

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 27, 2015

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Ordinance Amendment**
File No. 2291 – Land Development Regulations Fee Structure

REQUEST

File No. 2291 LAND DEVELOPMENT REGULATIONS FEE STRUCTURE. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA; BY AMENDING CHAPTER 114 ENTITLED "GENERAL PROVISIONS", AT SECTION 114-7; CHAPTER 118 ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE I ENTITLED "IN GENERAL", AT SECTIONS 118-3 AND 118-6, ARTICLE III ENTITLED "AMENDMENT PROCEDURE", AT SECTION 118-162, ARTICLE IV ENTITLED "CONDITIONAL USE PROCEDURE", AT SECTION 118-193 AND 118-196, ARTICLE VI ENTITLED "DESIGN REVIEW PROCEDURES", AT SECTIONS 118-253 AND 118-255, ARTICLE VII ENTITLED "DIVISION OF LAND/LOT SPLIT", AT SECTION 118-321, ARTICLE VIII ENTITLED "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS", AT SECTIONS 118-353 AND 118-357, ARTICLE IX ENTITLED "NONCONFORMANCES", AT SECTION 118-399, ARTICLE X ENTITLED "HISTORIC PRESERVATION", AT SECTIONS 118-562, 118-563, 118-564, AND 118-591; CHAPTER 138, ENTITLED "SIGNS", AT SECTIONS 138-135 AND 138-136; CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", AT SECTION 142-108; AND FURTHER AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", TO CREATE SECTION 118-7 AND 118-8; UPDATING AND CONSOLIDATING THE SECTIONS OF THE LAND DEVELOPMENT REGULATIONS REQUIRING THE ASSESSMENT OF FEES IN ORDER TO IMPROVE PREDICTABILITY, TRANSPARENCY AND EFFICIENCY OF THE CODE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY/ BACKGROUND

On October 10, 2014 the City Commission approved and directed the city administration to assess the need for updating of its Enterprise Resource Planning (ERP) program in order to automate, streamline and refine city processes. The city is in the process of implementing the Tyler Technology software (Munis and EnerGov), to maximize the delivery of services.

On June 10, 2015, at the request of Commissioner Malakoff, the City Commission referred an item to review Planning Department fees, including fees associated with plans review, board applications and other ministerial functions to the Finance and City Wide Projects Committee, Land Use and Development Committee, and Planning Board. This amendment is consistent with the recommendation of Tyler Technologies as well as EMA, the city's business process analyst, and includes a comparable analysis and recommendation for Fire, Building and Public Works fees also associated with the permitting process.

On October 5, 2015, the Finance and Citywide Projects Committee recommended approval of the proposed ordinance amendment. On October 7, 2015, the Land Use and Development Committee recommended approval of the proposed Ordinance amendment.

On October 14, 2015, the City Commission approved the proposed ordinance amendment on first reading and scheduled the second reading for December 9, 2015.

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent – The proposed Ordinance does not affect the scale of development.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not increase the level of intensity of development and will not affect the load on public facilities.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed change does not modify existing district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to streamline the fee structure of the Land Development Regulations so they are efficient, effective and transparent makes the change

necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed change will not adversely affect living conditions in the neighborhood.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent – The proposed change will not create or increase traffic congestion.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed ordinance will not reduce light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not applicable.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

ANALYSIS

Staff has reviewed the subject sections and is recommending amendments to the Land Development Regulations in order to provide as much predictability as possible into the development process, transparency to the public and efficiency for services associated with the development regulations and permit review. The recommendations are consistent with the recommendation of Tyler Industries and EMA, as it relates to the implementation of an updated ERP program.

Attached is an ordinance amendments that accomplish the aforementioned goal. Changes are proposed to the following sections of the Land Development Regulations of the City Code: Chapter 114, "General Provisions;" Chapter 118, "Administration and Review Procedures;" Chapter 138, "Signs;" and Chapter 142, "Zoning Districts and Regulations" of the Land

Development Regulations. Fees described throughout various sections of the Land Development Regulations are proposed to refer to a new consolidated fee section (Section 118-7). In addition, the amendment removes the ability to request adjustments to after-the-fact fees and modifies submittal and fee requirements for traffic studies.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MCS/MAB/RAM

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Land Development Regulations Fee Structure

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA; BY AMENDING CHAPTER 114 ENTITLED "GENERAL PROVISIONS", AT SECTION 114-7; CHAPTER 118 ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE I ENTITLED "IN GENERAL", AT SECTIONS 118-3 AND 118-6, ARTICLE III ENTITLED "AMENDMENT PROCEDURE", AT SECTION 118-162, ARTICLE IV ENTITLED "CONDITIONAL USE PROCEDURE", AT SECTION 118-193 AND 118-196, ARTICLE VI ENTITLED "DESIGN REVIEW PROCEDURES", AT SECTIONS 118-253 AND 118-255, ARTICLE VII ENTITLED "DIVISION OF LAND/LOT SPLIT", AT SECTION 118-321, ARTICLE VIII ENTITLED "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS", AT SECTIONS 118-353 AND 118-357, ARTICLE IX ENTITLED "NONCONFORMANCES", AT SECTION 118-399, ARTICLE X ENTITLED "HISTORIC PRESERVATION", AT SECTIONS 118-562, 118-563, 118-564, AND 118-591; CHAPTER 138, ENTITLED "SIGNS", AT SECTIONS 138-135 AND 138-136; CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS", AT SECTION 142-108; AND FURTHER AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", TO CREATE SECTION 118-7 AND 118-8; UPDATING AND CONSOLIDATING THE SECTIONS OF THE LAND DEVELOPMENT REGULATIONS REQUIRING THE ASSESSMENT OF FEES IN ORDER TO IMPROVE PREDICTABILITY, TRANSPARENCY AND EFFICIENCY OF THE CODE; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations of the City Code contain fees for development review and other services to cover the costs of implementing the regulations contained therein; and

WHEREAS, the City is in the process of updating of its Enterprise Resource Planning (ERP) program in order to automate, streamline and refine city processes; and

WHEREAS, in order to facilitate the automation of city processes, it is necessary to ensure that fees land development fees be as transparent as possible; and

WHEREAS, the City Administration has reviewed the structure of fees associated with land development and permit review and determined a more efficient, effective and transparent way to asses fees for these services is necessary; and

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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

SECTION 1. That Chapter 114, "GENERAL PROVISIONS," is hereby amended, as follows:

Sec. 114-7. - Enforcement.

