



ZONING HEARING (ZH) APPLICATION CHECKLIST

Village of Palmetto Bay Department of Planning and Zoning

Applications shall be reviewed for compliance with these submittal requirements.
Applications submitted without the required information shall not be accepted for processing or may be deemed incomplete and processing suspended.

Application Submittal Requirements:

The following items must be submitted in duplicate:

- Letter of Intent, listing what is being requested, why, and reasons why applicant feels the request should be approved, detailing variances, zoning requests, explaining zoning hardship, etc. (Applicant will receive details during the pre-filing appointment with the Zoning Hearing Administrator).
- Application completely filled out and properly executed. (Folio numbers are mandatory).
- Photographs and index map of the property, including structures that may be the subject of the hearing.
- Applicant's affidavit(s).
- Responsibilities of the applicant affidavit.
- Ownership affidavit (Corporation or Individual).
- Disclosure of Interest, if the owner, applicant or contract purchaser is a corporation, partnership, trustee.
- Copy of executed lease for one year or more, if applicant is a lessee.
- Owner's Sworn-to-Consent form signed by the owner-of-record of the property, giving lessee permission to file for the hearing if applicant is a lessee.
- 2 set of plans (see below) folded and 1 CD (PDF Format) containing an identical set of plans submitted. All plans must include the following (see below).

Title Block: Plans must contain a Title Block identifying the project, name, title and address of person who prepared the plan, date prepared, and scale used. All plans must include the Name and address of owner and person(s) preparing the plan(s)

Zoning Legend: All plans must contain a complete zoning data legend.

Site Plan must be submitted for all cases and include Project name and description, north arrow, and scale (must be engineer's scale - no smaller than 1" = 40') Site plan must include the following (see below)

- Property lines and dimensions and all easements of record
- Proposed buildings and structures and the dimensions, square footage, and number of stories of each
- Distance of buildings to property lines and centerline of all abutting streets and rights-of-way
- Existing buildings and other structures on-site and on adjacent properties.
- Pedestrian and vehicular circulation, driveways and parking spaces
- All planted/landscaped areas and areas to be planted (include location of existing trees)
- A vicinity map of the project site

Elevation(s) must be submitted if the request involves: new construction or additions, over height fences/walls, Site Plan Review and Major Development Projects, Commercial Corner/Mini Shopping Center development any small lot subdivision, building height waivers, sign approvals, wireless telecommunications sites, transitional height cases and projects requiring review for the following –Community Design Overlay Zones (FT&I) (see Elevation Instructions)

Floor Plan(s) should be submitted if the nature of the request involves knowing the interior layout of a project. Floor Plan(s) must show proposed arrangement of rooms and location of various activities. (see Floor Plan Instructions)

Section(s) should be submitted if the project involves multiple levels which can only be shown through a section cut of the property.

PHOTOGRAPHS AND INDEX MAPS

- A. Photographs: Color photographs of entire site, surrounding areas, and surrounding buildings shall be displayed on paper not to exceed 8.5"x11" in size, keyed to numbers on an accompanying index map (see B. below).
- B. Map: Index map indicating with arrows and keyed numbers from where and in what direction the photos were taken.
- C. Aerial Photograph of the subject property and surrounding area on a 8.5"x11" or 11"x17" size paper. (Search engines such as <http://maps.google.com> and other available sources can be used to obtain aerial photos)

