SECTION 15.0  VARIANCE from WELLFIELD PROTECTION REGULATIONS

Section 15.01  Purpose
This section describes the process for a variance from the wellfield protection regulations of the **Unified Land Development Code (LDC)**.

Section 15.02  Application Process
A. The Applicant shall submit a complete application package to the City. A meeting with City Staff is recommended for submittal of the application package.

B. Per subsection 2.05.04 of the LDC, the application package will undergo a completeness review by the City.

C. The City will forward a recommendation to the Utility Advisory Committee upon satisfying completeness review.

D. The Utility Advisory Committee may perform a complete technical review and provide a recommendation to the Planning and Land Development Regulation Board.

E. The City will schedule the application on the next available Planning and Land Development Regulation Board agenda for a public hearing with the provided recommendation(s). The Planning and Land Development Regulation Board is the level of authority to authorize the issuance of a Variance Development Order and shall consider the variance criteria outlined in subsection 10.03.08 of the LDC when making a decision on the variance request. The issuance of an approval development order does not authorize the disturbance of any part of the subject property involved, but authorizes the filing of an application for another development order or building permit.

Section 15.03  Notification Requirement
Refer to subsection 2.05.03 and Table 2-2 of the LDC. The Applicant shall submit an affidavit to the City, on a form provided by the City, as a measure of compliance.
A. PROJECT NAME: ________________________________________________________________

B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): ___________________________________________
_________________________________________________________________________________________________

C. PROPERTY APPRAISER’S PARCEL NUMBER(s): ___________________________________________________
__________________________________________________________________________________________________________________________________________

D. LEGAL DESCRIPTION: __________________________________________Subdivision Name; _____ Section; _____ Block; _______ Lot
________________________________________________________________________________________________________________________________________________

E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: __________________________________________________

F. FUTURE LAND USE MAP DESIGNATION: __________________________ EXISTING ZONING DISTRICT: __________
OVERLAY DISTRICT: ____________________________________________________________________________

G. FLOOD ZONE: ___________ COMMUNITY PANEL NUMBER: __________________________ DATE: __________

H. PRESENT USE OF PROPERTY: __________________________________________________________________
________________________________________________________________________________________________

I. DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS): __________
________________________________________________________________________________________________

J. PROPOSED NUMBER OF LOTS: _____________________________________________________________

K. CHECK APPROPRIATE BOX FOR SITE PLAN:

- [ ] Tier 1 (up to 40,000 sq. ft. / 40 units)
- [ ] Tier 2 (up to 100,000 sq. ft. / 100 units)
- [ ] Tier 3 (exceeding 100,000 sq. ft. / 100 units)

L. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH
   THIS APPLICATION:
________________________________________________________________________________________________

M. WATER/SEWER PROVIDER: ______________________________

N. IS THERE AN EXISTING MORTGAGE? [ ] Yes [ ] No
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<th>Field</th>
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<td><strong>APPLICANT / AGENT:</strong></td>
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<td><strong>SURVEYOR:</strong></td>
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<td><strong>LANDSCAPE ARCHITECT:</strong></td>
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<td><strong>DEVELOPER OR DOCKMASTER:</strong></td>
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I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:
Signature(s) of owner OR person authorized to represent this application

Signature(s) _____________________________________________     __________________________________________
Printed or typed name(s): ____________________________     _________________________________________

NOTARY: This instrument was acknowledged before me on this ______ day of ________________, 20_____ by
_________________________________________ who is/are personally known to me, or who has/have produced
_________________________________________ as identification.       (SEAL)

_______________________________________________
Signature of Notary Public, State of Florida
The following checklist is a tool to facilitate compliance for the submittal package. Place a check in each symbol below to indicate that the item has been addressed. As indicated in the above key legend, an item with a square indicates the item is mandatory, while the triangle indicates it may or may not be applicable. If applicable, then the item is mandatory.

At a minimum, the documents listed below are required to process a request for a variance from the wellfield protection regulations. This checklist must be completed by the Applicant and included in the application submittal package in order for the application to be accepted. If a required document is not provided then a statement justifying the action is to be submitted, which will be taken into consideration.

It is recommended to schedule an appointment for submittal of the application package by contacting a Land Development Technician at (386) 986-3736. Applications received by 3 p.m. on application deadline to be scheduled for the corresponding Planning and Land Development Regulation Board meeting date. Be advised that it is the Applicant’s responsibility to send a notice via certified mail to each abutting property owner as outlined in subsection 2.05.03 of the Unified Land Development Code (LDC).

- A. Completed application form filed by property owner or property owner’s representative (refer to Subsection 2.05.04.A of the LDC).
  - 1. Owner’s signature notarized
  - 2. Signed by:
    - professional engineer OR professional geologist
    (must be licensed to practice in the state of Florida)

- B. For an owner’s representative, submit letter of authorization.

- C. Provide copy of proof of land ownership (deed or certificate by lawyer, abstract company, or Title Company) that verifies the owner of record.

- D. Cover letter addressed to “Members of the Planning and Land Development Regulation Board” that provides factual, relevant information as to the Applicant’s position and provides justification for the request.
  - 1. Each variance request must provide sufficient data to show compliance with the individual criteria of that particular use. See subsection 10.03.08.A, Chapter 10 of the LDC.