* * *

- (d) For purposes of inspection and upon presentation of proper credentials, the city's planning and zoning director, building official, and director of the department of code compliance or their authorized representatives, may enter at any reasonable time, any building, structure or premises, for the purpose of determining whether these land development regulations are being violated. In the event violations of these land development regulations are found on a given premises, the building official and the director of the department of code compliance, historic preservation and urban design director or their authorized representative, are empowered to issue notices of violation to the owner of such premises and to any persons responsible for creating or maintaining the violations. Additionally, the building official may stop work on projects which violate these land development regulations with respect to materials, work, grades, use or other regulations or provisions thereof.
- ~~(e) In the course of the administration of these land development regulations the appropriate department shall impose a fee for the services in subsections (e)(1), (2) of this section:~~
 - ~~(1) Zoning compliance letters where a department is requested to determine compliance or provide zoning data related to improvements on existing or proposed property.~~
 - ~~(2) There shall be a fee as provided in appendix A for zoning compliance letters in single-family districts and a fee as provided in appendix A for zoning compliance letters in all other districts or general interpretation letters. There shall be a fee as provided in appendix A for confirmation of the zoning classification and permitted uses on the site.~~

SECTION 2. That Chapter 118, "ADMINISTRATION AND REVIEW PROCEDURES," is hereby amended as follows:

Sec. 118-3. -~~Mailing lists~~ Reserved

~~Where these land development regulations require the submittal of a mailing list in conjunction with an application for a public hearing, the applicant may request that the city provide this service at a cost per mailing address as provided in appendix A.~~

* * *

Sec. 118-6. - Use of, and cost recovery for, consultants for applications for development approval.

* * *

- (d) Requirements for selection of a city consultant and procedures for payment. Prior to the applicant submitting an application for development approval, the applicant shall meet with city staff to determine the types of studies and/or reports required for the proposed project, as well as the methodology to be followed as part of the production of the study.
- (1) When an applicant is required to submit, as part of an application for development approval, a traffic or any other technical study and/or report, the applicant shall prepare the required study/report using its own consultant, may elect either:
- A. ~~To authorize the city to commission the study/report, to be prepared by a city-approved consultant, selected by city staff from the approved list maintained by the procurement division; or~~
- B. ~~To prepare a required study/report using its own consultant.~~
- (2) ~~If an applicant elects to prepare a required study/report using its own consultant, then The city shall review the study/report, and shall retain a consultant from the city's approved list having the necessary expertise to perform such review. The applicant shall be responsible for all costs associated with the city's consultant review, and shall pay for the costs associated with the city's consultant review prior to proceeding to approval of the application by the applicable land use board.~~
- ~~However, if the applicant elects to authorize the city to commission the study/report, to be prepared by a city-approved consultant, selected by city staff from the approved list maintained by the procurement division, then the applicant shall only be responsible for the costs associated with the consultant's preparation of the study/report; no additional consultant review fees shall be required.~~
- (3) ~~If an applicant elects to authorize the city to retain a consultant from the city's approved list for the preparation of a required study and/or report, then the procedure shall be as follows:~~
- A. ~~City staff shall select a qualified consultant from the city's approved list (i.e., with the required knowledge, skill and/or expertise required for the particular study/report).~~
- B. ~~City staff shall obtain a quote from the selected consultant for the particular study/report and shall transmit same to applicant.~~
- C. ~~The quote shall be based on fair market value and include a "not to exceed" amount that is inclusive of all charges and fees, as required to prepare and complete the work.~~
- D. ~~If applicant accepts the quote and elects to proceed with the work using the city's consultant then, prior to commencement of any work by the selected consultant, city staff shall require the applicant to deposit with the city an amount equal to the "not to exceed" amount of the quoted cost.~~
- E. ~~The city shall earn no additional fee as a result of applicant's use of the approved consultant.~~
- F. ~~Notwithstanding anything in this section, the applicant shall be solely responsible for all costs and fees associated with the consultant's preparation of the required study/report (including, without limitation, the consultant's fee).~~

- (4) ~~If an applicant elects to prepare a required study/report using its own consultant, then the city shall retain a consultant from the city's approved list having the necessary expertise and time to review the study/report.~~
- (5) ~~The procedures for selection of, and payment for, a city consultant retained under subsection (iv) above shall be the same as those for selection/payment of a city consultant by an applicant, as set forth in subsection (d)(3)A.—F., with the applicant being solely responsible for payment of any and all costs and fees associated with the city consultant's review (of applicant's study/report).~~
- (e) [City not liable.] In no event shall the city be held liable, whether to applicants and/or third parties, for any work and/or services rendered by any consultant on the city's approved list, and/or otherwise in connection with a consultant's preparation or review of any study and/or report contemplated herein.
- (f) Expert reports and appearances.
- (1) All required consultant or expert studies and/or reports, including those requested by a board, shall be provided to the city in written form, supplemented with digital format when available.
- (2) Applicant's reports and/or studies shall be submitted to the city by the due date set by the planning department no later than ten days prior to the public hearing at which they are to be considered. Rebuttal reports submitted by opponent's consultants shall be submitted to the city no less than five ten working days before the public hearing. Failure to meet these deadlines shall result in the subject report/study being deemed inadmissible for that public hearing, subject to a waiver of this inadmissibility by a 5/7 vote of the applicable board.
- (3) Consultants or experts submitting reports/studies for consideration at public hearings must appear at the public hearing in order to allow for questions from the board and/or cross-examination. This provision may be waived by a 5/7 vote of the applicable board, authorizing the report/study to be sufficient for the purposes of the subject public hearing.

