



**CITY OF SOUTH MIAMI
PLANNING BOARD
PUBLIC HEARING APPLICATION
FOR SPECIAL EXCEPTION PERMIT
(HOMETOWN DISTRICT AND TODD DISTRICT)**

Dear Applicant:

All requests to waive strict compliance (Special Exception) with the provisions of the Hometown District Overlay Zone (HD-OV/Section 20-7) must submit an application for public hearing as required by Section 20-7.52(A) **Procedures for Special Exceptions** (attached). All developments within a Transit Oriented Development District which are located on sites over 40,000 square feet must submit an application for public hearing as required by Section 20-8.9 **Special Exceptions** (attached)

Please, review the procedures for this application on the following pages and comply with all requirements as listed in the summary sheets attached. A complete application must be submitted before noon on the deadline date in order to be included on the agenda for the scheduled Planning Board meeting. An incomplete submission will not be processed.

All requests for a SPECIAL EXCEPTION PERMIT shall be initiated by the filing of a complete application with the Planning & Zoning Department, City of South Miami. Applications shall be executed and sworn to by the owners of at least seventy-five (75%) percent of the property described in the application, or their duly authorized agents, which agency shall be evidenced by a written power of attorney properly sworn to.

All applications for Special Exceptions in the Hometown District must include the exhibits and information listed in Section 20-7.3(B) **Application For Development Permits** (attached) and Section 20-7.4, Site **Plan Requirements** (attached) of the Land Development Code. A special exception application will be subject to the criteria and standards contained in Section 20-7.51 **Special Exceptions**. All applications for a Special Exception in a TODD zoning district shall submit an application as set forth in the special use permit process set forth in Section 20-5.5 and Section 20-5.8.

The Department upon submission of a complete application is required to make a recommendation to the Planning Board. As an independent, advisory body, the Planning Board will make a motion to (1) recommend approval, (2) recommend approval with modifications, or (3) recommend denial of the application, to the City Commission.

The Planning Board action is not final. The applicant must appear before the City Commission for final approval or denial of the request. The City Clerk will schedule the applicant's request on the agenda for a City Commission meeting approximately three weeks after the Planning Board meeting and will so notify the applicant.

ATTACHMENTS:

Special Exception Permit Procedures
LDC Sections 20-7.52; 20-7.3; 20-7.4; 20-7.51; Section 20-8.9
Public hearing application
Planning Board Schedule
Lobbyist Registration Forms

SPECIAL EXCEPTION PERMIT PROCEDURE

1. A preliminary meeting will occur between the Applicant and the Planning & Zoning Department to analyze the request.
2. The Applicant must file a complete application with the Department. At the time of filing, the Applicant must submit the following:
 - **Letter of intent**
 - **Proof of ownership or letter from owner**
 - **Current, official survey of the property, signed and sealed by a Registered Surveyor**
 - **Site plan, which specifies that the project meets all other code requirements**
 - **Fee: \$3,000**
 - **Public notice mailing labels, affidavit, and map as described below (#3)**
 - **Public notice letter, affidavit, mail receipts, as described below(see # 4)**
 - **Additional submission items as may be required pursuant to Section 20-7.52(B)**

ALL APPLICATIONS: \$3,000⁰⁰ & \$2,000⁰⁰ Cost Recovery Fee

3. The applicant must submit three (3) sets of mailing labels containing the name and addresses of all property owners of record (as listed in the Miami-Dade County Property Appraiser's updated tax roll) within a 500-ft. radius of the property which is the subject of the public hearing. The applicant shall provide a sworn affidavit attesting to the validity of the mailing list. A location map showing the proposed site and all properties within the 500ft radius must also be submitted.
4. A notarized affidavit shall be presented to the Planning and Zoning Department within five (5) business days of submittal of an accepted application, attesting that the applicant gave notice of the proposed application to all the property owners within the noted five hundred (500) foot radius by regular U.S. mail with the exception of the abutting, or contiguous, property owners, who shall be made aware via Certified Mail. The affidavit shall be accompanied by a copy of the notification letter together with copies of the Certified Mail receipts.
5. The Department will advertise legal notice in a local newspaper at least ten calendar days prior to the Public Hearing by the Planning Board in accordance with the City Code.
6. The Department will post the Applicant's property with a sign ten days prior to the Public Hearing by the Planning Board. **THE APPLICANT MAY REMOVE THIS SIGN ONLY AFTER FINAL CITY COMMISSION PUBLIC HEARING AND DECISION.**
7. The Department will prepare a Notice of Hearing with an accompanying map. The Department will mail a copy of the notice and the accompanying map to the property owners as shown on the submitted list ten days prior to the hearing.
8. The Department will prepare a staff report for submission to the Planning Board.
9. The Applicant must appear before the Planning Board on the night of the Public Hearing. The Planning Board will make a recommendation on the application to the City Commission. Planning Board review is not final approval or denial. The applicant must appear before the City Commission for final approval or denial

10. The Department will submit the recommendation of the Planning Board to the City Clerk.
11. The petition will be advertised and scheduled as an item on the agenda of the City Commission by the City Clerk, approximately three weeks after the Planning Board meeting.
12. The applicant must appear before the City Commission on the night of the scheduled commission meeting in order to obtain final approval or denial of the request.



COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of all applicable fees involved as part of my application process. City ordinance 21-14-2199 (attached) requires that the actual costs for reviews of applications to the City will be passed on to the applicant. These fees include but are not limited to: staff time, attorney fees, consultant fees, document preparation, regardless of the outcome of the review.

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

SWORN AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____

Notary Public, State of Florida at Large

My Commission expires _____, 20____.

ORDINANCE NO. 21-14-2199

An Ordinance of the City of South Miami, Florida, amending Section 2-7, Administrative department; functions and duties; creating a cost recovery administrative program.

WHEREAS, the City Administration has conducted a review of costs incurred by the City for the review of development applications and for other City functions and transactions; and

WHEREAS, the City Administration finds that existing fee schedules do not fully cover the City's costs in the administration and review of applications and requests; and

WHEREAS, the City Administration finds that it is in the best interests of the City for the City to recover the costs for services relating to the review of development applications and other transactions with the City from those persons deriving the benefit of the review and/or of the transaction, as provided herein; and

WHEREAS, the City Administration finds that adoption of these regulations is in the best interest and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. Section 2-7 of the City of South Miami Code of Ordinances is hereby amended to read as follows:

Section 2-7. Administration department; functions and duties.

iii The administration department shall operate directly under the supervision of the city manager and shall consist of the following divisions and duties:

* * * *

iii Cost recovery administrative program.

00 Intent. The intent of this Ordinance is to provide for a procedure for the recovery of costs related to the review required by the City's Land Development Code and/or except as otherwise specified below. Other City Code provisions, so that those persons or entities, who apply for or request the City's review and/or approval. Will be the ones who bear the costs of review and/or approval.

@ Applicability of provisions. The cost recovery required herein shall not apply to applications or transactions that are originally initiated by or on behalf of the City.

iii Cost recovery. The cost recovery administrative program is hereby created as follows:

ill To the extent that any application for review and/or approval by the City under the City's Land Development Code or, except as otherwise specified below, other City Code provisions which require review by City staff, City contractors, agents or consultants, the actual costs for such review shall be passed on to the applicant. Costs for the City Attorney and/or any other outside contractors, agents or consultants of the City shall be charged to the applicant in an amount equal to the actual hourly rate charged to the City.

.(ill Fees charged by Miami-Dade County to process building permits and other development applications on the behalf of the City shall not be affected by this provision.

(iii) Unless prohibited by law, in circumstances in which the City prepares closing papers, deeds, or other documents in conjunction with matters in which the City holds a lien and is requested to subordinate its position, the City shall charge the applicant a reasonable fee, as determined by the City Manager, in an amount equal to the actual costs incurred by the City for the preparation of such documents.

(iv) Application fees for public hearings and other items involving City action or review shall be as set forth in the City's adopted fee schedule, as amended.

Section 2. Codification. The provisions of this ordinance shall become and be made part of the Code of Ordinances of the City of South Miami as amended; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

Section 3. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, this holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. Ordinances in conflict. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

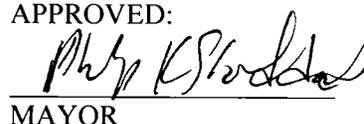
Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption.

PASSED AND ENACTED this 16th day of September 2014.

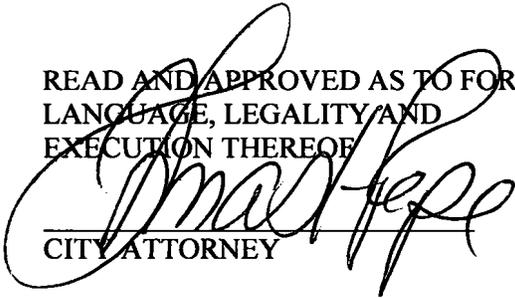
ATTEST:


CITY CLERK

APPROVED:


