



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 \(LDC\)](#).

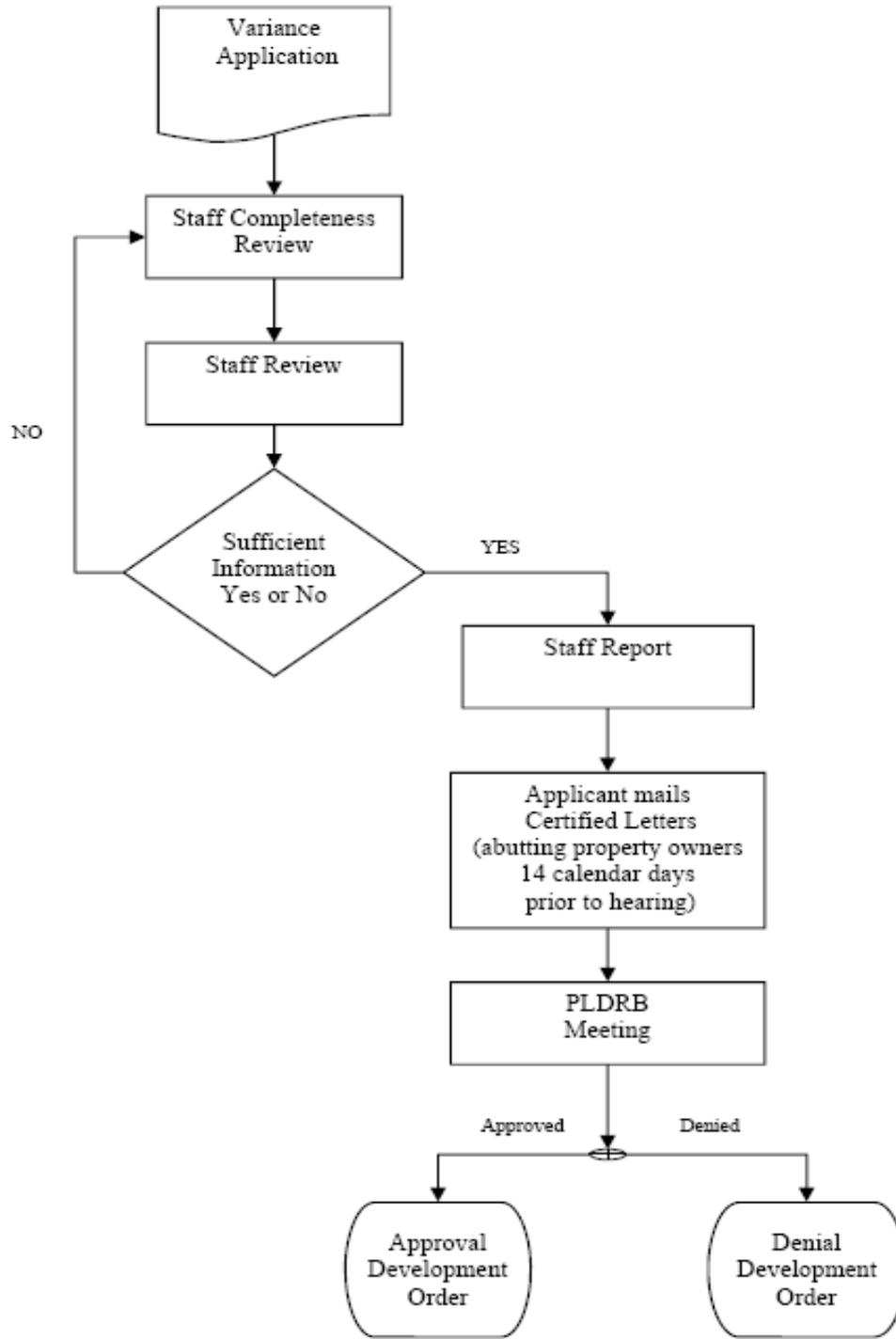
Section 15.02 Application Process

- 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.

Variance





- GENERAL APPLICATION:**
- | | |
|--|--|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Nonstatutory Land Division/Parcel Reconfiguration | <input type="checkbox"/> Vacating Plat |
| <input type="checkbox"/> Subdivision Master Plan | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Master Site Plan | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Technical Site Plan | <input type="checkbox"/> Nonresidential Controlling Master Site Plan |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Site Plan Addition |
| <input type="checkbox"/> Wireless Communication Facility (new structure) | <input type="checkbox"/> Parking Flexibility |
| | <input type="checkbox"/> Development Order Modification |

CD Plus Application #: _____ Application Submittal Date: _____
 Fee Paid: \$ _____ Date of Acceptance: _____
 Employee Name Accepting Application (print name): _____
 Rejected on _____ Rejected by: _____
 Reason for Rejection: _____

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



OWNER:

APPLICANT / AGENT:

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

MORTGAGE HOLDER:

ENGINEER OR PROFESSIONAL:

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

PLANNER:

TRAFFIC ENGINEER:

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

SURVEYOR:

LANDSCAPE ARCHITECT:

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

ATTORNEY:

DEVELOPER OR DOCKMASTER:

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

Signature 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

General Application (sheet 2 of 2)



VARIANCE - WELLFIELD APPLICATION SUBMITTAL CHECKLIST

= Mandatory = As applicable = sub items

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____ 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

Print name

Signature

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.