

**PROCEDURES FOR
CONDITIONAL USE PERMIT REQUESTS**

FEES: \$849.00 Application Fee

- Must go before the P&Z Board for study and written recommendations prior to consideration by Town Council.
- The minutes of the Planning and Zoning Board shall specify the reasons for the recommendation of approval or denial of each application.
- At the public hearing before the Planning and Zoning Board, the time and place of the public hearing of each application by the Town Council shall be announced.

Prior to P&Z Public Hearing

- Ad must be published in local newspaper at least 15 days prior to date of P&Z hearing and must include the name of applicant, legal description, existing zoning classification, special classification of Conditional Use designation, the requested amendment to the official zoning map, date and time of public hearing before the P&Z.
- Notice of hearing must be posted by the Town on Town bulletin board.
- Copy of notice of hearing must be sent via certified mail to applicant at least 15 days prior to the P&Z hearing
- Copy of notice of hearing must be posted by the applicant on property requesting CUP at least 15 days prior to the public hearing within 10 feet of the right-of-way visible from the street.
- Applicant must sign and submit an affidavit evidencing posting of the property
- Must forward recommendations as to the Conditional Use Permit to the Town Council.

For the Public Hearing before the Town Council

- Ad must be published in local newspaper at least 15 days prior to date of Town Council hearing and must include the name of applicant, legal description, existing zoning classification, special classification of Conditional Use designation, the requested amendment to the official zoning map, date and time of public hearing before the Town Council.
- Notice of hearing must be posted by the Town on the Town Hall bulletin board.
- Copy of notice of hearing must be sent via certified mail to applicant at least 15 days prior to the Town Council hearing
- Copy of notice of hearing must be posted by the applicant on property requesting the Conditional Use Permit
- Applicant must sign and submit an affidavit evidencing posting of the property
- Resolution regarding CUP must be produced by Town Attorney and placed on the Town Council agenda as a public hearing (the item must be placed before approval of minutes on agenda)
- Send letter notifying applicant of Town Council action (approval or denial)
- Resolution must be sent to the Clerk of the Court for recording

TOWN OF GRANT-VALKARIA
PETITION FOR CONDITIONAL USE PERMIT

Date: _____

No. _____

This petition must be complete and returned with all enclosures referred to below to Town Clerk of the Town of Grant-Valkaria. This petition will then be referred to the Planning and Zoning Board for study and recommendation before forwarding to the Town Council for its review and approval/disapproval.

(PLEASE PRINT)

1. APPLICANT NAME: _____

CONTACT PERSON (If Corporation): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____

2. OWNER OF PROPERTY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____

3. If Applicant or Owner cannot attend the Planning and Zoning Board and/or Town Council Meeting, please list the name of the Representative who will make the presentation, answer questions or make decisions for the Applicant or Owner.

REPRESENTATIVE NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____

4. PHYSICAL LOCATION OF PROPERTY OR ADDRESS OF PROPERTY: _____

5. LEGAL DESCRIPTION OF PROPERTY IN QUESTION: *(Please note: An error in the legal description will result in your request being delayed at your expense)* _____