- Boundary Survey (required with every application, no older than 1 year. Must show all structures, rights-of-way, etc. and any municipal boundary, if any).
- Signage Plans: Show sign detail including sign dimensions, height and setback distance, if applicable.
- Liquor Survey, if applicable
- Engineer's certification and/or compliance letter for existing structures, if applicable
- Architectural approval letter required from the homeowners' or condominium association, if applicable
- Legal description [must be accurate; and if lengthy, to be submitted in Microsoft Word format on diskette or compact disc (CD), in addition to printed (hard) copy. Whether CD or diskette, ensure data is write-protected.
- Lake Excavation Plans (prepared & sealed by a Florida surveyor or engineer, showing perimeter dimensions, deep cut line, cross sections and slope descriptions), if applicable
- School Checklist (required for all day care centers and private schools)
- For specific K – 12 school requirements call the Educational Facilities Coordinator of the Public Works Department at (305) 375-1874.
- Covenant or Declaration of Restrictions may be required. Call the Village Attorney at (305) 259-1234.
- Public Works reviews and comments on hearing applications. Prior to completion of development plans, call (305) 696-5011 for information on concurrency, and street dedication requirements.
- Department of Environmental Resources Management (DERM) at 33 SW 2nd Ave., 5th Fl., reviews and comments on hearing applications. Call (305) 372-6502 or 6503 for information on water quality, pollution control, soil removal, tree preservation and other environmental regulations.
- Certain types of business uses require Environmental Quality Control Board (EQCB) approval before a public hearing can be scheduled. Contact DERM for additional information.
- General information on zoning requirements, prior zoning hearing, history, Declaration of Restrictions, Unities of Title and related zoning criteria is available at 9705 E Hibiscus Street. Call (305)259-1271.

- The Planning and Zoning Division reviews and comments on hearing applications. Call (305) 259-1271 for information on application recommendations, urban design standards, landscape requirements, and other planning disciplines.
- Hearing fees and additional radius fees – the fees paid at time of filing may not be the total cost of the hearing. Additional radius fees for mailing notices to property owners within a certain radius of the subject property may be assessed, depending on the type of hearing request. The number of actual property owners is determined by computer and you will receive a bill for the additional radius fees approximately one month after filing. Fee schedule and instructions are attached. Hearing fees will be calculated by the Zoning Administrator at the pre-filing appointment.
- For a more detailed explanation of the Zoning Hearing Procedures, call (305) 259-1271.
- Translators and sign language interpreters are available upon request. Call the Clerk's Office at (305) 259-1265 at least 10 days in advance to arrange for this service at the meeting
- Zone change applications must be consistent with the Comprehensive Development Plan (CDP). Call the Planning Division at (305) 259-1271 for information.

Some requests require additional information. Contact the Division of Planning and Zoning for a pre-filing appointment for information on required exhibits and review of documents and plans.

NOTE: All exhibits larger than 8 ½" x 11" must be INDIVIDUALLY FOLDED prior to submittal. Full size color exhibits are not required to be folded.



These submittal requirements, as well as those for other types of entitlement applications, can be found on the Village of Palmetto Bay website at www.palmettobay-fl.gov. If you have questions regarding these submittal requirements, you can contact the Planning and Zoning Division at (305) 259-1271, or visit the Planning and Zoning Division at Village Hall, 9705 E Hibiscus Street, Palmetto Bay, FL 33157



ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: _____ Date Received _____

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: _____
City: _____ State: _____ Zip: _____ Phone#: _____

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): _____
City: _____ State: _____ Zip: _____ Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Company: _____
City: _____ State: _____ Zip: _____ Cell Phone#: _____
Phone#: _____ Fax#: _____ E-mail: _____

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

7. SIZE OF PROPERTY (in acres): _____ (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: _____ **9. Lease term:** _____ years
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes
 no If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase or lease the subject property or property contiguous thereto? no yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: _____

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

District Boundary(zone) Changes [Zone(s) requested]: _____
 (Provide a separate legal description for each zone requested)

Unusual Use: _____

Use Variance: _____

Non-Use Variance: _____

Alternative Site Development: Option: _____

Special Exception: _____

Modification of previous resolution/plan: _____

Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the eighteen (18) months? no yes.
 If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no yes. If yes, give name to whom the violation notice was served: and describe the violation: _____

