

**PUTNAM COUNTY
PLANNING & DEVELOPMENT SERVICES**

2509 Crill Avenue, Suite 300
Palatka, FL 32177
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Planning & Zoning: (386) 329-0491
Building: (386) 329-0307
Code Enforcement: (386)-329-0317
Website: www.putnam-fl.gov

NON-CONFORMING USE APPLICATION

1. Name of Property Owner(s): _____
2. Mailing Address(es): (street) _____
(city) _____ (state) _____ (zip) _____
3. Phone Number(s): _____
4. Email: _____
5. Parcel ID Number(s): _____
6. 911 Address(es): (street) _____
(city) _____ (state) _____ (zip) _____
7. Zoning Designation: _____ Future Land Use Designation: _____
8. Current Property Use: _____
9. Parcel Size: _____ (+/-) acres
10. Nonconforming Use to Allow: _____
11. Approximate Dimensions: _____
12. Number and Types of Structures: _____
13. Prior Zoning Actions on this Property (include case numbers): _____

14. Date of Required Pre-Application Meeting with Planning Staff: _____
15. Please use the Checklist Below to Ensure Completion of Application Requirements:

APPLICANT STAFF N/A

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Completed and Notarized Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Application Fee Paid in Full (Non-Refundable) |
| <input type="checkbox"/> | <input type="checkbox"/> | Site Plan |
| <input type="checkbox"/> | <input type="checkbox"/> | Recorded Deed(s) |
| <input type="checkbox"/> | <input type="checkbox"/> | Legal Description(s) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | Agent Designation and Agent Oath Forms (If Applicable) |

NOTICE: Submittal of a completed application represents express permission to Department staff to enter onto the property to conduct a site visit under the conditions described in paragraph 5 on page 6 of the application packet. If you desire to be present during the site visit, contact the Department to schedule the site visit. Denial or refusal to grant such access shall be grounds for rejecting the application.

Your signature represents your agreement to pay any fees incurred for third party experts or consultants necessary to review and analyze technical submittals provided by the applicant, including but not limited to environmental assessments, housing studies, traffic studies and other level of service analyses.

YOUR SIGNATURE BELOW AFFIRMS THAT YOU HAVE READ AND AGREE TO THE TERMS OF THIS APPLICATION IN ITS ENTIRETY.

16. Signature(s) of Property Owner(s) :

(sign)

(sign)


(print)

(print)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization,
this ____ day of _____ 20____, by _____ who is
(Print Signer's Name)

personally known to me or who has produced _____ as identification.
(Type of Identification)


(Print, Type, or Stamp Commissioned Name of Notary)

Signature of Notary Public

NOTE: In the event that a resubmittal is requested, a signed resubmittal acknowledgement must be submitted within 30 days of said request. If the acknowledgment is not received within this timeframe, the application will be closed, and a new application with the applicable fee will be required.

AGENT DESIGNATION FORM

The applicant(s) does (do) hereby appoint and designate _____
as agent in fact for the owner(s) of parcel(s) _____

to present an application for a Nonconforming Use Determination for all or a portion of the referenced parcel(s) and to present all evidence in support thereof to the Putnam County Administrative Deviation Committee (ADC), and to respond to and furnish all information and data requested by said Committee.

Print name of property owner(s)

Signature(s) of property owner(s)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization,

this ____ day of _____, 20____, by _____ who is
(Print Signer's Name)

personally known to me or who has produced _____ as identification.
(Type of Identification)

Notary Stamp

*(Print, Type, or Stamp Commissioned
Name of Notary)*

Signature of Notary Public

AGENT OATH AND SIGNATURE

The undersigned _____, being duly appointed as agent in fact for the above named owner(s) of the property whereby said owners are seeking a Nonconforming Use Determination and the undersigned does hereby accept said appointment and will faithfully and truly carry out the request of said owner(s).

Signature of Agent: _____

Mailing Address: _____

Phone Number: _____

Email: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization,

this ____ day of _____ 20____, by _____ who is
(Print Signer's Name)

personally known to me or who has produced _____ as identification.
(Type of Identification)

Notary Stamp

*(Print, Type, or Stamp Commissioned
Name of Notary)*

Signature of Notary Public

NONCONFORMING USE DETERMINATION APPLICATION AND REVIEW PROCESS

ELIGIBILITY

Class I Nonconformities: Subject to the findings of fact required under LDC Section 45-817, changes and improvements to Class I nonconformities must comply with the following:

- (1) All determinations that go to the Zoning Board of Adjustment or Administrative Deviation Committee will follow the normal public hearing process outlined in this Code, and the following criteria in determining whether to authorize the proposed activity:
 - a. The overall negative impact of the nonconformity on the surrounding properties is reduced as a result of the proposed activity; and
 - b. The proposed activity will not have an adverse health, safety, welfare, or economic impact on the surrounding neighborhood, other land uses, or the general public.
- (2) Subject to the criteria in paragraph (1) above, the Zoning Board of Adjustment or Administrative Deviation Committee may allow an Applicant to:
 - a. Expand a nonconforming Use of land;
 - b. Add accessory uses or structures;
 - c. Add area to a Structure associated with a nonconforming Use.
- (3) Subject to paragraph (4) below, repair, maintenance and renovation are allowed except for historical structures or structures within an historical district that are governed by article IV, division 4 of this Code. General repair, maintenance and renovation of items that do not require a permit are allowed without restriction.
- (4) When damage or deterioration of a Class I nonconforming Structure exceeds 50 percent of the value of the Structure immediately prior to the time of damage or deterioration, the nonconforming Use associated with the Structure shall be eliminated. The value of the Structure and whether the damage or deterioration exceeds 50 percent shall be determined by the director based on substantial competent evidence, which may include, but not necessarily limited to the property appraiser's assessment.
- (5) There may be a change of tenant, ownership or management of a nonconforming Use provided there is no unauthorized change in the nature or character of such nonconforming Use.
- (6) The installation or the replacement of signs on Parcels with a nonconforming Use is allowed regardless of which zoning district within which it is located, provided the following requirements are met:
 - a. All new or replacement signs must conform to the requirements of the County's sign regulations applicable to the least intensive zoning district that would normally allow the nonconforming Use; and
 - b. All existing nonconforming signs are removed.

