

ORDINANCE NO. 33-23-2484

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE II "DEFINITIONS," SECTION 2.3 "DEFINITIONS" AND ARTICLE III "ZONING REGULATIONS," SECTION 3.6 "SUPPLEMENTAL REGULATIONS," TO ADDRESS HOME GARAGES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of South Miami (the "City") has adopted a Land Development Code (the "LDC") to promote the health, safety, community acceptable standard of morals and general welfare of the residents of the City of South Miami through the stated regulations of this LDC; and

WHEREAS, the City Commission finds it periodically necessary to amend the LDC in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, Section 20-2.3, "Definitions" of the LDC defines "Garage, parking" generally, and does not specifically address garages in single family residences; and

WHEREAS, Section 20-3.6, "Supplemental regulations" of the LDC does not provide adequate regulation of garage area, height and use criteria in single family residences; and

WHEREAS, among accessory structures, garages can particularly accommodate a range of uses, many of which are incompatible with single family homes, and that may have adverse effects on the quality of life and peaceful enjoyment enjoyed by residents of single-family districts, due to undue noise, noxious odors, overcrowding, and the like; and

WHEREAS, based upon input of residents, City board members, design professionals, and property owners within the City, the City Commission finds that regulation of dimensions and uses for garages in single family districts is in the best interest of the City and its residents; and

WHEREAS, the City Commission finds that the LDC is in need of additional definitions to ensure consistency of regulations; and

WHEREAS, on November 14, 2023, the Planning Board, sitting in its capacity as the Local Planning Agency, reviewed this Ordinance and recommended approval with changes by a 4-0 vote; and

WHEREAS, this Ordinance was duly noticed and presented to the City Commission in two readings, with second reading conducted as the required public hearing on December 19, 2023; and

WHEREAS, the City Commission finds that this Ordinance is in the best interest and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amending Article II, Section 20-2.3 of the Code.** That Section 20-2.3, "Definitions," of Article II is hereby amended to read as follows:

ARTICLE II. – DEFINITIONS

20-2.3 – Definitions.

* * *

Home Garage. Any attached or detached structure, or portion thereof, whether open or enclosed which is used to park one or more vehicles in association with a single-family dwelling.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Modifications proposed by the Planning Board are shaded in grey. Changes between first and second reading are indicated with ~~dark grey~~ highlighted ~~double strikethrough~~ and double underline.

* * *

Shed, Utility shed. A single-story, non-habitable detached storage building that is accessory to the primary or principal building and designed and used primarily for storing tools, mechanical equipment, lawn and garden equipment, home accessories, personal belongings, and other similar objects.

* * *

Section 3. Amending Article III, Section 3.6 of the Code. That Section 3.6, “Supplemental Regulations,” of the City of South Miami Land Development Code is hereby amended to read as follows:

ARTICLE III. – ZONING REGULATIONS.

* * *

20-3.6 – Supplemental regulations.

* * *

(Y) Home Garages in Single-Family Residential Districts.

- (1) No garage other than a Home Garage shall be permitted on a single-family residential lot, subject to development criteria for the residential district, regulations applicable to accessory structures generally, and the provisions of this Section 20-3.6(Y).**
- (2) No new Home Garage shall be constructed upon a lot unless a single-family dwelling on the same lot already exists or is under construction.**
- (3) No Home Garage shall be used unless the single-family dwelling on the same lot is also being used for residential purposes.**
- (4) The maximum area of a Home Garage shall not exceed 25% of the habitable area of the single-family home on the same lot.**
- (5) The maximum height of an accessory structure that includes a Home Garage shall be the height of the single-family home on the same lot or 15 feet to the highest part of the roof, whichever is less. The finished floor to ceiling height of the Home Garage shall be no more than 15 feet.**
- (6) Vehicle lifts of any kind are prohibited in Home Garages. All vehicle lifts are prohibited except those designed to allow one vehicle to park beneath another raised vehicle.**
- (7) A Home Garage located in the rear yard of a home that is within 25 feet of a property line shall be a permanent structure, fully enclosed with masonry walls to minimize sound impacts to neighboring properties. Modular structures, trailers, utility sheds, carports in the rear or side yard, or similar structures shall not be used to store vehicles in single-family districts.**

- (8) The Home Garage shall not be used in connection with a home based business that: (i) involves retail transactions of any kind related to automotive services, repair, parts, or supplies in the Home Garage; (ii) results in storage of any commercial, industrial, or agricultural vehicles, equipment, or machinery within the Home Garage; (iii) results in noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors in a manner that violates City, County, State, or Federal law; (iv) does not comply with all relevant City, County, State, or Federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids; and or (v) does not obtain a business tax receipt and any other approvals required by City, County, State, or Federal law.

