

LAND DEVELOPMENT AND PERMITTING FEES – RENEWABLE ENERGY

ORDINANCE NO. 2017-4130

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SECTION 118-7 “FEES FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS,” AND “APPENDIX A – FEE SCHEDULE” TO WAIVE FEES CHARGED RELATED TO LAND USE BOARD APPROVAL OF SUSTAINABLE ROOFING SYSTEMS AND RENEWABLE ENERGY SYSTEMS; BY AMENDING CHAPTER 114, “GENERAL PROVISIONS,” BY AMENDING SECTION 114-1, “DEFINITIONS,” TO PROVIDE A DEFINITION FOR “RENEWABLE ENERGY SYSTEMS;” PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the City of Miami Beach recognizes sea level rise and its responsibility to the citizens to adapt to meet those needs; and

**WHEREAS**, the City of Miami Beach understands how important it is to build resilient buildings that will be able to survive sea level rise; and

**WHEREAS**, to mitigate the impacts of climate change the City must allow for the residents and buildings to reduce their vulnerability; and

**WHEREAS**, the City Commission and the Administration understand that to combat the harmful effects of climate change, local municipalities are the front line of adaptation and must if there is no example to follow; and

**WHEREAS**, it is in the best interest of the City to promote the economic environmental health in the City through sustainable and environmentally friendly design and construction which reduces demand for energy and reduces greenhouse gas emissions; and

**WHEREAS**, according to the City’s 2015 Greenhouse Gas Emissions (GHG) Inventory, electricity accounted for almost 70 percent of the City’s core GHG emissions and gas and diesel accounted for 18 percent, which are main drivers of climate change; and

**WHEREAS**, studies have indicated that green buildings have lower maintenance costs associated with low energy consumption, which will improve the City’s long-term economic well-being; and

**WHEREAS**, it is in the interest of the health, safety and welfare of the residents of the City to ensure sustainable construction and to ensure that the City safeguard natural resources and ensure that efficient buildings are constructed; and

**WHEREAS**, the City seeks to incentivize the use of renewable energy systems on existing buildings; and

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

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

**SECTION 1.** Chapter 114, of the City of Miami Beach Land Development Regulations, entitled "General Provisions," Section 114-11, "Definitions," of the Land Development Regulations, is hereby amended to read as follows:

**CHAPTER 114**

**GENERAL PROVISIONS**

**Sec. 114-1 – Definitions**

\* \* \*

Renewable energy system means a method of producing electricity derived from resources that are regenerative or for all practical purposes cannot be depleted, including wind, tidal, geothermal; and solar energy and as opposed to fossil fuels.

\* \* \*

**SECTION 2.** Chapter 118, of the Land Development Regulations, entitled "Development and Review Procedures" at "Section 118-7, entitled "Fees for the administration of land development regulations," of the Land Development Regulations is hereby amended as follows:

**CHAPTER 118**

**DEVELOPMENT AND REVIEW PROCEDURES**

\* \* \*

**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. The cost associated 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. The fee for application for public hearing related only to a solar roof or a renewable energy system on an existing building shall be waived. If the application includes other components, the standard fee shall apply. Additionally, the fee per variances related only to a solar roof or a renewable energy system shall also be waived.

\* \* \*

**SECTION 3.** "Appendix A," entitled "Fee Schedule," of the Code of the City of Miami Beach is hereby amended as follows:

\* \* \*

**APPENDIX A  
FEE SCHEDULE**

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

118-6	<b>Cost recovery</b>	
	Review and Report by outside source	TBD
118-7	<b>Fees for the administration of land development regulations</b>	
	<b>General Fees for Public Hearing</b>	
	Application for preliminary evaluation before a board	500.00
	Application for public hearing – See Sec. 118-7 for applicable waivers	2,500.00
	Application for clarification of previously approved board order	1,500.00
	Application for amendment to an approved board order	2,500.00
	Application for extensions of time of a previously approved board order (non-administrative)	1,500.00
	Application for after the fact approval	3 X Org. fee
	Advertisement (Additional fees may apply based on notice requirement for LDR, Comp. Plan and corresponding map amendments)	1,500.00
	Mail Notice (per address)	4.00
	Posting (per site)	100.00
	Withdrawal or continuance prior to public hearing	500.00
	Deferral of a public hearing	1,500.00
	<b>Amendment of the Land Development Regulations, Zoning Map, Comprehensive Plan and Future Land Use Map 118-162 (a) and (b)</b>	
	Amendment to the permitted, conditional or prohibited uses in a zoning	2,500.00

	category (per use).	
	Amendment to the permitted, conditional or prohibited uses in the comprehensive plan (per use).	2,500.00
	Amendment of zoning map designation (per square foot of lot area) up to 5000 sq. ft	0.50
	Amendment of zoning map designation (per square foot of lot area) 5,001 sq. ft. and greater	0.70
	Amendment of future land use map of the comprehensive plan (per square foot of lot area) up to 5,000 sq. ft.	0.50
	Amendment of future land use map of the comprehensive plan (per square foot of lot area) 5,001 and greater.	0.70
	Amendment to the land development regulations (per section being amended)	10,000.00
	Amendment to the comprehensive plan (per goal, policy, or objective being amended.)	10,000.00
	<b>Conditional Use Permits 118-193</b>	
	Application for Conditional Use Permit for an adult congregate living facility (per bed)	100.00
	<b>Design Review 118-253</b>	
	Application for Design Review Board approval (per gross square foot of new construction)	.50
	<b>Land / Lot Split 118-321</b>	
	See applicable fees under General Fees	
	<b>Variances 118-353</b>	
	Per variance requested – See Sec. 118-7 for applicable waivers	500.00
	<b>Certificate of Appropriateness 118-562 / 564</b>	
	Application for COA (per gross square foot of new construction)	0.50
	<b>Historic Designation 118 - 591</b>	
	Application for district designation (per platted lot)	100.00
	Planning Director determination of architectural significance (142-108)	2,500.00

