

City Of Sweetwater



Date: ____/____/____
Zoning _____

Commercial Application For: Use Variance

IX) Application fee: (A) **\$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) (B) 1. Parcel ¼ acre or less: **\$3,600**
2. Parcel greater than ¼ acre: **\$6,420.00**

IV) (See Site Plan Application) 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 (Letter of Intent)
- ___ A statement as of to the reason for requested Variance
- ___ 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: USE-VARIANCE

The undersigned, request a hearing before the City Commission of the City of Sweetwater, to request approval of the following:

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

_____ 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: USE VARIANCE

Address: _____

FOR OFFICE USE ONLY

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):

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

>

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 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.

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 USO.

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

7.02.00. - Use variances.

7.02.01. *Generally.*

A. *Granted by city commission.* The city commission may grant a use variance from the strict application of any provision in article II (Zoning) that pertains to permitted uses, if the following findings are made.

B. *Variances to be considered as part of development review.* Any person desiring to undertake a development activity not in conformance with the provisions in article II (Zoning) that pertain to permitted uses may apply for a 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 city commission if a use variance is sought. The variance shall be granted or denied in conjunction with the application for site plan review.

7.02.02. *Limitations on granting use variance.*

A. *Public hearing.* The city commission shall schedule a public hearing upon receipt of an application for a use variance to be held within 31 days after receipt of same. Public notice of such hearing before the city commission shall be given in accordance with the Code of Ordinances of the City of Sweetwater. Upon conclusion of such public hearing, the city commission may consider the said application and, if it chooses to grant same, it shall do so by resolution of five-sevenths of its members.

B. *Required findings.* The city commission shall not vary the requirements of any provisions in article II (Zoning) that pertain to permitted uses, unless it makes a positive finding, based on substantial competent evidence, on each of the following:

1. That the proposed use variance will maintain the functional design and integrity of the adjacent neighborhood.
2. That the use variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the neighborhood.
3. Literal interpretation of the provisions of this code works unnecessary and undue hardship on the petitioner.
4. That the use variance will not alter the essential character of the district in which is located the property for which the use variance is sought.
5. That the use variance will be in compliance with the city's comprehensive master plan.
6. That the use variance will be in harmony with and will not weaken the spirit and purposes of the zoning code.
7. That the use variance, if granted, will not adversely affect the public health, safety or welfare of the city or its citizens.

C. Imposition of conditions. In granting an approval involving a use variance, the city commission 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 use variance.

7.02.03. Use variance expirations and extensions.

[A.] A use variance granted under the provisions of this code shall automatically expire under the following conditions:

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

(b) If a 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, within one year from permit issuance date.

B. Extensions to expiring use variances may be made by the city commission for a single one-year period, or portion thereof, upon receipt of written request from the applicant not less than 45 days before the expiration of the approved use variance, stating the reasons for the extension request.

7.02.04. Variance applications. Application for a 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) A statement as to how the requested variance adheres to the review standards set forth in section 7.02.02.

(h) Recommendation of the zoning director.

(i) 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.