16. Describe structures on the property: _____

17. Is there any existing use on the property? no yes. If yes, what use and when established? _____

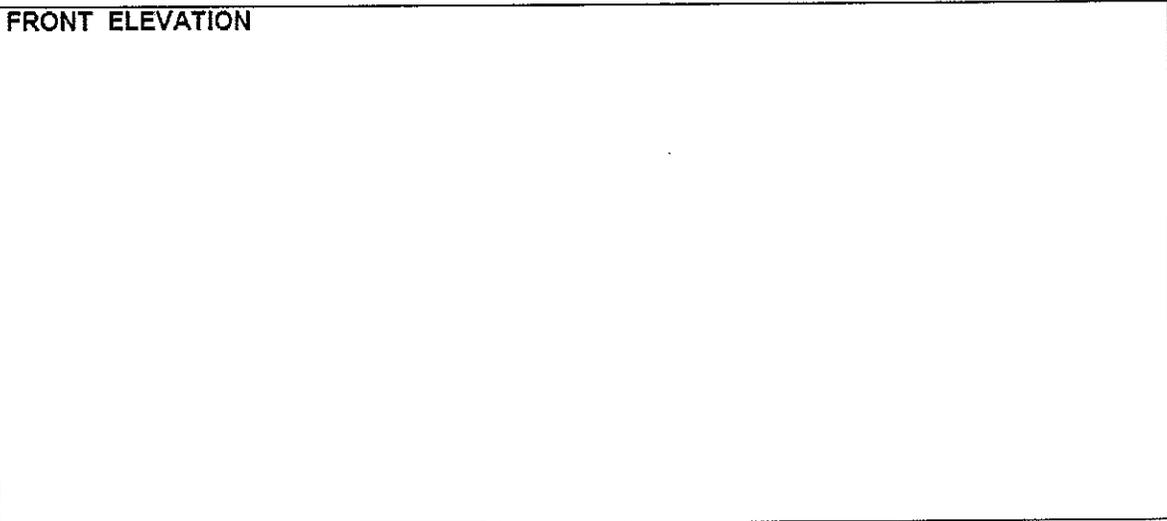
Use: _____ Year: _____

Planning Staff Use Only

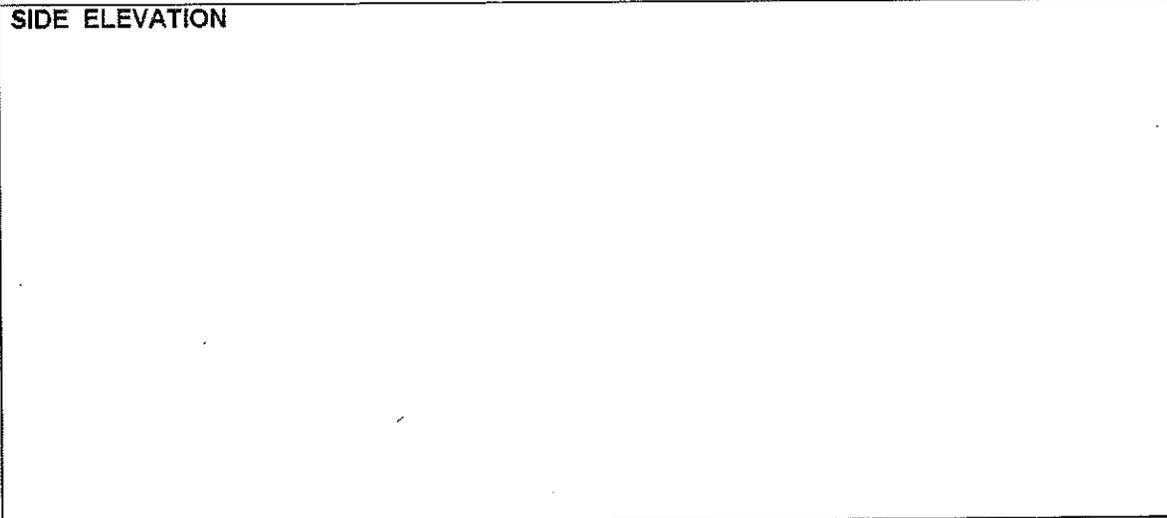
| | | |
|--------------------|---------------------------------|-------------|
| Base Fee | Reviewed and Accepted by | Date |
| Receipt No. | Deemed Complete By | Date |