MAYOR

READ AND APPROVED AS TO FORM
LANGUAGE, LEGALITY AND
EXECUTION THEREOF



Mark T. Pepp

CITY ATTORNEY

COMMISSION VOTE: 5-0

Mayor Stoddard: Yea

Vice Mayor: Harris Yea Commissioner Liebman: Yea Commissioner Welsh: Yea Commissioner
Edmond Yea



Office of the City Clerk
6130 Sunset Drive
South Miami, FL 33143

ANNUAL LOBBYIST REGISTRATION

Section 8A-5 – Code of City of South Miami, Florida

All lobbying activity is prohibited unless the registration is filed with the Clerk at least 3:00 p.m. on the day before engaging in lobbying activity

A SEPARATE REGISTRATION IS REQUIRED FOR EACH PRINCIPAL TO BE REPRESENTED

Please Type or Print in Ink

Date: _____/_____/_____

Last Name First Name Middle

Business/Firm Name/Address Street

City State Zip

Note: It is the responsibility of the lobbyist to notify the City Clerk of any changes in address.

Business Phone Fax E-Mail

If you are representing any of the following persons or entities, check the box in front of same: Not-for-Profit Agency, Certified Level 1 C.S.B.E., Certified Micro Enterprise, Certified Tier 1 Community Business Enterprise . If you are the principal of the Principal [see definition in note below], and are only appearing as a representative of the Principal without special compensation or reimbursement for the appearance, whether direct, indirect or contingent check the following box

If you are representing an individual without compensation for your services for non-commercial purposes, check the following box

No registration fee is required for any lobbyist who has checked any of these categories for representation of that person or entity.

As to any business, financial, familial, professional or other relationship with the mayor, any city commissioner, or personnel who is sought to be lobbied, state the name of the person and describe the relationship here: _____

Note: The word “Principal” with a capital “P” is the person seeking to influence a decision, etc. The word “principal” with a lower case “p” is the representative/lobbyist for the Principal who has control over, or authority to act for, the Principal. A “principal” includes the President of a corporation. (RQO 10-09), the Owner, president or chief shareholder of a corporation or an individual who has been designated or who has the apparent authority to make final decisions on behalf of the corporate entity. (RQO 10-09) or a member of the corporate board who has been appointed by the corporation to serve as its representative during negotiations. (RQO 08-41). However, a chief financial officer is not a principal if his normal scope of employment does not include lobbying activities. (RQO 08-41) and if so he is an employee exempt from registering.

THE CLERK SHALL REJECT ANY STATEMENT WHICH DOES NOT DETAIL THE ISSUE ON WHICH THE LOBBYIST HAS BEEN EMPLOYED.

ANNUAL LOBBYIST REGISTRATION

Page 2

Please Type or Print in Ink in the column below

What is the Principal's Name	
Who is the Principal's Contact Person	
What is the Principal's Trade Name	
What is the Principal's Mailing Address	
If the Principal is a legal entity, what type of entity is it, i.e., corporation, partnership, trust, LLC, etc.	
Names of all chief officers, managing members, partners and trustees of Principal	
What is the Principal's telephone number	
What is the name of all persons or entities who, directly or indirectly, have a 5% or more ownership interest in the Principal.	

Provide the following information for all of the Principal's Lobbyists who are to be representing the Principal on the issue(s) described in this lobbyist Registration Form. If you need additional space type the information on a separate sheet and attach to this Registration Form.

Type the name and date of employment of each Lobbyist below		Type the address [see note 2 below], phone # and issue for each lobbyist below		
Name	Date	Address	Telephone #	Type the issue to be lobbied below

Note 1 On or before July 1st of each year, every lobbyist must file an expenditure statement with the City Clerk for the preceding calendar year, regardless of the level of activity of the lobbyist, and whether or not the lobbyist has incurred any expenses during the reporting period.

Note 2: It is the responsibility of the lobbyist and the Principal to notify the City Clerk of any changes in address

Legislative Issue Information [] Please check in the foregoing box if the lobbyist is employed for a specific issue and identify, below, the name of each elected or appointed official, city department head, City personnel, member of any agency, board, committee or task forces or anyone else who you will be lobbying and beside each name identify the issue to be lobbied with that person: _____
 If you need additional space, type or print the information on a separate sheet and attach to this Registration Form.

WARNING: Pursuant to Section 2-11.1(s)(9) of the Code of Miami-Dade County, misrepresentation of any facts on this form may subject the person signing this form to be prohibited from lobbying any of the City Personnel, including appointed and elected officials, department heads and members of any agency, board or committee for a period up to five years.

