

Substantial Compliance

Miami-Dade County Department of Regulatory and Economic Resources
Development Services Division



Pre-Application

Applicants are encouraged to attend a pre-application meeting prior to filing for a substantial compliance determination. During the pre-application process, you will be given information on the substantial compliance determination and review plans for deficiencies. Should you elect to attend a pre-application, you will need to provide your assigned pre-application number and package that includes the letter indicating you have completed a pre-application meeting. For assistance with scheduling a pre-application meeting, please call 305-375-2640 for more information.

Filing

In Person Applications may be filed in person with the Application Intake Section of the Miami-Dade County Department of Regulatory and Economic Resources, located on the 11th floor of the Stephen P. Clark Center, 111 NW First Street. Appointments are needed to file an application and can be scheduled between 9 a.m. and 3 p.m., Monday - Friday. To schedule an appointment, please call 305-375-2640.

Online Applications may be filed online at https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home First time users will need to create an account. The same information and materials required when filing in person are required to be submitted online.

Appointments

Applicants may meet with Development Services staff prior to filing to obtain information on the administrative modification filing requirements and to go over completed applications and forms. It is important to ensure applications are complete and in order at the time of filing. Appointments are needed for pre-filing meetings and can be scheduled between 9 a.m. and 3 p.m., Monday - Friday. To schedule an appointment, please call 305-375-2842.

File Processing Steps

Applications are reviewed within 21 days of being deemed complete and a deficiency letter or approval letter is prepared. If a deficiency letter is issued, the file will be placed on hold until the applicant addresses outstanding deficiencies. After the initial review, the applicant may modify the requests or plans. After the second resubmittal, additional review fees may be due. *Note: Expedite applications will be reviewed within seven days of being deemed complete.*

Department Reviews

When the application is deemed complete it is distributed to other reviewing agencies who must review the request and provide comments. All agencies are expected to provide written comments within 21 days (seven days for expedite applications) of receipt of the application.

Supporting Documents

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 (Example: If the text of the covenant requires signatures from neighboring property owners, those signatures are required at time of filing).

Advertisement

Notice of approval will be published in The Miami Herald. Any aggrieved person, other than the applicant, may appeal pursuant to Section 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 if the request for Substantial Compliance Determination is denied.

Questions

Applicants with questions related to filing an application, or the public hearing process, should call the Application Intake Section at 305-375-2640. For a more detailed explanation of the Zoning Hearing Procedures, call Voice Response Line at 305-591-7966 and direct dial 1-4-1 (for English) or 2-4-1 (for Spanish), pausing between numbers.

General information on zoning requirements, prior zoning hearing history, Declaration of Restrictions, Unities of Title and related zoning criteria is available at the Zoning Information Section, 11th Floor, Stephen P. Clark Center, 111 NW 1 Street or by calling 305-375-1806 or 305-375-1807.

Applicant's Checklist

The following items must be submitted with any Substantial Compliance application:

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- Pre-application letter and attachments (if applicable).
 - Letter of intent, explaining in detail the request and justify the compliance with the Substantial Compliance procedure. Refer to Section 33-310.1(A)(l) of the code of Miami-Dade County.
 - Application completely filled out and properly executed. (Folio numbers are mandatory).
 - Ownership affidavit(s).
 - 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.
 - 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.
 - One (1) folded standard set of plans as described below and an electronic version in flattened PDF format. Flattened PDFs are documents that do not have mark up or layers of any kind:
 - 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.
 - Zoning Legend: All plans must contain a complete zoning data legend.
 - Site Plans (must show entire property and all dimensions measured to centerline of the streets, sizes and uses of existing and proposed buildings, spacing, setback distances, typical parking spaces, driveway and walkway widths, etc. A complete zoning legend, showing data calculations for the site, must also be shown on the plan).
 - Floor Plans (must identify all rooms, indicate dimensions of each and show internal connectivity).
 - Building Elevations (drawing must show number of stories and height of top of roof, type of window and wall finishes).
 - Landscape Plans (including Landscape Legend and Certificate acknowledging compliance with the Landscape Ordinance). A tree survey is required if the lot contains existing trees and the survey must show the caliper and height of all existing trees.
 - Boundary Survey (signed and sealed required with every application, **not older than 1 year**. Must show all structures, rights-of-way, etc. and any municipal boundary, if any).
 - Legal description [must be accurate; and if lengthy, to be submitted in Microsoft Word format via e-mail, CD or other digital media, in addition to printed (hard) copy.
 - School Checklist - required for all day care centers and schools. In addition, the checklist must also be incorporated into the site plan.
 - Architectural approval letter required from the homeowners' or condominium association.
 - Signage Plans: Show sign detail including sign dimensions, height and setback distance.
 - Application fees, including radius fees – the fees paid at time of filing may not be the total cost of the application. Application fees will be calculated at time of the pre-application (if required), otherwise during a pre-filing appointment. Radius fees for mailing notices to property owners within the radius of the subject property is dependent on the number of actual property owners which is determined by computer. Within 30 days of filing the application an invoice will be generated detailing the radius fee due.
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Substantial Compliance Application

Miami-Dade County Department of Regulatory and Economic Resources
Development Services Division

Expedite

Pre-Application No.: _____

Pre-Application Meeting Date: _____

Date Stamp Received

Applicant Information

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).

FOLIO(S) _____

APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone no.: _____

Fax no.: _____ E-mail: _____

OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone no.: _____

Fax no.: _____ E-mail: _____

CONTACT PERSON/APPLICANT'S REPRESENTATIVE INFORMATION:

Name: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone no.: _____

Fax no.: _____ E-mail: _____

Subject Property Legal Description

Provide complete legal description, i.e., lot, block, subdivision name, plat book and page number, or metes and bounds. Include section, township, and range. 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 electronically in Microsoft Word:

Address or Location of Property

For location, use description such as NE corner of, etc.:

Size of Property

In acres: _____

Contiguous Property

Is contiguous property owned by the subject property owner(s)? no yes If yes, provide complete legal description of said contiguous property.

