

VESTED RIGHTS APPLICATION

Date Submitted: _____

Case #: _____

Include evidence necessary to demonstrate compliance with the statement of intent set forth in Section 9.06.01.

- 1. The Applicant shall demonstrate that he has undertaken development in the City and has relied in good faith on the Codes and Ordinances of the City.

- 2. The Applicant shall demonstrate that he is dependent upon some act or omission of the City.

- 3. The Applicant shall demonstrate that he has such a substantial change in position or has incurred such extensive obligations and expenses to his detriment that it would be highly inequitable to deny relief and unjust to destroy the rights acquired (*Salkosky v. City of Coral Gables; 151 So. 2d 433, Fla. 1963*).

Attachments:

- 1. Standard Application Form
- 2. Deed, or other proof of ownership
- 3. Other documentation as considered necessary to support the application

Vested Rights Checklist

The City recognizes that development has and is taking place prior to the adoption of this LDC. It is the legislative intent of the City that:

Finding	Criteria (Sec. 9.06.01)
	1. No taking or abrogation of vested rights is intended by this LDC
	2. Nothing contained in this LDC shall be construed as applied to constitute a temporary or permanent taking of private property or the abrogation of validly existing vested rights. It shall be the duty and responsibility of the party alleging vested rights to affirmatively demonstrate the legal requisites of vested rights.
	3. Rights shall vest upon a demonstration to the City or agency thereof that the applicant: <ul style="list-style-type: none"> ➤ Has relied in good faith; ➤ Is dependent upon some act or omission of the government; and ➤ Has made such a substantial change in position or incurred such extensive obligations and expenses to his detriment that it would be highly inequitable to deny relief and unjust to destroy the rights acquired (<i>Salkosky v. City of Coral Gables</i>; 151 So. 2d 433, Fla. 1963).
	4. The mere existence of zoning contrary to the comprehensive plan shall not be determined to vest rights.
	5. Nothing contained in this LDC shall limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to Chapter 380, F.S.; or who has been issued a final development order, and development has commenced and is continuing in good faith as provided in Chapter 163, Laws of Florida.
	6. An applicant's right to develop is vested if the applicant can demonstrate that the development is a valid and properly filed condominium project with declarations of condominium, including a site plan filed with the appropriate governmental authorities and recorded in the public records of Citrus County, Florida, as required by existing law prior to the enactment of this LDC and if construction of at least one (1) unit, and the common elements, have been commenced prior to the enactment of this LDC.