ANNUAL LOBBYIST REGISTRATION

Page 3

AFFIDAVIT OF PRINCIPAL

I, _____ as principal of _____,
Name of principal (please print) Entity's Name (please print)

do solemnly swear or affirm under penalty of perjury that all facts contained on this Annual Lobbyist Registration form are true and correct; that I have read and am familiar with the provisions contained in Sec. 8A-5 of Chapter 8A of the City of South Miami's Code of Ordinances, and Sec. 2-11.1(a) of the Miami-Dade County Code and that I have not offered a contingency fee or success fee as defined in Section 2-11.1(s)(7) of the Miami-Dade Code, to any of the lobbyists named below.

Signature of Principal

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 20____.

By _____ who is personally known _____ or produced identification _____ Type of Identification Produced _____.

My Commission expires:
(Notary Seal)

Signature of Notary

AFFIDAVIT OF LOBBYIST

I, _____ as lobbyist for _____,
Name of lobbyist (please print) Principal's Name (please print)

do solemnly swear or affirm under penalty of perjury that all facts contained on this Annual Lobbyist Registration form are true and correct; that I have read and am familiar with the provisions contained in Sec. 8A-5 of Chapter 8A of the City of South Miami's Code of Ordinances, and Sec. 2-11.1(a) of the Miami-Dade County Code and that I have not received or been offered a contingency fee or success fee as defined in Section 2-11.1(s)(7) of the Miami-Dade Code, to any of the lobbyists named below.

Signature of Lobbyist

State of _____ County of _____

Sworn to and subscribed before me this _____ day of _____, 20____.

By _____ who is personally known _____ or produced identification _____ Type of Identification Produced _____.

My Commission expires:
(Notary Seal)

Signature of Notary

For Office Use Only:

Annual Registration Fee: \$500.00 Oct. 1 – Sept 30

Fee Paid: [] Yes [] No [] Cash [] Check [] Visa [] Mastercard [] American Express

20-7.3 - Review procedure.

- (A) *Pre-Application Conference.* All applicants filing an application for a development permit (ADP) within the Hometown District shall first attend a meeting with the director of building, zoning and community development or other designated official (director) to discuss and analyze the proposed application in a non-binding forum.
- (B) *Application for Development Permit.* The contents of an ADP shall be as provided in Chapter 20 of the Code, except that all such application shall include the following items:
 - (1) Application Form: completed, signed, and notarized.
 - (2) Surveys: Two (2) signed and sealed surveys, showing existing structures, boundaries, rights-of-way and easements of record.
 - (3) Fee: Assessed per fee schedule at time application is filed.
 - (4) Site Plan: Three (3) copies of the site plan (see site plan requirements).
 - (5) Building Elevation Drawings: Three (3) copies of the drawings. Building elevations may be schematic in nature, but shall be drawn to scale, be properly dimensioned, and shall indicate proposed building materials and exterior surfaces and finishes. All drawings shall demonstrate treatment of required elements.
- (C) *Completeness.* ADP shall be reviewed for completeness per Section 20-5.4 of the Code.
- (D) *Review.* A complete ADP shall be reviewed by the Director. If the ADP is determined to be in conformance with the Hometown District Standards, the application shall be processed for approval pursuant to the applicable provisions of the Code and the development permit issued by the director without further review by the planning board, ERPB or the city commission.
- (E) *ADP Not Conforming to HD Standards.* If the ADP includes a use that requires approval as a special use, or if the ADP does not conform to the Hometown District Standards (other than nonconformance with the Architectural Standards), the application shall be processed as provided in Sections 20-5.5 through 5.9, as appropriate.
- (F) *ADP Not Conforming to HD Architectural Standards.* ADPs not conforming to the Architectural Standards shall be reviewed by the ERPB pursuant to the site plan review process established in Section 20-5.11 of the Code.
- (G) *Established Nonconforming Uses.* The provisions of Sections 20-3.3(B) and 20-4.8 shall apply to established nonconforming uses within the HD boundaries.

(Ord. No. 19-93-1545, § 1, 10-19-93)

20-7.4 - Site plan requirements.

