

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Raul J. Aguila, City Attorney
DATE: September 13, 2017

SUBJECT: REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE AND THE
PLANNING BOARD OF AN ORDINANCE AMENDING "APPENDIX A - FEE
SCHEDULE."

ANALYSIS

See memorandum attached.

Legislative Tracking

Office of the City Attorney

Sponsor

Vice-Mayor Ricky Arriola

ATTACHMENTS:

Description

- ▣ Memo on referral
- ▣ Ordinance



MIAMIBEACH

OFFICE OF THE CITY ATTORNEY
RAUL J. AGUILA, CITY ATTORNEY

COMMISSION
MEMORANDUM

**TO: MAYOR PHILIP LEVINE
MEMBERS OF THE CITY COMMISSION
CITY MANAGER JIMMY MORALES**

FROM: Vice Mayor Ricky Arriola

DATE: September 13, 2017

**SUBJECT: Referral to Land Use and Development Committee and Planning Board
of the following draft ordinance:**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING “APPENDIX A – FEE SCHEDULE” TO AUTHORIZE THE WAIVER OF DESIGN REVIEW BOARD OR HISTORIC PRESERVATION BOARD FEES FOR NONPROFITS PROPOSING ART IN PUBLIC PLACES AND/OR NON-COMMERCIAL ARTISTIC MURALS, GRAPHICS AND IMAGES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

In anticipation of that vote, the Vice Mayor would like to refer to the Land Use and Development Committee and the Planning Board the attached draft ordinance relating to amending “Appendix A – Fee Schedule” of the City’s Code in order to authorize the waiver of Design Review Board or Historic Preservation Board fees for nonprofits proposing art in public places and/or non-commercial artistic murals, graphics and images.

FEE WAIVER FOR NONPROFITS

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING “APPENDIX A – FEE SCHEDULE” TO AUTHORIZE THE WAIVER OF DESIGN REVIEW BOARD OR HISTORIC PRESERVATION BOARD FEES FOR NONPROFITS PROPOSING ART IN PUBLIC PLACES AND/OR NON-COMMERCIAL ARTISTIC MURALS, GRAPHICS AND IMAGES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City Code of Ordinances contains fees for development review, permitting, and other services to cover the costs of implementing the regulations contained therein; and

WHEREAS, certain nonprofit organizations, (i.e. the Bass Museum, Miami Design Preservation League) desire to invest in public art installments; and

WHEREAS, in order to assist these nonprofits in providing these benefits to the residents and visitors of Miami Beach, the City, desires to waive the fees associated with Design Review Board or Historic Preservation Board review of said art in public places and/or non-commercial artistic murals, graphics and images; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. “Appendix A – Fee Schedule”, of the Code of the City of Miami Beach is hereby amended as follows:

APPENDIX A - FEE SCHEDULE

FEE SCHEDULE

This appendix includes all fees and charges established by the City Commission that are referred to in the indicated sections of the Code of Ordinances:

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118-6	Cost recovery	
	Review and Report by outside source	TBD
118-7	Fees for the administration of land development regulations	
	General Fees for Public Hearing	
	Application for preliminary evaluation before a board	500.00
	Application for public hearing	2,500.00
	<u>Fees for Design Review Board or Historic Preservation Board – for nonprofits proposing art in public places and/or non- commercial artistic murals, graphics and images</u>	<u>0.00</u>
	Application for clarification of previously approved board order	1,500.00
	Application for amendment to an approved board order	2,500.00

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of September, 2017.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: _____, 2017

Second Reading: _____, 2017

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

[Sponsored by Vice Mayor Ricky Arriola]