MEMORANDUM

Agenda Item No. 8(L)(2)

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

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution amending Implementing Order No. 4-111, Fee Schedule for Regulatory and Economic Resources (Planning, Zoning, and Platting Services) to provide for fees when an application to amend the Comprehensive Development Master Plan is transferred from one application cycle to another

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Unincorporated Municipal Service Area Committee.

Abigail Price-Williams
County Attorney

APW/cp

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Memorandum

MIAMI-DADE COUNTY

Date: June 7, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Amending Implementing Order No. 4-111, Fee Schedule for Regulatory and Economic Resources

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Recommendation

It is recommended that the Board of County Commissioners (Board) approve an amendment to Implementing Order No. 4-111, Fee Schedule for Regulatory and Economic Resources (Planning, Zoning and Platting Services) to add a fee when an application to amend the Comprehensive Development Master Plan (CDMP) is transferred from one application cycle to the next application cycle.

This item accompanies an ordinance that amends Section 2-116.1 of the County Code of Ordinances (Code) to modify the schedule and procedures related to processing CDMP amendment applications.

Scope

The proposed amendment to Implementing Order No. 4-111 is specific to CDMP amendment applications that occur in the unincorporated municipal service area.

Fiscal Impact/Funding Source

Approval of this amendment to Implementing Order No. 4-111 will not create a fiscal impact to Miami-Dade County as this fee will simply cover the costs associated with applications transferred from one cycle to the next cycle.

Track Record/Monitor

The Assistant Director of the Planning Division in the Department of Regulatory and Economic Resources Department, Mark R. Woerner, will administer and monitor the implementation of the proposed transfer fee.

Background

An accompanying ordinance recommends amending the Code to add a third annual CDMP amendment cycle and establishes the filing periods in January, May, and October. Additionally, the proposed ordinance provides a process by which the Director of the Department of Regulatory and Economic Resources (Department) can transfer an application to the next scheduled application period prior to issuance of the Department's initial recommendations on the application. In such case, no additional fees will be required. Following issuance of the Department's initial recommendations but prior to the Board's transmittal hearing, only standard amendment applications can be transferred to the next amendment cycle by the Director. Applications transferred following issuance of the Department's initial recommendations will be required to furnish payment during the filing period of the next scheduled application period to which the application has been transferred. This item will amend Implementing Order No. 4-111 to incorporate the transfer fee as stipulated in the accompanying ordinance.

Jack Osterholt
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(L)(2)

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. 8(L)(2)
6-7-16

RESOLUTION NO. _____

RESOLUTION AMENDING IMPLMENTING ORDER NO. 4-111, FEE SCHEDULE FOR REGULATORY AND ECONOMIC RESOURCES (PLANNING, ZONING, AND PLATTING SERVICES) TO PROVIDE FOR FEES WHEN AN APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN IS TRANSFERRED FROM ONE APPLICATION CYCLE TO ANOTHER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the amendment of Miami-Dade County Implementing Order No. 4-111, Fee Schedule for Regulatory and Economic Resources (Planning, Zoning and Platting Services), in substantially the form attached hereto and incorporated herein, to provide for fees when an application to amend the Comprehensive Development Master Plan is transferred from one application cycle to the next application cycle.

The foregoing resolution 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 7th day of June, 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.

Dennis A. Kerbel

I.O. No.: 4-111
Adopted: [[~~9/17/15~~]]
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, 33-285, 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 17, 2015<< [[~~September 19, 2014~~]] and effective >>October 1, 2015<< [[~~October 1, 2014~~]].

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 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 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 _____

* * *

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

* * *

III. APPLICATIONS TO AMEND THE CDMP

* * *

F. All Elements (including A-E above)

* * *

6. One or more non-LUP Map amendment proposals requested for processing concurrently with an application to approve or amend a DRI development order pursuant to Sec. 2-116.1(5)(a), Code of Miami-Dade County, Florida. This fee shall be charged only when a LUP Map amendment is not requested, and a fee is not charged, pursuant to par. II.A.1, above. 34,200

All above fees include any corresponding changes to other Plan Elements, or components thereof, required for internal consistency.

In the event that the applicant withdraws the application for amendment prior to the deadline established in Section 2-116.1(8), Code of Miami-Dade County, amendment fees paid shall be refunded.

In the event that the Board of County Commissioners fails to approve transmittal of a non-small scale amendment application to the State Land Planning Agency per Sec. 2.116.1(3)(g) of the Code of Miami-Dade County, or the applicant withdraws the application or any portion thereof after the full refund deadline referenced above, but prior to transmittal action by the Board of County Commissioners, [[4)]] twenty-five (25%) percent of the department's CDMP amendment fees paid shall be refunded.

The applicant shall not be authorized, subsequent to the "transmittal" hearing held by the Board of County Commissioners, to receive any refund of application fees.

County proprietary departments shall pay required fees at the time of application except that (a) during a regular annual update to the CIE, a single fee of $11,400 shall be charged to the department for one or more changes to a Schedule of Improvements table; (b) fees shall not be charged to such departments for a major Element update to implement an Evaluation and Appraisal Report (EAR); and (c) the fee for a major update or revision to a Plan Element required by a proprietary department at a time other than during an EAR-based CDMP amendment cycle shall be $57,000 paid at the time of application filing, with any costs incurred by the Department in excess of the initial filing fee to be paid by the applicable department.

>> If an application is transferred to the next CDMP amendment cycle following publication of the Department's initial recommendations on the application, the applicant shall be required to furnish an additional fee to process the application in the new cycle. Such fee shall be in an amount equal to twenty-five percent (25%) of the original application fee, in addition to the cost of any public notices incurred by the Department for the application in the cycle from which the application is transferred. Such payment shall be provided prior to the end of the filing period of the cycle to which the application has been transferred. If payment is not received, the application shall be deemed withdrawn.<<

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