

**ARTICLE 16. SPECIAL EXCEPTIONS; DETAILED REQUIREMENTS****Sec. 1600. Regulations applying.**

Issuance, issuance with conditions and safeguards attached, or denial of Special Exceptions, is governed by regulations applying to special permits generally as set out in article 13 of this ordinance, regulations applying to particular uses or occupancies appearing in the official schedule of district regulations, regulations applying to particular uses and occupancies that may be set out elsewhere in this zoning ordinance, and regulations set out in this article.

It is the intent of this ordinance that a grant of Special Exception is adequate and sufficient to the particular circumstances and that no application for a variance will be accepted which would attempt to alter the terms or dimensions specified in this zoning ordinance for the use governed by a grant of Special Exception; it being understood that an application for a variance to relax other terms limited to: height, lot coverage, dimensions of yards, parking, other open spaces and/or loading requirements may be accepted.

(Ord. No. 10877, § 1, 4-25-91)

**Sec. 1601. Reserved.****Sec. 1602. Referrals; time limitation.**

All applications for a Special Exception shall be referred to the director of the department of planning, building and zoning, and within ten (10) calendar days of receipt of the application, the director shall make such referrals to other officers, agencies, or departments as are required in the case by this zoning ordinance or which are, in the director's judgment, necessary to the preparation of proper recommendations to the zoning board concerning disposition of the application.

Any reviews, analyses, and/or technical findings requested by such referrals shall be returned by the referenced agencies to the office of the director of the department of planning, building and zoning within ten (10) working days of the date of the director's referral, unless the applicant and the director shall mutually agree to a time extension in writing and for good cause shown; and the referral shall note this requirement and the length of the extension, if any.

**Sec. 1603. Responsibility for recommendations; preparation of recommendations; time limitations.*****1603.1. Responsibility of director of department of planning, building and zoning; zoning board consideration.***

The director of the department of planning, building and zoning shall prepare recommendations and submit them to the zoning board on each application for Special Exception, and the zoning board shall give full consideration to his recommendations.

***1603.2. Preparation of recommendations and time limitations.***

The director of the department of planning, building and zoning shall have thirty (30) calendar days from the date of receipt of the application for Special Exception to prepare recommendations and to cause the application and accompanying recommendations to be placed on the agenda of the zoning board for consideration. Referrals to other officers, agents, or departments shall not be cause for extending this time limitation, unless the applicant and the director shall mutually agree to a time extension in writing and for good cause shown.

*1603.3. Standards.*

The recommendations of the director shall be based upon applicable guides and standards as required generally by this ordinance and for the activity or situation proposed, and shall contain written reasons therefor.

**Sec. 1604. Submission of complete record to zoning board; availability for public inspection.**

The director of the department of planning, building and zoning shall submit to the zoning board the application, written recommendations and reasons therefor, and all reviews, analyses, and/or technical findings related to the case received during the referral process.

All such materials shall be a permanent part of the written and public record in the case and shall be available for inspection, copying and written answer by the applicant, if desired, not less than ten (10) calendar days prior to the meeting at which the matter is to be considered by the zoning board. During this period and upon request, any other person or any officer, agency, or department of government shall have access to the record.

**Sec. 1605. Changes in original applications; notices; hearings.**

*1605.1. Requirements concerning changes in original applications.*

*1605.1.1. Requirements concerning changes in original applications after processing begins and prior to a final approval.*

Changes may be made in the original application only by following the requirements of section 2215.

*1605.1.2. Requirements concerning changes in original applications after final approval.*

Changes in an approved Special Exception may be permitted after application to the director of the department of community planning and revitalization by the original applicant or successors in interest. Upon receipt of such an application, the director of the department of community planning and revitalization shall refer the application to the zoning administrator, who shall determine whether such changes are substantial changes, as defined in section 2215.1 of this ordinance.

If the proposed changes are determined to be substantial, the changes shall be treated as a proposed new application for Special Exception Permit.

If the proposed changes are determined to be nonsubstantive, the director of the department of community planning and revitalization shall be responsible for the review and subsequent approval, denial or approval with conditions of the proposed modification(s), upon submittal by the applicant of:

- (1) A letter of intent clearly stating the proposed modification(s).
- (2) Plans or supporting materials clearly showing the proposed modifications.
- (3) Proof of certified notification regarding the request for modification to adjacent property owners.
- (4) A fee for "nonsubstantive modification" of a Special Exception Permit as specified in the Code of the City of Miami (section 62-61).

