



Town of Miami Lakes

15700 NW 67 Avenue, Suite302
Miami Lakes, Florida 33014
(305) 364-6100 / Fax: (305) 558-8511
www.miamilakes-fl.gov

PUBLIC HEARING APPLICATION

File # _____
Date Received _____
Date of Pre-application Meeting _____

NOTE TO APPLICANTS: A pre-application meeting with the Town's Planning and Development Department staff is required prior to official application filing. Please call (305) 364-6100 for an appointment.

1. Name of Applicant _____
All property owners/lessees must participate as applicants or designate a representative to participate on their behalf.

- a. If applicant is owner, give name exactly as recorded on deed.
- b. If applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.
- c. If applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

Mailing Address _____

City _____ State _____ ZIP _____

Tel. # (during working hours) _____ Other _____

E-Mail: _____ Mobile #: _____

2. Name of Property Owner _____

Mailing Address _____

City _____ State _____ ZIP _____

Tel. # (during working hours) _____ Other _____

3. Contact Person _____

Mailing Address _____

City _____ State _____ ZIP _____

Tel. # (during working hours) _____ Other _____

E-Mail: _____ Mobile #: _____

4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION

- a. If subdivided, provide lot, block, complete name of subdivision, plat book and page number.
- b. If metes and bounds description, provide complete description (including section, township, and range).
- c. Attach a separate typed sheet, if necessary. Please verify the accuracy of your legal description

5. Address or location of property (including section, township, and range): _____

6. Size of property: _____ Square Feet / Acres

7. Date subject property acquired or leased _____ day of _____
Term of lease; _____ years/months.

8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property.")

9. Is there an option to purchase or lease the subject property or property contiguous thereto? Yes No
If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification(s): _____ Present land use classification(s): _____

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require concurrent site plan approval.

- District Boundary (Zone) Change(s):
Zone Classification Request _____
- Site Plan Approval _____
- Conditional Use _____
- Variance _____
- Modification of Previous Resolution/Plan/Ordinance _____
- Modification of Declaration or Covenant _____
- Other _____

12. Has a public hearing been held on this property within the last year and a half? Yes No
If yes, applicant's name _____ Date of Hearing _____
Nature of Hearing _____
Decision of Hearing _____ Resolution # _____

13. Is this hearing being requested as a result of a violation notice? Yes No
If yes, give name to whom violation notice was served _____
Nature of violation _____

14. Are there any existing structures on the property? Yes No
If yes, briefly describe _____

15. Is there any existing use on the property? Yes No
If yes, what is the use and when was it established? Use _____
Established _____

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the owner/tenant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

_____ will represent me at the hearing.

Sworn to and subscribed before me
this ____ day of _____ 200__.

Notary Public
Commission Expires: _____

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OWNER OR TENANT AFFIDAVIT FOR CORPORATION

I, _____, as _____ (title) of _____ (name of corporate entity), being first duly sworn, depose and say that _____ (name of corporate entity) is the owner/tenant (circle one) of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

_____ will represent this entity at the hearing.

Sworn to and subscribed before me
this ____ day of _____ 200__.

Notary Public
Commission Expires: _____

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PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; that all answers to the questions in said application and all sketches, data, and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the owner/tenant of the property described herein which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised.

(Name of Partnership)

By _____ % By _____ %
By _____ % By _____ %

Sworn to and subscribed before me
this ____ day of _____ 200__.

Notary Public
Commission Expires: _____

.....
ATTORNEY AFFIDAVIT

I, _____, of _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

Sworn to and subscribed before me
this ____ day of _____ 200__.

Notary Public
Commission Expires: _____

Date: ___ / ___ / ___

Public Hearing No: _____

**RESPONSIBILITIES OF THE APPLICANT
PLEASE READ CAREFULLY BEFORE SIGNING**

I hereby acknowledge that I am aware that the various applicable Town and County agencies review each zoning application and proffer comments that may affect its scheduling and outcome. These comments sometimes include requirements for an additional public hearing and/or the preparation and execution of agreements to run with the land which are recorded, prior to scheduling. I understand that it is my responsibility as the applicant or applicant's representative to promptly follow through with the compliance of requirements or to advise the Town Manager in writing if the application will not go forward and may be considered withdrawn. Contact with the Town Planner is advised during the hearing process.

Fees: Further I understand that the application fees or deposits paid at the time of filling may not be the total cost of the hearing, that I will be advised of the following fees which must be paid promptly: deferral or re-advertising fee (if applicant requests deferral), revision fee, and/or other fees assessed for changes or additions to the hearing application or plans.

Cost Recovery: In addition, I hereby acknowledge and consent to the payment of all applicable costs and fees involved as part of my application process which fees include but are not limited to: application fees, postage, shipping and delivery charges, advertising and notification, attorney fees, engineering and surveying fees, administration, planning and staff fees and recording of required documents with the Miami-Dade County Recorder's Office, **regardless of the outcome of the public hearing.** A cost recovery deposit of \$_____ as required, is submitted herewith. I further understand that whenever the cost recovery deposit balance is zero or negative, a supplemental deposit shall be required. All fees incurred prior to the public hearing must be paid in advance of the public hearing.

