

## APPLICATION FOR SUBSTANTIAL COMPLIANCE DETERMINATION GENERAL INFORMATION

A substantial compliance determination is required when a development plan is not sufficiently identical to the plan approved pursuant to a Zoning Hearing or Administrative Site Plan Review (ASPR) procedure.

***Be advised an appointment is required for submittal of this application. Please contact our office at (305) 375-2640.***

The following items must be submitted to the Zoning Administrative Review Section for a substantial compliance review determination.

### **2 Letters of Intent**

### **2 Copies of the Application (attached hereto)**

**2 Sets of Plans** (These plans must reflect the same size property as the previously approved plans.) **Each set of plans must consist of site plans** (including a comparison of the approved and proposed zoning legends), **landscaping plans** (including landscape legend), **floor plans, building elevations, etc.**

### **2 Copies of Legal Description**

### **2 Copies of the Zoning Hearing Resolution**

For each and every application for a substantial compliance determination, there shall be a fee required, paid to the Department of Planning and Zoning for the review of plans and application, a fee is required. Please see attached Fee Schedule.

## **REVIEW CRITERIA AND STANDARDS**

The plans for Substantial Compliance Determination will be reviewed by the Department of Planning and Zoning in compliance with Zoning Code and Resolution provisions and conditions and with **§33-310.1(A)(I) Substantial Compliance Standards** as adopted by Ordinance #03-93. Please note the following standards which will be used to determine approval or denial of the Substantial Compliance Determination Application.

**§33-310.1(A)(I) Substantial Compliance With Previous Approval.** The director shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where it is demonstrated that the proposed modification or elimination will result in substantial compliance with the previous zoning action regarding a site plan, as demonstrated by all of the following:

**A. Development density and Intensity have not materially changed, in that:**

1. The number of buildings shall is not increased by more than 10%;
2. The number of stories is the same or fewer.
3. The height of the building(s) is the same or less;
4. The number of units is the same or fewer;
5. The lot coverage and floor area ratio are the same or less;
6. The number of bedrooms and corresponding parking spaces may be increased or decrease by as much as 10%, based on the entire plan, provided the plan complies with all other requirements of this subsection and of this chapter; and

7. Density of intensity (floor area ratio) may be transferred from one building to another or from stage of development to another, provided that the total floor area ratio is not changed.

**B. Design** has not materially changed, in that:

1. The roadway patterns, particularly ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
2. The parking area is in the same general location and configuration;
3. The building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development; zero lot line, row house, townhouse and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either
  - (a) The underlying zoning district regulations, or
  - (b) Any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
4. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
5. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
6. Elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans;.
7. Recreational facilities, if shown on plans approved by a prior zoning action, either remain the same or are converted from one recreational use to another;
8. If recreational facilities were not shown in the approved plans, they may be added, provided there no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development.
9. If a variance for signage has been granted, the proposed sign(s) is no greater in size and is placed in the same general location on the site as approved by zoning action. An entrance sign location may be moved the same proportional distance as a relocated entrance drive;
10. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the zoning code that were not previously approved at public hearing, or of expanding the scope of existing variances, alternative site development options, or other approvals pursuant to alternative development standards such that they would differ to a greater degree from the strict application of the zoning code;
11. Additional out-parcels may be added where:
  - (a) There is no increase in the project's total floor area ratio or lot coverage;

- (b) There is no reduction in the total amount of landscaped open space; and
- (c) Addition of the out-parcel does not result in noncompliance with any other provision of this subsection on any other portion of the subject property.

12. Reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of this code.

- C. The **slope of any lake** for which a modification is requested complies with §33-16 and all other applicable provisions of this code.

### **ADDITIONAL INFORMATION**

The proposed changes to the plans may only provide uses that are permitted with the zone or must be in compliance and within the scope of the uses and request(s) specified in the Zoning Hearing and the conditions imposed as listed in the Resolution.

If the application involves a restrictive covenant, the application shall demonstrate that any procedural or other consent or approval requirements to modify or eliminate the restrictive covenant have been satisfied.