The site plan shall indicate the footprint of the building(s), building entrances, locations of porches, balconies, colonnades and arcades, driveways or parking surfaces, the locations for fences or garden walls, and landscaping (landscaping plan may be a separate drawing). All landscaping shall conform to the landscaping requirements pursuant to Section 20-4.5, City of South Miami Land Development Code. The site plan shall also contain the following information:

- (A) The names of the owner of the property, architect, landscape architect, engineer, and developer or contractor;
- (B) The north arrow, scale, and date;
- (C) Legal description of the site, plus folio number and address if available;
- (D) Location sketch and type of street classification;

- (E) Site boundaries clearly identified and dimensioned;
- (F) Existing features (trees, water, structures) including topography;
- (G) All rights-of-way, dedications, easements, property lines, existing streets, buildings, and other existing physical features in or adjoining the project;
- (H) The location and dimensions of build-to and setback lines;
- (I) The location, dimensions and character of construction of proposed curb cuts, building entrances and exits, loading areas (including numbers of parking and loading spaces), outdoor lighting systems;
- (J) Locations of and dimensions of all proposed buildings, excavations, and structures to lot lines and to each other;
- (K) The location and dimension of all pedestrian walkways and sidewalks;
- (L) Sewer and water feeds indicating location and sizing; and
- (M) The following computations: (a) total acreage; (b) number of dwelling units and density, and retail and office use square footages; (c) total lot coverage; (d) total open yard space; (e) number of parking spaces; (f) percentage of built lot frontage.
- (N) Existing and proposed location of all utility lines both above and below ground.

20-7.51 - Special exception.

- (A) The city commission may, by special exception, waive strict compliance with the provisions of the Hometown District Overlay Ordinance [this article]. In granting a special exception, the city commission must find by substantial competent evidence that:
 - (1) The proposed development contributes to, promotes and encourages the improvement of the Hometown District and catalyzes other development as envisioned in the Hometown District regulations.
 - (2) The proposed development is compatible with the land uses and development intensities prescribed by all applicable city regulations.
 - (3) The proposed development must possess integrity of design compatible with the design criteria established for the Hometown District and with the overall image of the city.
 - (4) The proposed development shall be designed in a manner that provides for effective management of traffic (vehicular and pedestrian), parking, lighting, noise and waste generated by the development, and management of the impacts of the development on public facilities and services.
 - (5) The proposed development does not expand the permitted uses within the Hometown District.
 - (6) The proposed development will not have an unfavorable effect on the economy of the City of South Miami.
 - (7) The proposed development, when considered cumulatively with other development, both present and future, within the Hometown District, will not create excessive overcrowding or concentration of people or population.
- (B) The city commission, in granting any special exception, may prescribe any reasonable conditions, restrictions, and limitations it deems necessary or desirable, in order to preserve and promote the intent of the Hometown District Overlay Ordinance.
- (C) Special exceptions, if granted, shall be valid only for the specific design shown in the plans and exhibits submitted as part of the special exception application, as provided in Section 20-7.52 of this Code. All deviations from the requirements of the Hometown District Overlay Ordinance incorporated within and reflected on the site plan and exhibits shall be considered a part of the application. Approval of the site plan and exhibits by the city commission shall constitute approval of the nonuse

deviations identified on the site plan and exhibits unless the city commission approves a motion to the contrary. No further individual or separate application for deviations approved by the city commission shall be required. If the applicant wishes to make material changes to the design subsequent to receiving a special exception, the applicant must apply for a new special exception following the procedure set forth herein.

- (D) Special exceptions, if granted, shall be valid if, new construction commences within eighteen (18) months from the date of final approval and is substantially completed within two (2) years from the date of issuance of the first building permit. The time for substantial completion may be extended by the city commission upon application filed prior to the expiration of the substantial completion period and upon demonstration of good cause.

(Ord. No. 19-94-1569, § 1, 11-1-94; Ord. No. 02-11-2075, § 1, 1-4-11)

20-7.52 - Procedure for special exception.

- (A) Special exceptions under Ordinance No. 19-94-1569 [Sections 20-7.51, 20-7.52] may be granted only after a minimum of two (2) public hearings. The first public hearing shall be before the planning board, at which time the planning board shall review the project and provide to the city commission an advisory recommendation regarding approval, approval with conditions, or disapproval. The second public hearing shall be held before the city commission and shall be held no sooner than seven (7) calendar days following the planning board hearing. Public notice requirements, as specified in Section 20-5.5(C) and (G), Applications requiring public hearings, shall be followed.
- (B) Requests for special exceptions under Ordinance No. 19-94-1569 [Sections 20-7.51, 20-7.52] shall be in a form acceptable to the city manager and shall include each exhibit required per Section 20-7.3(B), Application for Development Permit, and per Section 20-7.4, Site Plan Requirements. In addition, the city commission, at its discretion, may require additional exhibits and may defer approval of the special exception application or schedule an additional public hearing or hearings to review those exhibits.
- (C) The city manager shall have authority to require additional review and approval by the environmental review and preservation board for developments involving special exception, which review shall follow the procedure set forth in Section 20-5.11 of this Code.
- (D) The city commission may grant a special exception upon four (4) affirmative votes of its members.

(Ord. No. 19-94-1569, § 1, 11-1-94)