Sec. 118-7. - Fees for the administration of land development regulations.

The fees identified herein, and as outlined in appendix A are for the purpose of defraying expenses for public notices, and administrative costs associated with processing and analyzing the request. These fees shall be evaluated and adjusted annually based on the consumer price index for all urban consumers (CPI-U). No application shall be considered complete until all requested information has been submitted and all applicable fees paid. When required, notice is the responsibility of the applicant. There shall be no refund or adjustment of fees. Any unpaid fees, including fees assessed for failure to appear before a board, shall become a lien against the property.

(a) Amendment to the Land Use Regulations, Zoning Map, Comprehensive Plan, Future Land Use Map

Any applicant requesting a public hearing on any application for an amendment pursuant to Section 118-162 shall pay upon submission all applicable fees in subsections (1) through (4) below:

- (1) Application for public hearing (Text or Map amendment).
- (2) Amendment pursuant to 118-162 (a) shall pay a fee for each:
 - i) Amendment to permitted, conditional, or prohibited uses in a zoning category, or
 - ii) Amendment to permitted, conditional, or prohibited uses in the comprehensive plan
- (3) Amendment pursuant to 118-162 (a) shall pay a fee per square foot of lot area for:
 - i) Amendment of zoning map designation, or
 - ii) Amendment on the future land use map of the comprehensive plan
- (4) Amendment pursuant to subsection 118-162 (b) of this section shall pay a fee for each:
 - i) Amendment to the land development regulations (per section), or
 - ii) Amendment to the comprehensive plan (per Goal, Policy or Objective).

(b) Conditional Use Permits

Any applicant requesting a public hearing on any application for Conditional Use Permits, pursuant to Section 118-193 shall pay upon submission all applicable fees in subsection (1) through (10) below:

- (1) Application for public hearing (Conditional Use Permit).
- (2) Per bed fee for an adult congregate living facility.
- (3) Application for amendment of an approved board order.
- (4) Application for clarification of an approved board order.
- (5) Application for extensions of time of an approved board order.
- (6) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (7) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (8) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (9) Status report.
- (10) Progress report.

(c) Design Review

Any applicant requesting a public hearing on any application for Design Review Board approval, pursuant to Section 118-253 and 254, shall pay upon submission all applicable fees in subsection (1) through (11) below:

- (1) Application for a preliminary evaluation of a project before the design review board
- (2) Application for public hearing (Board Approval).
- (3) Application for design review approval fee per square foot of floor area.
- (4) Application for amendment of an approved board order.
- (5) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (6) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (7) Application for clarification of an approved board order.
- (8) Application for extensions of time of an approved board order.
- (9) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (10) Status report.
- (11) Progress report.

(d) Land / Lot Split

Any applicant requesting a public hearing on any application for a Lot Split pursuant to Section 118-321 shall pay upon submission, all applicable fees in subsection (1) through (7) below:

- (1) Application for public hearing
- (2) Application for amendment of an approved board order.
- (3) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (4) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification

of conditions is requested by the administration or the board, there will be no additional fee.

- (5) Application for clarification of an approved board order.
- (6) Application for extensions of time of an approved board order.
- (7) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.

(e) Variances

Any applicant requesting a public hearing on any application pursuant to Section 118-353 shall pay upon submission, the applicable fees in subsection (1) through (11) below:

- (1) Application for public hearing
- (2) Fee per variance requested.
- (3) Application for amendment of an approved board order.
- (4) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (5) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (6) Application for clarification of an approved board order.
- (7) Application for extensions of time of an approved board order.
- (8) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (9) Status report.
- (10) Progress report.
- (11) Applicant/owners requesting a variance shall pay one half of the total fee with proof of homestead or primary occupancy of the subject property from the Miami Dade County Property Appraiser's Office. Applicant/owner shall pay 100% of the required notice fee.

(f) Certificate of Appropriateness

Any applicant requesting a public hearing on any application pursuant to Section 118-562 – 564, shall pay upon submission, the applicable fees in subsection (1) through (12), below:

- (1) Application for a preliminary evaluation of a project before the board

- (2) Application for public hearing.
- (3) Application for Certificate of Appropriateness fee per square foot of floor area.
- (4) Application for amendment of an approved board order.
- (5) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (6) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (7) Application for clarification of an approved board order.
- (8) Application for extensions of time of an approved board order.
- (9) Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
- (10) Structural Engineering Reports or Reviews as required.
- (11) Status reports.
- (12) Progress reports.

(g) Historic Designation

Any applicant other than the city commission, a city board or other city official applicant requesting a public hearing on any application pursuant to Section 118-591, shall pay upon submission, the applicable fees in subsection (1) through (9) below:

- (1) Application for public hearing.
- (2) Applications for district designation per platted lot fee.
- (3) Application for amendment of an approved board order.
- (4) Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
- (5) Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
- (6) Application for clarification of an approved board order.

- (7) Structural Engineering Reports or Reviews as required
- (8) Status reports
- (9) Progress reports

An application for the individual designation of a single-family home shall not require a fee.

(h) Determination of Architectural Significance

Any applicant requesting a determination of architectural significance, pursuant to Section 142-108, shall pay upon submission all applicable fees in subsection (1) below:

- (1) Application for a determination of architectural significance by planning director.

(i) Staff review and miscellaneous fees

In the course of the administration of the land development regulations the department shall impose a fee for services and items outlined below:

- (1) Board order recording
- (2) Zoning verification letters
- (3) Zoning interpretation letters
- (4) Supplemental fee for large scale, map or text amendment of the comprehensive plan
- (5) Courier
- (6) Research or excessive review
- (7) Review of covenants and easements
- (8) Failure to appear before a board for status or progress report
- (9) Permits for work not identified in appendix A. If it is determined that no specific fee category directly matches a permit application request, the planning director may identify a category that closely matches the level of effort or determine what the work will be charged based on the time dedicated for plans review and inspection. The department director may require an upfront fee and a deposit to cover the estimated cost of the services to be provided.