6. CURRENT ZONING OF PROPERTY: _____

7. CURRENT SPECIAL USE CLASSIFICATION OR CONDITIONAL USE DESIGNATION (IF ANY): _____

8. CONDITIONAL USE REQUESTED: _____

9. THE FOLLOWING ITEMS ARE NEEDED TO COMPLETE THIS APPLICATION FOR REVIEW:

- a. _____ Notarized Affidavit of Ownership, if applicable. This shall be signed and acknowledged by each and every owner of said lands.
- b. _____ Notarized statement(s) (Form A) from all property owners listed on the warranty deed authorizing you to act on their behalf.
- c. _____ A copy of the most recently recorded warranty deed, including all referenced Exhibits.
- d. _____ The complete legal description of the property typed on a separate sheet of paper if the warranty deed reflects property other than that for which the CUP is being requested.
- e. _____ A current certified survey of the property in question showing all existing structures and proposed structures.
- f. _____ Ten (10) copies of a site plan prepared by a registered engineer, land surveyor or architect. The plans shall show location and dimensions of all structures, parking, ingress/egress, landscaping, refuse, screening or buffering, height and storm water retention areas. For an existing structure not to be altered more than 50 percent of the original floor area or seating capacity, where practical, a scaled dimensional sketch plan may be presented as an alternative which delineates parking, landscaping, external structural changes, and ingress/egress. See *CUP Worksheet* for complete list of site plan requirements for CUP requests.
- g. _____ Ten (10) copies of the landscape plan.
- h. _____ Application Fee. Fees are charged on a per conditional use permit basis. Town Staff will calculate your fee prior to submitting your application.
- i. _____ Preliminary site plan fee. In addition to the application fee, an applicant requesting approval shall be required to reimburse the Town the actual cost incurred by the Town for all advertising required incident to the application and all public hearings required to be held in connection with the application. When a fee is paid, there shall be no return or rebate of any fund so received, regardless of the Town's determination in the matter involved. The estimate for these costs are \$ _____. If the actual cost exceeds this estimate, the applicant is responsible to pay the extra cost before the final site plan is approved.

Please pay fee by cash or check made payable to the Town of Grant-Valkaria.

_____ I AM THE OWNER (Attach Affidavit of Ownership)

_____ I AM THE LEGAL REPRESENTATIVE OF THE OWNER (attach Authorization to Act as Applicant) of the property described which is the subject of matter of this application.

Under penalties of perjury, I declare that I have read the foregoing application and that all the answers to the questions in said application and all sketches and data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document I am giving the Town or agent thereof the authority to duplicate, disseminate, and reproduce any and all items submitted as part of this request, whether copyrighted or not.

DATE

SIGNATURE OF APPLICANT

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____, _____ by _____
_____ who is personally known to me or has presented _____
(Applicant)

_____ I. D. and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires:



TOWN OF GRANT VALKARIA

1449 Valkaria Road

Grant Valkaria, Florida 32950

Phone: (321) 951-1380

Fax: (321) 956-5660

www.grantvalkaria.org

AFFIDAVIT OF OWNERSHIP

STATE OF _____
COUNTY OF _____

I, _____

being first duly sworn, depose and say that:

I am the owner of the subject property pertaining to the attached conditional use permit request or if a corporation, I am the officer of the corporation authorized to act on this request.

DATE

SIGNATURE OF APPLICANT

SWORN TO AND SUBSCRIBED BEFORE ME this ____ day of _____, 2014.

by _____ who is personally known to me or
(Applicant)

has presented _____ as

identification and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires:

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT

I, _____ authorize _____

to act as applicant, representing me in Public Hearings before the Town of Grant-Valkaria pertaining to Land Use.

Signature

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____,

by _____ who is personally known to me or has presented
(Applicant)

_____ as identification and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires:

Affidavit
Evidencing Posting of
Request for Conditional Use Permit (CUP)
Notice on Property

STATE OF FLORIDA
County of Brevard
Town of Grant-Valkaria

I, _____

being first duly sworn, depose and say that:

I am the owner and/or applicant of the subject property pertaining to CUP Request No.: _____ and that I attest and confirm that a copy of the attached Notice of Public Hearing before the Town of Grant-Valkaria **Planning & Zoning Board scheduled for _____ and Town Council scheduled for _____** has been posted on the subject property in such a manner as to be visible from the road right-of-way; and that this Notice was posted at least 15 days before the scheduled Public Hearings.

DATE

SIGNATURE OF APPLICANT

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____,

by _____ who is personally known to me or
(Applicant)

has presented _____ as identification and did take an oath.