*1605.2. Notice on Special Exceptions.*

Formal public notice and hearing, as provided in the Code of the City of Miami, section 62-55, subsections (1), (2), (3) and (4) shall be required in connection with Special Exceptions, and a public hearing shall be held by the zoning board.  
(Ord. No. 10877, § 1, 4-25-91; Ord. No. 11501, § 2, 5-22-97)

**Sec. 1606. Findings; decision; time limitations; further actions.**

*1606.1. Findings.*

In its decision to grant an application for Special Exception, to grant with conditions and safeguards, or to deny the application, the zoning board shall give full consideration to the recommendations of the director of planning, building and zoning and shall make written findings that the applicable requirements of this zoning ordinance have or have not been met, and the board shall act in accordance with section 1303 of this ordinance, Special permits to be issued or denied in accordance with procedures, standards, and requirements of this ordinance.

*1606.2. Time requirements; limitations on extensions.*

In granting any Special Exception, the zoning board shall, as a condition, specify a reasonable limitation of time within which action under such special permit shall be begun or completed, or both. Failure to meet such time limitations shall result in cancellation of the special permit unless, on application to the zoning board and on due cause shown, the board shall extend the time limitations originally set. Application for such extension shall be filed not less than thirty (30) days prior to the date of the expiration. The application for extension of time shall not require formal public notice, or public hearing, but shall be considered by the board only in open meeting and as part of a previously prepared agenda. If denied, the board shall state written reasons for the denial.

No original limitation shall be for more than one (1) year nor less than sixty (60) days. No extension shall be granted for more than one (1) year, and not more than one (1) extension may be granted for any Special Exception.

*1606.3. Time for reaching decision.*

The board shall reach a decision at the meeting where the application for Special Exception is heard and considered; provided, the board may delay a decision for not to exceed thirty-two (32) calendar days when it deems it necessary to require additional information on which to base a decision; provided, further, time limits set out involving action by the zoning board shall not be applicable during the thirty-one (31) days of the month of August.

Upon reaching a decision, actions shall be taken as required by section 1308 of this ordinance, Actions following decisions on special permits.

*1606.4. Time limitation on further applications after denial of Special Exceptions.*

When applications for Special Exceptions have been denied, the zoning board shall not thereafter consider an application for the same type of Special Exception on all or any part of the same property within one (1) year from date of denial.

(Ord. No. 11178, § 1, 9-22-94)

**Sec. 1607. Appeals.**

Any person or persons, jointly or severally, or any board, agency, or officer of the city aggrieved by a decision of the zoning board on an application for Special Exception may seek review of such decision by the zoning board in the manner set out in article 20 of this zoning ordinance and the applicable laws of Florida.

**Sec. 1608. Certificate of compliance in-lieu-of a Special Exception Permit.**

*1608.1. Intent.* Certificates of compliance in-lieu-of Special Exception Permits (hereinafter referred to as "Special Exception COC") are instituted in an effort to facilitate permitting procedures for proposals which fully comply with the applicable special standards and guidelines as may be set forth within this zoning ordinance, as amended, however, may still require public hearings for determinations as to potential additional mitigation.

This procedure is intended achieve compliance with established criteria, requirements and limitations associated with certain uses, while still allowing public hearings and review by the Zoning Board for additional mitigation measures only.

*1608.2. Requirements.* A Special Exception COC shall be issued when the following application and hearing requirements have been met:

- A) The Zoning Division of the Planning and Zoning Department shall review the proposal for the Special Exception COC Permit and refer it to the Planning Division once such proposal has been found to be in full compliance with the specific criteria required for such proposal.
- B) An application for Special Exception COC Permit shall be completed by the applicant and submitted to the Hearing Boards Division. Such application shall include all

applicable fees and supporting documentation as specified in Chapter 62 of the City Code and as may be required for the specific type of use being requested pursuant to applicable sections of this zoning ordinance, as amended.

- C) The proposal shall be forwarded to the Zoning Board for review as to compliance with the specified criteria, as may be required depending on the specific proposal before the board, and for additional mitigation as may be required pursuant to the such proposals.

*1608.3. Effect.* Upon compliance with the requirements listed in section 1608.2., and upon payment of all applicable fees as specified in section 62-61 of the City Code, a certificate of compliance shall be issued.

*1608.4. Appeals.* Any person or persons, jointly or severally, or any board, agency, or officer of the city aggrieved by a decision of the zoning board regarding mitigation on an application for Special Exception COC may seek review of such decision in the manner set out in article 20 of this zoning ordinance and the applicable laws of Florida.

(Ord. No. 12305, § 2, 12-12-02)

