

# City Of Sweetwater



Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Zoning \_\_\_\_\_

## Commercial Application For: **Non Use Variance**

**IX)** Application fee: (B) **\$1,375.00**, as a result of violation **\$2,750.00** – ¼ Acre in size or less  
(C) **\$2,200.00**, as a result of violation **\$4,400.00** – Greater than ¼ Acre

**III)** (C) 1. Other Parcels ¼ acre or less: **\$1,725.00**  
3. Parcel greater than ¼ acre: **\$4,500 per application**

**IV) (See Site Plan Application)** Non Use Variance shall be granted or denied in conjunction with application for Site Plan Review.

- (B) Other parcels ¼ acres or less: **\$1,850.00**
- (D) Non-residential parcel greater ¼ acre in size: **\$4,100 + .05 / square foot of building space.**

Applicant(s): \_\_\_\_\_  
Print or Type Name of Applicant (s) as shown on Deed

Mailing Address: \_\_\_\_\_

Folio #: \_\_\_\_\_

Phone #: \_\_\_\_\_

Project Name (if applicable) \_\_\_\_\_

Location: \_\_\_\_\_

Legal Description of property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Three (3) weeks prior to the next Planning and Zoning Meeting the following documents are required to be submitted to the city:

- \_\_\_ Survey (1 year old or Less)                      \_\_\_ Plans / Site Plan
- \_\_\_ Proof of Ownership and/ or Lease Contract
- \_\_\_ Ownership Affidavits/Consent Form (on form provided by city)
- \_\_\_ Disclosure of Interest
- \_\_\_ A statement as of to the reason for requested Variance (Letter of Intent)
- \_\_\_ A complete List and Labels of all Property Owners, mailing address and Legal Descriptions for all Property within three Hundred (300) feet of the subject parcel as Recorded in the latest official tax rolls in Dade County.
- \_\_\_ Affidavit of list

\_\_\_ \*Filing Fees (Receipt # \_\_\_ Date: \_\_\_\_\_)

\_\_\_ \*Note: Filing Fee is not refundable, whether this request is granted or denied

**Application for: NON USE VARIANCE**

The undersigned, request a hearing before the Planning and Zoning Board of the City of Sweetwater, to request approval of the following:

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The reason for the requesting this Non Use Variance is the following:

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\_\_\_\_\_ and \_\_\_\_\_  
**Signature of Applicant(s)**

Sworn to and Subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Sworn to and Subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public State of Florida  
My Commission Expires:

\_\_\_\_\_  
Notary Public State of Florida  
My Commission Expires:

**Application for: NON USE VARIANCE**

Address: \_\_\_\_\_

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**FOR OFFICE USE ONLY**  
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Zoning Director's Recommendation:

I, Carlos Lanza, Building and Zoning Director of the City of Sweetwater, do hereby recommend:\_\_\_\_\_ of this Request with the following condition(s):

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**Carlos Lanza**, Building & Zoning Director

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Individual

## City Of Sweetwater Ownership Affidavit

State of Florida

County of Dade

I, \_\_\_\_\_, being duly sworn, depose and say that I am the legal owner of record of the property which is the subject matter of the proposed hearing.

THIS AFFIDAVIT IS SUBJECT TO PENALTIES OF LAW FOR PERJURY AND TO POSSIBLE VOIDING OF ANY ZONING ACTION GRANTED AT A PUBLIC HEARING.

X \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

The foregoing Instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

Who is personally known to me or who has produced \_\_\_\_\_ As identification and who did take an oath.

My commission expires:

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

**City Of Sweetwater**  
**Consent from Permitting Tenant to File for a Hearing**

State of Florida

County of Dade

I, \_\_\_\_\_ as General Partner of  
\_\_\_\_\_ (name of Limited Partnership), being first  
duly sworn, depose and say that the aforesaid Limited partnership is the owner of the  
property which is the subject matter of the proposed hearing and do hereby consent to  
and authorize, \_\_\_\_\_ as lessee, to file this application  
for a public hearing.

