

THE NONCONFORMING USE DETERMINATION APPLICATION PROCESS

- 1. The applicant must schedule a pre-application meeting with a Planner in the Department of Planning & Development Services to discuss the nonconforming use application.** 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 below. Please call (386) 329-0491 to schedule a meeting time.
2. The applicant must complete and submit an application according to the instructions provided in this packet. . An application for a Special Use Permit must be submitted with the required processing fee by 12 noon of the deadline date for filing the application. A list of the deadline dates is available from the Department. The application may not be accepted unless it is completed in full with all the proper information and documentation.
3. You will receive a notice from staff stating whether or not the application information submitted is sufficient. If all deficiencies are not corrected by 12:00 noon of the Friday immediately following the deadline date for filing an application, the application may not be scheduled for a public hearing. If your application is sufficient, the hearing date for your case will be as indicated in the office use section of your application.
4. Staff will post the signs on the property for notice of public hearing. The signs will be posted in public view on each street side of the subject property at least 15 days prior to the scheduled public hearing before the Zoning Board of Adjustment. If the property does not have frontage on a public street, a sign will be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the subject property.
5. 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 Department staff to enter onto the property to conduct a site visit.** When only a piece of a larger parcel is subject to review, such a site visit necessarily includes the entire parcel and not just the portion that is the subject of the application. 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 purpose of the site visit is to place signs noticing the hearing, verify information submitted with this application, and complete an analysis of your application for consistency with the Comprehensive Plan and the criteria in section 9.03 of the Land Development Code. **Denial or refusal to grant such access shall be grounds rejecting the application.**
6. You are required to pay for the legal advertising in the Palatka Daily News and provide proof of publication prior to, or at the Zoning Board of Adjustment public hearing. The legal advertisement is prepared and submitted to the Palatka Daily News by the Department. You will receive a bill from the Palatka Daily News. When you pay the bill for the required legal advertising, the Palatka Daily News will furnish you with a "Proof of Publication" Affidavit for the public notice. You must submit the affidavit to our office prior to the Zoning Board of Adjustment public hearing or bring it to the Zoning Board of Adjustment public hearing. If the affidavit is not provided, the case will not be heard.
7. You will receive a copy of a staff report, prior to the Zoning Board of Adjustment public hearing, which analyzes the application for consistency with the applicable nonconforming use determination criteria in Article 9 of the Putnam County Land Development Code. In order to approve the expansion of a nonconforming use, the project must meet the criteria provided in section 9.03.03 and 9.03.07, Land Development Code, a copy of which is provided in this packet.
8. 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.

If you have any questions, please call (386) 329-0491.

INSTRUCTIONS FOR FILING A NONCONFORMING USE DETERMINATION APPLICATION

An application for a nonconforming use determination must be completed according to the instructions provided below.

ITEM #1: The applicant(s) *must be the property owner(s)*. The owner(s) must list their name(s) and address(es) in ITEM #1.

ITEM #2: The parcel identification number for the property is on your tax notice or can be obtained from the Property Appraisers Office or Planning & Development Services.

ITEM #3: Provide the subdivision name, unit, block and lot if the subject property is part of a subdivision. If not, print N/A in the space provided.

ITEM #4: Provide road numbers, street names, and the distance the property is located from the nearest road or street intersection.

ITEM #5: Provide acreage which can be obtained from the Property Appraiser or the Department, and provide approximate width and depth of the property.

ITEM #6: Provide the current zoning designation on the County Zoning Maps and the land use designation on the Future Land Use 2001 Map for the subject property (both maps are available from the Department); and describe the current use of the property, for example, residential, commercial (type of business).

ITEM #7: Provide the total number of structures on the property and describe what type they are, for example, storage building, residence, carport.

ITEM #8: State the nature of the request: For example, if the desire to expand a structure that currently violated side set backs, state: "expansion of a structure that is nonconforming to side setbacks."

ITEM #9: If prior rezoning, special exception or variance applications have been made, print YES and provide the case number(s). If none, print NO.

ITEM #10: Place a check mark in the space provided on the application, for each of the following attached to the application.

AGENT DESIGNATION FORM - This can be submitted any time prior to the hearing and is not required unless the applicant(s) choose to designate an agent to represent them at the public hearings. If no agent is designated, print N/A in the space provided. Please note that the notarized signatures of the owner(s) and the agent are required on this form. The owner(s) signatures must be the same as in ITEM #12 on the application form.

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

LEGAL DESCRIPTION - A legal description of the property at issue must be provided, if the area is different from the legal description in the deed to the property. Print N/A in the space provided if the request is for the entire property described in the deed.

