MEMORANDUM

Agenda Item No. 11(A)(23)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	May 17, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution directing the Mayor to create a special certificate of use category for the display of vehicles and boats for sale on residential property located in unincorporated Miami-Dade County and directing the Mayor to implement associated procedures; amending Implementing Order 4-111 to provide for a special certificate of use category and associated fee for said certificate of use applications

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(23)
5-17-16

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO CREATE A SPECIAL CERTIFICATE OF USE CATEGORY FOR THE DISPLAY OF VEHICLES AND BOATS FOR SALE ON RESIDENTIAL PROPERTY LOCATED IN UNINCORPORATED MIAMI-DADE COUNTY AND DIRECTING THE MAYOR OR DESIGNEE TO IMPLEMENT ASSOCIATED PROCEDURES; AMENDING IMPLEMENTING ORDER 4-111 TO PROVIDE FOR A SPECIAL CERTIFICATE OF USE CATEGORY AND ASSOCIATED FEE FOR SAID CERTIFICATE OF USE APPLICATIONS

WHEREAS, this Board is committed to ensuring the health, safety and welfare, as well as enhancing the quality of life of Miami-Dade County's residents; and

WHEREAS, in furtherance of these goals, this Board is committed to maintaining and enhancing the aesthetics and beauty of the residential districts within unincorporated Miami-Dade County; and

WHEREAS, this Board recognizes that the sale of vehicles and boats from properties within residential districts can detract from the beauty and aesthetics of the properties, and oftentimes diminishes the enjoyment of the surrounding properties by their owners and tenants, and likewise can result in diminished resale values of properties in these areas; and

WHEREAS, this Board also recognizes that vehicles and boats displayed for sale may distract drivers within these residential districts, endangering pedestrians, including children; and

WHEREAS, Florida Statute Section 320.27 requires that "motor vehicle dealers" obtain a license to engage in the business of buying, selling or dealing in motor vehicles or offering to display motor vehicles for sale at wholesale or retail, and further provides that any person that buys, sells, deals, or offers or displays for sale three or more motor vehicles in any 12-month period shall be presumed to be engaged in the business as a motor vehicle dealer; and

WHEREAS, Miami-Dade County Ordinance No. 33-19.1 already limits the display for sale to no more than one vehicle at a time on property in a residential district, and no more than two vehicles for display for sale at such property for any one calendar year; and

WHEREAS, Miami-Dade County Ordinance No. 33-19.1 also provides that the display of a vehicle or boat for sale shall only be allowed at the property of the registered owner of the vehicle or boat; and

WHEREAS, this Board recognizes that owners of vehicles and boats desire a way to sell their vehicles and boats when they no longer wish to use or possess them; and

WHEREAS, this Board recognizes that a certificate of use requirement to display a vehicle or boat for sale in a residential district will facilitate the County's enforcement of the existing requirement that the display of a vehicle or boat for sale shall only be allowed at the property of the registered owner of the vehicle or boat, and will also enhance the County's ability to enforce the existing requirement that there be no more than one vehicle displayed for sale at a time on a residential property, and no more than two vehicles displayed for sale at such property for any one calendar year; and

WHEREAS, on _____, 2016, this Board adopted Ordinance No. 16-__, which amends Miami-Dade County Ordinance No. 33-19.1 to require, among other things, that owners of vehicles and boats obtain a certificate of use from the County to display vehicles and boats for sale on their residential properties within unincorporated Miami-Dade County; and

WHEREAS, since the requirement of a certificate of use can be financially burdensome for persons selling inexpensive vehicles or boats, this Board is committed to an inexpensive certificate of use fee required by the aforesaid Ordinance,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Incorporates and adopts the foregoing recitals as if fully set forth herein.

Section 2. Directs the Mayor or designee to create a special certificate of use category for "Display of Vehicles and Boats for Sale on Residential Properties," located within unincorporated Miami-Dade County, to implement the necessary procedures and to give effect to the intent of this resolution within 120 days from its enactment.

