

## **SPECIAL EXCEPTION**

**Authority:** Section 11.02.09, 2, Okaloosa County Land Development Code.

**Purpose:** A special exception is a use that would not be appropriate generally or without restriction throughout a particular zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such use may be permitted in such zoning district as a special exception.

**Applicability:** The Board of Adjustment (BOA) can decide questions involved in determining when special exceptions are in harmony with the purpose and intent of the Code. When granting a special exception the BOA must find that approval will not adversely affect the public interest and may prescribe certain conditions and safeguards as may be appropriate to the circumstances involved. The BOA may also set reasonable time limits within which the approved action must begin, be completed or both.

Uses allowed as special exceptions are generally specified in the zoning regulations as follows.

1. Borrow pit operations when located more than one (1) mile from any residential future land use/zoning district or existing residential area, when access is from a collector or arterial roadway which does not create increased truck traffic on any residential street or through any residential area or subdivision, and when it is determined by the County or FDOT, as appropriate, that no traffic hazard will be created (Zoning District: AA, I-2).
2. Private airports, residential airparks (see 2.20.06). Prior to being placed on the BOA agenda for consideration, any request for a new private airport or residential airpark received by the County subsequent to the effective date of this provision must first be reviewed by the Aviation Advisory Committee whose recommendations shall be included with the other information sent to the BOA as part of the request (Zoning District: AA, RR).
3. Electric power substations which can demonstrate compatibility with the surrounding area through site-specific setbacks, buffering, and other conditions appropriate to the area within which the substation is proposed (Zoning District: AA, RR, R-1, R-2, R-3, MHP, C-2).
4. Temporary industrial uses such as pipe storage, portable asphalt plants, equipment/materials storage yard, and similar uses may be permitted provided that, in addition to any other conditions imposed, the use is for one (1) year or less (Zoning District AA).
5. Oil and gas exploration and production consistent with Conservation Element Policy 3.8 when approved by special exception (Zoning District: AA).
6. Construction and demolition debris landfills provided that a fifty (50) foot or greater buffer, to be determined at the time of the special exception, is provided on all adjacent property boundaries (Zoning District: I-2).
7. Other uses which, in the opinion of the Planning Official, are similar in nature to other uses allowed either as permitted uses.

**Process:** See application forms and procedure.

**Application fee:** \$800.00

**REVISED AUG 20, 2013-MR**

# APPLICATION FOR SPECIAL EXCEPTION

## Required Information & Materials

The following information must be submitted with the completed, signed and dated application form.

1. \_\_\_ A letter of petition stating the reason for the requested action.
2. \_\_\_ A site plan to scale showing the proposed improvement or location of the request, which may be drawn on the survey. The site must contain an affidavit that the drawing accurately depicts the property, improvements and proposed improvements.
3. \_\_\_ A survey or drawing showing the location and dimensions of the property involved.
4. \_\_\_ A copy of the deed and legal description of the property involved.
5. \_\_\_ A certified list of all property owners adjacent to and across the street from the property. **This list must be obtained from and certified by the Property Appraiser's Office, and dated no more than 30 days prior to submittal of the application.**
6. \_\_\_ Notarized affidavit affirming that the site plan/drawing accurately depicts the property, improvements and proposed improvements.
7. \_\_\_ Notarized affidavit affirming list of adjacent/across the street property owners.
8. \_\_\_ Notarized affidavit affirming that the required signs will be posted on property involved.
9. \_\_\_ The fees for variance/after-the fact-variance/special exception are listed in Chapter 12 of the Okaloosa County Land Development Code, Ordinance 91-1, as amended, Section 12.01.00
10. \_\_\_ If the applicant is not the actual property owner a verification of authorized agent must be provided.

## Procedure

The procedure for a special exception is as follows:

1. Fully complete, sign, and date the applicable application form.
2. Obtain the certified list of property owners from the Property Appraiser's Office dated at least 30 days prior to application submittal.
3. Complete and have notarized the appropriate affidavit affirming that the certified list of property owners was obtained (blank copies enclosed).
4. Complete and have notarized the affidavit affirming that the required public notice signs will be posted on the property (blank copy enclosed).
5. Complete and have notarized the affidavit affirming the accuracy of the site plan/drawing.
6. Submit the completed application, required information, and notarized affidavits to the Department of Growth Management.
7. Once the application is submitted and determined to be fully complete the requested action will be placed on the agenda of the Board of Adjustment in accordance with the enclosed schedule. One public hearing will be required before the Board of Adjustment.
8. The times, dates and locations of the required public hearing will be provided to the applicant by the Department.
9. **Certified, return-receipt letters** must be sent to all property owners on the appraiser's certified list (sample letter enclosed). These letters must be mailed **no later than 21 days** before the public hearing and must include:
  - a. the petition letter stating the reason for the variance/after-the-fact variance/special exception.
  - b. a location map showing the location of the property in relation to surrounding properties and adjacent roads.
10. After the letters are mailed the applicant must provide to the Department: a postal receipt from the US Postal Service verifying the date the letters were mailed; an exact copy of the information mailed out, and; the green return-receipt cards.
11. A 2 ft by 3 ft sign with no less than 1 inch lettering (sample enclosed) shall be posted at a conspicuous location on the property. This sign must be posted **no less than 15 days** prior to the scheduled public hearing. *Signs are available for purchase from the Department.*
12. The applicant must attend the Board of Adjustment public hearing so as to answer any questions or issues that may arise.

**REVISED AUG 20, 2013-MR**

**OKALOOSA COUNTY  
DEPARTMENT OF GROWTH MANAGEMENT  
APPLICATION FOR SPECIAL EXCEPTION**

Applicant name: \_\_\_\_\_

Applicant is: Property owner \_\_\_\_\_ Authorized agent\* \_\_\_\_\_  
\*Attach verification

Applicant address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant telephone: \_\_\_\_\_ FAX \_\_\_\_\_

Name of property owner if different than applicant:  
\_\_\_\_\_

Address of property involved: \_\_\_\_\_  
\_\_\_\_\_

Property ID Number: \_\_\_\_\_

Land use information: FLUM category \_\_\_\_\_

Zoning district \_\_\_\_\_

Size of property: \_\_\_\_\_ acres OR \_\_\_\_\_ sq. ft.

Description of the work or activity to be authorized:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the space below, please explain how the granting of the requested special exception will not adversely affect the public interest. Attach additional sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Certification: I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for county staff to enter upon the property involved at any reasonable time for purposes of inspections or posting of notices.

\_\_\_\_\_  
Applicant typed or printed name

\_\_\_\_\_  
Applicant signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Corporate Officer

\_\_\_\_\_  
Corporate seal