Section 4. **Corrections.** Conforming language or technical scrivener-type corrections may be made by the City Attorney for any conforming amendments to be incorporated into the final Ordinance for signature.

Section 5. **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, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. **Implementation.** The City Manager is hereby authorized to take any and all necessary action to implement the purposes of this Ordinance. Any temporary sign permit that was previously issued shall be allowed to remain through its current expiration date and shall not be extended.

Section 8. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

PASSED on first reading on the 5th day of December, 2023.


PASSED AND ADOPTED on second reading on the 19th day of December, 2023.

ATTEST:



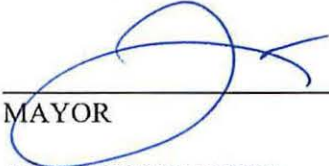
CITY CLERK

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



WEISS SEROTA HELFMAN COLE
& BIERMAN, P.L.
CITY ATTORNEY

APPROVED:



MAYOR

COMMISSION VOTE:	5-0
Mayor Fernández:	Yea
Vice Mayor Bonich:	Yea
Commissioner Calle:	Yea
Commissioner Liebman:	Yea
Commissioner Corey:	Yea

City Commission Agenda Item Report

Meeting Date: December 19, 2023

Submitted by: Marcus Lightfoot

Submitting Department: Planning & Zoning Department

Item Type: Ordinance

Agenda Section:

Subject:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE II "DEFINITIONS," SECTION 2.3 "DEFINITIONS" AND ARTICLE III "ZONING REGULATIONS," SECTION 3.6 "SUPPLEMENTAL REGULATIONS," TO ADDRESS HOME GARAGES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE. 3/5 (CITY MANAGER-PLANNING DEPT.)

Suggested Action:

Attachments:

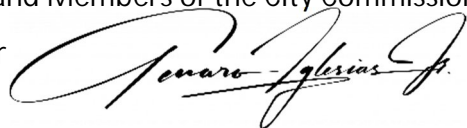
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[MH Ad.pdf](#)



CITY OF SOUTH MIAMI
OFFICE OF THE CITY MANAGER
INTER-OFFICE MEMORANDUM

To: The Honorable Mayor, Vice Mayor, and Members of the City Commission
FROM: Genaro "Chip" Iglesias, City Manager 
DATE: December 19, 2023
SUBJECT: ORDINANCE RELATED TO A TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE TO ADDRESS HOME GARAGES. (File No.: PB-23-022)

RECOMMENDATION:

Approval, on second reading of the proposed ordinance amending the Definitions found in Section 20-2.3 as well as the Supplemental Regulations found in Section 20-3.6 of the Land Development Code ("LDC") to address home garages in single-family residential zoning districts.

BACKGROUND:

The City's current regulations do not differentiate between multifamily and commercial garages, and those serving single-family homes. Single-family neighborhoods have different needs and more potential uses for garages than commercial/multifamily districts, and yet the land development regulations contain little guidance for their development and use. This legislation is intended to provide guidance and to impose reasonable restrictions to ensure compatibility with neighboring development.

REQUEST:

The City is requesting approval to amend the Definitions found in Section 20-2.3 as well as the Supplemental Regulations found in Section 20-3.6 of the Land Development Code ("LDC") to address home garages in single-family residential zoning districts.

ANALYSIS:

Current definitions treat all garages interchangeably, without recognition that single-family home garages have different impacts and involve distinct considerations than multifamily/commercial garages. The proposed ordinance provides for definitions to distinguish single-family garages from commercial garages and utility sheds in single-family districts, and provides for restrictions related to use (requiring home garages be used solely in conjunction with a single-family residence, limiting their use for Home Based Businesses consistent with state law, prohibiting vehicle lifts), size (limiting them to 25% of the size of the principal structure and their height to 15 feet above grade), and impacts (requiring masonry construction to contain noise when in proximity to neighbors).

The proposed modifications to the LDC are contained in the attached Draft Ordinance and have also been outlined below. Please note that ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words.

ARTICLE II. – DEFINITIONS

* * *

20-2.3 – Definitions.

