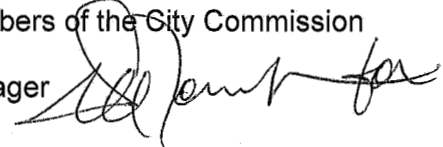


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
FROM: Jimmy L. Morales, City Manager 
DATE: April 10, 2019
SUBJECT: **ORDINANCE AMENDMENT - Fees for Commission Sponsored Code Amendments**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the subject Ordinance at First Reading, and set a Second Reading/Public Hearing on May 8, 2019.

HISTORY

On April 11, 2018, at the request of Commissioner John Elizabeth Aleman, the City Commission referred the proposed item to the Land Use and Development Committee (Item C4 L). On May 23, 2018, the Land Use and Development Committee discussed the proposal and recommended that the City refer the Ordinance prepared by the City Attorney's Office to the Planning Board, with a modification to a simple majority vote for a waiver of fees by the City Commission, and with the direction that the referral be reviewed concurrently with the proposed fee amendments pending before the Finance and Citywide Projects Committee.

On December 14, 2018, the Finance and Citywide Projects Committee discussed an item pertaining to land development fees, and recommended that the City Commission refer the attached Ordinance to the Planning Board. On January 16, 2019, at the request of the Finance and Citywide Projects Committee, the City Commission referred the proposed Ordinance to the Planning Board (Item R9 T).

PLANNING ANALYSIS

City Code Section 118-162 establishes application requirements for amendments to the Land Development Regulations and Comprehensive Plan. In the past, private applicants/developers have sought City Commissioners to sponsor amendments to the Land Development Regulations and/or Comprehensive Plan on the applicants' behalf. When an amendment is sponsored by the City Commission, an applicant/developer is not required to pay the City's fees and costs associated with the application (including the Planning Department's analysis of the proposed legislation).

The fees associated with amendments to the land development regulations, zoning map, comprehensive plan, and future land use map, are set forth in Appendix A to the City Code, as follows:

- Amendment to the permitted, conditional or prohibited uses in a zoning category (per use): \$2,500.00
- Amendment to the permitted, conditional or prohibited uses in the comprehensive plan: \$2,500.00
- Amendment to the zoning map designation (per square foot of lot area) up to 5,000 sq. ft.: 0.50
- Amendment to the zoning map designation (per square foot of lot area) 5,001 sq. ft. and greater: 0.70
- Amendment of future land use map of the comprehensive plan (per square foot of lot area) up to 5,000 sq. ft.: 0.50
- Amendment of future land use map of the comprehensive plan (per square foot of lot area) 5,001 sq. ft. and greater: 0.70
- Amendment to the land development regulations (per section being amended): \$10,000.00
- Amendment to the comprehensive plan (per goal, policy, or objective being amended): \$10,000.00

The proposed Ordinance (i) clarifies and modifies the application requirements for amendments to the Land Development Regulations and Comprehensive Plan; (ii) clarifies that private applicants shall be required to pay all applicable Planning Department fees and costs; and (iii) authorizes the City Commission to waive, by five-sevenths (5/7ths) vote, the fees and costs associated with such applications under certain specified conditions.

The ordinance also removes the minimum requirements for an applicant to request an amendment, as those that do not meet the requirement often request that the City Commission sponsor the requested change. The current minimum requirement is that *"the area contain at least 400 feet of lot frontage on one public street or a parcel of not less than 80,000 square feet."*

PLANNING BOARD REVIEW

On February 26, 2019, the Planning Board held a public hearing and transmitted the Ordinance to the City Commission with a favorable recommendation by a vote of seven to zero (7-0).

SUMMARY

Subsequent to the transmittal of the Ordinance by the Planning Board, the Administration and City Attorney's Office reviewed the structure of the Ordinance, and are proposing certain modifications. In order to present these revisions more clearly, a second, modified version of the Ordinance (Option A – Administration Version) is attached, in addition to the version transmitted by the Planning Board on February 26, 2019. Specifically, the Administration and City Attorney recommend clarifications to what

constitutes an amendment application and, more specifically, who qualifies as a "private applicant". Additionally, the revised draft provides that City Commission-sponsored amendments on behalf of a third party (e.g. property owner, developer, or affected organization) will be subject to all applicable fees in Appendix A, unless such fees are waived by the City Commission.

Finally, the Administration and the City Attorney are recommending the inclusion of (i) an applicability clause, so that the new fee requirement be prospective, and not subject to zoning in progress, and (ii) a supermajority voting requirement (5/7ths) for the waiver of fees associated with private applications.

CONCLUSION

The Administration recommends that the City Commission approve Option A, the Administration version of the subject Ordinance, at First Reading, and set a Second Reading/Public Hearing on May 8, 2019.

JLM/SMT/TRM

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