(j) Fee in lieu of providing required parking

- (1) One-time fee in lieu of providing required parking
- (2) Yearly payment fee in lieu of providing required parking

Sec. 118-8. – Notice.

The fees identified herein, and as outlined in appendix A are for the purpose of defraying expenses for public notices, and administrative costs associated with processing and analyzing the request. No application shall be considered complete until all requested information has been submitted and all applicable fees paid. When required, notice is the responsibility of the applicant. There shall be no refund or adjustment of fees. Any unpaid fees, including fees assessed for failure to appear before a board, shall become a lien against the property.

(a) Advertisement

At least 30 days prior to the public hearing date, a description of the request, and the date, time and place of such hearing shall be noticed in a newspaper of general circulation. Applicant shall pay advertisement fee as applicable.

(b) Mail Notice

At least 30 days prior to the public hearing date, a description of the request, and the date, time and place of such hearing shall be given by mail to the owners of record of land lying within 375 feet of property. Applicants shall submit all information and certifications necessary to meet this requirement, as determined by the department. Additionally, courtesy notice shall also be given to any state nonprofit community organization which has requested of the director in writing to be notified of board hearings. Applicant shall pay mailing fees as applicable.

(c) Posting

At least 30 days prior to the public hearing date, a description of the request, and the date, time and place of such hearing shall be (i) posted on the property. Applicant shall pay posting fee as applicable.

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Sec. 118-162. - Petition for changes and amendments.

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- (c) The applicant or his representative shall file an application with the planning, design and historic preservation division in accordance with a form approved by the city attorney and shall supply all information pertinent to the proposed amendment as requested by the planning, design and historic preservation division.
- (d) Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

~~Any applicant requesting a public hearing on any application for an amendment to these land development regulations shall pay, upon submission, the applicable fees in section 114-9 subsections (d) (1), (2):~~

- ~~(1) Amendment pursuant to subsection (a) of this section: Change of zoning map designation or change on the future land use map of the comprehensive plan: A fee as provided in appendix A per square foot of lot area. Proposals that involve a change of zoning map designation or future land use map changes shall pay a fee as provided in appendix A per square foot of lot area for each request. Changes in the actual list of permitted, conditional or prohibited uses shall pay a fee as provided in appendix A per section of these land development regulations or comprehensive plan.~~
- ~~(2) An amendment pursuant to subsection (b) of this section shall require a fee as provided in appendix A per section of these land development regulations or comprehensive plan amended~~

~~The fees in subsections (d) (1), (2) are for the purpose of defraying expenses of public notices, including but not limited to postage and other administrative costs associated with processing and analyzing the request. No application shall be considered complete until all requested information has been supplied and all applicable fees have been paid.~~

- (e) Upon receipt of a completed application, the planning and zoning director shall transmit the application along with his analysis and recommendations regarding the proposed amendment to the planning board for review.

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Sec. 118-193. - Applications for conditional uses.

Applications for approval of a conditional use shall be submitted to the planning department, which shall prepare a report and recommendation for consideration by the planning board, and when required, by the city commission. Within a reasonable time, but in no instance less than 30 days after receipt of a completed application, the board shall hold a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. At least 30 days prior to the public hearing date, a description of the request, and the date, time and place of such hearing shall be (i) posted on the property, (ii) advertised in a paper of general paid circulation in the community, and (iii) given by mail to the owners of record of land lying within 375 feet of the property. This mailed notification requirement shall be the responsibility of the applicant. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

* * *

Sec. 118-196. - Fees Reserved.

~~The fees in this section are for the purpose of defraying expenses of public notices and other administrative costs in connection with processing applications.~~

- ~~(1) Any applicant requesting and obtaining a public hearing before the planning board shall pay the following fees:~~
- ~~a. Conditional use. When a fee has not been established for a specific use there shall be a fee as provided in appendix A.~~
 - ~~b. Adult congregate living facility. For an adult congregate living facility there shall be a fee as provided in appendix A.~~
- ~~(2) A request for minor amendment to an approved conditional use, clarification of conditions or an extension of time shall require a payment of fee as provided in appendix A.~~
- ~~(3) A request for a substantial amendment to an approved conditional use, shall require a fee as provided in appendix A.~~
- ~~(4) If an applicant withdraws his application prior to the date of the public hearing and requests a new hearing date, a fee as provided in appendix A shall be required. The fee is to defray the costs of scheduling the new public hearing to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date.~~

- ~~(5) If the applicant requests a deferral of a public hearing, a fee commensurate with all costs shall be assessed; however, the fee shall not be less than as provided in appendix A.~~
- ~~(6) A fee as provided in appendix A shall be required in order to file an appeal of the planning and zoning director's decision, with respect to article VIII of this chapter. If notification of property owners is required, the fees shall be as set forth in this section.~~
- ~~(7) Any after-the-fact conditional use application shall automatically incur triple fees. Notwithstanding this provision, the board may adjust the after-the-fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing and made part of the conditional use application. The adjusted after-the-fact fee shall not be less than the regular application fee.~~

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Sec. 118-253. - Application for design review.

