

WAIVER PROCEDURE

Waivers are intended to relieve practical difficulties in complying with the strict requirements of the Miami 21 Code. The Waiver shall be reviewed for compliance with the Miami 21 Code and may not be granted if it conflicts with the City Code or the Florida Building Code.

1. Applicant may consult with the Office of Zoning (4th Floor) for Survey and Plans guidance informally at anytime.
2. Prior to officially submitting an application for a Waiver, the prospective applicant shall meet in a pre-application meeting with the Zoning Administrator to obtain information and guidance as to matters related to the proposed application.
 - A. Prior to submitting for a pre-application meeting, the applicant shall have the Public Works Department (8th Floor) establish the survey building baseline. The applicant will not be eligible for a pre-application meeting unless the Building Baseline is established and architectural plans and survey are provided.
 - B. Submit four (4) sets of plans; two (2) 24" X 36" or larger set and two (2) 11" X 17" set to the Office of Zoning no later than seven (7) days prior to the desired date for the pre-application meeting.
 - C. Once the architectural plans and survey have been validated as complete for the pre-application, the Office of Zoning will schedule a date for the pre-application meeting.
 - D. At the pre-application meeting, the applicant will be provided with application materials and may ask questions regarding the proposed application. If the proposal; plans, and survey are satisfactory, the applicant will obtain a referral to apply for a Waiver.
3. If the Waiver referral is still valid upon submitting the application, the Office of Zoning will sign and date plans, and verify notification letter. The applicant shall then notify all abutting property owners, including those across a street or alley, the City Commissioner for the district where the property is located, and the official representatives of all registered Neighborhood and homeowner associations by certified mail. At the time of application the applicant shall submit a copy of each notification sent and the original certified receipts from all notices to the Office of Zoning.
4. Applicant shall submit a complete application including all requirements discussed in the pre-application meeting along with certified mail receipt(s) from all notices to the Office of Zoning. Once the application is reviewed by the Office of Zoning and deemed complete, the Waiver is posted on the City website. In no event shall a Waiver be issued prior to thirty (30) days from the date the notifications are mailed.
5. Recommendations and findings from the Planning Director shall be forwarded to the Zoning Administrator when applicable or when requested by the Zoning Administrator. Plans may be modified as a result of comments and recommendations generated by the Urban Development Review Board (UDRB) or from obtaining a Certificate of Appropriateness (COA).
6. Based on these findings, and the applicable findings and determinations of the Zoning Administrator, the Zoning Administrator will issue a final decision on the Waiver request within ten (10) calendar days of receiving the Planning Director's recommendation and findings. The application shall be approved, approved with conditions or denied.
7. Appeal of the determination of the Zoning Administrator shall be taken to the Planning, Zoning and Appeals Board within fifteen (15) calendar days of the posting of decision on the City's website. The appeal shall be filed with Hearing Boards (3rd Floor).
8. A Waiver shall be valid for a period of two (2) years during which a building permit or Certificate of Use must be obtained. A one (1) year time extension, for a period not to exceed an additional year, may be obtained upon application and approval by the Zoning Administrator.

WAIVER REQUIREMENTS

The items outlined below must be submitted to the Office of Zoning in their totality for this application to be considered complete. Questions regarding the status of a Waiver may be referred to (305) 416-1496.

SUPPORTING MATERIALS

- Referral completed by the Office of Zoning.
- Statement describing the intent of the application including specific details as to the nature of application. For example: New construction on vacant land or demolition, size of proposed structure and list of all proposed uses, location and type of improvements or repairs to the property. Please provide as much detail as possible.
- Four (4) identical sets of signed and sealed plans (including floor area calculation as part of the zoning legend).
 - Two (2) sets for building permit –Building Department (owner & city copies)
 - Two (2) sets for zoning review – (11" x 17") – Office of Zoning (*Without handwritten notes or other alterations*)
- Photographs showing site, building or area to be altered, including any structure to be demolished. Please provide age of structure proposed for demolition. (*Any type of photographic reproduction is acceptable, **except Polaroid***)
- A minimum of two (2) copies of a certified survey indicating the Building Baseline by Public Works. (*Without handwritten notes or other alterations*)

DOCUMENTS

- Optional Indemnification/Hold Harmless Affidavit if applicant desires to proceed to obtain a building permit prior to the expiration of the fifteen (15) day appeal period. (*With notarized signature on application*)
- Paid receipt for application fee of \$_____. (*Obtain from cashier on 4th floor after receiving payment form from the Waiver Coordinator.*)

