

TOWN OF REDINGTON SHORES, FLORIDA
SPECIAL MAGISTRATE, PLANNING & ZONING BOARD

1. **Application For:** _____
Property Address

_____Administrative Review (Sec. 90-129, Redington Shores Code)

It is alleged that there is error in any order, requirement, decision or determination made by the planning official in the enforcement of Part 5.

_____Site Plan Review (Sec. 90-110, 90-124, 90-126, 90-129)

SITE PLAN REVIEW – See attached Submittal Requirements for Site Plan Review.

___Special Exception (Sec. 90-99B, 90-100B, 90-102B, 90-103B, 90-111B, 90-114 F & G, 90-126, 90-129)

SPECIAL EXCEPTION – A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare.

_____Variance (Sec. 90-42, 90-127 Redington Shores Code)

VARIANCE

A modification of Part 5 or of regulations issued pursuant thereto when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of actions of the owner, a literal enforcement of this Part 5 would result in unnecessary and undue hardship.

NOTICE: To ensure compliance with Florida Statutes § 454.23 (providing that it is a felony for a person not an attorney to practice law in Florida), and to ensure the Town is not a party to facilitating the unauthorized practice of law, while an Owner who is a natural person may represent her or himself at the Special Magistrate variance hearing, and while a licensed attorney may represent an Owner at the hearing, relatives, contractors, architects, engineers, or other agents of the Owner will not be permitted to represent an Owner at the hearing, including calling or cross-examining witnesses or making arguments for approval. Owners or their legal counsel must be present to present cases, and the Magistrate will decline to proceed with a hearing where the Owner or her or his legal counsel is not present to present the case.

2. **Name (if any), Address, and Legal Description of Real Property involved in Appeal:**

Property Name: _____

Property Address: _____

Legal Description: _____

Building Permit Application No. _____

3. Owner of Property

Name _____

Mailing Address _____

City _____ State _____ Zip _____

Business Telephone (_____) _____ Residence Telephone(_____) _____

4. Specific provisions of Redington Shores Code involved in appeal:

5. Appeal: (Concise and specific statement of issue(s) on which Board is requested to give a favorable decision.)

(Use and attach additional pages as necessary)

6. **Names of members of Town's Staff who are requested to be present at the Board's Public Hearing:**

7. **Certification:**

I certify that, to the best of my knowledge, the information provided above is completed and accurate.

Signature of Owner

Date of Application

8. **Acknowledgement:**

I acknowledge that I have received a copy of the Variance Criteria and Procedure at the time of my application for a variance. **I further acknowledge that, Per Town Code, if I elect to withdraw the application after the Town has commenced any work in processing the application, I will not be entitled to any refund of fees that have been submitted.**

Owner Signature _____ Date _____

**TOWN OF REDINGTON SHORES
VARIANCE CRITERIA AND PROCEDURE**

This Document contains important information regarding the criteria and procedures to obtain a variance.

Variance Criteria – Section 90-127B 1 through 6

A variance may be granted when it will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal interpretation of the Town's zoning code (Part 5 of the Town Code) would result in unnecessary and undue hardship. The Board should keep in mind that a variance goes with the land only, not the applicant, i.e., handicap, age, etc.

A variance may not be granted to establish or expand a use that is not permitted by the zoning code. A variance may not be granted because of the presence of nonconformities in the zoning district or in adjoining zoning districts.

In authorizing a variance, the Board will consider only the following criteria:

- (1) That 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.
- (2) That the special conditions and circumstances do not result from the actions of the applicant.
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Part 5 to other lands, buildings or structures in the same zoning district.
- (4) That literal interpretation of the provisions of this Part 5 would deprive the applicant of rights commonly enjoyed by other land, buildings or structures in the same zoning district.
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) That the grant of the variance will be in harmony with the general intent and purpose of this Part 5, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Town has the initial burden of proving that what the applicant has done or proposes to do is contrary to the zoning code. If this is proven, the burden then shifts to the applicant to prove that he or she is entitled to a variance according to the criteria set forth above. If the applicant fails to prove this, the variance should be denied. If the applicant does prove this, the variance should be granted.

Hearing Procedure

All testimony shall be under oath. The owner and the Planning Official have the right to call witnesses and introduce documents to present relevant evidence.

