



**LEON COUNTY
PELUC APPLICATION FOR BOARD OF ADJUSTMENT & APPEALS**

The undersigned owner(s) of the following described property hereby petition the Board of Adjustment and Appeals (BOAA) to make a determination on the PELUC Certificate Request.

FEE: Fee: \$960 (includes \$300 application fee and \$660 legal notice fee)
Please make check payable to "Leon County."

PROPERTY

Owner's Name: _____

Mailing Address: _____
Street Address City State Zip

Phone Number: _____ Fax Number: _____

E-mail Address: _____

Agent's Name: _____

Mailing Address: _____
Street Address City State Zip

Phone Number: _____ Fax Number: _____

E-mail Address: _____

DESCRIPTION OF PROPERTY

Street Address: _____

Parcel Identification Number: _____

Existing Use: (please check one): _____ Residential _____ Non-Residential

Business Name (if applicable): _____

ZONING CLASSIFICATION

Zoning District: _____

REQUEST

I have made this request in order to: _____

PELUC ELIGIBILITY: In order to be determined eligible, the following criteria must be met, consistent with the LDC.

1. The existing nonconforming use was originally established as a legal use and has been in existence since July 16, 1990.
2. In seeking this PELUC Certificate, I am *not* trying to get provisions waived that are set forth by land development ordinances and regulations, such as but not limited to, environmental requirements, buffering, open space, building codes, lot area, impervious surface, parking, or setbacks.
3. The requested use of my property *does not* include heavy infrastructure and heavy industrial uses which adjoin low density residential areas and/or access is to a local or minor collector street which is not designated as a nonresidential street.
4. If the subject property is zoned Residential Preservation, it shall not have commercial uses (not office use) and development in excess of twenty thousand (20,000) sq. ft. of building floor area; nor residential uses at a density of greater than twelve (12) dwelling units per acres; nor industrial use; nor heavy infrastructure.
5. The subject property shall not have a floor area ratio that exceeds 0.5 for office use or 0.2 for all other uses. (*Floor Area Ratio is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.*)

Applications for Previously Existing Land Use Certificates (PELUC) to be considered by the Tallahassee-Leon County Board of Adjustment and Appeals are processed by the City of Tallahassee Growth Management Department for properties located inside the city limits and by the Leon County Department of Development Support and Environmental Management for properties located in unincorporated Leon County. This handout is intended to determine eligibility for the PELUC process and provide the minimum requirements for filing a PELUC application.

The Board of Adjustment and Appeals is an appointed citizen body consisting of seven members appointed to two (2) year terms each. Three of the members are appointed by the City Commission and three members are appointed by the County Commission. The seventh member is alternately appointed by the City and County Commission. Public hearings are held on the second Thursday of each month for the purpose of reviewing variance applications and hearing appeals. This hearing is normally held on the third Thursday of every month at 1:00 pm in the Renaissance Center, 2nd Floor Conference Room, 435 North Macomb Street, Tallahassee, Florida.

GENERAL APPLICATION REQUIREMENTS FOR A PELUC

Please read and follow these directions carefully as the City Growth Management and County Development Support and Environmental Management Departments reserve the right to reject any application which is improperly filled out or incomplete.

The following **MUST** be included on all applications:

1. The signature of the property owner or person with documented power of attorney. If the applicant is someone other than the property owner, they should fill in the information requested under “Agent” to include filing a Leon County Affidavit of Ownership and Designation of Agent Form;
2. The mailing address and daytime telephone number of both the property owner and agent;
3. Property description must include the street address and the Leon County Property Appraiser’s parcel identification number of the subject property;
4. Zoning classification of the property;
5. Description of the provisions of the ordinance and the section requested to be varied or appealed.

PELUC

A PELUC Certificate for any other eligible use may only be granted upon the Board of Adjustment and Appeals' findings of fact and conclusions of law that the nonconforming use is consistent with the following criteria as set forth by Land Use Policy 1.5.1 and Chapter 10, Article VI, Division 3, of the Code of Ordinances of Leon County:

- a. A determination that the impact of the nonconformity is minimal upon surrounding land use and is not detrimental to the public health, safety, and welfare and, as a result, the nonconforming status may be waived.
 - b. A determination that the impact of the nonconformity may be substantially mitigated such that the development may attain conforming status by implementing the outlined mitigation steps.
 1. Site plan or plan of development may be required to demonstrate mitigative measures that will maintain compatibility through specified design measures. Inter-site compatibility criteria shall be determined by the Board of Adjustment and Appeals based on the following:
 - (i) Aesthetically and functionally compatible with adjacent uses.
 - (ii) Adequate buffering, screening, landscaping, and architectural treatment if located in a residential area.
 - (iii) Sufficient parking, designed to provide safe internal traffic circulation, and off-site access.
 2. The objectionable impacts of service and delivery areas, refuse and recycling collection areas, as well as the outdoor storage and work areas generally associated with commercial residential buildings shall be designed to minimize off-site impacts.
- (2) If the Board of Adjustment and Appeals determines that the nonconforming use meets the required criteria as specified by Land Use Policy 1.5.1 and Chapter 10, Article VI, Division 3, of the Code of Ordinances of Leon County, the Board of Adjustment and Appeals shall issue a PELUC certificate, in a recordable format, which shall be valid only for the specific use and area

