

# CITY OF FELLSMERE Community Development Department

21 South Cypress Street Fellsmere, Fla. 32948

Phone: 772.571.9077/Fax: 772.571.0097

## APPLICATION FOR REZONING; CONDITIONAL USE; COMPREHENSIVE PLAN TEXT/ FUTURE LAND USE MAP AMENDMENTS; LAND DEVELOPMENT REGULATION AMENDMENT

Date received by City: \_\_\_\_\_ Petition No: \_\_\_\_\_  
Application being sought: Rezoning: \_\_\_\_\_ Conditional Use Permit (CUP): \_\_\_\_\_  
Comprehensive Plan Text or Future Land Use Map Amendment: \_\_\_\_\_  
LDR amendment: \_\_\_\_\_ Planned Development \_\_\_\_\_

This application must be completed and returned to the Community Development Department of the City of Fellsmere, Florida, along with all required documents. The application will then be reviewed by the City and referred to the Fellsmere Planning Commission/Local Planning Agency for study and recommendation to the City Council. The PC meets the 3<sup>rd</sup> Wednesday of the Month; the City Council meets the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month. Deadlines for all applications are the 1<sup>st</sup> of the month. Deadlines for Large Scale map or text amendments are January 1 and June 1.

1. APPLICANT(S) NAME: \_\_\_\_\_  
CONTACT PERSON: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

2. OWNER OF PROPERTY: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

Please provide City with an Affidavit of Authorization if applicant or representative is different from owner.

3. REPRESENTATIVE'S NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

4. LEGAL DESCRIPTION OF PROPERTY TO BE COVERED BY THIS REQUEST. A full legal description must be provided, and may be an attachment to this request.  
TWP: \_\_\_\_\_ RNG: \_\_\_\_\_ SEC: \_\_\_\_\_ SUBD: \_\_\_\_\_ BLK: \_\_\_\_\_  
PARCEL/LOT: \_\_\_\_\_

5. Existing use of property: \_\_\_\_\_  
6. Current Future Land Use Classification: \_\_\_\_\_  
7. Requested Future Land Use Classification: \_\_\_\_\_  
8. Existing zoning classification: \_\_\_\_\_  
9. Requested zoning classification: \_\_\_\_\_

JUSTIFICATION FOR CHANGE (attach additional sheets containing supporting documents and evidence if necessary):

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SPECIFIC USE INTENDED FOR PROPERTY:

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## CERTIFICATIONS

Under penalty of perjury, I declare that I have read this 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 City or agent thereof the authority to duplicate, disseminate, and reproduce any and all items submitted as part of this request, whether copyrighted or not. I certify that I am:

\_\_\_\_\_ Owner of the property described herein

\_\_\_\_\_ Party to an agreement for purchase of this property

\_\_\_\_\_ A designated agent/representative of the owner or purchaser of this property (attach letter of authorization)

I, THE UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE CONSIDERATION BY THE LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL THE ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND MADE A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING COMPREHENSIVE PLAN AMENDMENT APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

By \_\_\_\_\_ (applicant) who is personally known to me or produced  
\_\_\_\_\_ I.D. and did take an oath.

\_\_\_\_\_  
Notary Public, State of Florida at Large

My commission expires: \_\_\_\_\_

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## FEES AND SUBMITTAL REQUIREMENTS/ATTACHMENTS

### REZONING, CONDITIONAL USE, AND SMALL SCALE AMENDMENTS:

- \_\_\_\_\_ \$2,250 Rezoning
- \_\_\_\_\_ \$2,250 Small scale Comprehensive Plan amendment
- \_\_\_\_\_ \$1,500 Conditional Use plus \$1000 for site plan (< 5 acres) and \$2,500 (>5 acres)
- \_\_\_\_\_ \$1,250 LDR/Code change (no mailing labels are required); proposed language to be submitted

### LARGE SCALE AMENDMENTS:

- \_\_\_\_\_ \$4,500 Large Scale or text change

### PLANNED DEVELOPMENTS:

- \_\_\_\_\_ \$1,250 Concept Plan
- \_\_\_\_\_ \$1,800 (Master) Preliminary Development Plan (under 50 acres)
- \_\_\_\_\_ \$1,800, plus \$30/acre over 50 acres
- \_\_\_\_\_ \$ 2,000 PUD site plan(site, engineering and construction documents for specific development areas)
- \_\_\_\_\_ \$ 500 PUD (Preliminary/final plat), plus recording fees

### Required attachments for map amendments, rezoning, planned development zoning, and conditional use applications:

- \_\_\_\_\_ Property map showing adjacent properties and clearly outlining the subject parcel (for land use amendment)
- \_\_\_\_\_ Mailing labels of names and addresses of all property owners within a 300' radius of the parcel covered by this application. (Can be obtained from the Indian River County Property Appraiser's Office)
- \_\_\_\_\_ Two copies of a certified survey, showing exact site and legal description, with exact acreage
- \_\_\_\_\_ Affidavit of Ownership and Warranty Deed
- \_\_\_\_\_ WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A LETTER MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED CERTIFICATIONS AND PROVIDE LETTER OF AUTHORIZATION
- \_\_\_\_\_ Initial concurrency statement and/or required studies

