

Deviation Application



CITY OF OVIEDO
400 Alexandria Boulevard
Oviedo, Florida 32765

Phone: (407) 971-5779

Application No. _____

Date Received _____

Pre-application Meeting Date _____

Submittal Checklist

☐ **Electronic Copy of application and supporting documents are required for sufficiency review.**

☐ Completed application and fee

☐ If the applicant is not the owner, a notarized letter of authorization shall be submitted with the application _____

☐ Boundary Survey

☐ Site Plan

☐ Narrative demonstrating compliance with LDC Section 2.7(B to G)

☐ Proof of Ownership (a copy of the print out from Property Appraiser's website.)

☐ Application Fee

Commercial

\$950.00 – 0-20%

\$2,534.00 – 21% and up

Residential

\$198.00 – 0-20%

\$462.00 – 21% and up

Tech Fee

\$25.00

Recording Fees are paid by the Applicant upon application approval and issuance of the Deviation Development Order

Applicant

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Property Owner

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Consultant

Name: _____

Firm: _____

Address: _____
Street Address City State Zip

Email: _____

Phone: _____ Fax: _____

Attach a verified statement including the names of each individual having a legal/equitable ownership interest in the subject property. For publicly held corporations, names and addresses of the corporation, principal executive officers and any majority stockholders will be sufficient.

Deviation Application

Project Information

Project Name: _____
Project Address and/or Parcel Identification Number(s). *Attach an official, sealed boundary survey with a complete legal description of the subject property to this application.*

Size of the Property (in acres) _____
Size of structure (s) (in square feet) _____
Current Use _____
Proposed Use _____

Deviations requested (Type and Magnitude (%)):

Written narrative (to be provided in separate sheet) describing and justifying the Deviations requested and demonstrating each of the following per LDC Section 2.7(C), Criteria for Approval:

| Requirement | Provided | Not Provided |
|--|----------|--------------|
| 1. Existence of special conditions | | |
| 2. Compatibility with adjacent properties | | |
| 3. Proper use of mitigative techniques | | |
| 4. Only minimum deviation granted | | |
| 5. Open space and other facilities | | |
| 6. Existing non-conforming uses of other property not basis for approval | | |
| 7. Other information | | |

Certification

I hereby certify that , to the best of my knowledge and belief, all information supplied with this application is true and complete, and that I am

() the Property Owner of Record for the subject property described herein.

() the Authorized Agent of the Property Owner of Record for the subject property described herein (notarized letter of authorization attached).

Signature _____

Date _____

Name and Title (printed or typed) _____

Deviation Application

Project Information

- 1) **Site Plan.** The Site Plan shall be drawn to a reasonable scale and shall contain the following information:
 - a) Name and address of the applicant and/or property owner
 - b) Legal Address of the property
 - c) Parcel ID Number (s)
 - d) Current Zoning District and Future Land Use (FLU) designation
 - e) Scale of the drawing
 - f) North Arrow
 - g) Location map showing the relationship between the proposed property and surrounding public roads and public facilities
 - h) Name, location and right-of-way width of all existing streets which abut the property, and location of existing driveways
 - i) Location and type of existing easements on the property, if applicable
 - j) Total acreage of the property and square footage of any structures
 - k) List and description of deviations
 - l) Location of deviation (s) with dimensions
 - m) If the deviation concerns a building structure, a floor plan, cross section and/or elevation that depicts the requested deviation shall be submitted.
 - n) Legal description
 - o) Topography (as delineated by the United States Geological Survey Maps will be adequate).
 - p) Indicated flood elevation for the 100-year flood as established by the United States Geological Survey Map series entitled, "Map of Flood Prone Areas," or the Department of Housing and Urban Development "Flood and Floodway Boundary Map."
- 2) **Written Narrative.** Written narrative addressing the criteria of LDC Section 2.7(C), Criteria for Approval