\_\_\_\_\_  
Name of Limited Partnership

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

\_\_\_\_\_  
General Partner

The foregoing instrument was acknowledge before me this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ as  
General Partner of \_\_\_\_\_, who is personally known to me or  
who did take an oath.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

Commission Expires:

# City Of Sweetwater Ownership Affidavit

State of Florida

County of Dade

I, \_\_\_\_\_, being duly sworn, depose and say that I am the  
General Partner of \_\_\_\_\_ (Name of General Partnership),  
the partnership owns the property which is the subject matter of the proposed hearing.

THIS AFFIDAVIT IS SUBJECT TO PENALTIES OF LAW FOR PERJURY AND TO  
POSSIBLE VOIDING OF ANY ZONING ACTION GRANTED AT A PUBLIC HEARING.

\_\_\_\_\_  
(Name of General Partnership)

By: \_\_\_\_\_  
\_\_\_\_\_, General Partner

The foregoing instrument was acknowledge before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ by \_\_\_\_\_ as personally known to me or who has produced  
\_\_\_\_\_ as identification and who did take an oath.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

My Commission Expires:

Corporation

# City Of Sweetwater Ownership Affidavit

State of Florida

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County of Dade

I, \_\_\_\_\_, being duly sworn, depose and say that I am the  
\_\_\_\_\_ (office held) of \_\_\_\_\_ (name of corp.),  
and I have affixed the official corporate seal hereto, and to represent that the above-named  
corporation is the legal owner of record of the property which is the subject of the proposed  
public hearing.

**THIS AFFIDAVIT IS SUBJECT TO PENALTIES OF LAW FOR PERJURY AND TO  
POSSIBLE VOIDING OF ANY ZONING ACTION GRANTED AT A PUBLIC HEARING.**

\_\_\_\_\_  
(Name of Corporation)

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

[Corporate Seal]

The foregoing instrument was acknowledge before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_,  
who is personally known to me or who has produced \_\_\_\_\_ as identification  
and who did take an oath.

\_\_\_\_\_  
NOTARY PUBLIC

Print Name: \_\_\_\_\_

My Commission Expires:

TO THE APPLICANT:

PLEASE BE ADVISED THAT YOU MUST ATTEN THE MEETING IN WHICH THE PLANNING AND ZONING BOARD WILL BE HEARING YOUR REQUEST FOR A NON-USE VARIANCE.

THE HEARING WILL BE CONDUCTED IN THE ENGLISH LANGUAGE. IT IS THE RESPOSABILITY OF THE APPLICANT TO BRING AN INTERPRETER IF HE OR SHE DOES NOT SPEAK ENGLISH.

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POR FAVOR, ESTE AVISADO QUE USTED DEBE ATENDER LA REUNION EN LA CUAL LA JUNTA DE PLANIFICACION DE LA CIUDAD ESCUCHARAN SU PETICION PARA UNA VARIANTE DE NO USO.

LA AUDENCIA SERA CONDUCTIDA EN INGLES. ES LA RESPONSABILIDAD DEL APPLICANTE DE TRAER UN INTERPRETE SI EL O ELLA NO HABLAN EL INGLES.



## 7.01.00. - Non-use variances.

### 7.01.01. Generally.

**A. Granted by planning and zoning board.** The planning and zoning board may grant a variance from the strict application of articles IV, V and VI of this code if the following procedures are followed and findings made.

**B. Variances to be considered as part of development review.** Any person desiring to undertake a development activity not in conformance with article IV, V or VI of this code may apply for a non-use variance in conjunction with the application for site plan review. A development activity that might otherwise be approved by the zoning director must be approved by the planning and zoning board if a variance is sought. The variance shall be granted or denied in conjunction with the application for site plan review.

**C.** Where a non-use variance has been previously granted but where a subsequent, substantial modification to a site plan requires a new site plan review, the previously granted non-use variance shall continue in full force and effect, provided always that the substantial modification that required the new site plan review is wholly immaterial to the underlying need for or conditions of the non-use variance. The determination of materiality shall be made administratively by the building department.

**D.** Public notice of such hearing before the city's planning and zoning board shall be given in accordance with the city's Code of Ordinances.

