



**APPLICATION AND REVIEW PROCESS FOR A VESTING DETERMINATION BY THE
BOARD OF COUNTY COMMISSIONERS**

1. The applicant must schedule a pre-application meeting with a Planner in the Department of Planning & Development Services to discuss the request for a vesting determination. This application will not be accepted until such a meeting takes place and proof of same is provided by signature of the Planner verifying the date and time of such meeting in the space provided on the application.

2. This application can only be submitted after the Department has made an administrative vesting determination. This application must be submitted within 30 days of the administrative vesting decision. The applicant must complete and submit an application according to the instructions provided in this packet. The application may not be accepted unless the application is completed in full with all of the proper information and documentation. An application must be submitted with the required processing fee of \$200 by the deadline date for filing the application. A list of the deadline dates for review by the Development Review Committee (DRC) is available from the Department.

3. If the application for a vesting determination is incomplete, you will be notified in writing of the deficiencies. If the applicant fails to resubmit the application with the required information within thirty (30) days, the application fee will be returned and the case closed. If the application for a vesting determination is determined to be complete, it will be scheduled for the next regular meeting of the Development Review Committee for review and recommendation to the Board of County Commission. Following the Development Review Committee meeting, the application will be scheduled for a public hearing at a regularly scheduled meeting of the County Commission. The County Commission will make the final determination in a public hearing on the application. Be sure to attend these meetings to present your case for a favorable vesting determination.

4. Staff will conduct at least one site visit to the parcel that is the subject of the application. **Submittal of a completed application represents express permission to County staff to enter onto the property to conduct a site visit.** Such 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 vesting determination request for compliance with the applicable criteria of the Land Development Code. **Denial or refusal to grant such access shall be grounds rejecting the application.**

5. You are required to pay for the legal advertisements for the public hearing in the Palatka Daily News. The legal advertisements are prepared and submitted to the Palatka Daily News by the Department. You will receive a bill from the Palatka Daily News for each public notice. When you pay the bills for the required legal advertisements, the Palatka Daily News will furnish you with "Proof of Publication Affidavits" for each public notice.

6. You will receive a copy of a staff report, prior to the Board of County Commission meeting, which analyzes the application for consistency with the applicable criteria in Section 9.02.06 of the Putnam County Land Development Code. **However, please be advised that you are ultimately responsible for presenting and arguing your own case.**

7. 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.

INSTRUCTIONS FOR FILING A SUBDIVISION VESTING DETERMINATION APPLICATION

ITEM #1: The applicant(s)/owner(s) must list their name(s) and address(es) in ITEM #1.

ITEM #2: Provide the subdivision name including the unit, block(s) and lot(s) that the applicant owns.

ITEM #3: If you own property within the subdivision, provide the parcel identification number for the property, which is on your tax notice or can be obtained from the Property Appraisers Office or Planning & Development Services.

ITEM #4: If you own property within the subdivision, please provide the street address(es).

ITEM #5: Please provide specific driving directions to the subdivision.

ITEM #6: Provide the future land use designation and zoning classification of the subdivision (this information is available at the Department).

ITEM #7: Provide any prior zoning actions taken within the subdivision such as rezonings, special exceptions and variances. Include the case numbers.

ITEM #8: Provide information regarding Federal, State or County-issued development orders or permits such as road and drainage approval, wetland permits, subdivision approval etc.

ITEM #9: Each of the following items **MUST** be submitted with the application:

ITEM #10: All applicant(s)/owner(s) must sign the application. If all applicants/owners are unable to appear before the notary public, then a duplicate completed application must be signed by each owner and notarized. All signatures submitted must be originals. **IF THE OWNER IS A CORPORATION OR A BUSINESS ENTITY**, all officers/partners must sign, or one officer may sign if written proof in a form acceptable to the Department is provided establishing that the one person has been delegated authority to represent the corporation or business entity.

APPLICATION FEE - A processing fee of \$800.00 is required upon submittal of the application. In addition to the application fee, you are required to purchase signs for posting on the property. Signs are \$6.50 each. The number of public streets that the property has frontage on determines the number of signs required. You will also be required to pay for legal advertising in the Palatka Daily News.

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.

