

Okeechobee County Community Development Department
1700 NW 9th Avenue, Suite A • Okeechobee, FL 34972
Phone (863) 763-5548 • Fax (863) 763-5276

Application and Instructions for a Land Use Change Request
Zoning Change • Special Exception • Variance • Appeal

This application is to be used when applying for a change in zoning, a special exception or a variance, or to appeal an administrative determination. Applications received after the cut-off date will be held until the next month.

Please note that it is the applicant's responsibility to "make the case." The applicant must provide a complete and accurate application, address the standards relevant for the type of land use change requested, and provide sufficient information and reasons based on the county's comprehensive plan and land development regulations to indicate why the requested land use action should be granted.

To apply for any of the above, please submit the following:

1. Submit a complete, accurate and signed application, including the parcel identification number. If the parcel identification number is not included, the application is incomplete and the petition will not be processed or scheduled for a public hearing.
2. Provide a copy of a recorded deed verifying current ownership of the subject property.
3. Provide a legal description of the property that is the subject of the application. If the legal description is in metes and bounds, the legal description must be submitted in a Word or WordPerfect file or as text in an e-mail. The description can be submitted on a disk or e-mailed to planning@co.okeechobee.fl.us. Please label the disk or e-mail referencing it to the application.

If you are applying for a land use change on only a portion of a property described in a deed or on a survey, or for property that is identified on more than one deed, clearly indicate the portions of the legal descriptions that are the subject of the petition. If a clear legal description describing only the property that is the subject of the application is not provided and clearly identified, the application is incomplete and the petition cannot be processed or scheduled for a public hearing.

4. Provide a map clearly identifying the boundary of the property that is the subject of the application. If the application involves multiple parcels with multiple legal descriptions, the map or maps must clearly identify all parcels. A survey or deed sketch may be required if other maps do not clearly identify the subject property or properties.
5. On a separate sheet of paper, provide a description of the proposed land use change and the reasons for the request. A description of any proposed development may also be included.
6. Submit a statement addressing each of the standards relevant to the land use change requested. The standards for each type of land use change are included with this application packet. The statement addressing each standard must describe and analyze the impact or the effect of the proposed land use change in appropriate detail, and not merely state that there will or will not be an impact. If complete statements addressing each standard are not included, the application is incomplete and the petition cannot be processed or scheduled for a public hearing.

7. Provide a copy of a survey or a deed sketch showing all improvements. A survey is required for most requests for variances.
8. Provide other supporting documentation that is relevant to the land use change request, such as site plans, concept plans, drawings, or state agency permits. A site plan or conceptual drawing is required for special exceptions. The site plan must be drawn to scale and professionally prepared where appropriate.
9. Provide a preliminary traffic impact analysis where appropriate. Requests for land use changes that could result in an increase in the number of trips on adjoining or nearby road segments by 2% or more, or that would generate more than 250 daily trips, should include a preliminary traffic impact analysis. The traffic impact analysis should be referenced when addressing the relevant standards from Item 5 above. A preliminary traffic impact analysis may be requested in other circumstances when deemed appropriate by the Department.
10. For a special exception or variance, provide a list of all surrounding property owners within 150 feet of the perimeter of the subject property. For a rezoning, the list of surrounding property owners must include those within 300 feet of the perimeter of the subject property. When a property line is adjacent to a street, canal or the like, the 150 or 300-foot distance begins from the opposite side of the street or canal.

For purposes of preparing the list and determining the surrounding property owners, the subject property includes all of the property for which the land use action is requested **and** all adjoining property under the same ownership, with or without an intervening street or alley. The list of surrounding property owners must include all those within 150 or 300 feet of the total contiguous land holding of the property owner. The list must include the surrounding property owners' names, addresses, and parcel numbers, and must be the most recently available information from the Property Appraiser's office.

The Department requests that the lists generated by the Property Appraiser's office be submitted, along with a final list that has deleted duplicates. The final list may be typed and submitted on paper or it may be prepared in Word or WordPerfect and submitted on a disk or e-mailed to planning@co.okeechobee.fl.us. Please format the list for label type Avery 5160. A final list of more than 25 names and addresses must be submitted in Word or WordPerfect and formatted for label type Avery 5160. There is an additional filing fee of \$3.00 for each name and address over 25 on the final list.