Notary Public, State Of Florida At Large

My commission expires:

Conditional Use Permit (CUP) Application Worksheet

1) Owner(s): _____

Applicant(s): _____

2) Property Location: _____

3) Type of CUP requested: _____

4) Type of Plan Required by Section 62-1901[b] (refer to attached CUP Checklist):

___ Reproducible Site Plan signed by a registered engineer, land surveyor or architect

___ Scaled Dimensional Sketch Plan

NOTE: IF FULL SIZE DRAWINGS ARE SUBMITTED, PLEASE SUBMIT ONE COPY OF A REDUCED SIZE VERSION OF THE PLANS (8 1/2" X 11", 8 1/2" X 14" OR 11" X 17").

Section 62-1901 governing Conditional Use Permits (CUPs) requires that the standards listed below be upheld by the Board of County Commissioners when granting a CUP. Prepare responses to address how the requested CUP will meet these standards and submit this completed worksheet along with your application for public hearing for a CUP. You may attach additional pages or documentation, if needed.

General Standards of Review

Section 62-1901(c)(1)(a) The proposed conditional use will not result in a substantial and adverse impact on adjacent and nearby properties due to: (1) the number of persons anticipated to be using, residing or working under the conditional use; (2) noise, odor, particulates, smoke, fumes and other emissions, or other nuisance activities generated by the conditional use; or (3) the increase of traffic within the vicinity caused by the proposed conditional use.

Section 62-1901(c)(1)(b) The proposed use will be compatible with the character of adjacent and nearby properties with regard to use, function, operation, hours of operation, type and amount of traffic generated, building size and setback, and parking availability.

Section 62-1901(c)(1)(c) The proposed use will not cause a substantial diminution in value of abutting residential property.

Note: A substantial diminution shall be irrebuttably presumed to have occurred if abutting property suffers a 15% reduction in value as a result of the proposed conditional use. A reduction of 10% of the value of abutting property shall create a rebuttable presumption that a substantial diminution has occurred.

Specific Standards

Section 62-1901(c)(2)(a) Ingress and egress to the property and proposed structures (including vehicular and pedestrian safety and convenience, traffic flow and control, and emergency response access) shall be: (1) adequate to serve the proposed use without burdening adjacent and nearby uses, and (2) built to applicable county standards, if any.

Note: Burdening adjacent and nearby uses is defined as increasing existing traffic on the closest collector or arterial road by more than 20%, or 10% if the new traffic is primarily comprised of heavy vehicles, except where the affected road is at Level of Service A or B. New traffic generated by the proposed use shall not cause the adopted level of service for transportation on applicable roadways to be exceeded. Where the design of a public road to be used by the proposed use is physically inadequate to handle the numbers, types or weights of vehicles expected to be generated by the proposed use without damage to the road, the conditional use permit cannot be approved without a commitment to improve the road to a standard adequate to handle the proposed traffic, or to maintain the road through a maintenance bond or other means as required by the Board of County Commissioners.

Section 62-1901(c)(2)(b) The noise, glare, odor, particulates, smoke, fumes or other emissions from the conditional use shall not substantially interfere with the use or enjoyment of the adjacent and nearby property.

Section 62-1901(c)(2)(c) Noise levels for a conditional use shall comply with Section 62-2271 of the Code, which includes the following:

Maximum Permissible Time Averaged (Leq)
A-Weighted Sound Pressure Limits for Receiving Uses

Type of Use	Time Period	Maximum Allowable Sound Pressure Level
Residential	7:00 a.m. to 10:00 p.m.	60 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Commercial	7:00 a.m. to 10:00 p.m.	65 dB(A)
	10:00 p.m. to 7:00 a.m.	55 dB(A)
Industrial	7:00 a.m. to 10:00 p.m.	75 dB(A)
	10:00 p.m. to 7:00 a.m.	65 dB(A)

Note: Additional requirements may apply. Refer to Section 62-2271 for full noise specifications.

Section 62-1901(c)(2)(d) The proposed conditional use shall not cause the adopted level of service for solid waste disposal for the property or area covered by such level of service, to be exceeded.

Section 62-1901(c)(2)(e) The proposed conditional use shall not cause the adopted level of service for potable water or wastewater for the property or the area covered by such level of service, to be exceeded by the proposed use.