AGENT DESIGNATION FORM - This can be submitted any time prior to the hearing and is not required unless the applicant(s) chooses to designate an agent other than an applicant to represent them at the public hearings. Please note that the notarized signatures of the applicant(s)/owner(s) and the agent are required on this form. The applicant(s)/owner(s) signatures must be the same as in ITEM #12 on the application form.

RECORDED DEED - A copy of the recorded deed to any property owned by the applicant must be provided.

LEGAL DESCRIPTION - A legal description of the property owned by the applicant(s) must be provided. This is usually a part of the recorded deed.

PARCEL MAP- A dated quarter section from the most current parcel map showing the parcel that is the subject of the application. Date stamped copies are available from the Putnam County Property Appraiser.

SUPPLEMENTAL INFORMATION - the County Planner may require the following:

- (1) A legal description and survey of the property that is the subject of the application;
- (2) A copy of approved and unexpired final development orders, which may include a final site plan, final subdivision plat, or building plan;
- (3) Identification by specific reference to any ordinance, resolution, or other action of the County, or failure by the County to act, upon which the applicant relied and which the applicant believes to support the owner's vested rights claim.
- (4) A statement of facts which the applicant intends to prove in support of the application; and
- (5) Such other relevant information that the County Planner may request.

STATEMENT OF HOW THE VESTING REQUEST MEETS THE FOLLOWING CRITERIA OF SECTION 9.02.06. OF THE LAND DEVELOPMENT CODE.

- a. The Putnam County Comprehensive Plan provides that a vested right to develop any parcel may be created in situations where the principles of equitable estoppel apply.
- b. The owner of a parcel may have vested rights to certain development of the parcel if the following criteria for application of equitable estoppel are met:
 1. There was some act or omission by the County indicating that certain development of the parcel would be allowed.
 2. The property owner relied in good faith on this act or omission by the County.
 3. That as a result of the reliance, the property owner made a substantial change in position or has incurred such extensive obligations and/or expenses that it would be highly inequitable and unjust to deny the owner to develop in a manner consistent with the act or omission of the County.
- c. In determining whether these conditions have been met, the County shall apply principles established by Florida case law, including, but not limited to, the following:
 1. The proposed development of the parcel must have been legal at the time of the County's act or omission. The County cannot be estopped from prohibiting development of a parcel where such development was illegal at the time of the County's act or omission.
 2. Mere purchase of a parcel in reliance on then-existing rules and regulations is not detrimental reliance giving rise to a claim for equitable estoppel.
- d. Where the applicant has an opportunity to seek an administrative remedy, including but not limited to a Buildable Lot Determination, a Nonconforming Use Determination, or a Variance, the applicant shall first exhaust such administrative remedies before seeking a vesting determination.
- d. Sufficiency Review: The Director shall make a determination as to whether or not the application submittals are complete and sufficient. If not complete, the application shall be returned to the applicant with a written notification of the items that are absent or incomplete. If the applicant fails to resubmit his application within thirty (30) days, the application fee shall be returned to the applicant and the file closed. An applicant shall be required to submit a new application and fee payment once the thirty-day deadline for re-submittal has passed.
- e. The Hearing Process. The Board of County Commissioners shall hear the vesting application within 120 days from the date of application. Notice shall be in accordance with section 12.06 of this Code and the hearing shall be conducted as a quasi-judicial proceeding under section 12.07 of this Code. The Board shall make specific findings pursuant to the criteria outlined in paragraph "b", above.