11. Submit the affidavit attesting to the completeness and accuracy of the list of surrounding property owners.
12. If someone is acting as agent for the owner, provide a notarized statement to that effect or provide a notarized land use power of attorney as included with this application.
13. The filing fee must be submitted with this application. Current filing fees are as follows:

Rezoning

- \$500 To any single family residential zoning district for a lot of record less than one acre
- \$900 To any zoning district where parcel is 10 acres or less in area, except as stated above
- \$1,400 To any zoning district where parcel is more than 10 acres in area
- \$ + Plus cost of any required legal advertisements

Planned Development Rezoning

- \$2,550 To a single use PD district, includes initial review of transportation impact analysis
- \$3,950 To a multiple use PD district, includes initial review of transportation impact analysis
- \$ + Actual costs above \$750 for review of transportation impact analysis where more than 200 peak hour two way trips are generated
- \$ + Actual costs for review of any transportation impact analysis resubmittals
- \$ + Plus cost of any required legal advertisements

Special Exception

- \$750 For each special exception in any zoning district
- \$400 For periodic renewal when required by ordinance or by condition
- \$ + Actual costs for review of transportation impact analysis if applicable
- \$ + Plus cost of any required legal advertisements

Variance

- \$600 For each variance in any zoning district
- \$ + Plus cost of any required legal advertisements

Used Dwelling Unit

- \$600 For consideration of building permit application for installation of a used dwelling unit
- \$ + Plus cost of any required legal advertisements

Appeal of Administrative Determination

- \$900 Applicant pays cost of any required legal advertisements

Appeal of a Single Family Lot Vesting Determination

- \$400 Applicant pays cost of any required legal advertisements

14. The Community Development Department will prepare a legal advertisement and provide it to an Okeechobee newspaper for the required legal publication. The newspaper will telephone the identified contact person when the cost of the ad has been determined. The contact person must then arrange for payment of the legal advertisement directly to the newspaper. It is important to provide a daytime phone number for the contact person. When the contact person is notified by the newspaper for payment of the legal ad, there may be less than 24 hours to provide for payment. If the legal ad has not been paid, the petition cannot be scheduled for the public hearing.

15. The applicant will be given a "Notice of Proposed Change in Land Use" sign that must be posted prominently on the subject property. The sign must be clearly visible from the primary adjoining public street. The Community Development Department will telephone the applicant when the sign has been prepared. The applicant must then post the sign at least 15 days prior to the public hearings. The sign must remain prominently posted through the final hearing date. The sign must then be removed within 10 days of the final hearing date. An affidavit must be submitted attesting that the sign has been appropriately posted on the property. If the sign is not posted as required, the petition cannot be scheduled for the public hearing.

I do hereby certify that the information given to the Community Development Department in support of this application is true and accurate. I understand that falsification of information given to the Community Development Department will cause the revocation of this application or revocation of any land use actions that may have been granted.

Applicant's Signature

Witness's Signature

Printed Name

Printed Name

Date

Date

**Zoning Change, Special Exception and Variance
Application Checklist**

No.	Checklist Items	Submitted	Chk
1	Completed and signed application, including parcel number.		
2	Copy of recorded deed clearly identifying subject property and indicating current ownership.		
3	Legal description of property, required to be submitted in electronic format if in metes and bounds. Submit on disk or email to planning@co.okeechobee.fl.us .		
4	Map or deed sketch clearly identifying boundary of subject property.		
5	Description of requested land use change and reasons for request.		
6	Statement addressing all standards relevant to each requested land use change.		
7	Copy of survey or deed sketch showing all improvements. Required for variance requests.		
8	Other documentation in support of requested land use change, such as site plans, conceptual drawings, state agency permits. Site plan or concept plan required for special exception requests.		
9	Preliminary traffic impact analysis if required.		
10	List of surrounding property owners, in electronic format if applicable, formatted for label type Avery 5160. Submit on disk or email to planning@co.okeechobee.fl.us .		
11	Signed affidavit for list of surrounding property owners.		
12	Notarized land use power of attorney form if applicable.		
13	Filing fee.		
14	Applicant/Witness signatures on instruction sheet.		

