APPLYING FOR A PARKING WAIVER

Fee:

$5,500 application fee made **payable to the City of Weston** for other than single family residence.

Link to Apply:
https://www.westonfl.org/government/planning-and-zoning/application-process

Submittal:

- Refer to *§124.54(M) - Waiver* in the City of Weston Code of Ordinances at https://codelibrary.amlegal.com/codes/weston/latest/weston_fl/0-0-0-5605.

Submission Materials:

1. **Application**
   a. Petition for Parking Waiver
   b. Applicant Representative Affidavit
   c. Cost Recovery Affidavit
2. **Project Narrative** detailing the proposed scope of work
3. **Site Plan**
4. **Survey**
5. **Location Map**
6. **Parking Study**

Further information may be requested: You will be notified of any additional requirements by email via the email address that you provide.

Staff will advise whether advertising is required (as per Code Section - 125.06 Requirements for Advertising and Notice).

CITY OF WESTON, PLANNING AND ZONING DEPARTMENT
C/O CALVIN, GIORDANO & ASSOCIATES, INC.
1800 ELLER DRIVE, SUITE 600
FORT LAUDERDALE, FLORIDA 33316

PETITION FOR PARKING WAIVER

PURSUANT TO CODE OF ORDINANCES §124.54

The undersigned presents its Petition to the City Commission of the City of Weston, Florida for a Parking Waiver under the Zoning Regulations of the City of Weston as follows:

Section No._____ Zoning District_____

Lot No._____ Block No._____ Subdivision_____

Address_____

1. Name of Petitioner_____Petitioner's Email _____
2. Petitioner's Interest (Owner, Lessee, etc.)_____
3. Project Name_____
4. Has a previous petition been filed on this property?_____ If yes, give date of hearing and finding_____
5. Existing Land Use_____ Existing Zoning_____
   Current Use of Site_____
6. Submit the necessary documentation described in §124.54(M) to support a petition for a parking waiver.

Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

I/we certify on _____ day of_____, 20___, that the property is not subject to a pending code violation.

_____
Petitioner's Signature

_____
Print Petitioner's Name

_____
Address

_____
City, State, Zip

*Phone*_____

*Email*_____

_____
Owner's Signature (required)

_____
Print Owner's Name

_____
Address

_____
City, State, Zip

*Phone*_____

Email_____

DEPARTMENT USE ONLY

Date Received_____ Fee Paid_____

Agenda_____ Receipt No._____

Parking Waiver Criteria and Response:

124.5 It is the responsibility of the Applicant to submit documentation that addresses the following criteria. The Applicant shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the City Commission.

124.54 (M)(1) The City Commission may grant a petition for waiver for off-street parking requirements for nonresidential properties, provided the City Commission finds that the parking utilization study and parking survey submitted by the Applicant demonstrates that adequate parking exists given the projected and existing use of the Property.

124.54 (M)(2) It is the responsibility of the Applicant to submit the necessary documentation to support a petition for waiver pursuant to this section. At a minimum, the Applicant shall submit the following:

124.54(M)(2)(a) Parking utilization study. The parking utilization study shall be certified by a Florida licensed Professional Engineer and shall document the existence of certain facts related to the projected use of the parking facility and its relationship to surrounding rights-of-way and properties. The parking utilization study shall include an inventory of spaces, counts of vehicles parked, the week and day the study will be conducted, the number of days and duration of the study, the time intervals for data collection, and an analysis of the results including, but not limited to, average occupancy, average parking turnover and average parking duration. Prior to the submittal of the parking utilization study, the methodology for conducting the study shall be submitted to the City for review and approval by the City Traffic Engineer.

Response:

124.54(M)(2)(b) Parking survey. The parking survey shall be performed using the "License Plate Check" method in accordance with procedures outlined in the Institute of Transportation Engineers' Manual of Transportation Engineering Studies. Parking occupancy counts shall be performed in 15-minute intervals unless otherwise approved by the City Traffic Engineer. The field data sheets utilized during the parking survey shall be submitted as part of the parking utilization study.

Response:

124.54(M)(3) The Applicant shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the City Commission.

Response:

124.54(M)(4) The maximum waiver permitted shall not exceed 20% of the aggregate required parking including all valid waivers and variances granted on the property.

Response:

124.54(M)(5) The City Commission may require appropriate conditions, stipulations, and safeguards as conditions of granting any waiver. A violation of these conditions, stipulations, and safeguards shall be deemed a violation of the Code.

Response:

124.54(M)(6) A waiver granted pursuant to this section shall no longer be valid upon the termination of the specific use and conditions for which the waiver has been granted, and shall not run with the land.

Response:

124.54(M)(7) Whenever a waiver application has been denied, the City Commission shall not consider any further request for substantially the same waiver on the same part of the same property for a period of 12 months from the date of such action. The above time limit may be waived by an affirmative vote of the City Commission, when the City Commission deems such action necessary due to changed circumstances to prevent an injustice or to facilitate the proper Development of the City based upon evidence provided by the Applicant.