(a) The applicant shall obtain a design review application from the planning department, which shall be responsible for the overall coordination and administration of the design review process. When the application is complete, the planning department shall place the application on the agenda and prepare a recommendation to the design review board. The planning department shall determine the date on which the application will be heard by the board; however, the board shall consider the application and planning department recommendation at the next available meeting date after the submission of a completed application to the planning department. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

(b) In the event the applicant seeks a preliminary evaluation of a project from the board for information and guidance purposes only, an application for preliminary evaluation shall be required. The planning director, or designee, shall determine the supplemental documents and exhibits necessary and appropriate to complete an application for a preliminary evaluation; the required supplemental documents and exhibits shall serve to describe and illustrate the project proposed in the application in a manner sufficient to enable the board to provide general comments, feedback, information and guidance with respect to the application. Preliminary evaluations by the board shall be for informational purposes only; a preliminary evaluation by the board shall not constitute a binding approval, nor shall any comments, feedback, information or guidance provided by the board be binding upon the board during subsequent review of the preliminary application or a related final application. The board may provide a general comment, feedback, information and guidance during the initial hearing on the application for preliminary evaluations, and may continue discussion on a preliminary evaluation to subsequent meetings in order for the applicant to better address any specific concerns raised by the board or staff, or may elect to terminate the preliminary evaluation process after providing general comments. All preliminary evaluations shall be subject to the noticing requirements provided in section 118-254. Preliminary evaluations shall not constitute a design review approval, and therefore an applicant acquires no equitable estoppel rights or protections of any kind, type or nature based upon the filing or review of the preliminary evaluation application. The board will not issue an order either approving or denying a project or take any formal action on preliminary evaluation application. Preliminary evaluations shall not entitle applicants to any of the benefits accorded to

applicants who have received design review approval, inclusive of appeals or rehearings. Except as used in this section, the use of the phrase "application" throughout this article refers to a completed application for approval and not to a preliminary evaluation application. ~~An applicant may withdraw an application for a preliminary evaluation at any time, provided however, that no fee shall be refunded in the event the withdrawal is made after the giving of notice.~~

~~(c) The design review board may, at its sole discretion, on an individual, case-by-case basis, allow a two-step process for design review approval. The two-step process shall consist of, first: a binding, preliminary concept approval on the issues of urbanism, massing and siting; and second: approval of the project's design details (style, fenestration, materials, etc.). This two-step process shall be subject to the following:~~

~~(1) The design review board shall have the sole discretion, on an individual, case-by-case basis, to decide which development projects may pursue this two-step approval process for design review approval.~~

~~(2) In the event the design review board should authorize the two-step approval process, the applicant shall have a maximum of 120 days from the date of preliminary concept approval on the issues of urbanism, massing and siting, to return to the board with fully developed design drawings and substantial details (style, fenestration, materials, etc.) for final approval, or the entire application shall become null and void. The board, at its sole discretion, may extend the time period to return to the board for final approval, provided that the total time through final approval does not exceed one year from the date of the original submission of the application. The applicant shall have six months from the date of preliminary concept approval on the issues of urbanism, massing and siting, to obtain final approval for the remainder of the project or the entire application shall become null and void. The board, at its sole discretion, may extend the time period to obtain final approval for the remainder of the project up to a maximum of one year from the date of the original submission of the application.~~

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Sec. 118-255. - Reserved Fees.

~~(a) An applicant shall pay, upon the submission of an application to the planning department, design and historic preservation division, a fee based upon the following schedule:~~

~~(1) An application for a preliminary evaluation of a project before the design review board shall require a fee as provided in appendix A, which shall not be refundable, nor shall it be applied to reduce any other fees due and payable pursuant to this section.~~

~~(2) An application requiring a hearing before the board for design review approval shall require a base fee plus a fee per square feet of floor area as provided in appendix A.~~

~~(3) An application requiring staff review for minor alterations and minor additions including storefront replacement and storefront reconfiguration shall require a fee as provided in appendix A.~~

~~(4) An application pertaining only to signs, awnings and window replacements, shall require a fee as provided in appendix A.~~

~~(5) An application pertaining only to paint shall require a fee as provided in appendix A.~~

- ~~(6) If a deferment or clarification hearing is requested by the applicant, an additional fee as provided in appendix A shall be assessed.~~
- ~~(7) If a deferment or clarification of conditions is requested by the board, there will be no additional fee.~~
- ~~(8) If the applicant removes his file from the agenda after it has been accepted by the planning, design and historic preservation division, the city shall retain 50 percent of the application fee.~~
- ~~(9) An application pertaining to extensions of time shall require a fee as provided in appendix A.~~
- ~~(10) Any after the fact application shall incur triple fees.~~
 - ~~a. Notwithstanding the above provision, the design review board or the joint design review board/historic preservation board (when applicable) may adjust the after-the fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing. The adjusted after-the fact fee shall not be less than the regular application fee.~~
 - ~~b. The request shall be:~~
 - ~~1. Part of the design review board or the joint design review/historic preservation board application (when applicable); or~~
 - ~~2. A separate application requesting an adjustment to the after the fact fee for a staff level review.~~
 - ~~c. If a request for an adjustment to the after the fact fee for a staff level review is submitted, there will be an additional fee as provided in appendix A to place the item on the board's agenda.~~
- ~~(11) Minor revisions to previously approved plans shall require a fee as provided in appendix A for reviews conducted by staff and one half of the original fee for plans which were approved by the board.~~
- ~~(12) Major revisions to plans previously approved by the board shall require a base fees as provided in appendix A plus one half of the original fee.~~
- ~~(13) Appeal of a staff decision to the board shall require a fee as provided in appendix A and an appeal of a board decision to the city commission shall require a fee as provided in appendix A. The fee shall be refunded if the applicant prevails in the appeal.~~
- ~~(14) An application pertaining to the rehearing of a project shall require a fee of one half of the original fee.~~
- ~~(b) The fee schedule in subsection (a) of this section is provided to defray the costs associated with the administration of this section.~~

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Sec. 118-321. - Purpose, standards and procedure.

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A. Procedure.

