



City of Bay Minette

Special Exception Application

301 D'Olive Street · Bay Minette, Alabama 36507

Phone (251) 580-1650 · COBM_Planning@ci.bay-minette.al.us

Office Use Only

SE - _____

Fee: \$250

Paid: Cash Credit Card

Check - # _____

Are you the property owner? Yes No

(If you are not the property owner you must submit an Agent Authorization Form signed by the property owner)

Name: _____ Date: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Site Information

Property Address: _____

or Property Location: _____

*Parcel No.: _____ *PPIN No.: _____

**Parcel or PPIN information must be completed*

Current Zoning: _____

The purpose of this Special Exception is to allow:

What grounds or conditions exist to warrant the approval of the Special Exception?

**Special Exception ordinance excerpt and review criteria is included in packet*

I, the undersigned applicant, understands that payment of these fees does not entitle me to approval of this Special Exception and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the meeting.

Signature of Applicant (Owner of Property or Authorized Agent)

Date

Submittal Requirements

- _____ Application
- _____ Fee
- _____ Agent Authorization Form (if applicant is not the owner)
- _____ Complete Legal Description of Property
- _____ Plot Plan or Survey – indicating any existing structures, proposed structures, and setbacks from property lines.



City of Bay Minette

Special Exception Ordinance Excerpt

14.2.2 Special Exceptions: *Conditions governing applications; procedures.* To hear and decide only such special exceptions as the board of adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the board of adjustment unless and until:

a. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested. The application shall be submitted no less than ten days prior to the planning commission meeting at which it is to be reviewed. The application shall be considered by the planning commission, which shall make a recommendation to the board of adjustment with regard to approval, approval with conditions or disapproval. A public hearing shall not be required before the planning commission. The planning commission's recommendation is not binding on the board of adjustment, it is merely advisory;

b. Upon receipt of a recommendation from the planning commission, the board of adjustment shall schedule a meeting at which to consider the application and shall give notice at least 15 days in advance of a public hearing. The owner, or his agent, of the property for which special exception is sought, adjacent property owners and any other party's identified that may have interest in the special exception request, shall be notified by registered/certified mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall, and in one public place at least 15 days prior to the public hearing;

c. The public hearing shall be held at the date and time designated in the notice. Any party may appear in person, or by agent or attorney.

d. The board of adjustment shall make a finding that is empowered under the section of this ordinance described in the application to grant the special exception, and the granting of the special exception will not adversely affect the public interest.

e. The board shall review requests for special exceptions under the following criteria and relief granted only upon the concurring vote of four board members:

- i. Compliance with the comprehensive plan;
- ii. Compliance with any other approved planning document;
- iii. Compliance with the standards, goals, and intent of this ordinance;
- iv. The character of the surrounding property, including any pending development activity;
- v. Adequacy of public infrastructure to support the proposed development;
- vi. Impacts on natural resources, including existing conditions and ongoing post-development conditions;
- vii. Compliance with other laws and regulations of the city;
- viii. Compliance with other applicable laws and regulations of other jurisdictions;
- ix. Impacts on adjacent property including noise, traffic, visible intrusions, potential physical impacts, and property values;
- x. Impacts on the surrounding neighborhood including noise, traffic, visible intrusions, potential physical impacts, and property values.
- xi. Overall benefit to the community;
- xii. Compliance with sound planning principles;
- xiii. Compliance with the terms and conditions of any zoning approval; and
- xiv. Any other matter relating to the health, safety, and welfare of the community.