

SMSE #: _____



CITY OF MADEIRA BEACH

PLANNING & ZONING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 244
planning@madeirabeachfl.gov



SPECIAL MAGISTRATE – ARTICLE IV. - SPECIAL EXCEPTION USES

Application Request for Special Exception Use..... \$1,800.00

Applicant Name:

Property Owner Name:

Applicant Address:

Property Owner Address:

Telephone: _____

Email: _____

Telephone: _____

Email: _____

Application for the property located at: (Street Address or location of the vacant lot)

Legal Description: _____

Zoning District: _____

Future Land Use: _____

This Special exception use application to the Special Magistrate is requesting permission to:

Please Answer the Questions Below On A Separate Sheet of Paper

- (1) That the use is a permitted special use.
- (2) That the use is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
- (3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
- (5) That adequate landscaping and screening is provided as required in the land development regulations, or otherwise required.
- (6) That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- (7) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be allowable for planned unit developments.
- (8) If a variance is also desired, and/or required, a separate application shall be submitted concurrently with the special exception application.

- (9) Special exception use will not grant to the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.

- (10) No application for special exception use shall be considered by the special magistrate until the applicant has paid in full any outstanding charges, fees, interest, fines for penalties owed to the City by the applicant or the owner or possessor of the property under any section of the code.

PLEASE ATTACH REQUIRED SUPPORTING MATERIALS: SITE PLAN, ANSWERS TO CRITERIA QUESTIONS, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.

SMSE #: _____

****For City of Madeira Beach Use Only****

Fee: \$1,800.00 ☐ Check # _____ ☐ Cash ☐ Receipt # _____

Date Received: _____ Received by: _____

Special Magistrate Case # Assigned: _____

Special Magistrate Hearing Date: _____ ☐ Approved ☐ Denied

Date: _____

Community Development Staff

Date: _____

Robin Gomez, City Manager

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Property Owner's Signature

Date

STATE OF _____

COUNTY OF _____

Before me this ____ day of _____, 2023, _____
appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is ☐ personally known to me or ☐ has produced _____ as identification.

[SEAL]

Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sec. 2-506. Special exception uses.

- (a) The special magistrate shall hear and decide special exception uses; decide such questions as are involved in determining if special exception uses should be granted; and grant special exception uses with appropriate conditions and safeguards; or to deny special exception uses when not in harmony with the purpose and intent of the city land development regulations.
- (b) In considering an application for special exception use, the special magistrate shall consider the "specific requirements" as outlined in chapter 110, article IV.
- (c) In granting any special exception use, the special magistrate shall find that such grant will not adversely affect the public interest and that it meets all conditions set for the requested special exception throughout the Land Development Code. Such decision shall be reached only after receipt of a written report from the city planning official and after the holding of a public hearing. Failure of the city planning official to submit a written report within 30 days after a referral from the special magistrate shall be deemed as recommendation of no objection to the application by the city planning official. In granting any special exception use, the special magistrate, in addition to the standards enumerated in chapter 110, article IV, may prescribe appropriate conditions and safeguards in conformity with this division. Violation of such conditions and safeguards, when made a part of the terms under which the special exception use is granted, shall be deemed a violation of this Code. The special magistrate may prescribe a reasonable time limit within which the action for which the special exception use is required shall begin or be completed or both.

(Ord. No. 1019, § 1, 5-25-04; Ord. No. 1050, § 3, 8-9-05; Ord. No. 1071, § 3(Exh. A, § 2), 2-28-06; Ord. No. 2019-16, § 1, 6-10-20)

ARTICLE IV. - SPECIAL EXCEPTION USES**Sec. 110-121. – Authorization by special magistrate.**

Special exception uses shall be permitted only upon authorization by the special magistrate.

Sec. 110-122. – Denial.

The special magistrate may deny special exception uses when not in harmony with the purpose and intent of the City land development regulations as outlined in this article.

Sec. 110-123. – Reimbursement of expenses.

The applicant shall provide for reimbursement of all expenses incurred by the City, deemed necessary by the city manager or his/her designee, to review and process a special exception use request.

Expenses may include, but are not limited to, any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the City for such costs. Failure by the applicant to make such reimbursement when due shall delay the release of a development permit until paid.

Sec. 110-124. – Standards and requirements.

- (a) In consideration of granting any special exception use, the special magistrate shall find that such grant will not adversely affect the public interest. The local planning agency shall issue a written report within 30 days after consideration by the local planning agency. In granting any special exception use, the special magistrate, in addition to the standards enumerated in this article, may prescribe appropriate conditions and safeguards, when made a part of the terms under which the special exception use is granted, shall be deemed a violation of the land development regulations. The special magistrate may prescribe a reasonable time limit within which the action for which the special exception use is required shall commence, be completed, or both.
- (b) Such uses shall be found by the special magistrate to comply with the following requirements and other applicable requirements:

- (1) That the use is a permitted special use.
- (2) That the use is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
- (3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
- (5) That adequate landscaping and screening is provided as required in the land development regulations, or otherwise required.
- (6) That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
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- (8) If a variance is also desired, and/or required, a separate application shall be submitted concurrently with the special exception application.
- (9) Special exception use will not grant to the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.
- (10) No application for special exception use shall be considered by the special magistrate until the applicant has paid in full any outstanding charges, fees, interest, fines for penalties owed to the City by the applicant of the owner or possessor of the property under any section of the code.