Land Development Code Section 45-817 – Findings of Fact Required for Permitting Nonconforming Uses, Structures and Lots.

Any other provision of this section or other provisions of this Code notwithstanding, the director or Zoning Board of Adjustment must make the following additional findings of fact before authorizing any proposed improvements to nonconformities under this section:

The Applicant has demonstrated with competent substantial evidence the legality of the nonconforming Use of the land, the Structure or land and the Structure in combination addressed in the application. Proof of the legality of the nonconformity must include competent substantial evidence that the nonconformity was lawfully established and continued under prior County codes or ordinances. Competent substantial evidence may include, but is not limited to, historic aerial photographs, Use and property records maintained by the County's tax collector for business tax receipts, if any, Planning and Development

Services Department records, Public Works Department records, records maintained by the County property appraiser's office, business records, and photographs that can be certified as to their date and authenticity.

PROCESS

1. Call Planning staff at (386) 329-0491 about your interest in a Nonconforming Use Determination as well as to schedule your required pre-application meeting.
2. Submit all required materials to Planning & Zoning complete and correct.
3. The application will be given a case number and scheduled for a hearing with the Administrative Deviation Committee (ADC).

Note: The current schedule for the ADC is posted at the office of the Planning and Development Services Department.

4. Staff will notify:
 - a. All property owners adjacent to the subject parcel(s) via US Mail.
 - b. Post signs along the right-of-way of the subject parcel(s) as notice of the public hearings.
5. Staff will conduct at least one site visit to the parcel that is the subject of this application. While staff will only be reviewing the site as it pertains to the Nonconforming Use Determination, you may request that you be present when the site visit occurs. Site visits will be conducted during regular business hours (8:30 am to 5:00 pm Monday through Friday) between the date of submittal of a completed application and the date of the hearing. The express purposes of the site visit is to place signs noticing the hearing, verify information submitted with this application and complete an analysis of the proposed Nonconforming Use Determination for consistency with the Comprehensive Plan and compliance with County Ordinances.

Note: Submittal of a completed application represents express permission to Department staff to enter onto the property to conduct a site visit. Denial or refusal to grant such access shall be grounds rejecting the application.

6. You will receive a copy of a staff report, prior to the ADC public hearing, which analyzes the application for consistency with the applicable objectives and policies of the Putnam County Comprehensive Plan and County Ordinances.

Note: Once the application has been advertised for public hearing, if you withdraw the application or cause the hearing to be postponed, you are responsible for payment of the original application fee and any cost incurred by the County for additional public notices.

7. There will be one hearing before the ADC to review any requested vesting determination. The ADC hearing is conducted in the following fashion:
 - a. The case number will be called for discussion.
 - b. Staff will present the staff report to the Committee.
 - c. Those who are in favor will be given the opportunity to share their views and evidence. The applicant will be given the first opportunity to speak in favor of their application.
 - d. Those who are in opposition of the application are given the opportunity to speak.
 - e. The Committee will close public comments and deliberate.

- f. After deliberation, the Committee will vote. If the ADC denies the application, the applicant will be notified of their right to appeal.

REQUIREMENTS

COMPLETED APPLICATION: A complete, correct, signed and notarized application. All applications will be required to comply with all submittal requirements and where applicable and necessary additional submittal requirements as specified by the Planning & Development Services Executive Director or designee.

APPLICATION FEES – The Putnam County Board of County Commission establishes fees. See fee schedule. Fees are subject to change at any time by resolution of the Board of County Commissioners.

IN ADDITION TO THE APPLICATION FEE, YOU WILL BE RESPONSIBLE FOR PAYMENT OF ANY FEES INCURRED FOR THIRD PARTY EXPERTS OR CONSULTANTS NECESSARY TO REVIEW AND ANALYZE TECHNICAL SUBMITTALS PROVIDED BY THE APPLICANT, INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL ASSESSMENTS, HOUSING STUDIES, TRAFFIC STUDIES AND OTHER LEVEL OF SERVICE ANALYSES.

SITE PLAN – Site plan must be provided on a sheet of paper no smaller than 11" x 17" and must be legible. Failure to provide a site plan with all required details will result in a finding that the application is insufficient. Insufficient applications will not be scheduled for public hearings until they are made sufficient. The site plan shall include the following per LDC Section 45-1082:

- a) Name, location and owner.
- b) Present zoning.
- c) Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
- d) Date, north arrow and graphic scale.
- e) Location, number, dimension and surface type of all proposed parking areas and loading areas.
- f) Location, size and design of landscaped areas and building screens or architectural enclosures.
- g) The location of all existing and proposed structures and major features and complete dimensions of same. Also included shall be setbacks, distances between structures, floor areas, width of driveways, property or lot lines and the percentage of the property covered by structures.
- h) Location and acreage of open space, recreational, recharge and landscaped areas.

RECORDED DEED - A copy of the recorded deed(s) to the property involved in the request must be provided.

LEGAL DESCRIPTION - A legal description of the area for the property subject of this application must be provided, if the area is different from the legal description in the deed to the property.

AGENT DESIGNATION AND AGENT OATH FORMS – These forms are applicable if the applicant(s) chooses to designate an agent other than an applicant to represent them at the public hearings.