Permit Requirements: I also understand that the Florida Building Code may contain requirements that affect my ability to obtain a required building permit for my project, even if my zoning application is approved at public hearing. I am aware that a Building Permit is required for all construction and that I am responsible for obtaining the required permits, all required inspections, and the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally, I am aware that a Certificate of Use and Occupancy will result in the initiation of Enforcement action against the occupant and owner. I further understand that submittal of the Zoning Hearing application will not necessarily forestall enforcement action against the property.

Signature of Applicant (s) _____

Notary: Sworn to and subscribed before me
this ___ day of _____ 200__.

Notary Public — State of Florida

My Commission Expires:

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared, hereinafter the Affiants, who being first duly sworn by me, on oath, depose and say:

1. Affiant is the _____ of _____.
(title) (name of corporate entity)
2. The Corporation is the fee owner of the property which is the subject of the proposed hearing.
3. The subject property is legally described as: _____

4. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Affiant Signature

Print Name

As: (Print Title)

Signature

Print Name

Print Name

Sworn to and subscribed before me on the _____ day of _____, 200__. Affiant is personally known to me or has produced _____ as identification.

Notary
(Stamp/Seal)

My Commission Expires: _____

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

CORPORATION NAME: _____

NAME AND ADDRESS: _____	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest.]

TRUST / ESTATE NAME: _____

NAME AND ADDRESS: _____	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s), or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests.]

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS: _____	Percent of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If there is a CONTRACT FOR PURCHASE by a Corporation, Trust, or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries, or partners. [Note: Where principal officers, stockholders, beneficiaries, or partners consist of other corporation, trusts, partnerships, or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests.]

NAME OF PURCHASER: _____

NAME, ADDRESS, AND OFFICE (if applicable): _____	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

Signature: _____
(Applicant)

Sworn to and subscribed before me this _____ day of _____. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)

My commission expires _____

* Disclosure shall not be required of: (1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or (2) pension funds or pension trusts or more than five thousand (5,000) ownership interests; or (3) any entity where ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five percent (5%) of the ownership interest in the partnership, corporation, or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interests which exceed five percent (5%) of the ownership interests in the partnership, corporation, or trust.

OWNERSHIP AFFIDAVIT
FOR
TRUSTEE

STATE OF _____

Public Hearing No. _____

COUNTY OF _____

Before me, the undersigned authority, personally appeared _____, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the Trustee of the Trust which owns the property which is the subject of the proposed hearing.
2. Affiant is legally authorized as Trustee to apply for the proposed hearing.
3. The subject property is legally described as: _____

4. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Affiant's Signature

Print Name

Print Name

Signature

Print Name

Sworn to and subscribed before me on the _____ day of _____, 200____. Affiant is personally known to me or has produced _____ as identification.

Notary Public, State of _____

My Commission Expires:

Print Name

VARIANCE REVIEW CRITERIA

Division 3.5(f) of the Town LDC allows the Town Council to approve non-use hardship variance request(s) if all seven criteria summarized below are met.

CRITERIA	
a.	Variance Consistent with Authorized Powers: That the variance is in fact a variance as set forth in the Land Development Code and within the province of the Town Council.
b.	Existence of Special Conditions or Circumstances: That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
c.	Conditions Not Created by Applicant: That the special conditions and circumstances do not result from the actions of the applicant
d.	Special Privileges Not Conferred: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district;
e.	Hardship Conditions Exist: That literal interpretation of the provisions of this Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant.
f.	Only the Minimum Variance Granted: That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
g.	Not Injurious to Public Welfare or Intent of the Land Development Code: That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and this Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare

Applicant's Initials _____

However, the Town Council may also approve the variance request on the basis of practical difficulty on part of the Applicant by a supermajority vote of the members of the Town Council present at the meeting. In order to authorize any variance on the basis of practical difficulty, the Town Council at the meeting shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight, however, no single factor is dispositive.

PRACTICAL DIFFICULTY VARIANCE FACTORS	
FACTOR	
a.	Whether the Town has received written support of the specifically identified variance requests from adjoining property owners
b.	Whether approval of the variance(s) would be compatible with development patterns in the Town
c.	Whether the essential character of the neighborhood would be preserved
d.	Whether the variance(s) can be approved without causing substantial detriment to adjoining properties
e.	Whether the variance(s) would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief
f.	Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome; and
g.	Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant

Applicant's Initials _____

Materials, such as letters of support or petitions must be submitted no later than **15 days** prior to the public hearing or they will not be considered in the staff's recommendations or the town council back up material, and will have to be submitted by the applicant at the public hearing.

