

Conditional Use Permit Procedures

Submittal Requirements

Five (5) initial copies of the following (additional copies will be required after the final review completed):

- Proof of ownership
- Owners Affidavit and of applicable Applicant Affidavit
- Completed application including the name, address, and telephone number of the applicant and the owner of the property
- A sketch shall be prepared which shows the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including, but not limited to, signs, driveways, off-street parking areas, loading and unloading areas, roads and streets, and utility easements. The topography required for this sketch may be obtained from the U.S.G.S. Quadrangle Maps or Lake County, if such information is available.
- A detailed description of the nature and extent of the requested conditional use.
- Plans or reports describing traffic conditions that will be created by the conditional use.
- Complete legal description of the property, including a survey prepared by a Florida Registered Land Surveyor.
- Any other information or data required by the Planning and Zoning Committee or the Town Council.
- The Town Council, in its sole discretion, may waive any or all of the requirements

Processing

- All applications are received by the Town Clerk and forwarded to the consulting planner for initial review for code compliance and completeness.
- At the time of review the Town may request additional information to analyze impacts.
- The Clerk must forward the consultant comments to the applicant.
- Once the application is complete and there are no major issues, the consulting planner will forward the information to Town Attorney for preparation of Resolution.
- The Clerk shall inform the applicant of meeting dates.

Advertising/Notices

- Notice to surrounding property owners within 300 ft at least 2 weeks prior to P&Z through certified mail read receipt.
- Advertise two times with the last advertisement 10 days prior to final Town Council and first advertisement prior to P & Z
- All cost incurred by notification/advertising/posting shall be paid by the applicant

Hearings

- P & Z Committee (3rd Wednesday of each Month) – Recommendation to Council
- Town Council Meeting (2nd Tuesday of Month) – One Reading

Processing After Approval

- None Required

Fees

- The applicant will pay in full for cost incurred through consultant review, attorney's fees advertising and notification.



APPLICATION FOR A CONDITIONAL USE PERMIT

1. Project Name: _____
2. Owner's Name: _____
Address: _____
Phone: _____
3. Applicant's Name: _____
Address: _____
Phone: _____
4. The property is generally located in the vicinity of the following streets or the following street addresses: _____

5. Area of property: _____ square feet _____ acres
6. Does the property have, or will it have, the following:
Central water & sewer _____ Well & septic tank _____
7. Present zoning is _____
Present Land Use Category is _____
8. Number of any existing structures on the property and the present use of those structures and of the property _____

9. The property is proposed to be used for _____

10. A conditional use permit is requested that is expressly permissible in Section _____ of the Land Development Code.

11. A site plan prepared in accordance with the submittal requirements of this application is herewith attached. _____ Yes _____ No

12. State the reason for this request _____

13. Has any previous application been filed within the last year in connection with this property? _____ yes _____ no.

If yes, briefly describe the nature: _____

14. If the project is to be developed in phases, give a brief description of how it will be phased: _____

15. The exact legal description and survey of the property being petitioned _____

16. If applicant is other than owner, a notarized letter from the owner, authorizing the applicant to act on their behalf shall be required.

17. Proof of Owner must be provided.

18. If site plan is not prepared for the conditional use application, twelve (6) copies of a survey must be submitted.

Procedures for Conditional Use Permits

- a. If any zoning district requires a conditional use permit, no person shall erect, construct, or alter any building or structure for such conditional use until a conditional use permit is reviewed by the Planning and Zoning Committee and approved by the Town Council.
- b. The Planning and Zoning Committee shall hear and decide requests for conditional uses allowed in Chapter IV, hereof. In doing so, the Commission may decide such questions as are involved in determining when conditional uses should be granted and either grant conditional uses with appropriate conditions and safeguards or deny conditional uses. After review of an application and a public hearing thereon, the Commission may allow conditional uses only upon a determination that use requested:
 1. Is not detrimental to the character of the area or inconsistent with trends of development in the area;
 2. Does not have an unduly adverse effect on existing traffic patterns, movements and intensity;
 3. Is consistent with the Comprehensive Plan, and;
 4. Will not adversely affect the public interest.
- c. Every person requesting a conditional Use Permit shall file an application for a permit with the Town Clerk. The application shall be accompanied by an application fee payable to the Town of Montverde. A conditional use permit may be granted for a use that is generally not permitted in a particular zoning district, but which, if controlled, restricted, or otherwise regulated, would not adversely affect the public health, safety, and general welfare.