	Current zoning classification:	Requested zoning classification:
R E Z O N E	What is your desired permitted use under the proposed class:	
	If granted, will the new zone be contiguous with a like zone?	
	Is a Special Exception necessary for your intended use?	Variance?

S P E X C E P T I O N	Describe the Special Exception sought:	
	Provide specific LDR ordinance citation:	
	Are there other similar uses in the area? If so, describe:	
	Why would granting your request be in the best interest of the area and residents?	
	If business, briefly describe nature including number of employees, hours, noise generation and activities to be conducted outside of a building:	

V A R I A N C E	Describe Variance sought:	
	Describe physical characteristic of property that makes variance necessary:	
	Did you cause or contribute to the characteristic? If so, describe:	
	What is the minimum variance necessary?	

A P P E A L	Describe ruling that you are appealing:	
	Who made decision you are appealing:	Date of decision:
	Explain why you feel decision is in error. Be sure to list any ordinance references you feel support your position:	

Uniform Land Use Application
 Zoning Change • Special Exception • Variance • Appeal

<input checked="" type="checkbox"/>	Please list all property owners, applicants, agents and other contacts
P R O P E R T Y O W N E R A N D A P P L I C A N T C O N T A C T I N F O R M A T I O N	Property owner 1: Phone:
	Mailing address: Fax:
	Email:
	Property owner 2: Phone:
	Mailing address: Fax:
	Email:
	Property owner 3: Phone:
	Mailing address: Fax:
	Email:
	Applicant 1: Phone:
	Mailing address: Fax:
	Email:
	Applicant 2: Phone:
	Mailing address: Fax:
	Email:
	Agent: Phone:
	Mailing address: Fax:
	Email:
	Contact person: Phone:
	Mailing address: Fax:
Email:	
Other property owners, applicants or additional contact information:	

Standards for Considering Variances

A variance is a relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship on the applicant. An argument that compliance with this Code will be more expensive is not a valid reason in and of itself to grant a variance. Neither shall a variance be granted to evade or frustrate the clear intent of this Code. A variance is authorized **ONLY** as to physical requirements of this Code such as height, area, and size of structure or size of yards, buffers and open spaces. Establishment or expansion of a **USE** or **DENSITY** otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted, or justified because of the presence of other non-conforming structures or uses in the zoning classification or district or adjoining zoning classifications or districts. Requirements of Article II (Land Use) and Article V (Consistency and Concurrency) may not be varied by this Part. Variances shall not be permitted which will allow erection, installation or occupancy of a building or structure that does not meet the standards for single family dwelling units contained in Part 7.08.00 of the Okeechobee County Code. (Ordinance 92-20, Section 11.03.01)

Standards For Granting of Variances (Ordinance 92-20, Section 11.03.03)

Variances may be granted from the strict application of Ordinance 92-20, except as provided in Section 11.03.02, if a written petition for a variance is submitted demonstrating that:

- A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- B. The special conditions and circumstances do not result from the actions of the applicant;
- C. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Code and would work unnecessary and undue hardship on the applicant;
- D. The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- E. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same zoning district;
- F. The grant of the variance will be in harmony with the general intent and purpose of this Code, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Conditions and Safeguards (Ordinance 92-20, Section 11.03.04)

In granting any variance, the Board of Adjustments and Appeals or Construction Board may prescribe conditions and safeguards in conformity with the intent of this Code, including but not limited to buffering and landscaping, and reasonable time limits within which the action for which variance is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.

Standards for Considering Special Exceptions

A special exception is a *use* that would not be appropriate generally or without restriction throughout a zoning division, district or County at large, but which, if controlled as to number, area, location, or relation to neighborhoods, would promote the health, safety, welfare, order, comfort, convenience, appearance, prosperity, or the general welfare of the County and its residents. Such uses may be permissible in a zoning classification or district as a special exception if specific provision for such a special exception is made in this Code. Special exceptions are permissible by the Board of Adjustments and Appeals after Public Notice and Hearing as described in Ordinance 92-20, Sections 12.03.01, 12.03.02, Part 13.04.00 and Subject to Appropriate Conditions and Safeguards as provided in this Part.