A deviation may be granted by the approving authority if it finds that strict application of a minimum LDC requirement is not warranted and granting a deviation will fulfill the intent of this LDC. The approving authority shall consider the following to determine if the applicant has justified a request for a deviation to a minimum LDC requirement and if granting the proposed deviation will fulfill the intent of this LDC:

 - (1) **Existence of Special Conditions.** That special conditions or circumstances exist which are peculiar to the land, structure or building involved.
 - (2) **Compatibility.** The proposed deviation's scale and intensity is compatible with and will not adversely impact land use activities on adjacent properties.
 - (3) **Proper Use of Mitigative Techniques.** The proposed development project has been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land use activities.
 - (4) **Protection of Environmentally Sensitive Areas.** The proposed deviation is necessary to conserve and protect the natural environment including wetlands, natural habitat, protected canopy trees, drainage corridors, flood prone lands, and other environmentally sensitive lands.
 - (5) **Only Minimum Deviation Granted.** That the proposed deviation is the minimum necessary.
 - (6) **Open Space and Other Facilities.** The proposed deviation provides for more useable and suitably located open space and other public and common facilities than would otherwise be provided under strict application of the minimum LDC requirement.
 - (7) **Existing Non-Conforming Uses of Other Property Not Basis for Approval.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a deviation.
 - (8) **Other Information.** The Applicant may provide other information in addition to that listed above to justify a request for a deviation to a minimum LDC requirement and demonstrate that granting the proposed deviation will fulfill the intent of this LDC.

Deviation Application

Application Instructions

The instructions are intended to provide you with the information necessary for completing an application for a Deviation. The information requested to be part of your application represents the minimum requirements for submittal.

Sufficiency Review

The Applicant is required to complete all parts of this application properly and completely in order for Staff to begin processing the application. If the Staff determines within 2 business days that the application is not sufficient, you will be notified by email and the application will not be reviewed for compliance. Once the application is sufficient, staff will notify you by email and the application will move into Compliance Review upon receipt of additional sets of the surveys.

Compliance Review

The project Planner assigned to the application, City staff from other departments, City Surveyor and City Attorney will review the completed application for compliance with the Land Development Code within the following review days (calendar days):

1st Compliance Review- 28 days

2nd Compliance Review- 21 days

3rd Compliance Review- 14 days (Applicants shall pay 50% of application fee)

Progress Conferences: At any time during the review process, the Applicant may request a Progress Conference with the Land Use Administrator. Progress Conferences are encouraged and may assist in expediting the approval of the site development order application. Progress conferences are scheduled on Thursdays of each week.

Abated Application: An application shall be abated when no activity occurs for six (6) consecutive months. The Land Use Administrator shall issue a Notice of Abated Application to the Applicant. Any submittal after the issuance of a Notice of Abated Application shall require the payment of an Abated Application fee and must comply with any amendments to this LDC, the *Engineering Standards Manual*, or Fire Prevention Code adopted after the last review of the application.

Abandoned Application: An application shall be abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator shall issue a Notice of Abandoned Application to the Applicant. Any submittal after the issuance of a Notice of Abandoned Application shall constitute a new application.

Approval

| Application | Percent Deviation | Final Approval Authority |
|---|------------------------|--------------------------|
| Preliminary Subdivision Plan | Compliant or deviation | CC (LPA recommendation) |
| Site Development Order (City Development Projects) | Compliant <= 20% | LUA |
| | >20% | CC |
| Site Development Order (Other Development Projects) | compliant <= 20% | LUA |
| | >20% | CC |
| Site Development Order (New Downtown and New Downtown Village Core) | Compliant or deviation | LUA |
| Other Development Permit | Compliant <= 20% | LUA |
| | >20% | CC |
| Building Permit | Compliant <= 20% | LUA |
| | >20% | LPA |
| Building Permit (New Downtown and New Downtown Village Core) | Compliant <= 20% | LUA |
| | >20% | CC |
| Architectural Design Order | Compliant or deviation | CC |
| Redevelopment Site Development Order and associated Architectural Design Order | Compliant <= 20% | LUA |
| | >20% | CC |