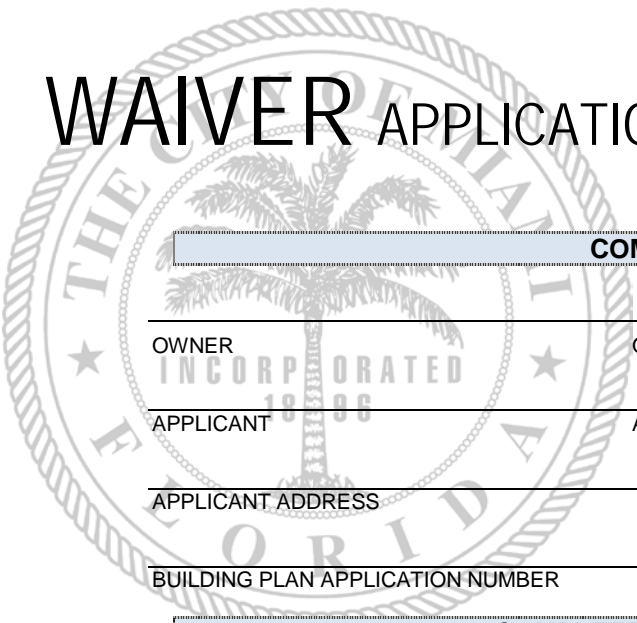
NOTIFICATION

- List of adjacent property owners, NET registered Homeowners & Neighborhood Associations and City Commissioner of the district where the subject property is located.** (*Name and address of residence required.*)
- Copy of each notification letter sent and proof of notification. (*Text template of Notification Letter is included in the Waiver Package provided in by the Office of Zoning.*) Certified mail return receipts indicating certified letters have been sent.

OTHERS

- _____
 - _____
- (Additional items specified)

WAIVER APPLICATION



COMPLETED BY APPLICANT

OWNER	OWNER PHONE NUMBER
APPLICANT	APPLICANT PHONE NUMBER / FAX NUMBER
APPLICANT ADDRESS	/ ZIP CODE
BUILDING PLAN APPLICATION NUMBER	

COMPLETED BY ZONING PLANS EXAMINER

PROJECT NAME	PROJECT ADDRESS	/ ZIP CODE
PROPOSED USE	FLOOR AREA	
NET DISTRICT	TRANSECT ZONE	APPLICABLE SECTION OF CODE

DETAILED DESCRIPTION OF PROPOSED WORK ONLY

NATURE OF APPLICATION

CERTIFICATION

Pursuant to the fee schedule, a fee of \$ _____ shall be required prior to the review and issuance of this Waiver. Permit fees are non-refundable.

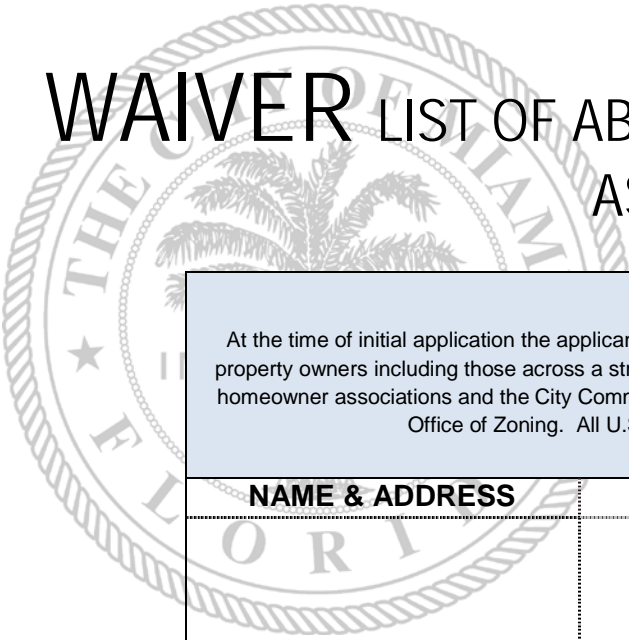
APPLICANT _____ **DATE** _____

The subject proposal has been reviewed by the Office of Zoning. It is found to be in compliance with all applicable zoning regulations and requires a Waiver pursuant to the above cited section(s) of the Miami 21 Code.

ZONING PLANS EXAMINER _____ **DATE** _____

A building permit for the work proposed herein and/or a certificate of occupancy and/or certificate of use for the use proposed herein, must be obtained within two (2) years from the issuance of this Waiver, at which point the subject permit shall expire, unless extended by the Zoning Administrator.

WAIVER LIST OF ABUTTING PROPERTY OWNERS & ASSOCIATIONS



At the time of initial application the applicant shall notify in writing, via U.S. Mail, Certified Return Receipt, all abutting property owners including those across a street or alley, the official representative of NET registered neighborhood and homeowner associations and the City Commissioner for the district where the property is located and the City of Miami Office of Zoning. All U.S. Mail receipts shall be submitted with the application.