Final review will result in written approval or denial of the plan. All approved plans will be stamped ***“The following Plans consisting of ( ) pages are in Substantial Compliance with Resolution No. ( )”***. A letter signed by the Assistant Director for Zoning will be mailed to the applicant along with a stamped copy of the plans showing approval or denial. A second set of plans, application and letter will be filed in the official records of the Zoning Hearings Section.

### **ADVERTISING AND APPEAL PERIOD**

After the determination, notice of the Director’s decision shall be published in The Miami Daily Business Review. Any aggrieved person, other than the applicant, may appeal the Director’s decision pursuant to §33-314 within **thirty (30) days** after the date of newspaper publication. If the decision is not appealed, it shall become final. No permits can be issued until after the appeal period as expired. The applicant will have the option to file a zoning hearing application with the Zoning Hearings Section of this Department if the request for Substantial Compliance Determination is denied.

If further information on this procedure is necessary, please contact the Zoning Hearings Section at (305) 375-2640.

**DEPARTMENT OF PLANNING AND ZONING  
APPLICATION FOR SUBSTANTIAL COMPLIANCE DETERMINATION**

Section \_\_\_\_ Township \_\_\_\_ Range \_\_\_\_ Folio number (s): \_\_\_\_\_

(1) Applicant Name \_\_\_\_\_

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

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

(2) Name of Property Owner \_\_\_\_\_

Owner's Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Owner's Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

(3) Contact Person \_\_\_\_\_

Contact Person's Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Contact Person's Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

(4) Location of Subject Property \_\_\_\_\_

Size of Property (\_\_\_\_\_) X (\_\_\_\_\_) or \_\_\_\_\_ Acres

(5) Legal Description of the Property:

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

(6) State in brief and concise language the justification for proposed deviation from the approved plans.

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**SUBSTANTIAL COMPLIANCE DETERMINATION APPLICATION**

**PLANS INFORMATION**

(7) Name of Plan\_\_\_\_\_

Plans Prepared By\_\_\_\_\_

Number of Pages\_\_\_\_\_ including landscape plans

**ZONING INFORMATION**

(8) Property Zoning\_\_\_\_\_

Type of Development\_\_\_\_\_

Residential: Total Number of Units\_\_\_\_\_ Office: Total sq. ft.\_\_\_\_\_

Business: Total sq. ft.\_\_\_\_\_ Industrial: Total sq. ft.\_\_\_\_\_

Applicable Resolution(s) (attach copy)

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Applicable Covenant(s) (Official Record Book and Page Number (s)) (attach copy)

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**OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL**

STATE OF \_\_\_\_\_ Public Hearing No. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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:

**OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION**

STATE OF \_\_\_\_\_ Public Hearing No. \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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:

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 interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</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].



NAME OF PURCHASER: \_\_\_\_\_

NAME, ADDRESS AND OFFICE (if applicable)

Percentage of Interest

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

**Signature:** \_\_\_\_\_  
(Applicant)

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Affiant is personally know to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Public)

My commission expires: \_\_\_\_\_

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly

**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.

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OWNER OR TENANT AFFIDAVIT

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

Notary Public: \_\_\_\_\_  
Commission Expires:

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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; and that said corporation is the  owner  tenant of the property described herein and which is the subject matter of the proposed application.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Office Held

(Corp. Seal)

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

Notary Public: \_\_\_\_\_  
Commission Expires:

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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; and that said partnership is the  owner  tenant of the property described herein which is the application.

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

By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

By \_\_\_\_\_ %

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

Notary Public: \_\_\_\_\_  
Commission Expires:

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ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the application.

Sworn to and subscribed to before me

\_\_\_\_\_  
Signature  
Notary Public: \_\_\_\_\_

\_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Commission Expires

**FEE SCHEDULE  
SUBSTANTIAL COMPLIANCE DETERMINATION**

ZADREV	Z965	Commercial	\$2,201.63
ZADREV	Z995	Residential	\$1,467.75
ZIMAG	Z060	Imaged Records	\$77.25
<b>Subtotal</b>			_____
<b>Total \$</b>			_____

**REVISIONS:**

ZADREV	Z706	First revision (Residential & Commercial)	no charge
ZADREV	Z711	Subsequent revision (Commercial or Other)	\$880.65
			\$_____
8% Surcharge			
<b>Total</b>			\$_____

**NOTE: 8% surcharge will be added to all fees.**