Standards For Granting Special Exceptions (Ordinance 92-20, Section 11.04.03)

In reaching its conclusion and in making the findings required in this Part, the Board of Adjustments and Appeals shall consider and weigh, among others, the following factors and standards where applicable. Further, the Board shall find in the case of any of these factors and standards, where they may be relevant and applicable, that the purposes and requirements for granting the special exception have been met by the applicant:

- A. Ingress and egress to the property and the proposed structures thereof, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- B. Off-Street parking and loading areas where required, including consideration of relevant factors in (A) preceding, and the economic, noise, glare, or odor effects of the locations of such off-street parking and loading areas on adjacent and nearby properties and loading areas on adjacent and nearby properties and properties generally in the district;
- C. Refuse and service areas, including consideration of relevant factors in (A) and (B) preceding;
- D. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use;
- E. Screening and buffering, including considerations of such relevant factors as type, dimensions, and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district;
- F. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety, and economic effects of same on properties in the district and compatibility and harmony with other properties in the district;
- G. Required yards and open spaces;
- H. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district;
- I. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

Submissions (Ordinance 92-20, Section 11.04.04)

The burden is on the applicant to provide sufficient evidence to support the application for a special exception. A written application for a special exception must be submitted indicating the section of this Code under which the special exception is sought and stating the grounds on which it is requested. (See Sections 11.04.02 A through 11.04.02 M). When, in the sole judgement of the Board of Adjustments and Appeals the petition for special exception should be more thoroughly and publicly reviewed because of its complexity, hazardousness, location, County-wide impact, or is one which is likely to be controversial, the Board may require any or all of the submissions described in Section 13.02.07.

Conditions and Safeguards (Ordinance 92-20, Section 11.04.05)

In granting any special exception, the Board of Adjustments and Appeals may prescribe conditions and safeguards in conformity with the intent of this Code, including but not limited to buffering and landscaping, restrictions on operations and reasonable time limits within which the action for which special exception is required shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Code. Failure to begin or complete, or both, such required condition or safeguard within the time limit shall, at the option of the Board, void the special exception.

Standards for Considering Changes in Zoning

Standards, Recommendation of the Planning Board (Ordinance 92-20 Section 13.06.05(C))

When recommending whether to rezone a classification of land, the factors that the Planning Board shall consider include, where applicable, whether or not:

1. The proposed change is contrary to the established land use pattern;
2. The proposed change would create an isolated district unrelated to adjacent and nearby districts;
3. The proposed change would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, streets, etc.;
4. Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
5. The proposed change would be contrary to the Proposed Land Use Plan and would have an adverse effect on the Comprehensive Plan;
6. Changed or changing conditions make the passage of the proposed amendment necessary;
7. The proposed change will adversely influence living conditions in the neighborhood;
8. The proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
9. The proposed change will create a drainage problem;
10. The proposed change will seriously reduce light and air to adjacent areas;
11. The proposed change will adversely affect property values in the adjacent area;
12. The proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;
13. The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare;
14. There are substantial reasons why the property cannot be used in accord with existing zoning;
15. Whether the change suggested is out of scale with the needs of the neighborhood or the County;
16. It is impossible to find other adequate sites in the County for the proposed use in districts already permitting such use.

Limitations on the Rezoning of Property (Ordinance 92-20, Section 13.06.08)

A. *Where Application Granted*

Whenever the Board of County Commissioners has, by amendment, changed the zoning classification of property, the Planning Board shall not then consider any petition for rezoning of any part or all of the same property for a period of ninety (90) days from the effective date of the amendatory ordinance.

B. *Where Application Denied*

Whenever the Board of County Commissioners has denied an application for the rezoning of property, the Planning Board shall not thereafter:

1. consider any further application for the *same* rezoning of any part of all of the *same* property for a period of ninety (90) days from the date of such action;
2. consider an application for any *other* kind of rezoning on any part or all of the *same* property for a period of ninety (90) days from the date of such action.