9.02.07 -- Effect of a Determination of Vested Rights

- a. If vested rights were determined based on the possession of a final development order or other unexpired County action, vested rights will expire with expiration of that final development order or action.
- b. Any vested rights determination shall not create vested rights for additional phases or additional development not expressly authorized by a final development order.
- c. All development subject to a vested rights determination shall not deviate from the terms or conditions of the development orders or actions upon which the approval of the vested rights was based. Vested status may be revoked if the Department determines there has been a substantial deviation.
- d. A decision to grant or deny vested status shall run with the land and is therefore transferable from owner to owner of the land.
- e. Where vested with limitations or conditions, the Department shall advise the applicant of the limitations or conditions and cause them to be placed in the public records in such a manner that all impacted property owners and prospective purchasers are aware that the affected property is vested with limitations or conditions.
- f. A decision to grant vested status is limited to type of use, intensity of use, density of use, concurrency or whatever the case may be, and the development is still subject to any other applicable local, state, or federal regulations.
- g. Upon a final decision to deny vested status, the Department shall advise the applicant of the denial and cause such denial to be placed in the public records in such a manner that all impacted property owners and prospective purchasers are aware that the affected property is not vested.
- h. Where the vesting is subject to one or more conditions requiring that road, drainage or other improvements must be made, or an MSBU for roads and/or drainage to be put in place, there must be full compliance with such conditions within five years of the final vested rights determination. If full compliance is not achieved within the five-year period, such vested rights determination shall expire and no development rights shall derive there from. Upon such expiration, the Director shall take such action as is necessary to indicate the expiration including, but not necessarily limited to, removal of the subdivision from the list of vested development.
- i. Subsection h above shall have retroactive effect and apply to all vested rights determinations issued prior to [effective date of ordinance]. The Department shall provide notification of this deadline to all holders of vested rights determinations that have not complied with conditions requiring that road, drainage or other improvements be made. Such notification shall be by U.S. mail to the owners of record. In cases where the five-year deadline would allow for less than one year to complete the required improvements, the deadline shall be extended to allow for one year from the date of notification to complete the required improvements.

Office Use Only

Pre-application Meeting Verification: Date: _____ Time: _____ am/pm Staff Signature: _____

APPLICATION FOR A VESTING DETERMINATION FOR A SUBDIVISION
BY THE BOARD OF COUNTY COMMISSIONERS

1. Name of applicant(s)/property owner(s) Address(es):

2. Subdivision name: _____

3. Parcel Number(s): _____

4. Street Address(es): _____

5. Driving directions to property from Palatka: _____

6. Current zoning: _____ Future Land Use designation: _____

7. Prior zoning actions within subdivision (include case number): _____

8. Prior development orders or permits issued: _____

9. Attach the following to the application form: (see instructions)

- Application Fee (\$200)
- Agent Designation form (if applicable)
- Recorded Deed (of property owned within subdivision)
- Legal Description (of property owned within subdivision)
- Parcel Map (quarter section) from Property Appraiser's Office
- Statement of how vesting request meets the criteria in Section 9.02.06. of the Land Development Code.

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 4 on page 1 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 rejecting the application.

YOUR SIGNATURE BELOW 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.

10. Signature(s) of applicant(s)/property owner(s) Telephone Number(s)

THE FOREGOING instrument was acknowledged before me, this _____ day of _____, 20____,

By _____ State of _____ County of _____

Notary Signature: _____

Personally known / Produced ID Type of ID: _____

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 rezoning for all or a portion of the referenced parcel(s) and to present all evidence in support thereof to the Putnam County Planning Commission, and to respond to and furnish all information and data requested by said Board.

Print name of property owner(s)

Signature(s) of property owner(s)

_____	_____
_____	_____
_____	_____
_____	_____

State of _____ County of _____

Dated this _____ day of _____, 20____

Notary Public
Date Commission

Personally known / Produced ID

Expires _____

Type of ID:

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 rezoning and the undersigned does hereby accept said appointment and will faithfully and truly carry out the request of said owner(s).

Signature of Agent: _____

Address: _____

Telephone Number: _____ Fax Number: _____

State of _____ County of _____

Dated this _____ day of _____, 20____

Notary Public
Date Commission

Personally known / Produced ID

Expires _____

Type of ID:

-THIS PAGE IS FOR OFFICE USE ONLY -

Staff Sufficiency Review Comments:

1. Submittals Check List:

- | | |
|--|---|
| <input type="checkbox"/> Application Fee (including signs) | <input type="checkbox"/> Completed Concept Plan (optional) |
| <input type="checkbox"/> Completed Application form | <input type="checkbox"/> Agent Designation form (if applicable) |
| <input type="checkbox"/> Recorded Deed | <input type="checkbox"/> Legal Description |
| <input type="checkbox"/> Parcel Map (quarter section) | |

2. Property is currently/proposed to be serviced by: central sewer package treatment plant
septic tank central water public supply well private well .

Health Department

Comments: _____

_____.

3. Case Number: _____

4. Hearing Date: _____

5. Special Comments: _____

Reviewed by:

Date: