

ORDINANCE NO. 2003- 13

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REQUIRING CHARGES INCURRED BY THE CITY FOR SUCH CONSULTANTS THAT MAY BE NECESSARY FOR ANY ZONING APPLICATION INCLUDING ENGINEERING, PLANNING, LEGAL, TECHNICAL, OR ENVIRONMENTAL CONSULTANT OR PROFESSIONAL (S) EMPLOYED BY THE CITY TO BE PAID BY THE APPLICANT IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, from time to time it is necessary for the City Council to hire independent consultants in connection with zoning applications, including engineering, planning, legal, technical, environmental, or professional(s) employed by the City in order to assess and make a recommendation on the application; and

WHEREAS, this City has a right to be reimbursed for the actual charges for such services, provided it maintains a separate escrow account for these amounts; and

WHEREAS, these fees are in addition to any and all other fees required by any other law, rule, or regulation of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA:

Section 1. Charges for Consulting Services Established.

- A. The City Manager and/or his designee in the review of any application, may refer any such application presented to it to such engineering, planning, legal, technical, or environmental consultant or professional(s) employed by the City as the Manager shall deem reasonably necessary to enable him/her to review such application as required by law. Charges made by such consultant shall be in accord with the charges customarily made for such services in Miami-Dade County, and pursuant to an existing contractual agreement by and between the City and such consultant. Charges made by the City shall be in accord with the hourly rates charges by such consultants or hourly rates of employed professionals and shall be paid on submission of a City voucher.

- B. The applicant shall reimburse the City for the cost of such consultant or employed professional services upon submission of a copy of the voucher, within thirty (30) days of submission of a copy of the voucher and as a

1 condition of the zoning resolution. These fees are in addition to any and all
2 other fees required by other law, rule, or regulation of the City Code.
3

4 Section 2. Escrow Accounts. At the time of submission of any application or
5 thereafter, it is required that an escrow account be established, from which withdrawals
6 shall be made to reimburse the City for the cost of professional review services. The
7 applicant shall then provide funds to the City for deposit into such account in an amount
8 to be determined by the City Manager, based on his/her evaluation of the nature and
9 complexity of the application. The applicant shall be provided with copies of any City
10 voucher for such services as they are submitted to the City. When the balance in such
11 escrow is reduced to one-third (1/3) of its initial amount, the applicant shall deposit
12 additional funds into such account to bring its balance up to the amount of the initial
13 deposit. If such account is not replenished within thirty (30) days after the applicant is
14 notified, in writing, of the requirement for such additional deposit, the City may suspend
15 its review of the application. An application shall be deemed incomplete if any amount
16 shall be outstanding. A building permit or certificate of use and occupancy shall not be
17 issued unless all professional review fees charges in connection with the applicant's
18 project have been reimbursed to the City. Once all pertinent charges have been paid, the
19 City shall refund to the applicant any funds remaining on deposit.
20

21 Section 3. Collection for Fees. All fees required pursuant to this chapter shall be
22 collected by the Zoning Director.
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24 Section 4. Codification. This ordinance shall be codified and included in the City of
25 Miami Gardens Code of Ordinances.
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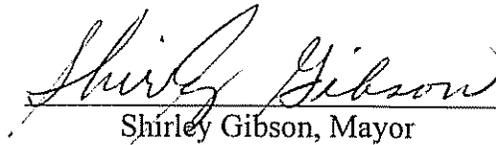
27 Section 5. Repealer. All ordinances or parts of ordinances in conflict with the
28 provisions of this ordinance are repealed.
29

30 Section 6 Severability. If any section, clause, sentence, or phrase of this ordinance
31 is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the
32 holding shall not affect the validity of the remaining portions of this ordinance.
33

34 Section 7. Effective Date. This ordinance shall take effect ten (10) days after
35 adoption on second reading.
36

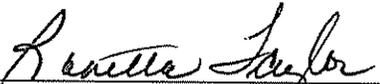
37 PASSED on first reading the 22 day of Oct, 2003.
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39 PASSED AND ADOPTED on second reading the 5 day of November, 2003
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44 Shirley Gibson, Mayor
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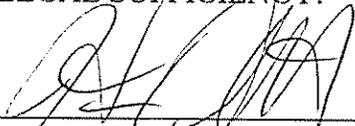
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Attest:



Ronetta Taylor, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Hans Ottinot, Interim City Attorney

MOVED BY: Councilman Bratton

SECONDED BY: Councilwoman Watson

VOTE: 7-0

Mayor Shirley Gibson	<u> x </u> (Yes)	____ (No)
Vice Mayor Aaron Campbell	<u> x </u> (Yes)	____ (No)
Councilman Melvin L. Bratton	____ (Yes)	____ (No)
Councilman Oscar Braynon, II	<u> x </u> (Yes)	____ (No)
Councilwoman Audrey King	<u> x </u> (Yes)	____ (No)
Councilwoman Sharon Pritchett	<u> x </u> (Yes)	____ (No)
Councilwoman Barbara Watson	<u> x </u> (Yes)	____ (No)