* * *

Home Garage. Any attached or detached structure, or portion thereof, whether open or enclosed which is used to park one or more vehicles in association with a single-family dwelling.

* * *

Shed, Utility shed. A single-story, non-habitable detached storage building that is accessory to the primary or principal building and designed and used primarily for storing tools, mechanical equipment, lawn and garden equipment, home accessories, personal belongings, and other similar objects.

ARTICLE III. – ZONING REGULATIONS.

* * *

20-3.6 – Supplemental regulations.

* * *

(Y) Home Garages in Single-Family Residential Districts.

- (1) No garage other than a Home Garage shall be permitted on a single-family residential lot, subject to development criteria for the residential district, regulations applicable to accessory structures generally, and the provisions of this Section 20-3.6(Y).
- (2) No new Home Garage shall be constructed upon a lot unless a single-family dwelling on the same lot already exists or is under construction.
- (3) No Home Garage shall be used unless the single-family dwelling on the same lot is also being used for residential purposes.
- (4) The maximum area of a Home Garage shall not exceed 25% of the habitable area of the single-family home on the same lot.

- (5) The maximum height of a Home Garage shall be the height of the single-family home on the same lot or 15 feet to the highest part of the roof, whichever is less. The finished floor to ceiling height of the Home Garage shall be no more than 15 feet.
- (6) Vehicle lifts of any kind are prohibited in Home Garages. All vehicle lifts are prohibited except those designed to allow one vehicle to park beneath another raised vehicle.
- (7) A Home Garage located in the rear yard of a home that is within 25 feet of a property line shall be a permanent structure, fully enclosed with masonry walls to minimize sound impacts to neighboring properties. Modular structures, trailers, utility sheds, carports in the rear or side yard, or similar structures shall not be used to store vehicles in single-family districts.
- (8) The Home Garage shall not be used in connection with a home based business that: (i) involves retail transactions of any kind related to automotive services, repair, parts, or supplies in the Home Garage; (ii) results in storage of any commercial, industrial, or agricultural vehicles, equipment, or machinery within the Home Garage; (iii) results in noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors in a manner that violates City, County, State, or Federal law; (iv) does not comply with all relevant City, County, State, or Federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids; and or (v) does not obtain a business tax receipt and any other approvals required by City, County, State, or Federal law.

PREVIOUS ACTION

The Planning Board (the “Board”) met to discuss the above item on October 10, 2023. During the meeting, the Board had several questions regarding the prohibition of vehicle lifts. Staff explained the purpose was to prevent certain commercial uses, such as automobile repair shops, from opening in the single-family residential districts, which is currently prohibited. After discussing the proposed amendment, the Board voted to defer the item until the next meeting because they needed additional information.

The Board then met on November 14, 2023, to continue their review of the item. At the meeting, the Board held a Public Hearing on the item and voted four (4) to zero (0) to recommend approval of the request with changes to the draft ordinance.

Attachments:

- Draft Ordinance
- Legal Ad

As Venezuela threatens to invade oil-rich Guyana, U.S. frets about how far Maduro will go

BY MICHAEL WILNER, ANTONIO MARIA DELGADO AND JACQUELINE CHARLES
mwilner@mccatchydc.com
adelgado@elnuevoherald.com
jcharles@miamiherald.com

WASHINGTON
Venezuela’s threats to annex most of Guyana might be an effort by its leader to consolidate power at home ahead of a potential presidential election next year instead of a real intention to invade its neighbor, U.S. officials say. But Washington is increasingly concerned over how far Nicolás Maduro might be willing to go.
An internal State Department assessment and the consensus of international observers and independent analysts conclude that Maduro is seeking leverage against the United States at the negotiating table by threatening an invasion of western Guyana, a region that is rich in oil and gas and has been disputed between the two countries for over a century.

Maduro has been under U.S. sanctions for years for undermining Venezuelan democracy and is under pressure from Washington to hold free and fair elections.

The Biden administration is not seeing imminent signs of an invasion. But the possibility is raising anxiety in the region. United Nations Secretary General António Guterres on Wednesday called on Caracas to refrain from using force and to respect a recent ruling of the International Court of Justice. The U.N. court last week called on Venezuela to avoid taking any action that would change Guyana’s control and administration of the Essequibo region.

“The Secretary-General strongly supports the use of solely peaceful means to settle international disputes,” Guterres’ spokesman, Stéphane Dujarric, said, confirming that the U.N. leader had spoken to Guyana’s president, Irfaan Ali, the previous evening over the latest escalation.