Section 62-1901(c)(2)(f) The proposed conditional use must have existing or proposed screening or buffering, in terms of type, dimensions and character to eliminate or reduce substantial, adverse nuisance, sight, or noise impacts on adjacent and nearby properties containing less intensive uses.

Section 62-1901(c)(2)(g) Proposed signs and exterior lighting shall not cause unreasonable glare or hazard to traffic safety, or interference with the use or enjoyment of adjacent and nearby properties.

Section 62-1901(c)(2)(h) Hours of operation of the proposed use shall be consistent with the use and enjoyment of the properties in the surrounding residential community, if any. For commercial and industrial uses adjacent to or near residential uses, the hours of operation shall not adversely affect the use and enjoyment of the residential character of the area.

Section 62-1901(c)(2)(i) The height of the proposed use shall be compatible with the character of the area, and the maximum height of any habitable structure shall be not more than thirty-five (35) feet higher than the highest residence within 1000 feet of the property line.

Note: A survey of building heights within 1000 feet of the property lines should be furnished for applications requesting a CUP for additional building height.

Section 62-1901(c)(2)(j) Off-street parking and loading areas, where required, shall not be created or maintained in a manner which adversely impacts or impairs the use and enjoyment of adjacent and nearby properties.

Note: For existing structures, the applicant shall provide competent, substantial evidence to demonstrate that actual or anticipated parking shall not be greater than that which is approved as part of the site plan under applicable county standards.

Note to Applicant: Per Section 62-1901(f), *Expiration*, Conditional use permits approved after the effective date of Ordinance No. 99-43 (8/3/99) shall expire within three years from the date of approval if the approved use is not constructed or under substantial and continuous construction.

I HAVE READ THE ABOVE NOTE TO APPLICANT. ALL THE ANSWERS TO THE STANDARDS ADDRESSED BY THIS WORKSHEET AND ALL ACCOMPANYING PLANS AND DOCUMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE.

Applicant Signature Date

Submittal checked by: _____

CUP CHECKLIST

A. Conditional Use Permits requiring scaled dimensional sketch plan only

_____ Any CUP for an existing structure not to be altered more than 50% of the original floor area or seating capacity.

_____ Or CUP is listed below.

_____	Sec. 62-1904	Agricultural Pursuits.
_____	Sec. 62-1913	Boarding of horses and horses for hire.
_____	Sec. 62. 1917.5	Change of nonconforming agricultural use.
_____	Sec. 62-1924	Crematoriums.
_____	Sec. 62-1925	Development rights receipt and transfer.
_____	Sec. 62-1927	Farm animals and fowl.
_____	Sec. 62-1932	Guesthouses or servants' quarters.
_____	Sec. 62-1935	Horses and barns.
_____	Sec. 62-1945	Recreational facilities.
_____	Sec. 62-1945.5	Roadside stands.
_____	Sec. 62-1946	Security mobile homes.
_____	Sec. 62-1947	Single-family residential second kitchen facility.
_____	Sec. 62-1951	Temporary medical hardship mobile homes.
_____	Sec. 62-1956	Veterinary hospitals or clinics; pet kennels.
_____	Sec. 62-1958	Wild animals and poisonous reptiles.
_____	Sec. 62-1959	Zero lot line subdivisions.

_____ Site plan shows: parking, landscaping, external structural changes, and ingress/egress.

B. Conditional Use Permits requiring a reproducible site plan signed by a registered engineer, land surveyor or architect.

_____ CUP is listed below and is for a site which is either undeveloped or which is to be altered by 50% or greater of the original floor area or seating capacity of an existing structure.