Date Property Acquired/Leased

acquired leased: _____ (month and year)

Lease term (years): _____

Option to Purchase

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

Present Zoning

Notice of Violation

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

(Pursuant to Section 8CC-7(d) no zoning action may be approved for any named violator with (i) unpaid civil penalties; (ii) unpaid administrative costs of hearing; (iii) unpaid County investigative, enforcement, testing, or monitoring costs; or (iv) unpaid liens, any or all of which are owed to Miami-Dade County pursuant to the provisions of the Code of Miami-Dade County, Florida.)

Development Information	Criteria	Approved plan data	Proposed plan data	Percentage change
Provide approved and proposed plan data and the percentage change for each criteria shown.	Number of buildings on approved plan			
	Number of stories on approved plans			
	Height of approved building			
	Number of Units			
	Lot coverage			
	Floor to area ratio			
	Number of bedrooms			
	Number of parking spaces			
	FAR Transfer between buildings			
	FAR Transfer between phases			

Zoning Action **Zoning Hearing Condition** **Declaration of Restrictions** **Administrative Approval**

Zoning Hearing Condition for which the Substantial Compliance is being sought:

Resolution Number: _____

Declaration of Restrictions/Restrictive Covenant for which Substantial Compliance is being sought:

Declaration of Restrictions Official Record (ORB) Numbers:

Book: _____ Page(s): _____

Date Recorded: _____

Administrative Approval for which the Substantial Compliance is being sought:

Process Number: _____

Design Compliance With Prior Zoning Action

- Explain how the proposed plan 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:

• Is the parking area in the same general location and configuration? Yes No

• Are building setbacks the same or greater distance from the perimeter property lines?
 Yes No

• Are building setbacks decreased for detached single family development; zero lot line, row house, townhouse and cluster development may also be decreased? Yes No

• If the answer is YES, is the decrease the greater of either:

A: The underlying zoning district regulations. Yes No

B: Any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought. Yes No

Design Compliance With Prior Zoning Action (continued)

- Explain how the proposed plan 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:

 - Is the parking area in the same general location and configuration? Yes No
 - Are building setbacks the same or greater distance from the perimeter property lines?
 Yes No
 - Are building setbacks decreased for detached single family development; zero lot line, row house, townhouse and cluster development may also be decreased? Yes No
 - If the answer is YES, is the decrease the greater of either:
 - A:** The underlying zoning district regulations. Yes No
 - B:** Any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought. Yes No
 - Explain how the proposed 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:

 - Are the proposed perimeter walls and/or fences in the same general location and of a comparable type and design as previously approved? Yes No
 - Explain how the elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans:

 - Are the recreational facilities, if shown on plans approved by a prior zoning action, either the same or are converted from one recreational use to another? Yes No
 - Have recreational facilities not shown in the approved plans been added? Yes No
 - Is the proposed sign(s) no greater in size than approved; and is it placed in the same general location on the site as approved by zoning action? Yes No
 - Do the proposed changes 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? Yes No (If yes, a public hearing is required)
 - Are additional outparcels being added? Yes No
 - Does the outparcel building increase the project's total FAR or lot coverage? Yes No
 - Is there a reduction in the total amount of landscaped open space? Yes No
 - Does the number of parking spaces on the site satisfy the requirements of this code and the approved site plan? Yes No
 - Does the slope of any lake for which a modification is requested comply with Section 33-16 and all other applicable provisions of this code? Yes No
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**Comprehensive
Development
Master Plan
(CDMP)
amendment**

Please indicate whether this property was subject to a recent Comprehensive Development Master Plan (CDMP) amendment. If so, please indicate the ordinance number:

**Peak hour trip
generation**

Indicate the estimated peak-hour vehicle trips to be generated by the proposed application:

Substantial Compliance Fee Schedule

Basic Fee Residential	1,467.75	_____
Basic Fee Residential Expedite	2,201.63	_____
Basic fee Non-Residential	2,201.63	_____
Basic fee Non-Residential Expedite	3,302.45	_____

Additional RER fees

DERM	440.00	_____
DERM Expedite	660.00	_____
Platting and Traffic Review	500.00	_____
Platting and Traffic Review Expedite	750.00	_____
Web Document Fee	77.25	_____
	Subtotal	_____

Agency review fees, applies to above

Miami-Dade Fire Rescue (MDFR)	190.00	_____
MDFR. Expedite	285.00	_____
Traffic Plan Review**		_____
Traffic Impact Study Review**	** See Traffic Review Fee Schedule	_____

Total _____

RER and other agency revision fees First revision no charge, payment required for each revision thereafter

Development Services	880.65	_____
DERM	220.00	_____
Platting and Traffic	400.00	_____
MDFR	70.00	_____
Extension fee – applications dormant for 120 days	150.00	_____

All application fees shall be paid in total at the time of filing of the application, and no total fee shall be credited or refunded, except when adjustment is warranted or deemed necessary due to departmental error. A refund of fifty percent (50%) of an original application fee may be refunded upon the withdrawal of an application when the written request for withdrawal is received within 60 days of the date of application. Fees for the Miami-Dade Fire Rescue Dept., Parks, Recreation and Open Spaces, and Transportation and Public Works are non-refundable. In no event however, shall an appellant of a Community Zoning Appeals Board decision be entitled to a refund of the appeal fee.

This form is available online at www.miamidade.gov/zoning/forms.asp

FORM REVISION 2019/3