- (1) All applicants shall provide as part of the application process copies of all deed restrictions, reservations or covenants applicable to the building site, lot, plot or parcel of land being considered for division or split, and an opinion of title that, as of a date not more than 120 days before the planning board's decision upon the application, none of such matters prevent or serve as exceptions to the division or split requested. No variance from this requirement shall be allowed.
- (2) Any applicant requesting a public hearing on any application pursuant to this section shall pay upon submission all applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid. ~~Any applicant requesting the establishment or separation of building sites shall pay the fee for division of lot or lot split as provided in appendix A. The fees in this section are for the purpose of defraying expenses of public notices and other administrative costs in connection with processing applications. An additional fee as provided in appendix A shall be required for an after the fact application.~~
- (3) ~~If a deferment or an extension of time is requested by the applicant, an additional fee as provided in appendix A shall be assessed.~~
- (4) ~~If a request for a deferral is submitted by the administration or the planning board, and not at the request of an applicant, there will be no additional charge.~~
- (5) ~~If the applicant withdraws the application after it has been accepted by the planning department, but prior to the public noticing of the request, the city shall refund 50 percent of required fees.~~

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~~D. Procedure to request adjustment to the after the fact fee. The planning board may adjust the after the fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing at the time the application for a lot split is filed with the planning department. The adjusted after the fact fee shall not be less than the regular application fee.~~

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Sec. 118-353. - Variance applications.

- (a) An application for a variance for the following items is prohibited: Floor area ratio, required parking (except as provided for in these land development regulations), a request pertaining to the reduction of an impact fee, lot area when determining floor area ratios, maximum number of stories, or any maximum building height variance greater than three feet. Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

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Sec. 118-357. - Fees Reserved.

~~The fee schedule in this section is established for the purpose of defraying expenses of public notices, postage, printing, determining the impact of the request and other administrative costs in connection with variance requests pertaining to these land development regulations; when it is alleged there is an error in any administrative order, requirement, decision, or determination made by an administrative official in connection with these land development regulations; or a request for the board to clarify a condition, finding, or amend a decision.~~

~~(1) Variances, appeals from administrative decisions and signs:~~

- ~~a. For single family residences a filing fee as provided in appendix A plus a fee as provided in appendix A for each individual variance requested.~~
- ~~b. For multifamily, commercial, industrial or mixed use development properties a filing fee as provided in appendix A plus a fee as provided in appendix A for each individual variance requested.~~
- ~~c. For an appeal from an administrative decision there shall be a fee as provided in appendix A.~~
- ~~d. For signs there shall be a fee as provided in appendix A, plus a fee as provided in appendix A per request.~~
- ~~e. With the exception of variances associated with single family residences, the application fee shall be supplemented by an additional fee as provided in appendix A per mailing address.~~

~~(2) If a deferment is requested by the applicant, an additional fee shall be assessed as follows:~~

- ~~a. For single family residences there shall be a fee per variance as provided in appendix A.~~
- ~~b. For multifamily, commercial, industrial or mixed use development there shall be a fee per variance as provided in appendix A.~~
- ~~c. For an appeal from administrative decision there shall be a fee as provided in appendix A.~~
- ~~d. For signs there shall be a fee per variance or sign whichever is greater as provided in appendix A.~~

~~(3) If a request for a deferral is approved by the board of adjustment, and not at the request of an applicant, there will be no additional fee.~~

~~(4) When an applicant requests a clarification, extension of time, an amendment to a previous board of adjustment decision, or any other request that is not a variance or appeal of an administrative decision, a fee as provided in appendix A shall be assessed. Public notice requirements listed in section 118-134 shall be applied.~~

- ~~(5) If the applicant withdraws his application after it has been accepted by the planning, design and historic preservation division, the city shall refund 50 percent of all required fees and no further refund shall be made.~~
- ~~(6) A public hearing or appearance by the applicant before the board shall not be scheduled or permitted until the planning, design and historic preservation division has determined that the application is complete and all fees have been paid.~~
- ~~(7) After the fact variances shall automatically incur triple fees. Notwithstanding this provision, the board may adjust the after the fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing and made part of the variance application. The adjusted after the fact fee shall not be less than the regular application fee.~~

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~~Sec. 118-399. — Procedure for retention of illegally subdivided units, undersized units or illegally installed kitchens.~~

~~The following procedure is only applicable to zoning violation notices for buildings or structures which contain units which are illegally subdivided, units which have illegally installed kitchens and existing units which are below the minimum size established by the city. Units shall be defined as apartment units, hotel units and adult congregate living facility units.~~

- ~~(1) Options. Upon receiving a zoning violation notice relating to units which are illegally subdivided, units which have illegally installed kitchens and units which are below the minimum size established by the city the property owner shall appear before the code enforcement special master at the scheduled hearing and state which of the following actions the owner will take. If the owner fails to appear before the code enforcement special master at the scheduled hearing, prosecution of the violations shall start immediately. An owner may wish to voluntarily conform with this section by complying with the below procedures. The owner may either:~~
- ~~a. — Come into compliance with the parking, density and floor area regulations of these land development regulations with regard to these units and obtain a new certificate of occupancy or certificate of completion, whichever is appropriate, within six months from the date the zoning violation notice was received; or~~
 - ~~b. — Conform to the building or structure's approved floor plan on record with the city's building services department; or~~
 - ~~c. — Establish these units as legally nonconforming by:
 - ~~1. — Paying a fee as provided in appendix A, plus a processing fee as provided in appendix A per unit which is in violation to the planning, design, and historic preservation division; and~~
 - ~~2. — By bringing the building into compliance with the following codes and requirements within six months of the date the zoning violation notice was received:
 - ~~i. — Owner must show affirmative proof that the building was purchased prior to September 30, 1987, or if at a subsequent date, the owner must submit~~~~~~

~~proof and an affidavit to the effect that the conditions in the building existed prior to its purchase and prior to September 30, 1987.~~

- ~~ii. These land development regulations, with the exception of parking, density and floor area regulations (owner must comply with all other land development regulations).~~

~~If the building is located within an historic district or historic site as defined in these land development regulations, all exterior and public interior improvements shall substantially meet the design criteria as listed in the secretary of interior's standards for rehabilitation and guidelines for rehabilitating historic structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. Compliance with this requirement is to be determined by the planning department.~~