Section 3. Amends Implementing Order 4-111 to include a new special certificate of use category and $36.70 fee for "Display of Vehicles and Boats for Sale on Residential Properties," located within unincorporated Miami-Dade County. The special certificate of use category services include the resources expended for intake of the certificate of use application, processing of the application, verification of the status of the registration of the vehicle or boat owned by the certificate of use applicant, and record keeping.

Section 4. Adopts and approves the amendments to Implementing Order 4-111 in substantially the form attached hereto as Exhibit A.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

David Sherman

EXHIBIT A

I.O. No.: 4-111
Adopted: [[~~9/19/15~~]]
Effective: [[~~10/1/15~~]]

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

FEE SCHEDULE FOR REGULATORY AND ECONOMIC RESOURCES
(PLANNING, ZONING, AND PLATTING SERVICES)

AUTHORITY:
Ordinance No. 76-60; the Miami-Dade County Home Rule Charter including, among others, Sections 1.01 and 2.02A; Sections, 2-113, 2-114.1, 2-114.2, 2-114.3, 2-114.4, 2-116.1, 8-5, >>33-19.1,<< 33-285, 33-303.1, 33E-15, 33G-6, 33H-16, 33I-13, 33J-14, 33K-14, and Chapters 16A, 18A and 28 of the Code of Miami-Dade County.

SUPERSEDES:
This Implementing Order (IO) supersedes IO 4-111, ordered [[~~September 19, 2014~~]] >>September 19, 2015<< and effective [[~~October 1, 2014~~]] >>October 1, 2015<<.

POLICY:
A schedule of fees covering the cost of providing planning, zoning, and platting services shall be established and no application, permit, certificate or receipt shall be issued until the appropriate fee is paid. Additionally, no special study shall be prepared until a memorandum of agreement has been entered into or payment made.

PROCEDURE:
The responsibility for this Implementing Order is assigned to the Director of the Department of Regulatory and Economic Resources, who shall be responsible for the collection of fees and the delivery of required services pursuant to Chapters 8, 16A, 28 and 33 and Section 2-104 of the Code of Miami-Dade County. Each two years or earlier, if need be, the Director shall review all fees in terms of their cost and recommend necessary changes to the County Mayor.

FEE SCHEDULE:
The fee schedule >>amended<< [[~~adopted~~]] by this Implementing Order has been presented and is considered a part hereof. In accordance with Section 2-3 of the Code of Miami-Dade County, this >>amended<< official Fee Schedule is also filed with the Clerk of the Board of County Commissioners. Fees which are charged by the planning, zoning, and platting services shall be the same as those listed in the Official Fee Schedule on file with the Clerk of the County Commission.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as
to form and legal sufficiency _____

Planning, Zoning, and Platting Services
Fee Schedule

TABLE OF CONTENTS

I. **GENERAL INFORMATION**
- A. Concurrency Review 1
- B. Impact Fees 1
- C. Preparation of Certified Records for Court Appeal 1
- D. Copies of Departmental Records, Verification of Documents and Research of Plans (expanded) 1
- E. Fees Based on Estimated Cost - Documentation Requirements 1
- F. Publications 2
- G. Late Payment Charges on Unpaid Amounts Due to Planning and Zoning 2
- H. Surcharge 2
- I. Images Online 2-3
- J. Conversion of Documents to Images (Scanning) 3
- K. Permit Renewals 3

II. **REQUESTS FOR WRITTEN ADVISORIES OF COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) CONSISTENCY (OTHER THAN FOR DEVELOPMENT/SERVICES CONCURRENCY DETERMINATION)**
- A. Interpretation/Explanation of CDMP Provisions, Including Adopted Land Use Plan (LUP) Map and Interpretation of LUP Map Text Consistency Determinations Relative to a Specific Location 3
- B. Interpretation/Explanation of Adopted Components Goals, Objective, and Other Text Not Related to a Specific Location. 3

