



**Town of Ponce Inlet**  
 Planning & Development Dept.  
 4300 S. Atlantic Avenue  
 Ponce Inlet, FL 32127  
 (386) 236-2181 (voice)  
 (386) 322-6717 (fax)

**RESIDENTIAL BUILDBACK  
 REGISTRATION FORM**

Pursuant to Article V, Section 5.4.4 of the  
 Land Use & Development Code

Accepted By: \_\_\_\_\_

Application Date: \_\_\_\_\_

\$50 Processing Fee \_\_\_\_\_

Registration Certificate No.: \_\_\_\_\_

For property owners seeking to register a lawfully constructed non-conforming *residential* structure pursuant to the Ponce Inlet Buildback Ordinance (No. 2011-02) and Section 5.4.3 of the Land Use and Development Code.

*-- Sections 1 through 7 to be completed by property owner or applicant/agent --*

<b>SECTION 1: PARCEL IDENTIFICATION</b>			
Property Address:			
Tax Parcel Number(s): (12-digit)		Subdivision/Neighborhood: (if applicable)	
Legal Description(s) (if necessary, provide on separate sheet and attach)			
<b>SECTION 2: OWNER INFORMATION</b>			
Name of Owner(s):			
Owner's Mailing Address (if different from property address):			
Phone Numbers:	Home:	Business:	FAX:
E-Mail Address:			
<b>SECTION 3: APPLICANT/AGENT INFORMATION AND AUTHORIZATION</b>			
If the applicant is not the owner, the owner must provide notarized authorization with this application for the applicant to act on the owner's behalf. See Affidavit of Authorization on page 2.			
Name of Applicant/Agent (if different from property owner):			
Applicant/Agent's Address:			
Applicant/Agent Contact Numbers:		Business:	FAX:
E-Mail Address:			

**NOTES:**

1. The buildback registration process is intended for lawfully constructed, non-conforming residential structures only. It does not apply to: non-residential structures or residential accessory structures that are not physically or structurally attached to the principal residential structure on the property, e.g. detached sheds, docks, etc.
2. Please allow **45 days** for Staff review. Applications will be processed on a first-come, first-served basis.
3. It may be necessary for Staff to visit the property to verify certain building dimensions. If so, Staff will contact the owner/applicant to arrange a date and time.
4. Once the review is complete, the property owner will be issued a Residential Buildback Registration Certificate. The certificate must be recorded with the Volusia County Clerk of Court to become effective. It will be owner/applicant's responsibility to record the Certificate and return a copy of the recorded document to the Town for record-keeping purposes.

**SECTION 4: APPLICANT/AGENT AFFIDAVIT OF AUTHORIZATION**

\_\_\_\_\_ hereby authorizes \_\_\_\_\_,  
**Property owner's name** **Applicant/agent/s name representing property owner**

and its agents, to apply for Buildback Certification to the Town of Ponce Inlet for property described on the attached application form.

PROPERTY OWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
**To be signed in presence of Notary Public**

**STATE OF FLORIDA, COUNTY OF VOLUSIA**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ by \_\_\_\_\_  
**Date**  
\_\_\_\_\_, who is personally known to me or who has  
**Name of Person Acknowledging**  
produced \_\_\_\_\_ as identification and who  
**Type of Identification**  
DID / DID NOT take an oath.

\_\_\_\_\_  
**Signature** Notary Public, Commission No. \_\_\_\_\_

\_\_\_\_\_  
**Name of Notary typed, printed or stamped**

**SECTION 5: ATTACHMENT CHECKLIST**

The following attachments must be provided as part of this buildback registration:

FOR ALL STRUCTURES:

- A copy of the latest deed** – To confirm the current ownership of the subject property.
- Affidavit of Authorization (if applicant is not the property owner)** – To verify that the applicant has the authorization of the property owner to complete this certification on the owner's behalf (see Page 2).
- A copy of the property survey** – To determine whether the land and building(s) on the property meet the dimensional requirements the property's zoning district. The survey must be accurate and up to date, including all existing improvements, their dimensions and setbacks to all property lines. The features that do not meet these requirements are those that may be eligible for reconstruction under the Town's residential buildback ordinance.