PHOTOGRAPHS

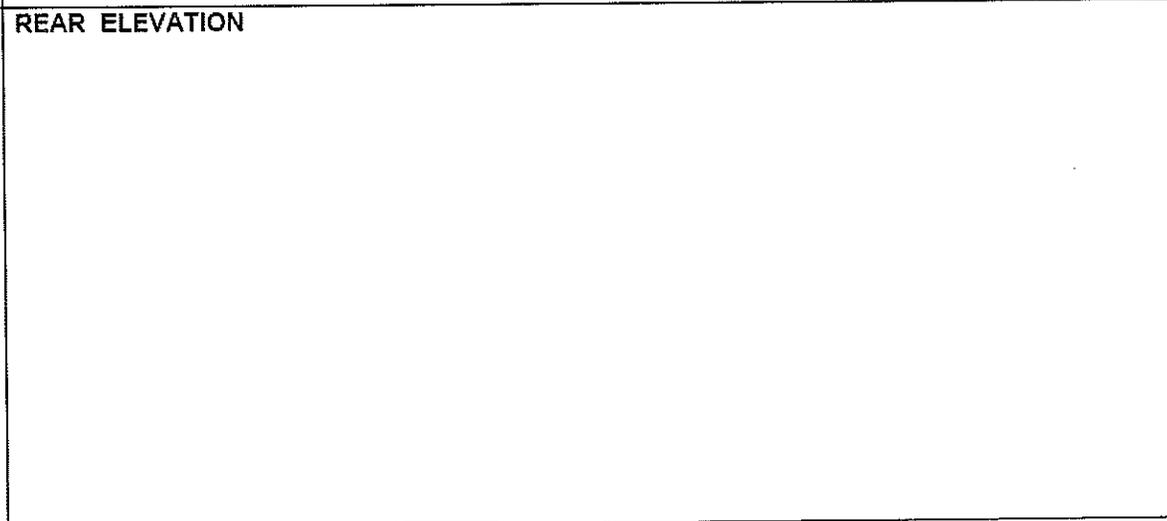
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) owner tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I) (WE), _____, being first duly sworn, depose and say that (I am) (we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Office Held

(Corp. Seal)

Sworn to and subscribed to before me
This _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me
This _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me
This _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5353.

(Applicant's Signature)

(Print Name)

Sworn to and subscribed before me this _____ day of _____, _____. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)

My commission expires _____

**OWNERSHIP AFFIDAVIT
FOR
CORPORATION**

STATE OF _____
COUNTY OF _____

Public Hearing No. _____

Before me, the undersigned authority, personally appeared _____
_____ hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes
and says:

1. Affiant is the president, vice-president or CEO of the Corporation, with the following address:

2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:

4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Affiant's signature

Print Name

Print Name

Signature

Print Name

Sworn to and subscribed before me on the _____ day of _____ 20_____.

Affiant is personally known to me or has produced _____ as identification.

Notary

(Stamp/Seal)
Commission Expires:

**OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL**

STATE OF _____
COUNTY OF _____

Public Hearing No. _____

Before me, the undersigned authority, personally appeared _____
_____ hereinafter the Affiant, who being first duly sworn by me, on oath, deposes
and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Affiant's signature

Print Name

Print Name

Signature

Print Name

Sworn to and subscribed before me on the _____ day of _____ 20_____.

Affiant is personally known to me or has produced _____ as identification.

Notary

(Stamp/Seal)
Commission Expires:

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|-------------------------|----------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Interest</u> |
|-------------------------|-------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Interest</u> |
|-------------------------|-------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].