NAME & ADDRESS	NAME & ADDRESS	NAME & ADDRESS

WAIVER NOTICE INSTRUCTIONS TO APPLICANT

Please fill out the attached Notification form. Once filled out with a detailed description of the scope of work, the notification form must be signed for approval as to content by a City of Miami Zoning Staff Member.

Within five (5) business days of mailing out notifications, applicant must submit the Waiver application to the Office of Zoning. Failure to submit within five (5) business days, the Office of Zoning may request that notifications be mailed again. Notices that are mailed prior to being signed will result in the City requiring that the notices be re-sent.

Once approved by staff, the notification form must be mailed by certified mail to the following recipients:

- All registered Neighborhood and Homeowner associations within the NET District of the subject Property
- The Net office that corresponds to the subject Property
- The Commissioner's Office that corresponds to the subject Property
- The abutting property owners to the subject Property

Copies of all notices and the original post office receipts that show all such notices were sent must be submitted to the Office of Zoning along with your Waiver application.

WAIVER NOTIFICATION LETTER

You are hereby notified that an application will be submitted to the Office of Zoning of the City of Miami for approval of a Waiver under the provisions of the Miami 21 Code, for the following proposal:

NOTIFICATION TO:

ABUTTING OWNER NAME	
ABUTTING PROPERTY ADDRESS	
APPLICANT	
APPLICANT ADDRESS	
CITY, STATE ZIP CODE	
SUBJECT PROPERTY	
ZONING DESIGNATION	
NATURE OF APPLICATION	

FOR NEW CONSTRUCTION:

PROPOSED USE(S)	
HEIGHT	
No. of PARKING SPACES	
SQUARE FOOTAGE (by use):	

FOR ALL OTHER APPLICATIONS:

DETAILED DESCRIPTION OF PROPOSAL	
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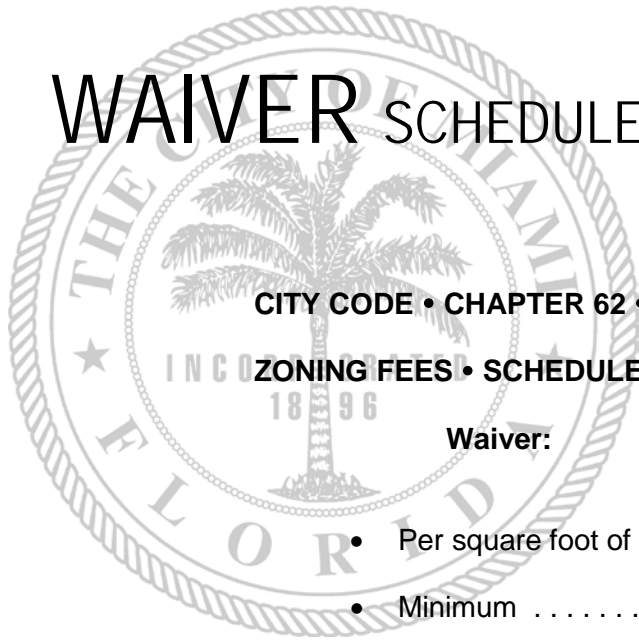
This project will be reviewed for approval of a Waiver application; consequently the Office of Zoning will have on file all documents, plans and supporting materials pertaining to this proposal. Should you wish to review this file, it will be made available by appointment with the Office of Zoning located at **444 SW 2nd Avenue, 4th Floor**. For an appointment, please call at **(305) 416-1496**.

The Final Decision issued by the Zoning Administrator may be appealed to the Planning, Zoning, and Appeals Board (PZAB) pursuant to provisions set forth in the Miami 21 Code, within fifteen (15) days of the date of issuance of the Waiver permit by filing a written appeal and payment of appropriate fee with the Office of Hearing Boards located at 444 SW 2nd Avenue, 3rd Floor, Miami, FL 33130. For an appointment, please call (305)416-2030.

The Miami 21 Code requires that all abutting property owners, registered Neighborhood or Homeowners Associations & City Commissioner be notified of Waiver applications in an approved notification form.

