



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481

<http://myescambia.com/business/ds>

DO NOT SUBMIT INFORMATION BELOW WITH APPLICATION

VESTED RIGHTS DETERMINATION APPLICATION INSTRUCTIONS

Prior to Application Submittal

Please contact the Development Services Department located at 3363 West Park Place (595-3475) to make an appointment for a pre-application meeting with a Planner to personally discuss your site and prospective plans for it, to review the application forms and criteria with you, to answer any questions you may have, and/or any possible alternatives.

Application Submittal

It is important for the application packet to be complete and on time in order to process and schedule your request for the required public hearing(s). In order for the application request to proceed in a timely manner, all items on the application forms and checklist (attached herein) must be completed and submitted prior to the deadline, scheduling a pre-application meeting with a Planner is recommended. Any incomplete application or application submitted after the deadline will not be accepted by staff.

The owner and/or agent acting in his/her behalf, must sign the certification(s) where indicated on the application. If an agent is handling the request, the owner must submit an Affidavit of Ownership & Limited Power of Attorney (attached herein) authorizing said agent to act in his/her behalf. Signatures must be properly notarized and dated no more than sixty (60) days prior to application submittal.

No guarantee is made for the approval of any petition. Fees are non-refundable regardless of the decision.

NOTE: Staff makes every attempt to bring a vested rights case to completion as expeditiously as possible. However, due to legal requirements, it may not be possible to "fast track" a vested rights determination. The process can take up to 30 days or more. Deadlines, time frames, and legal requirements apply to every aspect of a vested rights case, including the posting of signs and the advertising of the meeting and the BCC hearing, notifying affected property owners, staff analysis of the case, compiling the Vested Rights report and the BCC recommendation, and assembling the agenda. Staff appreciates your understanding and cooperation.

Public Hearing(s)

It is the Applicant's burden to show consistency with all applicable criteria. **NOTE:** The applicant, or his/her agent, must be present at the Planning Board meeting. It is also highly recommended that he or she be present at the subsequent Board of County Commissioners meeting.

Public Notice

Per the Land Development Code Chapter 2 Article 7: A legal notice/advertisement will be published in the Pensacola News Journal and a sign(s) will be posted on the property by Development Services Department (DSD) prior to the hearing. Current property owners within a 500 foot radius of the subject property will be notified of the proposed request via letter by DSD at least fifteen (15) days prior to the hearing. Staff will obtain the list of mailing addresses from the Escambia County Property Appraiser's Office website (escpa.org).

Fees

Vested Rights Determination fee is \$682.60, and payment must be submitted prior to 3:00 p.m. of the closing date for acceptance of application. *This fee includes a \$5 technical fee.* Please make checks payable to Escambia County. The Development Services Department accepts MasterCard and Visa.

*Lots separated by a street or roadway or by other lots/parcels are not considered contiguous. All lots must be owned by the same applicant in order to receive the discounted fee.



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481

<http://myescambia.com/business/ds>

Vested Rights Application

FOR OFFICE USE ONLY - Case Number: _____ Accepted by: _____ PB Meeting: _____

1. Contact Information:

A. **Property Owner/Applicant:** _____

Mailing Address: _____

Business Phone: _____ Cell: _____

Email: _____

B. **Authorized Agent (if applicable):** _____

Mailing Address: _____

Business Phone: _____ Cell: _____

Email: _____

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address: _____

Parcel ID (s): _____

B. Total acreage of the subject property: _____

C. Existing Zoning: _____

FLU Category: _____

3. Amendment Request

A. Please provide a general description of the proposed vested rights request, explaining why it is necessary and/or appropriate.

B. Vested Rights Determination Criteria – Please address one of the following criteria for your vested rights request. (use supplement sheets as needed)

1. The proposed use was authorized pursuant to a county development order, or equivalent, issued on or before the effective date of this Code, or a pertinent amendment thereto, and the development has commenced and is continuing in good faith. In a claim based upon this criterion, the owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans documented in the original order, or equivalent. In a claim based upon this criterion, the right to which the owner may be vested is a continuation of the original order, or equivalent.

