

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.

12. Signature(s) of Appellant(s):

Telephone Number(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 _____
(Print Name of Person(s) Acknowledging)

Notary Stamp

Signature of Notary Public

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

Personally Known ☐ OR Produced Identification _____ Type of Identification Produced _____

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 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)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization,
this _____ day of _____, 20____, by _____
(Print Name of Person(s) Acknowledging)

Notary Stamp

Signature of Notary Public

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

Personally Known ☐ OR Produced Identification _____ Type of Identification Produced _____

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: _____

Email Address: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____ 20____, by _____
(Print Name of Person(s) Acknowledging)

Notary Stamp

Signature of Notary Public

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

Personally Known ☐ OR Produced Identification _____ Type of Identification Produced

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) 329-0307 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 Nonconforming Use Determination must be submitted with the required processing fee by 3:00 PM 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. Staff will conduct a sufficiency review to ensure the application and required documentation is compliant with LDC regulations. If the application is found to be insufficient, staff shall notify the applicant, and provide thirty (30) days to correct the deficiency, after which point the application shall be closed, the applicant will not be refunded.
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 14 days prior to the scheduled public hearing before the Zoning Board of Adjustment (ZBOA) or Administrative Deviation Committee (ADC). 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 45-833 of the Land Development Code. Denial or refusal to grant such access shall be grounds rejecting the application.
7. Once the application has been advertised for public hearing, if you withdraw the application or cause the hearing to be postponed, the applicant is 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.

CHECKLIST FOR FILING A NONCONFORMING USE DETERMINATION APPLICATION

An application for a nonconforming use determination must have the documentation/information listed below to be found sufficient:

- ___ AGENT OATH AND DESIGNATION FORM – If applicable.
- ___ RECORDED DEED
- ___ 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.
- ___ SITE PLAN - must be provided on no larger than a legal size (8 ½ " x 14") sheet of paper and must be legible. Digital versions are allowed and preferred. 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. If applicable.
 - ___(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. If applicable.
 - ___(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 processing fee as is established by the BOCC.

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.

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 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.

DO NOT WRITE BELOW THIS LINE

THIS PAGE IS FOR OFFICE USE ONLY

Staff Sufficiency Review Comments:

1. Submittals Check List:

- ☐ Application Fee
- ☐ Completed Site Plan
- ☐ Completed Application form
- ☐ Agent Designation form (if applicable)
- ☐ Recorded Deed
- ☐ Legal Description

2. Property is currently/proposed to be serviced by:

- ☐ Central sewer
- ☐ Package treatment plant
- ☐ Septic tank
- ☐ Central water
- ☐ Public supply well
- ☐ Private well

3. Health Department Comments:

4. Case Number: _____

5. Hearing Date: _____

6. Special Comments:

Reviewed by: _____ Date: _____