

ORDINANCE NO. 04-07

AN ORDINANCE OF THE MAYOR CITY COUNCIL OF THE CITY OF DORAL, 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 ACCORDANCE WITH THE ACTUAL HOURLY RATES, IN ADDITION TO ANY OTHER APPLICATION FEES REQUIRED BY LAW; PROVIDING THAT THE APPLICANT SHALL REIMBURSE THE CITY FOR THE COST OF SUCH CONSULTANT SERVICES UPON SUBMISSION OF A COPY OF THE VOUCHER; PROVIDING FOR THE ESTABLISHMENT OF AN ESCROW ACCOUNT FROM WHICH WITHDRAWALS MAY BE MADE TO REIMBURSE THE CITY FOR THE COST OF PROFESSIONAL REVIEW SERVICES; PROVIDING THAT THE BALANCE IN SUCH ESCROW ACCOUNT WHEN REDUCED TO ONE-THIRD OF THE INITIAL AMOUNT, SHALL REQUIRE THE APPLICANT TO DEPOSIT ADDITIONAL FUNDS INTO SUCH ACCOUNT TO BRING ITS BALANCE UP TO THE AMOUNT OF THE INITIAL DEPOSIT SUCH THAT IF SUCH AN ACCOUNT IS NOT REPLENISHED WITHIN THIRTY (30) DAYS AFTER THE APPLICANT IS NOTIFIED, IN WRITING, OF THE REQUIREMENT FOR SUCH ADDITIONAL DEPOSIT, THE CITY MAY SUSPEND ITS REVIEW OF THE APPLICATION; 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 ZONING DIRECTOR; 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 of Doral 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 RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Charges for Consulting Services Established.

- A. The City Manager and/or his/her 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 condition of the zoning resolution. These fees are in addition to any and all other fees required by other law, rule, or regulation of the City Code.

Section 2. Escrow Accounts. At the time of submission of any application or thereafter, it is required that an escrow account be established, from which withdrawals shall be made to reimburse the City for the cost of professional review services. The applicant shall then provide funds to the City for deposit into such account in an amount to be determined by the City Manager, based on his/her evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any City voucher for such services as they are submitted to the City. When the balance in such escrow is reduced to one-third (1/3) of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within thirty (30) days after the applicant is notified, in writing, of the requirement for such additional deposit, the City may suspend its review of the application. An application shall be deemed incomplete if any amount shall be outstanding. 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 to the City. Once all pertinent charges have been paid, the City shall refund to the applicant any funds remaining on deposit.

Section 3. Collection of fees. All fees required pursuant to this chapter shall be collected by the Zoning Director.

Section 4. Repealer. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 5. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 6. **Effective Date.** This ordinance shall become effective immediately upon adoption.

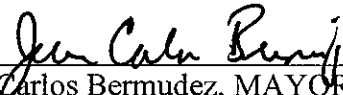
The foregoing Resolution was offered by Councilwoman Ruiz, who moved its adoption.

The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Peter Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

PASSED and ADOPTED on first reading this 12th day of May, 2004.

PASSED and ADOPTED on second reading this 9th day of June, 2004.



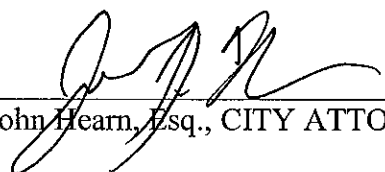
Juan Carlos Bermudez, MAYOR

ATTEST:



Sheila Paul, CMC, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:



John Hearn, Esq., CITY ATTORNEY

RECOVERY COST SCHEDULE FOR PLANNING & ZONING SERVICES

Recovery costs of administrative review and processing for each category of application.

Land Use Plan Amendment.....	\$15,000.00
Rezoning.....	\$10,000.00
Site Plan Review (conditional uses, variances).....	\$10,000.00
Minor amendments to site plan (no Council review).....	\$4,000.00
Request for encroachments, variances, etc. – single family.....	\$2,500.00
Plat.....	\$10,000.00
Waiver of Plat, vacation.....	\$3,000.00
Appeals of Administrative Decisions.....	\$3,000.00
Temporary Uses (except garage sales) bond required.....	\$2,500.00
Alcohol application review.....	\$75.00

The City shall be reimbursed for Planning and Zoning services not categorized under this schedule in accordance with Ordinance 04-07.