### \*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

**ADDITIONAL FEES:** *In addition to the fees established by this resolution, the applicant shall pay all legal advertising costs and the actual cost (review expenses) incurred by the City to have the application and supportive documents, site plans, ordinances, and other associated materials reviewed by professionals including, but not limited to, architectural, structural, engineering, surveying, planning and attorney. All advertising and review expenses shall be paid to the City before any action is taken on the application by the City Council. At the time applications for rezoning, comprehensive plan amendments, site plans, subdivisions, PUD's, DRI's, Annexations, are submitted, the Community Development Director or designee shall collect and place into an Escrow Account an additional **\$5,000 over the application fee** to cover the costs associated with advertising and professional review expenses. Any balance owed shall be paid as provided herein, prior to issuance of a final development order, permit, or other approvals by the City. Any unused portion of the additional charge shall be returned to the applicant, with an itemized listing of all amounts paid. Any amount due the City in excess of the additional charge collected shall be paid by the applicant within 20 days of the receipt of an invoice. Failure to pay such amount may result in a delay of the final action by the City Council, delay in obtaining permits, or in the City taking other actions to collect the amount owed. All other fees are non-refundable.*

**FOR CONDITIONAL USES:** The applicant must provide the City with a site plan, study or report identifying how the requested use will address each of the following issues/questions.

1. 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.

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2. Off-street parking and loading areas where required, with particular attention to the items in (a) above, and the economic, noise, glare or odor effect of the special exception on adjoining property and properties generally in the district;
3. Refuse and service areas, with particular reference to the items in (a) and (b) above;
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions, and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district
7. Required yards and other open space;
8. Height;
9. Landscaping
10. Renewal and/or termination dates
11. That the use will be reasonably compatible with surrounding uses in its function, its hours of operation, the type and amount of traffic to be generated, and building size and setbacks, its relationship to land values and other factors that may be used to measure compatibility.

In granting a Conditional Use, the Planning and Zoning Board may recommend and the City Council may adopt and may prescribe appropriate conditions and safeguards in conformity with the Land Development Code.

**Conceptual site plans are required for Conditional Use application requests and at a minimum must include the following:**

- \_\_\_ Property lines with dimensions
- \_\_\_ Rights-of-way, easements and setback lines
- \_\_\_ Parking and Loading calculations
- \_\_\_ Ingress/Egress
- \_\_\_ Signs: type, size, and location
- \_\_\_ Buildings, structures, and other facilities locations with dimensions
- \_\_\_ Well location and distance from any source of pollution
- \_\_\_ Sewage treatment location and percolation rate at site of ponds
- \_\_\_ Recreation Areas and open space calculations
- \_\_\_ Walls and Fences: type and height
- \_\_\_ Landscaping
- \_\_\_ Vicinity Map
- \_\_\_ Name of person/firm preparing plans and
- \_\_\_ North Arrow and Scale date

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**LETTER OF AUTHORIZATION**

**APPLICATION REQUEST: (CHECK ALL THAT APPLY)**

\_\_\_\_\_Annexation \_\_\_\_\_Rezoning \_\_\_\_\_Comprehensive Plan Amendment (Large Scale) \_\_\_\_\_Comprehensive Plan (Small Scale) \_\_\_\_\_Variance \_\_\_\_\_Conditional Use \_\_\_\_\_Home Occupation \_\_\_\_\_Subdivision Plat \_\_\_\_\_Site Plan \_\_\_\_\_Other

Specify: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY**

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Tax I.D. # \_\_\_\_\_ Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_  
Subdivision \_\_\_\_\_

I, \_\_\_\_\_, fee simple owner of the above described property,  
(Name of Owner)

authorize \_\_\_\_\_ of \_\_\_\_\_,  
(Name of Representative) (Name of Business)

to serve as agent on my behalf for the purpose of making and executing this application for the proposed request. Also, that any representation(s) made on my behalf, by my authorized representative, shall be legally binding on me and my aforesaid property as if I myself had made said representation(s).

Signature: \_\_\_\_\_  
Signature of Owner

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2000,  
by \_\_\_\_\_

Personally known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

\_\_\_\_\_  
Print Name of Notary Public

\_\_\_\_\_  
Signature of Notary Public  
Commission Number:  
Expiration Date:

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## **LEGAL INFORMATION RELATING TO QUASI-JUDICIAL HEARINGS BEFORE THE PLANNING AND ZONING BOARD, CITY COUNCIL OR BOARD OF ADJUSTMENT HEARINGS:**

The applicant, the applicant's representative as stated on the application, or the applicant's attorney should appear at the public hearing. If photographs, maps or other materials are provided to the Board as evidence at the public hearing, you will need to leave those instruments with the Secretary. By law those instruments automatically become part of the public records and cannot be returned to you.

The public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. State and local law PROHIBITS applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at the hearing.

For the purposes of making a decision on the application, the Board shall only consider testimony of qualified witnesses. A witness is determined by the Board and is generally based on:

- a. The witness has personal knowledge of the fact (s) in which the witness will testify; and/or
- b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
  1. **LAYMAN WITNESS:** Testimony of a witness other than an expert witness is qualified only if:  
The witness can readily, and with equal accuracy and adequacy, communicate what he perceived to the Board without testifying in the form of opinions or inferences.  
The opinions and inferences do not require any special knowledge, skill experience or training.
  2. **EXPERT WITNESS:** Testimony of an expert witness is qualified only if:  
The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issues.  
The witness is adequately qualified to express an opinion on the matter.