- E. Topographic survey, signed and sealed by Florida licensed surveyor, that depicts:
  - 1. Grade elevation contours at one (1) foot intervals
  - 2. Wellhead location
  - 3. Wetland surface water features; and
  - 4. Limits of proposed activities

- F. Site hydrogeologic assessment that addresses, at a minimum, soil characteristics, groundwater levels, groundwater directional flow, distance from wellhead, and existing groundwater quality.

- G. Technical report to demonstrate that adequate technology, practices, or other controls exist to isolate the facility or activity from the potable water supply in the event of a spill.

- H. A discussion and documentation, such as published reports, technical articles, substantiating sufficient performance, and reliability of a proposed technology or system. Include discussion of maintenance and procedures to be utilized if system fails.
I. Site-specific applicable groundwater protection best management practices procedures to ensure the protection of groundwater resources.

J. Summary of compliance Federal and State agencies.

K. List of names, mailing addresses, and parcel identification numbers of all abutting property owners. Property ownership information should be obtained from the Flagler County Property Appraiser’s Office. (Abutting property means any property that is immediately contiguous to or immediately across any road or public rights-of-way from the property subject to such hearing).

L. Optional exhibits, such as photographs, letters of support from neighboring property owners, or other information intended to support the Applicant’s position, may be submitted.

M. Other materials and documents as required by the Planning Manager shall accompany such application.

N. Nonrefundable filing fee: $200 (payable to ‘City of Palm Coast’).
Property Owner Letter of Authorization
***************IF APPLICANT IS NOT THE PROPERTY OWNER***************

Dear Planning Manager,

I / We,

__________________________________________________________________________________
__________________________________________________________________________________

(All property owners)

being the current property owner(s) of the property legally described as Parcel Number(s)

__________________________________________________________________________________

and also described as Subdivision ______________________________________________________,

Section____________, Block _________, Lot __________, OR

__________________________________________________________________________________

Street Address or Physical Location:

__________________________________________________________________________________

Do hereby designate and authorize

__________________________________________________________________________________

(name of agent / applicant)

representing ________________________________________________________________

(Individual or Corporate Name)

to sign on my/our behalf, as my/our agent to submit an application for a

__________________________________________________________________________________

(type of application)

for the property described above.

_________________________  __________________________
Signature of property owner       Signature of property owner

_________________________  __________________________
Print name       Print name

NOTARY: This instrument was acknowledged before me on this _____ day of ________________, 20__

20____ by _____________________________________________ who is/are personally known to me, or

who has/have produced ___________________________________________ as identification.

(SEAL)

_________________________
Signature of Notary Public, State of Florida
AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF ____________
COUNTY OF ____________

COMES NOW, ________________________________, being first duly sworn, who deposes and says:

(1) That he/she is the _______________________, an officer of ___________________________________________________________ corporation existing under the laws of the State of ____________________________.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: ___________________________________________ relating to the following described real property:

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

______________________________  ______________________________
Signature                  Signature

______________________________  ______________________________
Print name                  Print name

NOTARY: This instrument was acknowledged before me on this ______ day of _________________, 20___ by _________________________________ who is/are personally known to me, or who has/have produced _________________________________ as identification.

(SEAL)

____________________________________
Signature of Notary Public, State of Florida
JOINDER AND CONSENT AFFIDAVIT

JOINDER AND CONSENT BY ___________________________________________  
Name of Lending Institution / Mortgage Holder

COME NOW, ___________________________________ and Joins and Consents to the 
covenants and conditions set forth herein and hereunto sets his hand and seal this ___ day 
of _____________________, 20___.

ATTEST:   _____________________________________  
Name of Lending Institution

_____________________________  _________________________________  
Corporate Secretary    Corporate President

______________________________ _________________________________  
Printed Name     Printed Name

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of ______________, 20___, by 
_______________________________________________, who is/are personally known to me or who 
has produced ________________ as identification and who did execute said 
instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

______________________________________________________  
NOTARY PUBLIC (SEAL)

______________________________________________________  
NOTARY PUBLIC SIGNATURE
NOTIFICATION AFFIDAVIT for VARIANCE / SPECIAL EXCEPTION

COUNTY OF FLAGLER   X
STATE OF FLORIDA   X

Before me this ___ day of ______________, 20____ personally appeared

_____________________________________________________________ who after providing

_____________________________________________________________ as identification and

who ______ did, ___ did not take an oath, and who being duly sworn, deposes and says as follows:

“I have read and fully understand the provisions of this instrument.”

1. Each abutting property owner (as defined in the Unified Land Development Code) of the
   boundary lines of **Application # ______**, has been mailed a letter by certified mail at least
   fourteen (14) calendar days before the hearing date notifying them of the date, time, and place
   of the __________, Planning & Land Development Regulation Board (PLDRB) hearing; and

2. No other documentation was provided in the envelope with the notification letter.

_________________________________________
Signature of Responsible Party

_________________________________________
Printed Name

_________________________________________
Mailing Address

_________________________________________
Signature of Person Taking Acknowledgement

SEAL

Name of Acknowledger (Typed, Printed or Stamped)

This document, once executed, must be returned to a Land Development Technician in the City
of Palm Coast Community Development Department at least seven (7) days prior to the hearing
date. Failure to provide document by that time will result in the application not being placed on
the agenda for a public hearing.