

# Zoning Hearing

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



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## Pre-Application

Applicants may be required to attend a pre-application meeting prior to filing for a public hearing. During the pre-application process, you will be given information on the zoning hearing process and review plans for deficiencies. At the time of filing a formal zoning application, you will be required to provide your assigned pre-application number and package that includes the letter indicating you have completed a pre-application meeting. **Incomplete applications will be rejected.** Please contact the Development Services Division at 305-375-2640 for more information.

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## 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](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.

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## Appointments

Applicants may meet with a Zoning Analyst prior to filing to obtain information on the hearing process and filing requirements, to go over completed applications and forms, and to review plans. 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 305-375-2640.

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## File Processing Steps

Applications are reviewed within 21 days of being deemed complete and a deficiency letter or a draft advertisement is prepared and is e-mailed to the applicant, who has 10 days to concur that the advertisement accurately reflects the intent of the applicant. If a deficiency letter is issued, the file will be placed on hold until the applicant addresses outstanding deficiencies. After the initial 21-day review, the applicant may modify the requests or plans. The first resubmittal is free and subsequent submittals, may require additional review fees. Applications that are dormant for 120 days will be assessed an extension fee to keep the file active. *Note: Expedite applications will be reviewed within seven days of being deemed complete.*

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## Department Reviews

When the application is deemed complete it is distributed for review to other County agencies. All agencies are expected to provide written comments within 21 days (seven days for expedite applications) of receipt of the application to avoid delays in processing the application.

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## Advertisement and Notices

Within 30 days of filing a Preliminary Notice is mailed to all property owners within the Code-specified radius of the property. This notice advises the neighborhood of what the applicant is proposing and explains their options for supporting or objecting to the proposal, prior to the hearing or at the meeting. Applicants for developmental proposals may decide to contact active Homeowner Associations in the area to inform them of their proposal. Approximately thirty days prior to the hearing date another notice is mailed to the neighbors advising of the hearing date, place and time. Additionally, an advertisement is published in The Miami Herald Neighbors Section. Approximately four weeks prior to the hearing, a final advertisement detailing all requests is published in The Miami Daily Business Review and a sign is posted on the property approximately 3 weeks prior to the hearing. If the sign is missing prior to the hearing date, it is the property owner's responsibility to request the sign be reposted by calling the Agenda Coordinator's Office at 305-375-1244.

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## Before the Hearing

Translators and sign language interpreters are available upon request. Contact the Agenda Coordinator's Office at 305-375-1244 at least 10 days in advance to arrange for this service. Evidence to be considered at the hearing including, expert testimony, economic studies, real estate appraisals and the like must be filed with the Director at least 10 days prior to the hearing.

**At the Hearing**

The Community Zoning Appeals Board (CZAB) for the area in which the property is located or the Board of County Commissioners (BCC), depending on which Board has jurisdiction will hear the application. The applicant or the applicant's attorney must be present at the hearing. At the hearing the applicant or the applicant's attorney will be given an opportunity to explain the proposal and to express any dissatisfaction with the conditions imposed. If anyone other than the applicant or an attorney will be representing the application, a "Power of Attorney" is required to be submitted to the Application Intake Section. Anyone supporting or opposing the application will be given the opportunity to be heard. Any submitted petitions or other documents must be given to the Clerk of the Board and will be kept in the file until final disposition. Applicants may display large exhibits at the hearing but must submit an identical 8½" x 11" duplicate for the file. **PLEASE BE ADVISED – IF YOU ARE BEING REPRESENTED BY A LOBBYIST, THE LOBBYIST MUST BE REGISTERED WITH THE CLERK OF THE BOARD.**

**After the Hearing**

The decision of the Community Zoning Appeals Board is final unless appealed to the Board of County Commissioners within 14 days from the date of posting or filed with the Circuit Court of the 11th Judicial Circuit by an aggrieved party or the applicant within 30 days of the transmittal of the resolution of the Board action to the Clerk of the Board of County Commissioners whichever has jurisdiction. A Resolution of the outcome of the hearing will be prepared and mailed to the applicant. The Resolution will list the requests and the decision on each and will specify any conditions imposed by the Board. Strict compliance with all conditions is required and enforcement of any violations of the Conditions of the Resolution may carry strict fines. The resolution is usually prepared within 15 days of the hearing date.

**DIC/DRI**

When an application involves a large-scale development (e.g., meets the Code specified number of acres, dwelling units, building size, etc.) it is then considered a Development of County Impact and/or a Development of Regional Impact (DRI), requiring review by the Developmental Impact Committee (DIC) and/or the South Florida Regional Planning Council (SFRPC). Developments that require DIC review are subject to the payment of additional fees. A determination whether an application may require such review may be obtained by calling the Developmental Impact Committee Coordinator at 305-375-2640.

**RER-DERM Review**

RER Division of Environmental Resources Management (DERM) reviews all applications for consistency with the requirements of Chapter 24 of the Miami-Dade County Code.