Applicant's Initials _____

APPLICATION FEES FOR PLANNING AND DEVELOPMENT APPROVALS

1. After-the-Fact Development Approval	\$500 plus the Application Fees or Cost Recovery participation for the applicable Development Approval
2. Variances	
A. Administrative	\$350 plus notification costs and recording costs with a deposit of \$650
B. Public Hearing	
Individual S. F. Residential Property:	\$750 plus notification costs and recording costs with a deposit of \$650
Two Family Residential:	\$750 plus notification costs and recording costs with a deposit of \$650
Individual Townhouse:	\$750 plus notification costs and recording costs with a deposit of \$650
Multi-Family:	\$1100 plus notification costs and recording costs with a deposit of \$650
Commercial and Industrial:	\$1700 plus notification costs and recording costs with a deposit of \$650
Signs:	\$1100 plus notification costs and recording costs with a deposit of \$650
All Others:	\$1100 plus notification costs and recording costs with a deposit of \$650
3. Site Plan Review	
A. Administrative	
Individual Single Family on Waterfront Lot	\$100 plus notification cost with a deposit of \$50
Individual Townhouse	\$100 plus notification cost with a deposit of \$50
Individual Single Family or Two Family Residential	\$100 plus notification cost with a deposit of \$50
All Others	Cost recovery with a deposit of \$1000
B. Public Hearing	
Single and Two Family and Townhouse Developments	Cost recovery with a deposit of \$3500
All others	Cost recovery with a deposit of \$3500
4. Conditional Uses	
A. Liquor Spacing	\$1100 with a deposit of \$650
B. All Others	Cost Recovery with a deposit of \$5000
5. Development Approval Extension	
A. Administrative Official	\$250 plus notification and recording costs with a deposit of \$250
B. By Town Council	\$750 plus notification and recording costs with a deposit of \$650
6. Modification of an Existing Resolution	
A. Individual Single Family, Two Family, Townhouse Unit	750 plus notification and recording costs with a deposit of \$650

B. All others	Cost Recovery with a deposit of \$1500
7. Amend Comprehensive Plan, Land Use Map or Text of Land Development Regulations or Zoning Map	Cost Recovery with a deposit of \$5000
8. Plats	
A. Preliminary & Final Plat	Cost Recovery with a deposit of \$5000
B. Waiver of Plat / Lot Split	Cost Recovery with a deposit of \$5000
C. Right-of-Way Vacation	Cost Recovery with a deposit of \$5000
9. Appeal of an Administrative Decision	
A. Appeal of Administrative Variance for Individual Single Family, Two-Family, or Townhouse	\$1500 plus notification and recording costs with a deposit of \$650
B. Appeal of All Other Administrative Variances	\$2500 plus notification and recording costs with a deposit of \$650
C. Appeal of Administrative Site Plan for Individual Single Family, Two-Family, or Townhouse (including Waterfront Lots)	\$1500 plus notification and recording costs with a deposit of \$650
D. Appeal of All Other Administrative Site Plans	\$2500 plus notification and recording costs with a deposit of \$650
E. Appeal of All Other Administrative Decisions	\$2500 plus notification and recording costs with a deposit of \$650
10. All Other Public Hearings	\$1100 plus notification costs and recording costs with a deposit of \$650
11. Zoning Letters	
A. Individual Residential Lots	\$100
B. All others	\$150
12. Review of Alcoholic Beverage License	
A. Special Event	\$50
B. All Others	\$125
13. Development Agreements	Cost Recovery with a deposit of \$5000
14. Concurrency	
A. Exemption	\$750
B. Determination (without traffic impact analysis)	\$750
C. Determination (with traffic impact analysis)	Cost Recovery with a deposit of \$1500
D. Reservation	Cost Recovery with a deposit of \$5000
E. Proportionate Fair Share (including agreement)	Cost Recovery with a deposit of \$5000

Note:

Many administrative approvals and all public hearings require a mail notification posted on the property, advertised in the newspaper and mailed to property owners within a required radius around the subject property and the final Development Order reflecting the Town Council's action will be recorded by the Town Clerk in the Office of the Miami-Dade County Clerk of Court. In addition to the above fees the applicant shall be responsible for the cost of these notifications and recording.

REQUIRED DOCUMENTS CKECKLIST

- _____ A. Completed application form including all applicable owners' affidavits, signatures and notarize.
- _____ B. Fees - A check, made out to the Town of Miami Lakes, for all applicable fees. See Pages 11-12 of application form for fee schedule.
- _____ C. A letter describing the request in detail.
- _____ D. The names and legal descriptions of all property owners within a radius of five (500') feet of the subject property on mailing labels. Notification cost included in your deposit.
- _____ E. Color photographs of the property, buildings or structures. Digital photos may be included on disk in lieu of color prints. Pictures must be dated and labeled with identification of the picture content or the same information on a picture index.
- _____ F. Certified survey of the property. The survey must be dated within 12 months of the application date by a surveyor registered in the State of Florida at a scale no greater than 1"=200', In compliance with the minimum requirements of Florida Statutes.
- _____ G. Where applicable, requests must submit two (2) copies of architectural plans, a copy of the plans in CD format and a set of the plans in (11" x 17") which show the proposal in detail, with the initial application. All other requests shall comply with the submittal requirements in Section 3.4 of the Town Code for Site Plan review.