The following procedures will be followed at the variance hearing:

1. Presentation by staff – The Planning Official presents his evidence and findings and explains the issues. He should be under oath like any other witness. The Board may then question the Planning Official about his presentation, followed by the owner and anyone who is an opponent of the variance request. The Chair has the right to control inquiry to ensure that, (1) the questions are relevant to the issues, and (2) the questions are relevant to the evidence.
2. Presentation by Owner – The owner presents his or her evidence and witnesses. After each witness has testified, the Board, the Planning Official, and any opponents are allowed to question the witness.
3. Presentation by Interested Parties – An interested party is a party who is directly affected by the application, such as an adjacent property owner. If any such person wishes to make a presentation or cross examine witnesses, they shall register as an interested party prior to the hearing. Any questions concerning whether an individual is an interested party shall be decided by the Board at the start of the hearing. Any person who has been recognized as an interested party may present their evidence and witnesses under the same rules as above. The order of questioning is Board, Owner, Planning Official.
4. Rebuttal witnesses and evidence – The Planning Official, followed by the owner, followed by any opponents will have an opportunity to present witnesses or evidence to rebut evidence presented after their presentation. The purpose of rebuttal is to give participants an opportunity to respond to new evidence and not to rehash evidence previously given.
5. Summing up – The Planning Official, the owner, and any opponents will have a brief opportunity to summarize the evidence and present arguments regarding how the Board should decide the case. Each speaker is limited to five minutes.
6. Deliberation, Motion and Voting by the Board– At this time and following the summation of the parties, there shall be no additional discussions or questions by any of the parties, unless in response to any question by a member of the Board.

NOTICE: To ensure compliance with Florida Statutes § 454.23 (providing that it is a felony for a person not an attorney to practice law in Florida), and to ensure the Town is not a party to facilitating the unauthorized practice of law, while an Owner who is a natural person may represent her or himself at the Special Magistrate variance hearing, and while a licensed attorney may represent an Owner at the hearing, relatives, contractors, architects, engineers, or other agents of the Owner will not be permitted to represent an Owner at the hearing, including calling or cross-examining witnesses or making arguments for approval. Owners or their legal counsel must be present to present cases, and the Magistrate will decline to proceed with a hearing where the Owner or her or his legal counsel is not present to present the case.

TOWN OF REDINGTON SHORES
PLANNING & ZONING BOARD
SITE PLAN SUBMITTAL REQUIREMENTS

All applications for new construction or substantial improvement, other than single family detached houses and duplex units east of Gulf Blvd. – whether permitted or special – shall be subject to site plan review by the Planning & Zoning Board, which application shall be processed accordance with the provisions of Section 90-124. An initial site plan conference regarding factors of zoning, safety and general requirements may be requested by the owner or designer at any time prior to official submittal. No fees shall be charged for this conference.

Provide fifteen (15) copies of the site plan and supporting documentation to the Town, together with an application signed by the owner of record. Each application shall be accompanied by the application fee as specified by Resolution of the Town Commission. No application will be accepted or reviewed until the fee is paid.

All plans shall be prepared at a scale not smaller than one inch equal to 50 feet, and should be submitted on sheets measuring no larger than 11 x 17”, or as approved by the Planning Official.

A Site Plan shall depict the following:

1. Location of buildings and their relation to property lines (setbacks)
2. Driveways and parking areas
3. Pedestrian walks and landscaping
4. Elevations and/or renderings, if required
5. Locations of utilities, existing and proposed, including depicting all easements on the property whether utility or private. Any property fronting the west side of Gulf Blvd. shall show and provide a ten foot wide utility easement, for above and below ground utilities, along such portions of the property abutting Gulf Blvd. Providing a recorded utility easement to the Town of Redington Shores shall be a condition that must be fulfilled prior to the issuance of any building permit (Amended 3/21/05 by Ord. 05-02).
6. Spot locations of major trees in excess of 8 inches in diameter, and waterways
7. Topography to the one foot contour interval
8. Elevation of lowest habitable floor of building in relation to mean sea level
9. When appropriate, the Coastal Construction Control Line, and the flood zone boundaries of the most current Flood Insurance Rate Map (FIRM)
10. Facilities for control of runoff water
11. Soil types
12. Traffic circulation
 - a. unrestricted access to streets not allowed. Generally curb cuts limited to a maximum of 25 ft.
 - b. access to streets should take into consideration sight distance and alignment
 - c. all sites must provide for emergency vehicle access
 - d. separate ingress and egress is encouraged
 - e. traffic collection to reduce access points to Gulf Blvd. is encouraged
 - f. maneuver lanes between rows of parked autos shall be at least 20 feet in width
 - g. traffic lanes shall conform to the same design standards as public streets as regards alignment on intersections
 - h. all buildings excluding single family and duplex dwelling districts must provide for pedestrian circulation. Hard surfaced pedestrian walks a minimum of four feet wide shall be provided generally as follows: along public rights-of-way; along access corridors to buildings; at interconnecting points where significant numbers of people will seek to walk
13. Landscaping: All uses shall be landscaped. Required landscaping may encompass street trees or shrubs, foundation planting, planting islands to define curb cuts, or perimeter planting.