For additional information, please contact the Office of Code Coordination and Public Hearings, at 305-372-6764.

**RER-Platting and Traffic Review**

The Department of Regulatory and Economic Resources (RER) Platting and Traffic Review Section will evaluate the application for platting determination, required roadway improvements, engineering/geometric review of site plan and concurrency.

For additional information, please contact 305-375-2141.

**DPTW-Traffic Engineering**

The Department of Transportation and Public Works Traffic Engineering Section may request a traffic study as part of the review for zoning applications.

For additional information, please contact 305-375-2030.

**Fire Rescue Review**

The Miami-Dade Fire Rescue (MDFR) Department reviews and comments on hearing applications. Call 786-331-4544 to for additional information on the requirements plans reviewed by MDFR.

**Aviation Review**

The Miami-Dade Aviation (MDAD) Department reviews and comments on hearing applications located within certain areas of all airports located in Miami-Dade County. Additional fees will be assessed for applications exceeding certain height thresholds. Call 305-876-8080 for information on height thresholds.

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**Parks, Recreation and Open Spaces**

Parks, Recreation and Open Spaces and comments on hearing applications. For additional information, please contact 305-755-7997.

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**Wireless Supported Service Facilities (Telecommunication Towers)**

Telecommunication Towers require additional information to be submitted with the hearing application as referenced in Section 33-311(A)(3) and 33-311(A)(18), including, but not limited to, the purpose for the proposed wireless supported service facility; height of antenna radiation center; up and down link power budget; etc. The applicant shall reimburse the department for fees charged for independent verification of the factual data relied upon by the applicant.

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**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 305-75-1806 or 305-375-1807.

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# Applicant's Checklist

The following items must be submitted with any zoning hearing application:

- Pre-application letter and attachments (if applicable).
- Letter of Intent, detailing what is being requested and why the request(s) should be approved. If you are seeking a reasonable accommodation under the Americans with Disabilities Act or the Fair Housing Act, you may indicate this in your letter of intent.
- Application filled out completely 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.
- Photographs of the property, including structures that may be the subject of the hearing.
- 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 to 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).
- Liquor Survey showing all religious facilities, public school and other alcohol uses within required radius.
- Special Purpose survey for spacing radius of group homes and other similar uses (radius to be determined).
- Lake Excavation Plans (prepared and sealed by a Florida surveyor or engineer, showing perimeter dimensions, deep cut line, cross sections and slope descriptions).
- 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.
- An architectural approval letter (if required) from the homeowners' or condominium association for site plan changes for properties zoned RU-RH, RU-TH and cluster developments.
- 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 Code specified 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.

# Zoning Hearing 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).

PROPERTY 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. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly identify each legal description. If lengthy, legal description is required to be submitted in Microsoft Word via email or other digital media.

**Subject Property  
Legal Description  
(continued)**

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

**Address or  
Location of  
Property**

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

**Size of Property**

In acres: \_\_\_\_\_

**Date Property  
Acquired/Leased**

acquired  leased: \_\_\_\_\_ (month and year)  
Lease term (years): \_\_\_\_\_

**Contiguous  
Property**

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

**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**

\_\_\_\_\_

**Application  
Requests**

District Boundary(zone) Changes [Zone(s) requested]: \_\_\_\_\_  
 Unusual Use: \_\_\_\_\_  
 Use Variance: \_\_\_\_\_  
 Non-Use Variance: \_\_\_\_\_  
 Alternative Site Development Option: \_\_\_\_\_  
 Special Exception: \_\_\_\_\_  
 Modification of Previous Resolution/Plan [provide resolution number(s)]: \_\_\_\_\_  
\_\_\_\_\_  
 Modification of Declaration or Covenant [provide recording book(s) and page]: \_\_\_\_\_  
\_\_\_\_\_



**Development Proposed**

**If applicable:**

Area of building(s) for non-residential uses: \_\_\_\_\_ square feet

Proposed residential units **OR** for application without a site plan, units permitted by the requested zoning district \_\_\_\_\_ (total number of units).

**Residential unit type(s):**

Single-Family Detached \_\_\_\_\_  Single-Family Attached \_\_\_\_\_

Multi-Family \_\_\_\_\_

**Recent Public Hearing**

Has a public hearing been held on this property within the last one and one-half years? no  yes .

If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

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

**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.)**

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

**Describe Structures on the property**

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

**Existing Use**

Is there an existing use on the property? no  yes . If yes, what use and when was it established?

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

**Comprehensive Development Master Plan (CDMP) amendment**

Please indicate whether this property was subject to a recent Comprehensive Development Master Plan 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:

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

# Acknowledgement by Applicant

1. RER Platting and Traffic Review Section, RER Division 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 Platting and Traffic 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. Applicable 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 Development Master Plan (CDMP) should not be approved by a zoning board and the recommendation will be for denial or deferral. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved. I also understand that I will not be reimbursed any fees paid unless I withdraw within 60 days of filing and then I will receive a 50% refund.
5. Any covenant to be proffered must be submitted to the Department on County forms, 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. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Department must carry a cover letter indicating subject matter, application number and hearing date.