- ~~iii. The applicable Florida Building Code.~~
- ~~iv. Fire prevention and safety code.~~
- ~~v. Section 58-176 et seq., pertaining to property maintenance standards, and section 58-336 et seq., pertaining to rental housing.~~
- ~~vi. Owner must have paid and met all requirements with regard to permit and license fees.~~
- ~~vii. Owner must have no outstanding city liens on the property in question.~~

~~If the property owner does not comply with all of the above within six months of the date the zoning violation notice was received, the owner shall be prosecuted before the code enforcement special master for the existing violations.~~

- ~~(2) City administration procedures. The department of code compliance shall provide a monthly listing of all properties cited with the zoning violations in question to the affected departments. Each of the affected department heads shall send a written report to the planning and zoning director regarding the status of the building. The report shall be sent to the planning department upon compliance with the applicable code or requirement, or six months from the date of the zoning violation notice in question, whichever occurs first. The departments required to send a written report are as follows:~~

- ~~a. Fire department.~~
- ~~b. Department of code compliance.~~
- ~~c. Building services department.~~
- ~~d. Planning department.~~
- ~~e. Finance department, revenue division, lien section.~~

~~Upon receipt by the planning department from all affected departments that there are no existing violations on the subject property the planning department will notify the building official to correct the building card so that the illegally nonconforming units will now be legally nonconforming.~~

- ~~(3) Structures which are not eligible to use this procedure.~~

- ~~a. Buildings which are subject to the county unsafe structures board orders are not eligible to retain illegally nonconforming units under the option in subsection 118-399(1)c.~~
 - ~~b. Units with less than 200 square feet per unit are not eligible to be retained under the option in subsection 118-399(1)c.~~
 - ~~c. If compliance with this procedure would require the owner to make improvements totaling 50 percent or more of the value determination of the property if located north of Sixth Street or 50 percent or more of the county tax assessed value for properties in the redevelopment area, the owner will not be permitted to retain the illegally nonconforming units pursuant to the option in subsection 118-399(1)c.~~
- ~~(4) Subsequent renovations greater than 50 percent of value of structure or replacement value. If a building comes into compliance pursuant to the option in subsection 118-399(1)c. and subsequently the owner makes renovations totaling 50 percent or more of the value determination of the property if located north of Sixth Street or 50 percent or more of the replacement value for properties in the redevelopment area, the owner must bring the building into compliance with the density, parking and floor area regulations of these land development regulations and will not be able to retain the legally nonconforming units.~~

* * *

Sec. 118-563. - Review procedure.

Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

* * *

- (h) In the event the applicant seeks a preliminary evaluation of a project from the board for information and guidance purposes only, an application for preliminary evaluation shall be required. The planning director, or designee, shall determine the supplemental documents and exhibits necessary and appropriate to complete an application for a preliminary evaluation; the required supplemental documents and exhibits shall serve to describe and illustrate the project proposed in the application in a manner sufficient to enable the board to provide general comments, feedback, information and guidance with respect to the application. Preliminary evaluations by the board shall be for informational purposes only; a preliminary evaluation by the board shall not constitute a binding approval, nor shall any comments, feedback, information or guidance provided by the board be binding upon the board during subsequent review of the preliminary application or a related final application. The board may provide general comment, feedback, information and guidance during the initial hearing on the application for preliminary evaluations, and may continue discussion on a preliminary evaluation to subsequent meetings in order for the applicant to further address any specific concerns raised by the board or staff, or may elect to terminate the preliminary evaluation process after providing general comments. All preliminary evaluations shall be subject to the noticing requirements provided in subsection 118-8. Preliminary evaluation applications shall not constitute a certificate of appropriateness approval, and therefore an applicant acquires no equitable estoppel rights or protections of

any kind, type or nature based upon the filing of the preliminary evaluation application. The board will not issue an order either approving or denying a project or take any formal action on preliminary evaluation applications. Preliminary evaluations shall not entitle applicants to any of the benefits accorded to applicants who have received certificate of appropriateness approval, inclusive of appeals or rehearings. Except as used in this section, the use of the phrase "application" throughout this article refers to a completed application for approval and not to a preliminary evaluation application. ~~An applicant may withdraw an application for a preliminary evaluation at any time; provided, however, that no fee shall be refunded in the event the withdrawal is made after the giving of notice.~~

* * *

Sec. 118-564. - Decisions on certificates of appropriateness.

Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

* * *

~~(7) Reserved. The fees in this subsection (f)(7) are for the purpose of defraying expenses of public notices and other administrative costs in connection with processing applications for a certificate of appropriateness and a certificate of appropriateness for demolition, including amendments for a certificate of appropriateness for demolition:~~

~~a. A fee as provided in appendix A for projects requiring board approval, and a fee as provided in appendix A for projects reviewed by staff. However, after the fact applications shall automatically incur triple fees.~~

~~1. Notwithstanding the above provision, the board may adjust the after the fact fee based on substantial competent evidence that there are extenuating circumstances that warrant such an adjustment. The request for a fee adjustment shall be in writing. The adjusted after the fact fee shall not be less than the regular application fee.~~

~~2. The request shall be:~~

~~i. Part of the board application; or~~

~~ii. A separate application requesting an adjustment to the after the fact fee for a staff level review.~~

~~3. If a request for an adjustment to the after the fact fee for a staff level review is submitted, there will be an additional fee as provided in appendix A to place the item on the board's agenda.~~

~~b. If an applicant withdraws the application prior to the date of the public hearing and requests a new hearing date, a new fee is required. The fee is to defray the costs of scheduling the new public hearing, to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date.~~

~~c. If an applicant withdraws an application prior to an advertised public hearing, one-half of the fees paid shall be retained by the city.~~

* * *

Sec. 118-591. - Historic designation procedure.