Such uses may be permitted only if there is compliance with the provisions and standards set forth below.

- d. Every person requesting a Conditional Use Permit shall file an application for a permit with the Town Clerk. The application shall be accompanied by an application fee payable to the Town of Montverde. The amount of the application fee shall be established by separate resolution.
- e. Applications for Conditional Use Permits shall include the following information:
 1. The name, address, and telephone number of the applicant and the owner of the property
 2. A schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including, but not limited to, signs, driveways, off-street parking areas, loading and unloading areas, roads and streets, and utility easements.
 3. A detailed description of the nature and extent of the proposed conditional use.
 4. Plans or reports describing traffic conditions that will be created by the conditional use.
 5. Complete legal description of the property, including a survey prepared by a Florida Registered Land Surveyor.
 6. Any other information or data required by the Planning and Zoning Committee or the Town Council.
 7. The Town Council, in its sole discretion, may waive any or all of the requirements in (2) through (5) above.
- f. The Planning and Zoning Committee shall hold a public hearing on every application for a conditional use permit. The Town Clerk shall send all property owners within 300 feet of the property corners of the affected property a written notice stating the name of the petitioner, the nature of the proposed conditional use, and

the date and time of the hearing. The Planning and Zoning Committee may recommend approval subject to stated conditions. The Planning and Zoning Committee shall submit its recommendations to the Town Council. Within thirty (30) days thereafter, the Town Council shall hold a public hearing with due public notice to consider the recommendations. The Town Council may grant the Conditional Use Permit if it finds that the proposed use is desirable and not detrimental to the welfare. If issued, the permit shall be in writing and shall contain the conditions and limitations thereof. The permit shall be filed in the public records of Lake County, Florida. The Town Council may require the petitioner to pay the legal fees and costs incurred by the municipality in preparing and recording the permit. Any conditional use that does not meet these requirements shall be denied.

- g. Every conditional use permit shall be signed by the applicant who shall agree to be bound by its terms.
- h. The Town Council, with notice to the petitioner, may revoke a conditional use permit if the permittee fails to use or develop the property in full compliance with the terms and conditions of the permit.
- i. If the Town Council rejects the Conditional Use Permit, it may not reapply for a period of one (1) year.
- j. Conditional Use Permits shall run with the land as long as the conditions of the original Conditional Use Permit are met.

Describe how this project meets the above referenced criteria

- 1. Is not detrimental to the character of the area or inconsistent with trends of development in the area _____

2. Does not have an unduly adverse effect on existing traffic patterns, movements and intensity _____

3. Is consistent with the Comprehensive Plan _____

4. Will not adversely affect the public interest _____

Owner/Applicant Signature

Date

OWNER'S AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF LAKE**

Before me, the undersigned authority personally appeared _____, who being by me first duly sworn on oath, deposes and says:

- (1) That he is the fee-simple owner of the property legally described on page one of this application.
- (2) That he desires approval for:

- (3) That he has appointed _____ to act as agent in his behalf to accomplish the above. The Owner is required to complete the APPLICANT'S AFFIDAVIT of this application if no agent is appointed to act in his stead.

Affiant (Owner's Signature)

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

Notary Public

NOTE

All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign. This authority authorizing a person other than the owner to sign must be attached.

APPLICANT'S AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF LAKE**

Before me, the undersigned authority personally appeared _____
_____, who being by me first duly sworn on oath,
deposes and says:

- (1) That he affirms and certifies that he understands and will comply with all ordinances, regulations, and provisions of the Town of Montverde, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the Town of Montverde, Florida, and are not returnable.
- (2) That the submittal requirements for the application have been completed and attached hereto as part of this application.
- (3) That the applicant desires approval for:

Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this ___day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public