- 2. The owner is determined to have acquired rights due to good faith reliance on an act of commission or omission of the County which has caused the owner to make such a substantial change in position or to incur such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired. In a claim based upon this criterion, the owner must document, and the County must verify, the obligations and expenses that are in jeopardy. The owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans that have been jeopardized. Evidence including, but not limited to, that which demonstrates that such activity has not progressed in such a manner may be sufficient to negate a finding of good faith on the part of the owner and therefore invalidate the claim to vested rights.

CONDITION OF APPROVAL

TO WHOM IT MAY CONCERN:

By my signature below, I declare and acknowledge that I understand and willingly agree to the following condition regarding an affirmative Vested Rights Determination regarding my property, which is an unrecorded subdivision known as:

_____.

A condition of approval of a vested right determination involving an unrecorded subdivision is the recording of an original deed to individual lot owners in the public records of Escambia County, Florida, prior to the issuance of a permit or other development approval.

Owner's Signature

Date

STATE OF FLORIDA
COUNTY OF ESCAMBIA

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 ____,
by _____.

by means of physical presence or online notarization. Type of Identification Produced: _____

Signature of Notary Public

Printed Name of Notary

Date

Date Commission Expires

Commission No.

(Notary seal required)

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY
(if applicable)

As owner of the property located at _____
_____, Florida, property reference number(s) _____
_____ I hereby designate _____
_____ for the sole purpose of completing this application and making
a presentation to the Planning Board and the Board of County Commissioners to request a rezoning on
the above referenced property. This Limited Power of Attorney is granted on this _____ day of _____
the year of, _____, and is effective until the Board of County Commissioners or the Board of
Adjustment has rendered a decision on this request and any appeal period has expired. The owner
reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice
to the Development Services Bureau.

Agent Name: _____ Email: _____

Address: _____ Phone: _____

Signature of Property Owner Printed Name of Property Owner Date

Signature of Property Owner Printed Name of Property Owner Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 __
by means of physical presence or online notarization. Type of Identification Produced: _____

Signature of Notary

Printed Name of Notary

(Notary Seal)

4. Submittal Requirements

Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.

- _____ 1. Completed application completely filled out, typed or written in blue ink and **must** include the reason for the request and address all criteria for the request as outlined in LDC Chapter 2-6.7 (dated, signed & notarized).
- _____ 2. Copy of Deed(s)
- _____ 3. Copies of both the Survey and the Plat, which include a vicinity map with directions.
- _____ 4. Legal Description of Property Street Address / Property Reference Number
- _____ 5. Letter explaining how the project has continued in good faith, which includes a list of expenses for installing infrastructure.
- _____ 6. Copy of citation form Code Enforcement Department (If applicable)
- _____ 7. Application Fees: To view fees visit the website: <http://myescambia.com/business/ds/planning-board> or contact us at 595-3547.

Note: Fees include all notices and advertisements required for the public hearing and a \$5 technical fee. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted.

NOTE TO THE APPLICANT

THE BURDEN OF PROOF FALLS UPON THE APPLICANT to submit, as attachments to this application, any and all substantial competent evidence on which reliance is being made to seek a determination that certain actions by Escambia County have led to the creation of vested rights. This shall include but is not limited to maps, letters, memorandums, etc. Applications, which do not substantiate the claim against the criteria, will delay the process.

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Department.

_____	_____	_____
Signature of Owner/Agent	Printed Name Owner/Agent	Date
_____	_____	_____
Signature of Owner	Printed Name of Owner	Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 ____, by _____.

by means of physical presence or online notarization. Type of Identification Produced: _____

_____	_____	_____
Signature of Notary	Printed Name of Notary	(notary seal)