



City of North Miami Beach, Florida

Planning and Zoning Department

Planning and Zoning Board Staff Report

TO: Planning and Zoning Board

FROM: Carlos Rivero, City Planner

DATE: October 19, 2015

ITEM: 16-001

RE: Cost Recovery Ordinance for purposes of reimbursement to the City for charges incurred for consultants necessary in the review of a zoning application.

Request:

The Planning and Zoning Department is requesting the approval of a Cost Recovery Ordinance in order to assist in streamlining the development review process. This will improve the turnaround time for required professional review and analysis of proposed projects and will allow the City to recoup the costs associated with the required review. This will also ensure that all projects are reviewed for consistency and compliance with the City's code, improving the level of service for the residents of the City. Per the attached ordinance draft, the proposed amendment to the Zoning and Land Development Code is the establishment of a process by which the City is reimbursed for engineering, planning, legal, technical, or environmental consultant or professional(s) needed to assess and make recommendations for projects seeking approval by the City.

The proposed ordinance provides that applicants seeking approval shall pay the actual costs of the consultants/professionals retained. Depending on the complexity of the application and anticipated costs, the City may require an escrow account be established and maintained for the duration of the review process.

Background:

In light of the recent changes to the City's Comprehensive Plan and Zoning and Land Development Code, adopted to encourage redevelopment of certain areas within the City, the City has identified an area for improvement within our development review process. From time to time it is necessary for the City of North Miami Beach to retain independent consultants in connection with zoning applications, including engineering, traffic, planning, legal, technical,

environmental, or professional(s) in order to assess and make recommendations on the applications. The fees for these consultants are in addition to existing charges and accordingly the City needs a process by which to be reimbursed for those charges.

Planning and Zoning Department Recommendation:

The Planning and Zoning Department recommends **approval** of this ordinance in order to facilitate the reimbursement to the City for charges incurred for consultants necessary in the review of a zoning application.

Submittal History:

Planning and Zoning Board (October 19, 2015)
Council (TBA)

Advertisement History:

SECTION 5 **dibr DAILY BUSINESS REVIEW**

10/12/2015



Title:
Category: Hearings
Adnumber: 2486670

CITY OF NORTH MIAMI BEACH NOTICE OF PUBLIC HEARING DATE/TIME: Monday, October 19, 2015, 6:00 P.M.
LOCATION: North Miami Beach City Hall, 2nd Floor, City Council Chambers 17011 NE 19th Avenue, North Miami Beach, FL 33162 PUBLIC NOTICE is hereby given that the City of North Miami Beach Planning and Zoning Board shall consider the following public hearing item: Zoning and Land Development Code Amendment - North Miami Beach, FL: AN ORDINANCE OF THE MAYOR AND COUNCIL AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER XXIV "ZONING AND LAND DEVELOPMENT", ARTICLE XV "OTHER DEVELOPMENT REVIEW PROCEDURES", SECTION 24-170 "RESERVED" AND SECTION 24-180 "DENIALS, NOTICES, AND FEES" TO REQUIRE THAT CHARGES INCURRED BY THE CITY FOR CONSULTANTS NECESSARY FOR REVIEW OF ANY ZONING APPLICATION BE PAID BY THE APPLICANT IN ACCORDANCE WITH THE ACTUAL HOURLY RATES AND IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING THAT THE APPLICANT SHALL REIMBURSE THE CITY FOR THE COST OF CONSULTANT SERVICES UPON SUBMISSION OF A VOUCHER; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT FROM WHICH WITHDRAWALS MAY BE MADE TO REIMBURSE THE CITY FOR THE PROFESSIONAL REVIEW SERVICES; PROVIDING THAT THE BALANCE IN THE ESCROW ACCOUNT, WHEN REDUCED TO ONE-THIRD OF THE INITIAL AMOUNT, SHALL BE REPLENISHED BY THE APPLICANT AND THAT THE CITY MAY SUSPEND REVIEW OF THE APPLICATION FOR FAILURE TO REPLENISH THE ESCROW ACCOUNT; AND FURTHER PROVIDING THAT A BUILDING PERMIT OR CERTIFICATE OF USE AND OCCUPANCY SHALL NOT BE ISSUED UNLESS ALL PROFESSIONAL REVIEW FEES CHARGED IN CONNECTION WITH THE APPLICANT'S PROJECT HAVE BEEN REIMBURSED; PROVIDING THAT ALL FEES REQUIRED UNDER THIS ORDINANCE SHALL BE COLLECTED BY THE CITY MANAGER OR DESIGNEE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE. All interested parties are invited to attend and participate in the Public Hearing(s). The items are on file and available for examination at the Community Development Department, 17050 N.E. 19 Avenue, North Miami Beach, Florida 33162-3194, Monday through Friday 8:00AM-5:00PM. Questions and written comments can be directed via email to nmbcomdev@citynmb.com, FAX - 305.957.3517, or mail to the above address or by calling 305.948.2966. Upon recommendation by the Board, the items will be scheduled for City Council consideration. Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council. Should any person desire to appeal any decision of the Board with respect to any matter considered at this meeting, that person must insure that a verbatim record of the proceedings is made, including all testimony and evidence upon which any appeal may be based (See Florida Statutes 286.0105). In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding should contact the City Clerk no later than two (2) days prior to the proceeding. Telephone 305.787.6001 for assistance, if hearing impaired, telephone our TDD line 305.948.2909 for assistance. 10/12 15-77/2486670M