_____	Sec. 62-1905	Airplane runways.
_____	Sec. 62-1906	Alcoholic beverages for on-perms consumption.
_____	Sec. 62-1907	Arsenals and explosives.
_____	Sec. 62-1912	Bed and breakfast inns and boardinghouses.
_____	Sec. 62-1916	Cement, concrete and concrete building products.
_____	Sec. 62-1918	Child care centers.
_____	Sec. 62-1920	Cluster development of mobile homes.
_____	Sec. 62-1921	Commercial entertainment and amusement enterprises.
_____	Sec. 62-1921.5	Composting facility.
_____	Sec. 62-1923	Convenience store in BU-1-A zoning classification.
_____	Sec. 62-1929	Farmer's markets.
_____	Sec. 62-1930	Flea markets.
_____	Sec. 62-1933	Hazardous waste facility.
_____	Sec. 62-1934	Hog farms.
_____	Sec. 62-1936	Land alterations.
_____	Sec. 62-1937	Marinas.
_____	Sec. 62-1938	Metal salvage yards and junkyards.
_____	Sec. 62-1939	Mining and smelting operations.
_____	Sec. 62-1940	Motorcross.
_____	Sec. 62-1941	Mulching facility.
_____	Sec. 62-1942	Plant nurseries (with outside bulk storage of mulch, topsoil, etc.).
_____	Sec. 62-1943	Prison camp correctional facilities.
_____	Sec. 62-1943.5	Private heliports.
_____	Sec. 62-1949	Solid waste management facilities.
_____	Sec. 62-1949.7	Substantial expansion of a pre-existing use.
_____	Sec. 62-1953	Towers and antennas.
_____	Sec. 62-1954	Trailer and truck rental.
_____	Sec. 62-1955	Truss manufacturing plants.
_____	Sec. 62-1960	Zoological parks.

_____ Site Plan shows: the structure, parking, ingress/egress, landscaping, refuse, screening or buffering, height and stormwater retention areas.

CONDITIONAL USE PERMIT CHECKLIST FOR PLANNING AND ZONING BOARD

At the designated public hearing, the Planning and Zoning Board shall hear the applicant on the proposed amendment to the official zoning maps, and shall hear members of the general public. The Planning and Zoning Board shall have the power to establish such rules of procedure for the orderly conduct of the public hearing as the circumstances of the consideration of each application warrant. During the public hearing, the applicant may be present in person and by counsel, and the applicant has the right to present evidence in support of his position and to cross examine adverse witnesses whose testimony is offered at the hearing. The Planning and Zoning Board shall recommend to the Town Council the denial or approval of each application for amendment to the official zoning maps based on a consideration of the following factors:

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or condition use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.

The minutes of the Planning and Zoning Board shall specify the reasons for the recommendation of approval or denial of each application.

At the public hearing before the Planning and Zoning Board, the time and place of the public hearing of each application by the Town Council shall be announced.

CONDITIONAL USE PERMIT CHECKLIST FOR TOWN COUNCIL

The Town Council, at the public hearing, shall deny or grant each application for amendment to the official zoning maps based upon a consideration of the recommendation of the Planning and Zoning Board and those factors specified below. The Town Council shall have the right at the public hearing to deny or approve each application for amendment to the official zoning maps, regardless of whether the Planning and Zoning Board has made a specific recommendation on such application. An additional Town Council public hearing will be required for each industrial use seeking to locate within a Performance Overlay District (POD) unless the applicant seeking a POD for a shopping center has an industrial use/client already identified, then the approval of the POD and the use could occur concurrently at the same public hearing.

- (1) The character of the land use of the property surrounding the property being considered.
- (2) The change in conditions of the land use of the property being considered and the surrounding property since the establishment of the current applicable zoning classification, special use or conditional use.
- (3) The impact of the proposed zoning classification or conditional use on available and projected traffic patterns, water and sewer systems, other public facilities and utilities and the established character of the surrounding property.
- (4) The compatibility of the proposed zoning classification or conditional use with existing land use plans for the affected area.
- (5) The appropriateness of the proposed zoning classification or condition use based upon a consideration of the applicable provisions and conditions contained in this article and other applicable laws, ordinances and regulations relating to zoning and land use regulations and based upon a consideration of the public health, safety and welfare.