*(Ord. No. 2981, § 7(7.01.01(C)), 8-12-2002; Ord. No. 3681, Art. 1, 7-2-2012)*

### 7.01.02. Limitations on granting non-use variances.

**A. Required findings.** The planning and zoning board shall not vary the requirements of any provision of articles IV, V or VI of this code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

1. The variance requested will not be detrimental to the neighborhood.
2. The proposed variance will not increase the danger of fire, or other hazard to the public.
3. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
4. The effect of the proposed variance is in harmony with the general intent of this code and the specific intent of the relevant subject areas of the code.

**B. Imposition of conditions.** In granting an approval involving a non-use variance, the planning and zoning board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to

be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

*(Ord. No. 2981, § 7(7.01.02(A), (B)), 8-12-2002)*

**7.01.03. Non-use variance expirations and extensions.**

**A.** A non-use variance granted under the provisions of this code shall automatically expire under the following conditions:

**(a)** If a building permit has not been issued by the building official within six months from the date of granting of the non-use variance (or date of any final court order granting or modifying the variance), in accordance with specific plans for which that variance was granted.

**(b)** If a building permit is issued within the required time period, if work has not been completed and a certificate of occupancy has not been issued under that permit, upon the expiration of the building permit.

**B.** Extensions to expiring variances may be made by the planning and zoning board for one-year periods, or portion thereof, upon receipt of written request from the applicant not less than 45 days before the expiration of the approved variance, stating the reasons for the extension request.

*(Ord. No. 3683, Art. 1, 7-2-2012)*

**7.01.04. Non-use variance applications.** Applications for a non-use variance shall include the following information:

**(a)** Address, location and legal description of the subject property.

**(b)** Existing zoning of property.

**(c)** Proof of ownership acceptable to the city; or if applicant is a tenant, provide owner's sworn to consent affidavit.

**(d)** Disclosure of interest (on form provided by city).

**(e)** A statement as to the reasons for the requested variance.

**(f)** A certified survey, prepared within one year from date of application, which shall include:

**1.** An accurate legal description of the subject property; and

**2.** A computation of the total area of the property in square feet and to the nearest tenth of an acre.

**(g)** Recommendation of the zoning director.

**(h)** A complete list and labels of all property owners, mailing addresses and legal descriptions for all property within 300 feet of the subject parcel as recorded in the latest official tax rolls in the county courthouse. Such list shall be accompanied by an

affidavit stating that to the best of the petitioner's knowledge said list is completed and accurate.

#### **9.04.00. - Procedure for review of site plans.**

*9.04.01. Pre-application conference.* Prior to filing for site plan review, the developer shall meet with the zoning director and city planner to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed site plan or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

##### *9.04.02. Review of site plans.*

**A.** The developer shall file a completed application and three copies of the site plan with the building department.

**B.** Within 30 days of receipt of an application, the zoning director, city engineer and city planner shall review the submittal and shall either:

**1.** Determine that the submittals are incomplete, deficient or not in conformance with this code, and inform the developer in writing as to the deficiencies. The developer shall have 45 days to correct the deficiencies and resubmit corrected site plans. If the developer fails to do this, the site plan shall be denied approval.

**2.** Determine that the submittals are complete and in conformance with this code and grant approval.

**3.** Determine that the submittals are complete, but the development activity proposed is not in conformance with the code and is in need of a variance. In this case the developer may apply for variance(s) per article VII.

##### *9.04.03. Contents of site plan submittal.*

**A.** Site plans shall be drawn to a scale of not less than one inch equals 50 feet, and shall include:

**1.** Name, location, owner and designer of the proposed development.

**2.** Scale and north arrow.

**3.** Current zoning of property.

**4.** Proposed use of property.

**5.** Tabular summary of:

**a.** Lot area, net and gross.

**b.** Number of residential dwelling units including their characteristics by number of bedrooms.

**c.** Nonresidential floor area by type of use and total gross square footage.

**d.** Residential density calculations.

**e.** Building height.

**f.** Open space and impervious coverage.

**g.** Floor area ratio.

**6.** All existing and proposed improvements, clearly delineated, labeled and Dimensioned.

**7.** Parking and loading calculations.

**8.** Any other information requested by the city.

**B.** The site plan shall be accompanied by the following:

**a.** Property survey.

**b.** Drainage plan (per article [section] [4.05](#)), if applicable.

**c.** Landscaping plan (per article [section] [4.06](#)), if applicable.