C. *Waiver of Time Limits.* The time limits of subsections 13.06.08 A and B above may be waived by three (3) or more affirmative votes of the Board of County Commissioners when such action is deemed necessary to prevent hardship or injustice or to facilitate the proper development of the Okeechobee County.

Additional Standards for Changes in Zoning to Public Service (PS)

A request for a change in zoning to Public Service (PS) must include a specific single use, which must be elected prior to approval of the application to rezone a parcel to the PS classification.

Due to the potential for County-wide impact as well as the intrusion of private enterprise into areas of operation and services historically performed by the government, the following additional factors (from Section 2.04.15(D)) shall be considered by the Planning Board and the Board of County Commissioners in addition to those described in Section 13.06.05(C) of the Land Development Regulations when requesting a change in zoning to Public Service (PS):

1. Whether or not the proposed development will adversely affect ground and surface waters.
2. Whether or not the proposed development is on land categorized as environmentally sensitive.
3. Whether or not the proposed development borders or is adjacent to land which is environmentally sensitive.
4. Whether or not the proposed development will constitute a nuisance.
5. Whether the proposed development will diminish or enrich human life in its educational and cultural dimensions.
6. Whether or not the proposed development will adversely affect the economy or the furtherance of a negative image that will influence the future of Okeechobee County.

**Affidavit Attesting to the Completeness and Accuracy of
List of Surrounding Property Owners**

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses and parcel identification numbers of all parcels and tracts within (_____ 150 feet) (_____ 300 feet) not including intervening streets, alleys or waterways, of the perimeter of the lands which are the subject of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of _____, 20____ and the assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that Office. I therefore attest to this statement of fact by my signature below this _____ day of _____, 20____.

Signature of Applicant

Date

Name of Applicant (printed or typed)

**STATE OF FLORIDA
COUNTY OF OKEECHOBEE**

Sworn to and subscribed before me this _____ day of _____, 20____ by the person above who is _____ personally known to me or has produced _____ as identification and did not take an oath.

Notary Public - State of Florida

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**Okeechobee County
Community Development Department
List of Surrounding Property Owners
Request Form**

Contact Person: _____ Phone: _____

Property Owner: _____

Previous Property Owner: _____
(R required if property has changed ownership in the past 6 months)

Parcel Identification Numbers of **All** Parcels That Are the Subject of the Application:

Parcel Identification Numbers of All Adjoining Properties under Same Ownership:

- Rezoning or Combination (300')**
- Special Exception, Used Dwelling Unit or Variance (150')**

Note: The list must include all surrounding property owners within 150' or 300' of all contiguous property, with or without an intervening street, alley or other right-of-way, that is owned by the owner of the subject property.

Submit this request to the Property Appraiser's Office at least one week prior to the application deadline date. You may hand deliver or fax this request form to:

Okeechobee County Property Appraiser's Office

307 NW 5th Avenue
Phone: (863) 763-4422
Fax: (863) 763-4745

**Okeechobee County Community Development Department
 1700 NW 9th Avenue, Suite A • Okeechobee, FL 34972
 Phone: (863) 763-5548 • FAX: (863) 763-5276**

Land Use Power of Attorney

Name of Property Owner(s):	
Mailing Address:	
Home Telephone:	Work Telephone:
Fax:	Email:
Land Use Power of Attorney is hereby granted to:	
For the property located at:	
Property Parcel Identification Number:	
Home Telephone:	Work Telephone:
Fax:	Email:

The Undersigned, being the record title owners of the real property described above, do hereby grant unto the Applicant or Agent stated above the full right and power of attorney to make application to Okeechobee County to change the land use of said property. This land use change may include rezoning of the property, the granting of special exceptions or variances, appeals of decisions of the Community Development Department, or petitions to vacate county right-of-way. It is understood that conditions, limitations and restrictions may be placed upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance, a proceeding to rezone the property to the original classification, or a revocation of a right-of-way vacation. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Community Development Department.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HANDS AND SEALS THIS _____ DAY OF _____ 20____.

_____	_____
Owner	Witness
_____	_____
Owner	Witness

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by the owner above who is _____ personally known to me or who has produced _____ as identification and who did not take an oath.

 Notary Public - State of Florida

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