

# Memorandum



**Date:** March 3, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

Agenda Item No. 8(N)(1)(A)

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

**Subject:** Resolution Amending Implementing Order No. 04-111: Department of Planning and Zoning Fee Schedule

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## **Recommendation**

It is recommended that the Board approve the attached resolution amending Implementing Order No. 04-111: Department of Planning and Zoning Fee Schedule.

## **Scope**

The scope of this item applies to the unincorporated areas of Miami-Dade County.

## **Fiscal Impact/Funding Source**

Depending on market conditions, the proposed fee schedule may generate additional revenue for the Department of Planning and Zoning.

## **Track Record/Monitor**

Not applicable.


## **Background**

On December 2, 2008 the Board adopted Ordinance No. 08-133, which requires issuance of a Certificate of Use (CU) by the Department of Planning and Zoning (Department) when residential properties in unincorporated Miami-Dade County are acquired through a Certificate of Title (Foreclosures and Judgments), in accordance with Chapter 45, Florida Statutes. The purpose of the CU process is to document and disclose to the public the extent to which residential properties (i.e. single family, condominium, townhouse, or duplex) acquired in this way comply with all applicable building codes and zoning codes. The CU process includes preparation of a disclosure of findings report, which identifies building or zoning code violations for each property and contains a good faith estimate of the cost to remedy any deficiencies. Building code violations will be referred to the Building Department for enforcement and zoning code violations will be referred to the Office of Neighborhood Compliance for enforcement.

The attached Implementing Order, Fee Schedule for Department of Planning and Zoning, has been amended to include a \$300 fee per property for Department review of the disclosure of findings report and issuance of a final CU, \$250 of which must be paid "up front" at the time of report submittal, with the \$50 remainder due at the time of CU issuance.

Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners  
Page No. 2

An additional \$50 fee is also included for cases where a disclosure of findings report is rejected by Department staff and must be re-submitted.



\_\_\_\_\_  
Assistant County Manager

cmo06409



# MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

DATE: March 3, 2009

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 8(N)(1)(A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(N)(1)(A)  
3-3-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AMENDING IMPLEMENTING ORDER 4-111: DEPARTMENT OF PLANNING AND ZONING FEE SCHEDULE, TO ADD FEES RELATING TO CERTIFICATE OF USE

**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 amends Implementing Order 4-111: Department of Planning and Zoning Fee Schedule, in the form attached hereto and incorporated herein, and authorizes the County Mayor or Mayor's designee to exercise any and all rights conferred therein.

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:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.



Thomas H. Robertson

I.O. No.: 04-111  
Ordered: 09/18/2008  
Effective: 10/01/2008

MIAMI-DADE COUNTY  
IMPLEMENTING ORDER

FEE SCHEDULE FOR DEPARTMENT OF PLANNING AND ZONING

**AUTHORITY:**

~~[[Ordinance No. 76-60;]] Section[[s]] [[4.02]] >>1.01<< ~~[[and 5.05]]~~ of the Miami-Dade County Home Rule Amendment and Charter >>, as amended<<; Sections, 2-113, 2-114.1, 2-114.2, 2-114.3, 2-114.4, 2-116.1, 8-5, 20-4, 20-6, 20-9, >>33-8,<< 33-285, 33-303.1, 33E-15, 33G-6, 33H-16, 33I-13, 33J-14, 33K-14, >>and<< Chapter 18A of the Code of Miami-Dade County.~~

**SUPERSEDES:**

This Implementing Order supersedes and incorporates Administrative Order 4-63A as it relates to zoning fees and other related fees for services effective November 1, 1983, as previously revised on July 1, 1988; November 1, 1989; January 15, 1991; October 1, 1991; October 1, 1994; November 1, 1994; November 18, 1997; and July 17, 1998; supersedes and merges Administrative Order 4-47, effective December 5, 1995; Administrative Order 4-81, effective December 5, 1995; and Administrative Order 4-99, effective December 5, 1995, in their entirety; and Administrative Order 4-111, effective February 8, 2002 and supersedes Administrative Order 4-111, effective October 1, 2003, and supersedes Administrative Order 4-111, effective December 10, 2004, >>and supersedes Implementing Order 04-111, effective October 1, 2008<<.

**POLICY:**

A schedule of fees covering the cost of providing Department of Planning and Zoning 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, Department of Planning and Zoning, who shall be responsible for the collection of fees and the delivery of required services pursuant to Chapters 8 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 Manager.

**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 Department of Planning and Zoning 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.

County Manager

Approved by County Attorney as  
to form and legal sufficiency     *m*

**Department of Planning & Zoning  
Fee Schedule**

Indicated below is the Department of Planning and Zoning Fee Schedule section being amended with additions indicated.

