

Development Services Department
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Miami Gardens, Florida 33169
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www.miamigardens-fl.gov



Office Use Only

Date Received: _____

Process No. _____

SUBSTANTIAL COMPLIANCE DETERMINATION AND ADMINISTRATIVE MODIFICATION APPLICATION

TYPE OF APPLICATION (check all that apply):

Substantial Compliance

Administrative Modification/Release of Condition/Covenant

APPLICANT INFORMATION:

APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Name of Applicant:

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone#: _____ E-mail: _____

OWNER INFORMATION:

OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

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

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone#: _____ E-mail: _____

DULY APPOINTED AGENT INFORMATION:

CONTACT PERSON, MAILING ADDRESS, TELEPHONE NUMBER:

Contact Name: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone#: _____ E-mail: _____

PREVIOUS APPROVALS:

Previously approvals (list all previous approvals that substantial compliance or administrative modification is being sought):

date approved: _____

date approved: _____

SUBMITTAL CHECKLIST

<u>Required</u>	<u>Provided</u>	<u>Description</u>
<input type="checkbox"/>	<input type="checkbox"/>	Application – original application <u>completely</u> filled out and properly executed.
<input type="checkbox"/>	<input type="checkbox"/>	Justification for Substantial Compliance Determination – letter providing the provisions of section 2-230(C) that support your substantial compliance request; and how the development meets the criteria to be in substantial compliance; provide any supplemental and supportive documentation that supports your claim.
<input type="checkbox"/>	<input type="checkbox"/>	Justification for Administrative Modification Determination – letter providing the provisions of section 2-130(E) that support your administrative modification request; provide any supplemental and supportive documentation that supports your claim.
<input type="checkbox"/>	<input type="checkbox"/>	Previous approvals – provide one (1) copy of evidence of previous approval(s) of which the administrative modification is being sought; include copy of any previously plans; include one (1) PDF version of all documents.
<input type="checkbox"/>	<input type="checkbox"/>	Applicant Affidavit – fully executed. See enclosed.
<input type="checkbox"/>	<input type="checkbox"/>	Fees: See fee schedule below

FEE SCHEDULE

<u>Description</u>	<u>Fee</u>	<u>Applicable</u>
Z410 Substantial Compliance – single family, duplex, townhouse, multi-family	\$1,500.00	<input type="checkbox"/>
Z411 Substantial Compliance - (non-residential/mixed use/all other)	\$3,840.00	<input type="checkbox"/>
Z412 Substantial Compliance plans revisions	\$ 1,152.00	<input type="checkbox"/>
Z501 Additional fee for site plan modifications	\$2,304.00	<input type="checkbox"/>
Z505 Administrative Modification request	\$2,304.00	<input type="checkbox"/>
15% surcharge		<input type="checkbox"/>
<u>Total</u>	Total Due	<input type="checkbox"/>

NOTE: Please make all checks payable to 'City of Miami Gardens' / Cash, Credit or Debit accepted

APPLICANT AFFIDAVIT

PROPERTY OWNER

(I)(WE), being first duly sworn, depose and say that (I am) (we are) the owner, duly authorized to sign on behalf of the property owner, of the property herein described and which is the subject matter of the proposed application. (I)(WE) certify that all the forgoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

And,
 (I) (WE) hereby authorize _____, as the contractor , applicant or contact person to submit and obtain the necessary permit(s).

Property Owner Signature: _____ Print Name: _____
 Sworn to and subscribed before me on the _____ day of _____, 20____.

Personally known to me Produced Identification Type of Identification _____

Notary

(Stamp/Seal)

Commission Expires:

EXCERPTS FROM CHAPTER 34-63

Sec. 34-63 – Substantial compliance determination.

(a)

Applicability, substantial compliance. Where there has been a final development order issued any modification, deletion, amendment or revision to the development order as it impacts the approved plans, declaration of restrictive covenants, or any other condition of approval an applicant may request a substantial compliance determination of which, if granted shall not require the modification, deletion, amendment, or revision to be granted as otherwise required in this chapter.

(b)

Application substantial compliance determination. Prior to any modification, deletion, amendment or revision to the final development order as it impacts the approved plans, declaration of restrictive covenant, or any other conditions of approval an applicant may file an application in a form approved by the administrative official for a substantial compliance determination. The application shall be accompanied by a fee, and contain a statement as to the basis upon which the substantial determination are asserted together with documentation required by the city and other documentary evidence supporting the claim. The administrative official shall review the application and based upon the evidence submitted and the review criteria set forth in this section shall make a determination within 30 days as to whether the request is substantial in compliance with the original approval.

(c)

Criteria for review of substantial compliance determination request. Upon direct application in specific cases for a substantial compliance determination the administrative official may grant approval, approval with conditions, or deny the request after consideration of the following:

(1)

The requests is consistent with the basic intent and purpose of the land development, subdivision and other regulations set forth in this chapter, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community. The request will not be detrimental to the community;

(2)

The request will have a significant adverse effect upon the value of properties in the immediate vicinity;

(3)

The requests changes the community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;

(4)

The requested increases the density, massing, intensity F.A.R. or height, or decreases the dimensional requirements or numerical requirements, or changes the use of the subject property that it represents an obvious and significant departure from the original approval and/or the established development pattern of the immediate vicinity which will have a deleterious effect on its community character;

(5)

The request may result in a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;

(6)

The request may result in a unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems;

(7)

The request creates a new or continued and substantial risk to human life or safety or to the environment, or a nuisance.

(d)

Appeals. The administrative official's decision shall be subject to appeal, by only the applicant for substantial compliance determination, to the zoning appeals board as an appeal of an administrative interpretation. Such notice of appeal filed shall be filed with the administrative official within 30 days after the administrative official's written decision.

EXCERPTS FROM CHAPTER 34-52(e)

(e)

Release, modifications, amendments, revision.

(1)

Approval required. Any release, modification, deletion, revision to a declaration of restrictive covenant or condition there of, shall only be made upon a request being submitted to the department of planning and zoning, on a form approved by the administrative official requesting the release, modification, deletion, or revision. The administrative official shall determine if the release, modification, deletions, or revisions represent a substantial change to the approval. If it is determined that the release, modification, deletion, or revision are not a substantial change, the administrative official shall approve the request. Upon approval of the request the action taken, or a amended declaration of restrictive covenant shall be recorded in the Official Record Book of Miami-Dade County, accordingly.

(2)

Appeals. Where it is determined that the release, modification, deletion, or revision is a substantial change to the approval the decision may be appealed as an appeal of an administrative decision as set forth in this chapter.

(3)

Exceptions.

a.

Where a declaration of restrictive covenant or similar document was proffered to the county or to the city where the release, modification, deletion, or revision required county board of county commissioners approval or specifically required city council approval then such request shall be made as an application to the zoning appeals board as set forth in this chapter.

b.

Where there is a proffered declaration of restrictive covenant on a property where it is determined that there are no vested rights, the administrative official release, modify, or revise the covenant appropriately either administratively or by action of the city council.

c.

Where it is determined that the development approval has expired as set forth in this chapter the administrative official shall release the declaration of restrictive covenant appropriately either administratively or by action of the city council.

d.

Where a declaration of restrictive covenant or condition thereof is released, modified, deleted, or revised and a contribution of funds has been proffered and accepted by the city, the administrative official may consider such contribution as forfeited.

(Ord. No. 2010-10-218, § 2(2-130), 4-7-2010)