&Z respecting the applications' consistency with the Comprehensive Plan.
- C. If the Growth Services Department fails to make a written recommendation to the P&Z by the date the P&Z has set to officially act on the request, the Growth Services Department shall be deemed to have recommended approval of the application and consistency with the Comprehensive Plan

3. PLANNING AND ZONING COMMISSION (P&Z) PUBLIC HEARING [LDC Sections 1.4.2 and 2.8.3]

The P&Z is hereby established pursuant to Ch. 125 FS and § 163.3161 FS, as amended, to act as an advisory commission to the BCC regarding Zoning Change and SUP matters as follows:

A. Zoning related duties.

- (1) To review and consider the recommendations of the Growth Services staff on Zoning Change and SUP Applications, consistent with Articles 2 and 4.
- (2) To hold public hearings regarding Zoning Change and SUP applications as required by law and this Code.
- (3) To make recommendations to the BCC regarding Zoning Change and SUP applications, consistent with Articles 2 and 4.

B. P&Z Hearing Actions

- (1) Conditions and safeguards. In recommending any SUP, the P&Z may prescribe appropriate conditions and safeguards in conformity with this Code.
- (2) Time limit. The P&Z may recommend a reasonable time limit within which the use for which the SUP is required to be started or completed.
- (3) Denial. If the P&Z recommends denial of a SUP, it shall state fully in writing its reasons for denial. Reasons may include the lack of provisions stated in section 1 above, or such of them as may be applicable to the action of denial and the particular regulations relating to the specific SUP requested, if any.

4. BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING [LDC Section 2.8.4]

The BCC shall hold a public hearing after each P&Z public hearing to consider recommendations from the Growth Services staff and P&Z to determined approval or denial of SUPs. The decision of the BCC shall be final.

A. LIMITATION ON SPECIAL USE PERMIT RE-APPLICATION FOLLOWING DENIAL

When the BCC has denied an application for a SUP, no applicant shall submit an application for a SUP for any part or all of the same property for the same use for a period of twelve (12) months from the date of denial unless the property is incorporated, annexed or there is a Comprehensive Plan amendment which would affect the area.

B. APPEALS OF BCC DECISIONS

All applications requesting a SUP shall be approved or denied by a majority vote of the BCC members present and voting at the public hearing of the BCC to consider the application. If the vote of the BCC results in a tie vote, the tie vote may operate as a deferral to the next zoning public hearing or date otherwise designated by the BCC. Appeal of a BCC vote to approve or deny an application shall be by filing a Petition for Writ of Certiorari with the Circuit Court in Marion County within 30 days of rendition of the decision to be reviewed by the Court. It is the applicant's responsibility to ensure a verbatim record of the proceedings is made for use for any such appeal.

5. APPLICANT'S REQUEST FOR WITHDRAWAL – At the request of the applicant, the P&Z or the BCC shall permit withdrawal of an application. *The fee paid shall not be refunded.*

6. APPLICANT'S REQUEST FOR CONTINUANCE – At the request of an applicant and for good cause shown, the P&Z or the BCC may continue the public hearing on SUP. *The applicant shall be required to pay an additional fee to cover the cost of re-advertising and re-notifying the adjacent property owners.* The P&Z or the BCC shall not grant an applicant's request for continuance when the application is the result of a notice of zoning code violation and the SUP is necessary to cure such violation. The applicant will not be required to pay an additional application fee if the continuance is granted by the P&Z or the BCC, on their own initiative, when deemed necessary or desirable.

EXAMPLE

Special Use (Written findings & facts)

1. Access to business will be off of Hwy 441. There will be a blacktop entrance to building which leads to parking spaces including handicap for customers to park and also blacktop drive along one side of building for unloading.
2. The parking area will be blacktop; grass will be laid from Hwy. Road access up to and around parking area for customers, equipped with handicap area.
3. Waste removal will be through Andy's Garbage collection. There will be a dumpster out back with a privacy fence around the back part of the property so that nothing will be seen from side properties and adjacent street.
4. Power Company is Progressive Energy. There will be a new well and septic tank installed as per code.
5. Property in front of building will be landscaped with grass. Bushes will be around front entrance. In back there will be a chain link fence with webbing for privacy. Bushes and landscaping will be as per code.
6. Business sign will be out front as per code. It will be lighted for night displaying. There will be no other signs. Motion lights will be placed around the warehouse. The sides of the building will also meet code setbacks.
7. As well as setbacks, will be in compliance with local codes and ordinances.
8. Note: Business next door on north side is existing insurance office owned by Linda Clifford Insurance Company. Land south of proposed warehouse is vacant land zoned B2. There is no other property other than in back on the next street, SE 97th Terr Rd. All buildings existing and erected: new Entenmanns' Bakery, Orange Blossom Bar. All up and down from Sunset Harbor Rd. traffic lights south to Hwy 42 are commercial warehouses going up all over. Entenmanns' Bakery building resembles closely how our proposed building would look.
9. Yes, we would be willing to meet any special conditions necessary to get this special use permit.