**IV. 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.

		Fee	Renewal Fee
>> <u>C300</u> <<	>> <u>Disclosure and findings report review and CU issuance [\$250 paid "up front" at time of report submittal and \$50 paid at time of CU issuance] (foreclosures and judgments)</u> <<	>> <u>300.00</u> <<	
>> <u>C301</u> <<	>> <u>Disclosure and findings report re-submittal (foreclosures and judgments)</u> <<	>> <u>50.00</u> <<	



**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

**MEMORANDUM**

Amended  
Agenda Item No. 7(B)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** (Second Reading 12-2-08)  
October 7, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney


**SUBJECT:** Ordinance amending Section  
33-8; requiring Certificate of  
Use for single family residences  
and duplexes

O#08-133

**Ordinance No. 08-133**

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney


RAC/jls

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** December 2, 2008

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess   
County Manager

**Subject:** Ordinance amending Section 33-8; requiring Certificate of Use for single family residences and duplexes

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The ordinance amending Section 33-8; requiring Certificate of Use for single family residences and duplexes will not have a fiscal impact to Miami-Dade County as the costs for implementing this ordinance will be offset by the fees charged for inspections.



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Alex Munoz  
Assistant County Manager

fls00209




# MEMORANDUM

(Revised)

**TO:** Honorable Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** December 2, 2008

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Amended  
Agenda Item No. 7(B)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
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- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Agenda Item No. 7(B)  
12-02-08

ORDINANCE NO. 08-133

ORDINANCE AMENDING SECTION 33-8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING CERTIFICATE OF USE FOR SINGLE FAMILY RESIDENCES, CONDOMINIUM UNITS, TOWNHOUSES AND DUPLEXES, ACQUIRED THROUGH CERTIFICATE OF TITLE, REQUIRING CERTIFICATION OF COMPLIANCE WITH APPLICABLE BUILDING CODES AND ZONING CODES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-8. Certificate of use.**

(a) No structure, other than a single family residence or duplex, shall be used or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use (C.U.) therefor from the Department. Said certificate of use shall be required for each individual business and each multi-family building located within unincorporated Miami-Dade County.

(b) In the event there is a question as to the legality of a use, the Director may require inspections, affidavits and such other information he may deem appropriate or necessary to establish the legality of the use, before a certificate of use will be issued.

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

12

Additionally, the Department shall have the right to periodically inspect premises at any reasonable time to ensure the existence of a current and valid C.U., and to ensure compliance with the terms and conditions under which a C.U. was issued.

>>(c) The person or entity listed upon a Certificate of Title issued pursuant to Chapter 45, Florida Statutes as the purchaser of a single family residence, condominium unit, townhouse or duplex shall obtained a C.U. from the Department prior to offering said residence for sale, transfer or other alienation. The C.U. required by this subsection (c) shall be for the purpose of determining whether or not the residence in question complies with all building codes and zoning codes applicable to the residence and to provide a disclosure of those findings. The Director shall require disclosure by requiring an inspection of the property by personnel authorized to conduct such inspections by the Director and to subsequently record in the public records of Miami-Dade County the inspection report. Said report shall include a good faith estimate of the cost to repair or remedy all code violations disclosed by the inspection. The Director shall prescribe the form of the inspection report and disclosure to ensure compliance with the intent of this section. Upon the recording of the inspection report and estimate in the public records of Miami-Dade County, the Director is authorized to issue the C.U. required by this section (c). The Director shall refer any County Code violations disclosed in the report to the proper County Department for enforcement action. County Departments are authorized to collect fees for inspections and other administrative costs and/or for the issuance of the C.U., as maybe applicable, and as established in the Departments' approved schedule of fees <<

Except for C.U.'s required by code or zoning resolution to be renewed annually, and except for C.U.'s issued on a temporary basis, certificates of use shall remain valid for an unlimited time unless revoked for cause. The C.U. is only valid for the specific address, business name, corporate name and type of business for which it was issued. A new C.U. shall be required for any changes in; use, name, ownership, expansion of square footage occupied, the inclusion of additional uses, or when changes to the structure have been approved by final building inspection.

No certificate of use shall be utilized in a manner contrary to the regulations contained in this chapter.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance

**Ordinance No. 08-133**

Amended  
Agenda Item No. 7(B)  
Page 3

is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

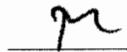
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

**PASSED AND ADOPTED: December 2, 2008**

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Thomas H. Robertson

Prime Sponsor: Commissioner Natacha Seijas  
Co-Sponsor : Vice-Chairwoman Barbara J. Jordan