III. **APPLICATIONS TO AMEND THE CDMP**
- A. Land Use Element 3-4
- B. Traffic Circulation Sub-Element 4-5
- C. Mass Transit Sub-Element 5
- D. Port, Aviation, and Port of Miami Sub-Element 5
- E. Capital Improvements Elements (CIE) 5
- F. All Elements (including A-E above) 5-6

IV. **PREPARATION OF SPECIAL PROJECTS, STUDIES, REPORTS, OR PROVISION OF DATA**
- A. Graphics Services 6
- B. Non-Graphic Services 6
- C. Computer Reports or Data 6

V. **CERTIFICATE OF USE (C.U.) AND TEMPORARY CERTIFICATE OF USE (T.C.U.)**
- A. Residential 7
- B. Business, Wholesale and Retail 7
- C. Industrial 7
- D. Unusual Uses, Special Permits, Business and Industrial Use Variances 8
- E. Agricultural 8
- F. Trailer Use Certificates 8
- G. Maximum Fee 8
- H. Change of Use, Business Ownership or Name 8
- I. Refunds 8
- J. Occupancy without a CU 9
- K. Failure to Renew CU, Temporary Certificate of Use (TCU) or Temporary CU 9
- L. "Up-Front" Fee 9
- M. CU and TCU, Inspection Fee 9
- N. CU Re-inspection Fee 9
- O. Alcohol Fees and Renewal Fees 9
- P. Certification of Residence 9

VI. **ZONING APPLICATION FEES**
- A. Public Hearing Administrative Modifications and Reformations 10-11
- B. Non-Use Variance Administrative Site Development Option (ASDO) Public Hearings (Residential/One Lot) 11
- C. Unusual Use-Mobile Home as a Watchman's Quarters 11
- D. Public Hearings for Private Schools, Houses of Worship, etc. 11
- E. Unusual Use-Lake Excavation 11
- F. Non-Use Variance Signs 11-12
- G. Revisions to Public Hearings Plans 12
- H. Revisions of Legal Description 12

I. Appeals of CZAB Decisions 12
J. Entrance Feature Application Fees 12
K. Appeals of Entrance Feature Decisions 12
L. Administrative Adjustment Application Fees 12
M. Appeals of Administrative Adjustment Decisions 12-13
N. Appeals of Administrative Decisions of Director and Amendments to Zoning Regulations 13
O. Appeals of Administrative Decisions of the Executive Council 13
P. Severable Use Rights 13
Q. Administrative Site Plan Review Fee (Residential) 13
R. Administrative Site Plan Review Fee (Commercial) 13-14
S. Administrative Lake Plan Review Fee 14
T. Class I Permits 14
U. Class IV Permits 14
V. Other Processing and Research Fees 14
W. Governmental Facilities 14
X. Shoreline Applications 14-15
Y. Substantial Compliance Determination 15
Z. Zoning Kit and Subscriptions 15
AA. Zoning Logbook and Agenda Subscriptions 15
BB. Hearing Tapes 15
CC. Re-Advertisement and Re-Notification for Deferred or Remanded Hearing Applications 15

VII. DEVELOPMENTAL IMPACT COMMITTEE LARGE SCALE APPLICATIONS 15-17

VIII. VESTED RIGHTS/TAKINGS FEES
A. Section 2-114.1 - Miami-Dade County Code - Vested Rights/Taking-Base Fee 17
B. Vested Rights/Takings – Size of Application 17

IX. EXTENSION OF CAPACITY RESERVATION 17

X. APPEALS OF PLAT COMMITTEE DECISIONS 17

XI. APPEALS OF IMPACT FEE ASSESSMENTS 18

XII. ADJUSTMENT OF LANDSCAPING REQUIREMENTS APPLICATION FEES 18

XIII. LAKES AND LANDFILLS 18

XIV. ZONING PLANS PROCESSING FEES
A. Initial Landscape Fee 18
B. Re-Work Fees 18
C. Revised Landscaping Plans Fee 18

XV. ZONING REVIEW FEE ASSOCIATED WITH BUILDING PROCESS
A. Revised Plans Fee 19
B. Up-Front Processing Fee 19
C. Minimum Fee for Building Permit 19
D. Refunds 19
E. New Building or Additions 19-20
F. New Construction Other Than as Specified Herein 20
G. Alterations and Repairs to Building and Other Structures (Except Group I) 20-21
H. Moving Buildings for Other Structures 21
I. Slabs 21
J. Fences and/or Walls 21
K. Swimming Pools, Spas, and Hot Tubs 21
L. Temporary Platforms and Temporary Bleachers to be Used for Public Assembly 21
M. Screen Enclosures, Canopies and Awnings 21
N. Sign Permit Fees 22
O. Tie Down 22
P. Satellite Dish 22
Q. Ornamental Iron 22
R. Signs & Architectural Features (Indoor Neons) 22

Planning, Zoning, and Platting Services
Fee Schedule

XVI. ZONING INSPECTION FEES
- A. Inspection Fee 22
- B. Inspections Requiring Overtime 22

XVII. CHAPTER 163 DEVELOPMENT AGREEMENTS 22

XVIII. FEE FOR MONITORING DEVELOPMENT OF REGIONAL IMPACT AND OTHER MAJOR PROJECTS 22

XIX. HISTORIC PRESERVATION FEES
- A. Certificate of Appropriateness (COA) 23
- B. Certificate to Dig (CTD) Approval Letter 23
- C. Ad Valorem Tax Abatement Application 23
- D. Designation Report Requests 23
- E. Deferment or Continuance of Hearing After the Legal Ad has been Placed 23

XX. PLATTING FEES
- A. Tentative Plat 24
- B. Waiver of Plat 24
- C. Waiver of Subdivision Code Requirements 24
- D. Paving and Drainage 24-25
- E. Final Plat 25
- F. Platting and Traffic Section Zoning Application Review Fee 25
- G. Decorative Wall and Entrance Feature Review 25
- H. Bonding 25
- I. Research 25

Planning, Zoning, and Platting Services
Fee Schedule

The following schedule details the charges and fees associated with planning and zoning services:

I. GENERAL INFORMATION

A. CONCURRENCY REVIEW

* * *

V. CERTIFICATE OF USE (C.U.) AND TEMPORARY CERTIFICATE OF USE (T.C.U.)

The following original fees shall be paid for all uses. The indicated renewal fee applies to those uses, which are required to be renewed annually by Code or by Resolution. All non-renewable uses are issued permanent use certificates which shall remain valid for an unlimited time, unless revoked for cause, or abandoned, provided there is no change of use, ownership, or name, or that there is no enlargement, alteration or addition in the use or structure. An "up front" processing fee equal to 50% of the total C.U. fee shall be assessed at the time of filing an application. The processing fee is non-refundable but shall be credited towards the final C.U. fee.

A. RESIDENTIAL	Fee	Renewal Fee

* * *

D. UNUSUAL USES, SPECIAL PERMITS, BUSINESS AND INDUSTRIAL USE VARIANCES		
All unusual uses, except the following:	324.38	246.58
Churches	139.44	73.39
Airports, racetracks, stadiums	647.28	234.84
Cabaret, nightclub, liquor package store	428.58	388.96
Rock quarries, lake excavation and/or filling thereof Minimum	509.31 509.59	246.58
Circus or carnival (per week) and special events	271.54	271.54
Open lot uses	193.74	154.12
Lot clearing, sub-soil preparation	161.45	146.78
>>Residential sale display of vehicle/watercraft	36.70	36.70<<

E. AGRICULTURAL		
All uses, except as otherwise listed herein	193.74	183.47

* * *

//