Response:

APPLICANT REPRESENTATIVE AFFIDAVIT

(MUST BE COMPLETED BY PROPERTY OWNER
AND EACH APPLICANT REPRESENTATIVE)

STATE OF FLORIDA
COUNTY OF BROWARD

Before me, the undersigned authority, personally appeared the affiant who, upon first being duly sworn, deposes and says:

(FOR INDIVIDUAL APPLICANTS)

1(a). I am the owner of the property described below, and have submitted the following application to the City of Weston:

Name of Applicant _____

Application for: ❑ Land Use Plan Amendment ❑ Rezoning ❑ Special Exception ❑ Zoning Variance
❑ Site Plan Approval ❑ Site Plan Amendment ❑ Plat Approval ❑ Plat Amendment
❑ Text Amendment

Property Location _____

(FOR ENTITY APPLICANTS)

1(b). I am the _____ *(position)* of _____ *(name of entity "Applicant")* that owns the property described below, and has submitted an application to the City of Weston, and I have the authority to file this affidavit and to bind the Applicant.

Name of Applicant _____

Application for: ❑ Land Use Plan Amendment ❑ Rezoning ❑ Special Exception ❑ Zoning Variance
❑ Site Plan Approval ❑ Site Plan Amendment ❑ Plat Approval ❑ Plat Amendment
❑ Text Amendment

Property Location _____

2. The Applicant acknowledges that Section 125.04(C)(1) of the Land Development Code of the City of Weston requires that any applicant for a development permit must disclose "all persons representing the individual or entity applying for the development permit in connection with the application, including, but not limited to, all attorneys, architects, landscape architects, engineers and lobbyists."

3. The Applicant acknowledges that Section 125.04(C)(2) of the Land Development Code of the City of Weston requires that the Applicant, the property owner, and any person representing the Applicant must disclose "whether it has any Business Relationships with any member of the City Commission or any City Advisory Board, and, if so, disclose the identity of the member with which it has a Business Relationship and the nature of the Business Relationship." *Business Relationship is defined as:*

Business Relationship: a member of the City Commission or a City Advisory Board has a business relationship with a person or an entity if any of the following exist:

a) the member of the City Commission or City Advisory Board has any ownership interest, directly or indirectly, in excess of 1% in the entity; or

b) the member of the City Commission or City Advisory Board is a partner, co-shareholder or joint venturer with the person in any business venture;

c) the entity or person is a client of the member of the City Commission or City Advisory Board, or a client of another professional working from the same office and for the same employer as the member of the City Commission or City Advisory Board;

d) the member of the City Commission or City Advisory Board is a client of the entity or the person;

e) the entity or person is a customer of the member of the City Commission or City Advisory Board (or his/her employer) and transacts more than 5% of the business in a given calendar year of the member of the City Commission or City Advisory Board (or his/her employer) or more than $25,000 of business in a given calendar year; or

f) the member of the City Commission or City Advisory Board is a customer of the entity or the person and transacts more than 5% of the business in a given calendar year of the entity or person or more than $25,000 of business in a given calendar year.

The following is a complete list of the Applicant, the property owner and all persons that will represent the Applicant in connection with the application including, but not limited to, all attorneys, architects, landscape architects, engineers, lobbyists, tenants and/or contract purchasers:

	Name (print)	*Business Relationship*		*Signature*
		*Yes**	*No*	
a)	_____	❑	❑	_____
b)	_____	❑	❑	_____
c)	_____	❑	❑	_____
d)	_____	❑	❑	_____
e)	_____	❑	❑	_____
f)	_____	❑	❑	_____
g)	_____	❑	❑	_____

***** *If yes, then identified person shall fill out a Business Relationship Affidavit*

4. The Applicant agrees that he/she/it will be bound by any statements, representations and promises made in connection with the Application by any of the individuals identified above.

5. The Applicant acknowledges that Section 125.04(C)(3) of the Land Development Code requires this information to be updated "If, at any time prior to City Commission consideration of an application for a development permit, the information contained in any Applicant Representative Affidavit or Business Relationship Affidavit becomes incorrect or incomplete, the person or entity submitting the affidavit must supplement the affidavit and, if the supplementation requires the submission of additional Applicant Representative Affidavits or Business Relationship Affidavits, ensure that such affidavits are also filed." The Applicant further understands that "If any supplementary affidavits are submitted less than fourteen days before the application is scheduled for consideration by the City Commission or any City Advisory Board, the application may be withdrawn by the City Manager, or his designee, and placed on a subsequent agenda."

Further the affiant sayeth naught.

_____
(Signature of Applicant)

_____
(Print Name)

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, 20___, by _____. (Name of person making statement)
Personally known to me _____ or has produced Identification _____, type of identification produced_____.

_____
SIGNATURE OF NOTARY PUBLIC

(NOTARY SEAL HERE)

_____
PRINT, TYPE/STAMP NAME OF NOTARY

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of all applicable costs involved as part of my application process. Section 43.03 of the City Code of Ordinances (attached) requires that the City's costs of administrative and outside fee consultant review and processing of requests, as required or necessitated now or in the future by the City's ordinances, resolutions, policies, or procedures, shall be borne by the person initiating the review request. These costs include, but are not limited to, the various costs relating to the City's administrative and outside fee consultant processing and review of applications, submissions, or requests concerning development, utilization, or improvement of real estate in the City.

Please type or print the following:

Date: _____

Relationship to the project: (property owner, architect, developer, attorney)

_____

Full Name: Mr. /Mrs. /Ms. _____

Current Address:_____City: _____

State:_____ Zip:_____ Telephone Number: _____

Email: _____

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

_____

Signature

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, 20___, by _____ as _____
(Name of person acknowledging) *(Title)*
for _____.
(Company name)

Personally known to me _____ or has produced Identification _____, type of identification produced_____.

(NOTARY SEAL HERE)

_____
SIGNATURE OF NOTARY PUBLIC

_____
PRINT, TYPE/STAMP NAME OF NOTARY