PARCEL MAP - A dated copy of a quarter section of the most current parcel map showing the location of the property at issue. Dated copies of the parcel map are available from the Putnam County Property Appraiser.

SITE PLAN - must be provided on no larger than a legal size (8 ½ " x 14") sheet of paper and must be legible, or
nonconform.doc

provide 12 copies. The site plan shall include all applicable details listed below:

- ___(1) Location of the site in relation to surrounding properties, including driveways to the properties.
- ___(2) Date, north arrow and graphic scale (i.e. 1" = 25').
- ___(3) The length of all property lines.
- ___(4) Location and width of existing and proposed driveways.
- ___(5) The location and dimensions of all proposed and existing structures.
- ___(6) Distances between structures and distances from structures to all property lines, and to any major features such as lakes, wetlands, and rivers.
- ___(7) The total area to be covered by structures in square feet and percentage of the site.
- ___(8) The total area to be covered by structures and other impervious surfaces in square feet and percentage of the site.
- ___(9) The location, size and number of parking spaces.
- ___(10) The location and dimensions of proposed loading areas, if required.
- ___(11) Location, size and design of landscaped areas and building screens or architectural enclosures.
- ___(12) Location, size and type of required and/or proposed buffers or screening.
- ___(13) Location and dimensions of open space and storm water retention/detention areas.

___ APPLICATION AND OTHER FEES - This application requires a \$600.00 processing fee. 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. If the property does not have frontage on public streets, then a minimum of one sign is 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.

ITEM #11: ALL OWNERS OF RECORD must sign the application. If all 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.

Class I Nonconformities: Subject to the findings of fact required under s. 9.03.07, changes and improvements to Class I nonconformities must comply with the following:

1. All determinations that go to the Zoning Board of Adjustment will follow the normal public hearing process outlined in Article 12, Land Development Code, and shall apply 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 impact which is harmful to the health, safety or welfare of adjacent residential uses; and
 - (c) 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 may allow an applicant to: expand a nonconforming use of land; add accessory uses or structures; add area to a structure associated with a nonconforming use; or allow a change in use to another nonconforming use.
3. Subject to paragraph 4 below, repair, maintenance and renovation are allowed as follows:
 - (a) Except for historical structures or structures within an historical district that are governed by section 4.04 of this Code, general repair, maintenance and renovation of items that do not require a permit are allowed without restriction, including the following items: painting, replacing windows and doors, replacing carpet or other flooring, repairing stair railings, guardrails, replacing shingles or other roof surfaces, repairing interior non load bearing walls or repairing siding.
 - (b) Repair, maintenance, and renovation of a structure requiring permits (building, plumbing, electrical, or mechanical): No more than 15% of the assessed value of the structure may be done in any calendar year.
4. When damage or deterioration of a Class I nonconforming structure exceeds 50% 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% shall be determined by the County Planner 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.

9.03.07 -- 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 County Planner 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 occupational licensing, 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.

Office Use Only

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

NONCONFORMING USE APPLICATION

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

Property 911 Address: _____

2. Parcel ID number(s): _____

3. Subdivision name: _____ Unit/Section: _____ Block: _____ Lot: _____

4. Driving directions to property from Palatka: _____

5. Property size: _____ acres Approximate dimensions: _____

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

Current Use: _____

7. Number and type of structures: _____

8. Nonconforming Use Determination to allow: _____

9. Prior zoning actions on this property (include case number): _____

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

- _____ Agent Designation form if applicable _____ Site Plan
- _____ Recorded Deed for subject property _____ Legal Description
- _____ Parcel Map from Property Appraiser's Office

NOTICE: Submittal of a completed application represents express permission to Planning & Development Services staff to enter onto the property to conduct a site visit. When only a piece of a larger parcel is subject to the nonconforming use determination, such a site visit necessarily includes the entire parcel and not just the portion that is the subject of the application. 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. 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.

11. Signature(s) of 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 _____

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 from a Putnam County land development regulation applicable to all or a portion of the referenced parcel(s) and to present all evidence in support thereof to the Putnam County Zoning Board of Adjustment, 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)

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 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: _____

Address: _____

Telephone Number: _____

Fax Number: _____

State of _____ County of _____

Dated this _____ day of _____, 20____

Notary Public signature: _____

Personally known / Produced ID

Date Commission Expires _____

Type of ID:

Staff Sufficiency Review Comments:

1. Submittals Check List:

- | | |
|--|---|
| <input type="checkbox"/> Application Fee (including signs) | <input type="checkbox"/> Completed Site Plan |
| <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 (full 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: