

Applications for Previously Established Land Use Conformity (PELUC) Certificates to be considered by the Tallahassee-Leon County Board of Adjustment and Appeals (the “Board”) are processed by the Land Use and Environmental Services Division of the City of Tallahassee Growth Management Department for properties located inside the city limits. This handout is to acquaint applicants with the PELUC process and the requirements for filing an application.

The Board is an appointed citizen body consisting of seven members appointed to three-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 applications and hearing appeals.

Please read and complete the PELUC application. Be sure to answer all questions carefully as the Land Use Administrator reserves the right to reject any application that is improperly filled out or incomplete. The signature of the property owner or person with documented power of attorney must sign the application form. Also, a completed Owner’s Affidavit must be attached to the application form.

SUBMITTAL INFORMATION

Submittal: 1 Original of the Completed Application Package (including owner’s affidavit) should be submitted to the Growth Management Department, Land Use and Environmental Services Division. Color documents should also be submitted in electronic form in one of the following formats: .tif, .pdf, .jpeg, or .bmp.

Filing Deadline: **Second Thursday of every month by 10:00 a.m.**
(YOUR HEARING WILL BE HELD ON THE SECOND THURSDAY OF THE FOLLOWING MONTH.)

PELUC CERTIFICATE ELIGIBILITY

A PELUC Certificate is a waiver of nonconforming use status; and, if certain criteria are met, is issued to allow expansion of a nonconforming land use. A nonconforming use is defined as a use of land that is not consistent with the designated future land use category of the City's 2010 Comprehensive Plan and/or the Land Development Code. The applicant shall bear the burden of demonstrating that the impacts of the nonconforming use are either minimal upon the surrounding land uses and are not detrimental to the public health, safety, and welfare, or that the impacts of the nonconforming use may be substantially mitigated. Economic hardship may be considered as a factor supporting granting a nonconforming use waiver. All applications for a PELUC Certificate must meet the following criteria:

- A. The nonconforming use shall have been originally established as a legal use and have been in existence on July 16, 1990.
- B. The waiver provisions as set forth by the City's 2010 Comprehensive Plan and/or the Land Development Code shall be applicable only to existing nonconforming uses of land and cannot be applied to waive any other development criteria in the 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.
- C. In all future land use and zoning categories, the following uses shall not be eligible to apply for a PELUC Certificate:
 - (1) Heavy infrastructure and heavy industrial uses adjoining low-density residential area(s).
 - (2) Heavy infrastructure and any industrial use for which sole access is to a local or minor collector street, unless the street is a designated nonresidential street.
- D. In order to protect existing residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment, the following uses that are located within areas designated Residential Preservation shall not be eligible to apply for a PELUC Certificate:
 - (1) Commercial uses and development in excess of twenty thousand (20,000) square feet of building floor area, other than office uses.
 - (2) All industrial uses.
 - (3) Heavy infrastructure.
- E. No request for waiver can be submitted which exceeds a floor area ratio of 0.5 for office uses and 0.2 for all other uses with the exception of residential land uses.

PUBLIC NOTIFICATION

Notice of public hearing is published in a newspaper and a letter of notification is mailed by the Growth Management Department to all property owners within 200 feet of the request that explains the nature of the PELUC requested and the time, date and location of the public hearing. Any interested party is invited to attend and may present testimony.

GRANTING OF THE PELUC

If the Board determines that the nonconforming use meets the required criteria, the Board shall issue the 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. 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.

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 ratio of 0.5 for office uses and 0.2 for all other uses with the exception of residential land uses.

DECISION OF THE BOARD OF ADJUSTMENT AND APPEALS

During its monthly public hearing, the Board may receive testimony from City staff, applicants and other proponents, opponents, or any other interested party, after which the Board votes its decision. Every decision of the Board shall be final and is recorded in the Board's official minutes. Any person or party aggrieved by the Board's decision may seek remedy through the judicial system within 30 days after the Board's decision is rendered.

Upon approval of the PELUC certificate, the original will be mailed to the applicant. The applicant shall provide proof that the certificate has been recorded in the public records of Leon County within thirty (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.**

Should you have any questions about the PELUC process, please contact us at 891-7001, Option 4.

PROPERTY OWNER

Name: _____

Mailing Address: _____

City State Zip

Phone #: _____ Fax #: _____

E-Mail Address: _____

AGENT (If Applicable)

Name: _____

Mailing Address: _____

City State Zip

Phone #: _____ Fax #: _____

E-Mail Address: _____

DESCRIPTION OF PROPERTY

Street Address: _____

Parcel Identification Number: _____

Existing Use of Property: _____

Date Building Certificate of Occupancy (CO) Issued: _____

ZONING CLASSIFICATION

Property Zoning at Date of CO: _____

Property Zoning July, 1990: _____

Current Zoning: _____

*Previously Existing Land Use Compliance

PELUC ELIGIBILITY:

- 1. The existing nonconforming use was originally established as a legal use and has been in existence since July 16, 1990. ___ Agree ___ Disagree

- 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. ___ Agree ___ Disagree

- 3. 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 that is not designated as a nonresidential street. ___ Agree ___ Disagree

- 4. My property is not zoned Residential Preservation with commercial uses (not office use) in excess of twenty thousand (20,000) sq. ft. of building floor area; or industrial use; or heavy infrastructure. ___ Agree ___ Disagree

- 5. My building does not have a floor area ratio that exceeds 0.5 for office use or 0.2 for all other uses with the exception of residential land uses. ___ Agree ___ Disagree
(Floor Area Ratio is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.)

I hereby certify that I am the owner of property involved in the above-described request, I have read this application, and that the information set forth is true and correct.

BY: _____
Signature of Property Owner

PRINT NAME: _____

Project Name: _____ Parcel ID #: _____

For an application to be eligible for review, 1 original of the following materials must be provided:

APPLICANT

- _____ 1. This completed checklist.
- _____ 2. Completed Application for PELUC*.
- _____ 3. Completed Owner's Affidavit.
- _____ 4. Legal description and boundary survey of the parcel which is **signed and sealed** by a Florida Registered Land Surveyor.
- _____ 5. Location map
- _____ 6. Applicable Fees.
- _____ 7. Color documents should also be submitted in electronic form in one of the following formats: .tif, .pdf, .jpeg; or .bmp.
- _____ 8. A site plan shall be drawn to an appropriate engineer's scale showing:
 - _____ a. Scale used;
 - _____ b. Use, size, location, and height of all existing buildings and other structures;
 - _____ c. Parking spaces, drive aisles, sidewalks and driveways;
 - _____ d. Adjacent properties with their zoning and current land use ;
- _____ 9. Statistical information including:
 - _____ a. Total acreage of the property;
 - _____ b. Existing and proposed maximum building coverage expressed as a percentage of the total property area;
 - _____ c. Ratio of pervious and impervious surface area;
 - _____ d. Existing number of dwelling units and the gross floor area of non-residential uses;
 - _____ e. Existing density/intensity of the property.
- _____ 11. Pictures of the site and adjacent properties.
- _____ 12. A narrative describing the hardship.
- _____ 12. A narrative describing future plans for the property.
- _____ 13. Additional relevant information which is deemed to be appropriate by the City to ensure consideration of all relevant issues.

*Previously Existing Land Use Compliance

NOTE: All of the items listed above must be submitted at the time of application. Failure to provide one of the items listed above may result in the rejection of the site plan application.