AN EXCUSE FOR MARTIAL LAW?

In Washington, concerns mounted that Venezuelan military action against Guyana could provide Maduro with an excuse to impose martial law in his troubled South American nation of 28 million, setting favorable conditions for himself in a sham presidential election next year, officials and experts said.

In October, the Biden administration announced an easing of sanctions on Venezuela’s oil sector as part of an elections deal between Maduro and the opposition. Washington said it would lift the sanctions if by Nov. 30 Maduro began the release of American hostages “wrongfully detained” by his government, and if he lifted a ban that keeps opponents who want to run for president from serving in office. So far, Maduro has failed to comply with the deadline, with Maria Corina Machado, the winner of the opposition’s presidential primary, still barred from office.

“He wants to be able to consolidate power in a way in which he can be assured of a ‘sound victory’ when the elections are held next year,” said Ivelaw Lloyd Griffith, a Guyana-born expert on security in the region.

Griffith said Maduro’s reactivation of the Venezuelan claim to the Essequibo territory is also about trying to seize the oil discovered there in recent years.

On Tuesday, Maduro announced the creation of a military zone to be carved out of the Essequibo region, which accounts for three quarters of Guyana’s land mass. An 1899 decision by international arbiters placed the area under the control of what was then called British Guiana. Venezuela’s new military zone is among seven measures that Maduro claims he has been authorized to pursue following a Sunday referendum in which voters overwhelmingly supported his takeover of the dense jungle region that’s about the size of Florida.

In addition to the measures, Maduro also ordered state-owned companies to grant licenses for the exploration and exploitation of oil, gas and mines in the territory.

White House Press Secretary Karine Jean-Pierre said Wednesday that President Joe Biden is monitoring the developments.

“It’s concerning. We’re watching this very, very closely,” John Kirby, coordinator for strategic communications at the National Security Council in the White House, told reporters in a press briefing on Wednesday. “The [1899] decision needs to be respected. We obviously don’t want to see any violence occur here, or conflict occur, and we’re obviously in touch with all of our partners.”

Griffith, the security expert, said Maduro is “pushing the envelope on what I call the psychological warfare against Guyana that he’s engaging in, the military maneuver, the creation of a base, the seven measures he announced.”

‘HUMILIATING FOR BRAZIL’

The implications, he said, could also affect Brazil, which shares a border with both countries, and other South American nations, including Colombia, which has a border with Venezuela. Several of the nations in the region have decades-long claims about their own borders.

“If you have an opening of that Pandora’s box, there are a lot of countries that will rumble about their border. They’ll presume, ‘Can we revisit, can we revisit?’ ” he said.

“The extent to which small and powerful friends of Guyana, people who are concerned about the respect for international law, people who are interested in peace and not instability, are able to signal directly and indirectly to Maduro that he has a certain line that he cannot cross, that will influence how far he’s willing to push the envelope,” Griffith said.

Oliver Stuenkel, an associate professor at the School of International Relations at Fundação Getulio Vargas in São Paulo, thinks there are few political actors capable of restraining Venezuela and said the crisis has become “potentially a headache for the Biden administration” and for South American leaders.

“It is quite humiliating for Brazil,” which wants to be a regional leader in helping to resolve conflicts, he added, because instead of turning to Brazil for help, Guyana’s president sought out the U.S.

“Guyana has already reached out to the United States, in part, because it doesn’t believe Latin American governments are capable or willing to condemn Venezuela more forcefully or as a last resort to actually defend Guyana,” Stuenkel said.

The crisis is a reflection of the limitations of Brazil’s influence in the region, he added, because “this is the kind of thing where a regional leader would step up and make sure this doesn’t continue.”

Stunkel said he believes Maduro’s plan isn’t to invade “but to produce a sense of crisis, mobilize the



ARIANA CUBILLOS AP | Dec. 4, 2023

An internal State Department assessment and international observers and independent analysts conclude that Nicolás Maduro is seeking negotiating leverage against the U.S.

population for as long as possible because he needs to divert attention from the economic” crisis in Venezuela.

“He now has a supposed mandate,” he said, noting that Maduro has published a new map that includes a new state of Essequibo in Venezuela. “I continue to believe an actual conflict is unlikely, but it’s already had a lot of effects.”

This would not be the first time a Latin American country has threatened or waged war to distract from its domestic problems. There are several examples, including the 1982 conflict that erupted after Argentina seized control of the Falkland Islands and proclaimed the end of 149 years of British sovereignty.