FOR MULTI-STORY STRUCTURES:

- Floor plans** – To determine the gross floor area of buildings with multiple stories.
- Photographs of building facades (all four sides)** – Used with floor plan information to determine whether multi-story buildings comply with height setback requirements.

FOR PROPERTIES IN A FLOOD ZONE:

- Most recent flood zone elevation certificate** – To determine the elevation of the structure above the FEMA base flood elevation and whether the structure is located within a Special Flood Hazard Area (as defined in Code of Ordinances Section 18-271). Elevation may be shown on the property survey in lieu of a certificate.
- Other** \_\_\_\_\_

## SECTION 6: OWNER/APPLICANT CERTIFICATION

I hereby certify that the information contained in this registration and the attachments hereto are true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of Owner or Applicant/Agent

\_\_\_\_\_  
Date

## SECTION 7: BUILDBACK CONDITIONS

- A. Non-conforming residential structures that **comply** with federal flood regulations and LUDC Article VII (Flood Hazard Reduction) may be built back to the following limits and conditions:
- Within its pre-disaster footprint
  - Within the three-dimensional envelope of the habitable area of the pre-disaster building
  - Up to its pre-disaster gross square footage
  - Up to the same number of dwelling units and the pre-disaster floor area ratio, but elevated above the base flood elevations required by federal flood regulations and LUDC Article VII (Flood Hazard Reduction)
  - Conforming in all other respects to the Town's Codes, the Florida Building Code, other federal and state regulations, and state coastal construction control lines in effect at the time the substantially damaged building is built back (reconstructed).
- B. Non-conforming residential structures located in a Special Flood Hazard Area that do **not comply** with federal flood regulations and LUDC Article VII (Flood Hazard Reduction) may be built back to the following limits and conditions:
1. If the structure is **over 35 feet in height**, it may be built back to the limits and conditions under "A" above, with the following additional condition:
    - Any uninhabitable ground floor resulting from the required elevation of the building shall not be considered part of the three-dimensional building envelope.
  2. If the structure is **35 feet in height or less**, it may be built back to the limits and conditions under "A" above, with the following additional conditions:
    - The reconstructed structure shall not be higher than 35 feet.
    - If the reconstructed structure loses any habitable area to meet the height restriction, the number of dwelling units is not limited to the pre-disaster number of units.
- C. Pursuant to Section 5.4.4 of the Land Use and Development Code (LUDC), a property owner has 24 months after being notified of the buildback registration process in which to file a registration application. Failure to file a claim of lawfully constructed non-conforming structure within this time will constitute a waiver of the right to claim non-conforming structure status.
- D. Evaluation of nonconformity claims shall be made on a case-by-case basis by the Planning & Development Department Director or designee, based on the lawful nature of the structure when established. Decisions by the Director are subject to appeal as provided in LUDC Section 10.1.

– This page to be completed by Town staff –

SECTION 8: PROPERTY FEATURES WORKSHEET	
Property Address:	
Tax Parcel Number(s): (12-digit)	Subdivision/Neighborhood: (if applicable)
Principal Use:	No. of Residential Units:
Zoning District:	Future Land Use:
Gross Density (units/acre):	Allowable Density per Future Land Use (units/acre):
Flood Zone:	Special Flood Hazard Area? Y / N

Dimensional requirements	Dimensions shown on survey	Dimensions required per LUDC	Compliant with LUDC requirements?	Amount of non-conformity if not compliant
<b>Building:</b>				
Front setback				
Side setback				
Rear setback				
Waterfront setback (if applicable)				
Building Height				
Height Setbacks (for buildings with 2+ floors)				
Front				
Sides				
Gross floor area <sup>1</sup> of principal structure				
Gross floor area of secondary building(s) <sup>2</sup>				
Finished Floor Elevation				
<b>Lot:</b>				
Upland square footage				
Wetland square footage (if applicable)				
Lot coverage <sup>3</sup>				
Floor Area Ratio <sup>4</sup>				

**NOTES:**

- 1. Gross floor area:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.
- 2. Secondary buildings:** Includes in-law suite, garage, etc. physically and structurally connected to the principal residential structure on the property.
- 3. Lot coverage:** That area of a lot from the ground up which is occupied by principal and accessory buildings.
- 4. Floor area ratio:** The gross floor area of all buildings on a lot divided by the *upland* area of that lot.