

**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

VESTING DETERMINATION APPLICATION

1. Name of Property Owner(s): _____
2. Mailing Address(es): (street) _____
(city) _____ (state) _____ (zip) _____
3. Phone Number(s): _____
4. Email (for Final Order distribution): _____
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. Size of the Property: _____ (+/-) acres
10. Provide any Federal, State, or County-issued development orders or permits such as road and drainage approval, wetland permits, subdivision approval, etc.: _____

11. Provide detailed information as to what you would like to be considered in the vesting determination including a statement on how the vesting request meets the criteria of Article 9, Division 2, Section 45-801 of the Land Development Code.: _____

12. Date of Required Pre-Application Meeting with Planning Staff: _____
13. 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"/> |
| | | 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 8 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.

14. 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 Vesting 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, 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 Vesting 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: _____

<p>STATE OF _____</p> <p>COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me by means of <input type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this ____ day of _____ 20____, by _____ who is <small>(Print Signer's Name)</small></p> <p><input type="checkbox"/> personally known to me or <input type="checkbox"/> who has produced _____ as identification. <small>(Type of Identification)</small></p> <div style="text-align: right; margin-top: 20px;"><div style="border: 1px solid black; padding: 5px; display: inline-block; font-size: 2em; opacity: 0.5;">Notary Stamp</div><p style="margin-top: 5px;"><small>(Print, Type, or Stamp Commissioned Name of Notary)</small></p></div> <p>_____ Signature of Notary Public</p>
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VESTING DETERMINATION APPLICATION AND REVIEW PROCESS

WHAT IS A VESTING DETERMINATION?

The purpose of a Vesting Determination is to provide a mechanism for obtaining relief from the provisions of the Putnam County Comprehensive Plan and the Land Development Code, where the Comprehensive Plan allows for such relief and the property owner either has a vested right to proceed or would incur a hardship. The Land Development Code establishes procedures and standards by which the County may determine whether a nonconforming development will be allowed to continue, or by which a property owner may demonstrate that certain development or land use rights have vested against the requirements of Putnam County's Comprehensive Plan, subdivision regulations, or other applicable land use regulations.

ELIGIBILITY

The three basic situations under which such developments may proceed are:

- Where the development was previously approved by the County and has continued in good faith.
- Under the limited circumstances, where a parcel of property was created prior to the adoption of the Putnam County Comprehensive Plan in 1991.
- Where the right to develop is established by the application of the common law principle of equitable estoppel.

Article IX, Division 2 Section 45-80 Vesting.

- 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.
- e) Application requirements. All development for which a vesting determination is desired, shall comply with the following application requirements:
 - 1. Any person that seeks a vesting determination must first submit a completed application to the department and pay the application fee as established by resolution of the board of county commissioners.
 - 2. The application form shall be available upon request from the department. In order for the department to commence an administrative review of a request for vesting, the application shall be complete, setting forth the following information:
 - a. The name, address and notarized signature of each owner of the property;
 - b. If applicable, the names and addresses of each individual who shall be an agent authorized by affidavit to apply on behalf of the owner(s) (original affidavits must be provided; copies are unacceptable);
 - c. In addition to the required information in paragraphs a. and b., the director 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 director may request.
- f) 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 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 30-day deadline for re-submittal has passed.
- g) The hearing process. The board of county commissioners shall hear the vesting application. Notice shall be in accordance with article XII, division 6 of this Code and the hearing shall be conducted as a quasi-judicial proceeding. The board shall make specific findings pursuant to the criteria outlined in paragraph (b) above. Any vesting determination resulting in a density exceeding four dwelling units per acre shall be reviewed by the planning commission before being considered by the board of county commissioners.

Article IX, Division 2 Section 45-802 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. The department may schedule a public hearing before the board of county commissioners to consider revocation of vesting status if the terms and conditions of the vesting have been violated.
- 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 in writing.
- f) A decision to grant vested status is limited to type of use, intensity of use, density of use, concurrency, etc., that does not conform to the county comprehensive plan or Land Development Code. The development is still subject to any other applicable local, state, or federal regulations.
- g) 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. 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.
- h) Subsection (g) above shall apply to all vested rights determinations issued prior to March 25, 2002. 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.

PROCESS

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

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 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.