Any applicant other than the city commission, a city board or other city official, requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

(a) Requests for designation.

(1) Requests for designation of an individual historic site or district may be made to the historic preservation board by motion of the board, the city manager, by resolution of the planning board or city commission, by any property owner in respect to his own property, by a majority of property owners of record within a proposed district, by resolution of the county historic preservation board, or by resolution of any organization whose purpose is to promote the preservation of historic sites.

(2) Proposals for designation shall include a completed application form available from the planning department.

~~(3) Fees for requests shall be as follows:~~

~~a. A request initiated by any entity other than the city commission, a city board or other city official as set out in subsection 118-591(a)(1) for site designation shall include an application fee as provided in appendix A.~~

~~b. A request initiated by any entity other than the city commission, a city board or other city official as set out in subsection 118-591(a)(1) for district designation shall include an application fee per platted lot as provided in appendix A.~~

* * *

(g) Designation procedures initiated by owners of single-family homes in single-family districts. Notwithstanding the above, the following shall apply to any request by property owners for the individual designation of their single-family homes as historic structures:

* * *

(2) Public notice requirements. At least 30 days prior to the public hearing date for the subject designation, a description of the request with the time and place of the public hearing, shall be advertised in a paper of general paid circulation in the community.

(3) ~~Reserved. Fee. An application for the individual designation of a single-family home shall not require a fee.~~

* * *

SECTION 3. That Chapter 138, "SIGNS," is hereby amended as follows:

* * *

Sec. 138-135. - Real estate signs—Single-family residential.

* * *

(e) Special conditions for these real estate signs shall be as follows:

* * *

- (5) Each primary sign shall receive a permit from the license department, which shall charge a fee as set forth in appendix A per primary sign or at no cost if permit(s) is applied for and obtained online. There shall be no additional charge for strip or "open house" type signs.

Sec. 138-136. - Real estate signs—Multifamily, commercial, industrial, vacant land.

* * *

(e) Special conditions for these real estate signs shall be as follows:

* * *

- (5) Each individual sign shall receive a permit from the license department which shall charge a fee per sign as provided in appendix A or at no cost if permit(s) is applied for and obtained online.

SECTION 4. That Chapter 142, "ADMINISTRATION AND REVIEW PROCEDURES," is hereby amended as follows:

Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.

- (a) Criteria for the demolition of an architecturally significant home. Pursuant to a request for a permit for partial or total demolition of a home constructed prior to 1942, the planning director, or designee, shall; or independently may, make a determination whether the home is architecturally significant according to the following criteria:
 - (1) The subject structure is characteristic of a specific architectural style constructed in the city prior to 1942, including, but not limited to, Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, or variations thereof.
 - (2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.
 - (3) Significant exterior architectural characteristics, features, or details of the subject structure remain intact.
 - (4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

The date of construction shall be the date on which the original building permit for the existing structure was issued, according to the City of Miami Beach Building Permit Records. If no city building permit record exists, the date of construction shall be as determined by the Miami-Dade County Property Appraiser.

Any applicant requesting a determination as to the architectural significance of any single-family home constructed prior to 1942 shall pay upon submission all applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid. Within ten days of posting any required notice, interested persons may submit information to the planning director to take into consideration in evaluating the application. The director shall file the determination with the city clerk no later than five (5) days after the decision is made.

~~All requests for a determination as to the architectural significance of any single-family home constructed prior to 1942 shall be in writing, signed by the property owner, stating specifically the reasons asserted for the requested determination and shall include a copy of the building card, current color photos of the home, and any microfilm on record, and two sets of mailing labels, with the names and addresses of all property owners of land located within 375 feet of the exterior boundary of the subject property, and an original certified letter stating that the ownership list and mailing labels are a complete and accurate representation of the real property and property owners within 375 feet of the subject property; such letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page and state the source for this information. Within five days of the receipt of a request, the planning department shall post a notice on the subject site and notice shall be given by mail to the owners of record of land lying within 375 feet of the property; the mail notification requirement shall be the responsibility of the applicant and must be completed within three days of the receipt of the notice. Within ten days of posting the notice, interested persons may submit information to the planning director to take into consideration in evaluating the request. The director shall file the decision with the city clerk.~~

* * *

- (i) New construction procedures for single-family homes demolished without required approvals or permits. For those properties where a single-family home constructed before 1942 was demolished without prior approval of the planning department, the design review board or the single-family residential review panel, and without the required permits from the building official, in addition to any other applicable law in this Code or other codes, the following shall apply prior to the issuance of any building permit for any new construction on the subject site:

* * *

~~(9) Fees. The fee schedule below is provided to defray the costs associated with the administration of this subsection. All applications to the design review board for the review of new construction as described herein shall require the following fees, upon the submission of an application to the planning department:~~

- a. ~~Any application requiring a hearing before the board for design review approval shall require a base fee plus a fee per square foot of floor area as provided in appendix A.~~

- ~~b. If a deferment or clarification hearing is requested by the applicant, an additional fee as provided in appendix A shall be assessed.~~
- ~~c. If a continuance or clarification of conditions is requested by the board, there will be no additional fee.~~
- ~~d. If the applicant removes a file from the agenda after it has been accepted by the planning department, the city shall retain 50 percent of the application fee.~~
- ~~e. Any after the fact application shall incur triple fees.

 - ~~1. Notwithstanding the above provision, the design review board may adjust the after the fact fee based on good cause shown. The request for a fee adjustment shall be in writing and shall be part of the design review board application. The adjusted after the fact fee shall not be less than the regular application fee.~~
 - ~~2. The request shall be part of the design review board application.~~~~
- ~~f. Revisions to plans previously approved by the board shall require a base fee as provided in appendix A plus one half of the original fee.~~

SECTION 5. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, 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 6. REPEALER.

All ordinances or part of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 7. SEVERABILITY.

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

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2015.

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading: October 14, 2015
Second Reading: December 9, 2015

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes deleted language

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