of the site for which the waiver was granted. The certificate may contain conditions under which the waiver has been granted and may contain an expiration date for the waiver. The certificate shall provide that any expansion proposed on the property covered by the certificate must comply with the development standards for the primary use in the district in which the property is located.

If an expiration date is provided, the use shall revert to nonconforming status on the expiration date. Upon application to the Board of Adjustment and Appeals prior to the expiration date, the expiration date may be extended after review by the Board of Adjustment and Appeals. The granting of a PELUC certificate for a particular use on a single parcel of property shall in no way be construed to waive any other development requirements or to establish vesting or precedence for other nonconforming uses on that parcel or on any other parcel.

- (3) The PELUC certificate may require the applicant to meet certain specific mitigative conditions such as, but not limited to, a site plan or plan of development, buffering, architectural treatment in residential areas, additional setbacks, access limitations, limitations on use, or an expiration date of the use. Such order cannot allow a waiver that exceeds a floor area ratio of 0.5 for office uses and 0.35 for all other uses.
- (4) The written certificate of the Board of Adjustment and Appeals shall be permanently on file in the office of the department of growth and environmental management and a copy thereof promptly transmitted to the applicant. The applicant shall provide proof that the certificate has been recorded in the public records of Leon County within 30 days of the date of the certificate. Failure to record shall render the certificate null and void as though it had never been issued.
- (5) Any application for a PELUC certificate shall be denied based upon the Board of Adjustment and Appeals' findings of fact and conclusions of law in accordance with the provisions of this division that the nonconformity violates the intent of this division or that it has substantial impacts which may not be overcome by any mitigation procedures and as such, the development shall remain in a nonconforming status and such use shall terminate according to law.
- (6) Every determination of the Board of Adjustment and Appeals regarding a PELUC certificate shall be final, subject to such remedies as any aggrieved party might have at law or in equity.

Applicants are advised to focus their written and oral presentations on requesting a waiver of nonconforming use status, as this will be the primary issue upon which the Board will be basing their decision.

PUBLIC NOTIFICATION

Notice of public hearing is published in the newspaper and a letter of notification is mailed by the Leon County Department of Development Support and Environmental Management to all property owners within 500 feet of the request explaining the nature of the PELUC requested, the requirements under the affected code, as well as the time, date and location of the Board of Adjustment and Appeals public hearing. Any interested party is invited to attend and may present testimony.

DECISION OF THE BOARD OF ADJUSTMENT AND APPEALS

During its monthly public hearing, the Board of Adjustment and Appeals may receive testimony from County staff, applicants, and other proponents, opponents, or any other interested party, after which the Board votes its decision.

If applicable, the terms of the approved PELUC will be included in the Final Order. Every decision of the Board of Adjustment and Appeals shall be final and is recorded in the official minutes of the Board of Adjustment and Appeals. Any person or party aggrieved by the Board’s decision may seek remedy through the judicial system.

Note: Please be advised that if a person decides to appeal any decision made by the Board of Adjustment and Appeals with respect to any matter considered at this meeting, such person will need a record of these proceedings, and for this purpose such person 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.

PELUC APPLICATION FEE AND SUBMITTAL DEADLINE

- Filing Deadline: Four (4) weeks prior to the second Thursday of the next month.
- Variance: Second Thursday of every month by 12:00 noon.
- Appeal: Within thirty (30) days of the date of the written decision which is being appealed.
- Fees: Variance or Appeal: \$960 (includes \$300 application fee and \$660 legal notice fee)
- Payable to: Leon County
- Submit to: Leon County Department of Development Support & Environmental Mgmt.
Renaissance Center, 2nd Floor
435 N. Macomb Street
Tallahassee, Florida 32301

Should you have any questions about the variance or appeal process, please contact the Development Services Division at 850-606-1300.

I hereby certify that I am the owner of property involved in the above described request and that the information set forth is true and correct.

BY: _____
Print Name

Signature of Property Owner

RECEIVED BY THE DEPARTMENT OF DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT ON THE ____ DAY OF _____, 20__.

Dept. of Development Support & Environmental Management Recipient: _____

This application will be presented to the Tallahassee-Leon County BOAA on _____ for public hearing.