Office of Zoning _____

WAIVER SCHEDULE OF FEES



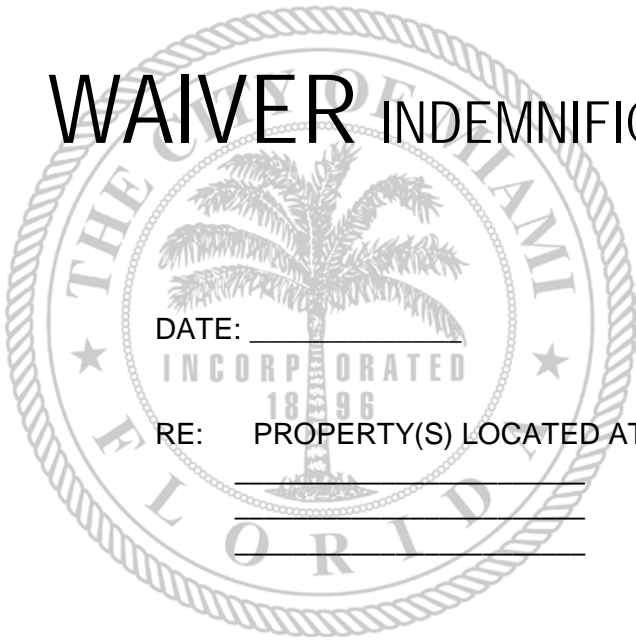
CITY CODE • CHAPTER 62 • ARTICLE VI

ZONING FEES • SCHEDULE OF FEES

Waiver:

- Per square foot of floor area as defined in section 1.2 \$0.05
- Minimum \$475.00
- Extension of time for Waiver \$225.00
- Demolition \$225.00

WAIVER INDEMNIFICATION / HOLD HARMLESS AFFIDAVIT



DATE: _____

RE: PROPERTY(S) LOCATED AT:

DATE
APPROVED _____

TO: CITY OF MIAMI, FLORIDA
ATTN: ZONING ADMINISTRATOR
444 SW 2 AVENUE
MIAMI, FL 33130

OFFICE OF ZONING

FROM: _____
Legal owner of the above property.

The undersigned hereby affirms that he/she is the legal owner of the above-referenced property. Furthermore, the undersigned hereby acknowledges that he/she has heretofore made application(s) for and received approval from the City of Miami, Florida, for the following:

Waiver (Type of permit)	#12-_____	On____/____2012 (Date approved)	by <u>Office of Zoning</u> (City Dept. / City commission)
Waiver (Type of permit)	#12-_____	On____/____2012 (Date approved)	by <u>Office of Zoning</u> (City Dept. / City commission)
Waiver (Type of permit)	#12-_____	On____/____2012 (Date approved)	by <u>Office of Zoning</u> (City Dept. / City commission)

In connection with the foregoing, the undersigned is hereby requesting the City of Miami, Florida, to issue a building permit (s) for the construction of the following described improvement (s) on the property prior to the expiration of the deadline for the applicable appeal period

The undersigned understands that in connection with the above-referenced property the applicable appeal period deadline (s) for the above mentioned approval(s) is/are as follows:

_____/____/2012.

In consideration of the City of Miami, Florida agreeing to issue a building permit(s) to the undersigned as herein requested, the undersigned agrees as follows:

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WAIVER INDEMNIFICATION / HOLD HARMLESS AFFIDAVIT

Waiver #12-_____

- (a) Pay all actual or estimated permit and other applicable city regulatory fees associated with the improvements prior to issuance of any building permits by the City of Miami;
- (b) And acknowledge he/she is proceeding at their own risk and hereby agrees to assume all responsibility and to indemnify and hold harmless the City in connection herewith; and
- (c) Agrees to immediately cease all construction on the property in the event an appeal is filed within the above stated appeal period;
- (d) And acknowledge that nothing herein shall prejudice the City's right to impose conditions on approval which are required by State, County and or City ordinance and regulations or are otherwise necessary to insure the public health, safety and welfare of the citizens of the City of Miami, Florida; nor shall the City be stopped from enforcing the terms of this affidavit by reason of its issuance of the building permit(s); and
- (e) Agree that the issuance of building permit(s) to the undersigned is not a grant of any vested right whatsoever for use, or completion of construction on the property; and
- (f) The undersigned hereby agrees to indemnify, defend, and hold harmless the City from any claims, demands, liabilities, losses, causes of action of any nature whatsoever arising out of or in connection with the permit(s) issued or any part thereof, from and against all cost, fees expenses, liabilities, any orders, judgments, or decrees which may be entered and from against all cost for attorneys fees, expenses and liabilities incurred in the defense of such claim or in the investigation thereof.

Print Owner's Name

Owner's Signature

(STATE OF FLORIDA
COUNTY OF MIAMI-DADE)

The undersigned instrument was acknowledged before me this _____ day of _____, 2012. He /she has personally appeared before me and is known to me or has produced _____ as identification and did (did not) take an oath.

Name:
Notary Public –State of Florida
Commission no:
My commission expires:

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