The 10-week war, analysts note, didn’t fare well for Argentina, whose effort ended in defeat against the British military.

Brian Fonseca, director of the Jack D. Gordon Institute for Public Policy and an adjunct professor in international relations at Florida International University, believes what Maduro is doing isn’t that different.

Though the border dispute between Guyana and Venezuela over the Essequibo was supposed to have

been settled in 1899, Venezuelans have been supportive of asserting claims over the region.

Fonseca and others who closely monitor the region’s armies say that while Venezuela’s military is significantly larger and better-equipped than the Guyanese force, which has about 5,000 soldiers, the ability of Venezuela’s 100,000-plus soldiers to make their way into the dense jungle of the Essequibo region is in question.

Venezuela’s forces suffer from a “lack of resources, lack of maintenance, inadequate training,” Fonseca said.

Manuel Cristopher Figuera, a former director of Venezuela’s intelligence service under Maduro, also cast doubt on Caracas’ ability to invade its neighbor.

“Many of the positions are vacant, and many of the soldiers are poorly trained or have not been trained at all. So when you examine it, the operability is practically zero,” he said.

He and other Venezuelan military experts do not believe that an invasion is in the works.

NO U.S. MILITARY INVOLVEMENT

Were Maduro to send troops into Guyana, none of

the experts interviewed by the Miami Herald envisioned a scenario in which the United States, which currently provides Guyana with military expertise, would deploy troops to defend Guyana or the region.

“I think the Americans would try to rally a coalition of nations to condemn Venezuela and put added pressure” on Maduro, Fonseca said.


Fonseca said he believes Maduro’s motive for the saber-rattling is Machado’s recent overwhelming victory in an opposition primary for the presidency.

The U.S. pressure for free and fair presidential elections in Venezuela next year and the ability of the opposition to put forth its own candidate, Fonseca added, have “forced Maduro” to seek other leverage.

Maduro’s threat to invade Guyana, a staunch U.S. ally, he added, “makes for far more complex” negotiations.

Miami Herald journalist Ana Claudia Chacin contributed to this report.

*Jacqueline Charles: 305-376-2616, @jacquiecharles
Ana Claudia Chacin: 305-376-3264, @AnaChacin*



CITY OF SOUTH MIAMI, FLORIDA

CITY COMMISSION MEETING

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission will hold a public hearing on **Tuesday, December 19, 2023, at 7:00 p.m.** at **South Miami City Hall Commission Chambers, 6130 Sunset Drive, South Miami, FL 33143**, to consider the following public hearing item(s):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AMENDING ARTICLE II “DEFINITIONS,” SECTION 2.3 “DEFINITIONS” AND ARTICLE III “ZONING REGULATIONS,” SECTION 3.6 “SUPPLEMENTAL REGULATIONS,” TO ADDRESS HOME GARAGES; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, APPROVING A FRANCHISE AGREEMENT WITH AMERICAN WASTE SYSTEMS, LLC TO LEASE A PORTION OF THE CITY-OWNED PROPERTY LOCATED OUTSIDE THE CITY’S JURISDICTION AT 4795 SW 75 AVENUE FOR THE OPERATION OF AN INDOOR WASTE PROCESSING AND LOADING FACILITY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FRANCHISE AGREEMENT RELATING TO THE LEASE OF THE PROPERTY; PROVIDING FOR IMPLEMENTATION, CORRECTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

Commission members will participate in Chambers or by video conferencing through the Zoom platform and members of the public may join the meeting via Zoom at (<https://zoom.us/j/3056636338>), by phone by calling +1-786-635-1003 and entering Meeting ID: 3056636338 when prompted, or in person in the Commission Chambers, and where their appearance will be broadcast on the Zoom platform, and where they can participate.

All interested parties are invited to attend and will be heard.

For further information, please contact the City Clerk’s Office at: 305-663-6340.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the Commission with respect to this matter, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

ADA: To request a modification to a policy, practice or procedure or to request an auxiliary aide or service in order to participate in a City program, activity or event, you must on or before 4:00 p.m. 3 business days before the meeting (not counting the day of the meeting) deliver your request to the City Clerk by telephone: 305-663-6340, by mail at 6130 Sunset Drive, South Miami, Florida or email at npayne@southmiamifl.gov.

Nkenga A. Payne, CMC, FCRM
City Clerk



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