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Sworn to and subscribed to before me on the

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
(Applicant's Signature)

Affiant is personally known to me or has produced \_\_\_\_\_  
\_\_\_\_\_ as identification

\_\_\_\_\_  
(Print Name of Applicant)

\_\_\_\_\_  
Notary Public

Commission expires: \_\_\_\_\_ Print Name: \_\_\_\_\_

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## Zoning Hearing Fee Schedule

### I. Public Hearing fees for those items not listed in II through VI below

Basic fee		1,100.81	_____
Basic fee Expedite		1,651.22	_____
Basic fee (Violation)		2,201.63	_____
Basic fee (Violation) Expedite		3,302.45	_____
Size of Property Residential	per 10 acres or portion thereof	733.88	_____
Size of Property Non-Residential	per 10 acres or portion thereof	880.65	_____
Size of Building Non-Residential	per 5,000 sq. ft. or portion thereof	293.55	_____
Number of Units Residential	per 15 units or portion thereof	366.94	_____
Site Plan Review Residential		1,467.75	_____
Site Plan Review Residential Expedite		2,201.63	_____
Site Plan Review Non-Residential		2,201.63	_____
Site Plan Review Non-Residential Expedite		3,302.45	_____
Residential Non-Use Variance(s) or Alternative Site Development Option (ASDO)		733.38	_____
Commercial Non-Use Variance(s) or Alternative Site Development Option (ASDO)		1,467.75	_____
Modification/Deletion		1,467.50	_____
Unusual Use		2,935.50	_____
Special Exception		2,935.50	_____
Zone Change to AU/GU/RU-1/RU-1M(a)/RU-1M(b)/RU-2/RU-1Z/EU		1,467.75	_____
Zone Change to RU-TH/Multi-family/PAD		2,201.63	_____
Zone Change to RU-5/RU-5A/OPD		2,935.50	_____
Zone Change to BU		4,403.25	_____
Zone Change to IU		3,669.38	_____
Use Variance for uses permitted in: AU/GU/RU1(a)(b)/RU2/RU1Z/EU		2,201.63	_____
Use Variance for uses permitted in RU-TH/Multi-family/PAD		3,669.38	_____
Use Variance for uses permitted in RU-5/RU-5A/OPD		5,137.13	_____
Use Variance for uses permitted in BU		5,137.13	_____
Use Variance for uses permitted in IU		4,403.25	_____

### II. Non-Use Variance (Residential/One Lot)

Fee		1,614.53	_____
Fee Expedite (Violation)		2421.80 1,908.08	_____ _____
Violation Expedite		2862.12	_____

### III. Mobile Home (Trailer) as a Watchman's Quarters

Unusual Use (or extension to previous approval) (Violation)		1,614.53 1,908.08	_____ _____
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**Zoning Hearing Fee Schedule (continued)**

**IV. Private Schools (except Public Charter Schools), Houses of Worship, Congregate Living Facilities, Nursing Homes and Convalescent Homes**

Fee	2,935.50	_____
(Violation)	3,669.38	_____

**V. Lake Excavation**

Lake Excavation: Unusual Use	733.88	_____
(Violation)	1,078.80	_____
Site plan review	1,100.81	_____
Size of lake	per 10 acres of water surface area or portion thereof	308.23

**VI. Non-Use Variance – Signs**

Non-Use Variance – Signs	2,201.63	_____
(Violation)	2,935.50	_____

**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	77.25	_____
7.5% Surcharge		_____
	<b>Subtotal</b>	_____

**Agency review fees, applies to all applications**

Miami Dade Fire Rescue (MDFR).	190.00	_____
MDFR. Expedite	285.00	_____
Parks, Recreation and Open Spaces (PROS) Residential Review	up to 49 units	125.00
	from 50-250 units	375.00
	more than 250 units	625.00
PROS Residential Review Expedite	up to 49 units	187.50
	from 50-250 units	562.50
	more than 250 units	937.50
PROS Review-Non-Residential	250.00	_____
PROS Review-Non-Residential Expedite	375.00	_____
Traffic Plan Review**		_____
Traffic Impact Study Review**		_____
Traffic School Review**	** See Traffic Review Fee Schedule	_____

**Total** \_\_\_\_\_

**Additional radius fees will be determined and billed separately for those hearings requiring mailed notices.**

**Zoning Hearing Fee Schedule (continued)**

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

Zoning	880.65	_____
Zoning if plans submitted 30 days or less prior to hearing	1,174.20	_____
DERM	220.00	_____
Platting and Traffic	400.00	_____
MDFR	70.00	_____
PROS non-residential	150.00	_____
PROS non-residential expedite	187.50	_____
<b>Extension fee</b> – 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](http://www.miamidade.gov/zoning/forms.asp)

FORM REVISION 2019/3