#### **SECTION 4. REPEALER.**

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

#### **SECTION 5. CODIFICATION.**

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

#### **SECTION 6. SEVERABILITY.**

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

**SECTION 7. EFFECTIVE DATE.**

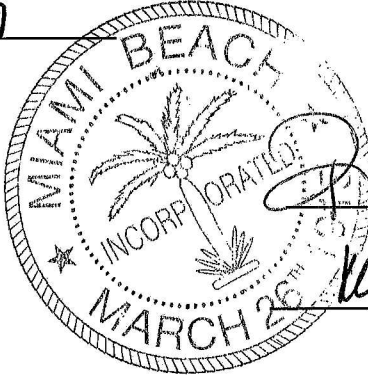
This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this 25 day of September, 2017.

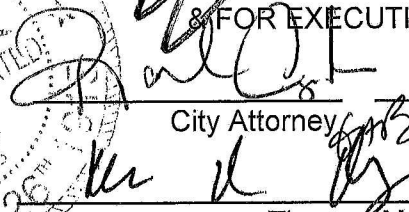
**ATTEST:**

  
10/4/17  
Rafael E. Granado, City Clerk

  
Philip Levine, Mayor



APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

  
City Attorney

7/5/17  
Date

Thomas Mooney, AICP  
Planning Director

First Reading: July 26, 2017  
Second Reading: September 25, 2017

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

[Sponsored by Commissioner Kristen Rosen Gonzalez]

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# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: September 13, 2017

10:50 a.m. Second Reading Public Hearing

SUBJECT: LAND DEVELOPMENT AND PERMITTING FEES - RENEWABLE ENERGY  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SECTION 118-7 "FEES FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS" AND "APPENDIX A - FEE SCHEDULE" TO WAIVE FEES CHARGED RELATED TO LAND USE BOARD APPROVAL OF SUSTAINABLE ROOFING SYSTEMS AND RENEWABLE ENERGY SYSTEMS; BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," BY AMENDING SECTION 114-1, "DEFINITIONS," TO PROVIDE A DEFINITION FOR "RENEWABLE ENERGY SYSTEMS"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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### RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance.

### ANALYSIS

#### BACKGROUND

On March 1, 2017, the Mayor and City Commission referred a discussion to the Sustainability and Resiliency Committee (SRC) regarding incentivizing solar panel installations in the City by waiving permit fees. This item was sponsored by Commissioner Kristen Rosen Gonzalez.

On April 19, 2017, the Sustainability and Resiliency Committee (SRC) discussed incentives for renewable forms of energy, such as solar panels. Under certain circumstances, some renewable energy projects may be required to go to the Design Review Board and Historic Preservation Board, and there are fees associated with these land use board review processes. The SRC recommended that an ordinance amendment, to further incentivize the installation of solar panels and renewable forms of energy, by waiving the fees relating to any required land use board review, be referred to the next available Land Use and Development Committee meeting. Since this proposal would amend the fee schedule (Appendix A) of the Land Development Regulations, Planning Board review of the draft ordinance would also be required.

On May 17, 2017, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the subject ordinance to the Land Use and Development Committee and Planning Board for consideration and recommendation (Item C4 J). On June 14, 2017, the Land Use and Development Committee discussed the item and recommended that it be approved.

### PLANNING ANALYSIS

The rise of solar power over the past decade has been largely driven by cities. In these densely-populated areas, solar power is helping to clean the air and reduce pollutant emissions; strengthen electric grids; offer consumers security against volatile energy costs; and, improve the environment and resident quality of life. Several cities have set strong goals for solar energy adoption, implementing programs and policies that promote the rapid expansion of solar energy, expanding access to all residents, installing solar energy systems on government buildings, and urging state and federal officials and investor-owned utilities to facilitate the growth of solar energy.

In leading cities, officials are setting ambitious goals for solar energy adoption, putting solar panels on city buildings, and working with utilities to upgrade the electric grid and offer electricity customers incentives to invest in solar energy systems. In these cities, permitting departments are taking steps to reduce fees and permit processing times for solar installation applications as well. In 2010, San Francisco (CA) committed to transitioning to 100% renewable energy by 2020 and became the first major city in the nation to require that photovoltaic or solar thermal solar systems be installed during the construction of new homes and businesses.

As part of the Building Permit process, projects undergo zoning review. The Zoning section of the Planning Department reviews all license applications and building plans, as part of the Building Permit process, to ensure compliance with the Land Development Regulations (LDRs). Under certain circumstances, projects may be required to undergo review by a Land Use Board, such as the Design Review Board or Historic Preservation Board review, prior to applying for a building permit. Additionally, variances of the LDRs may on occasion be requested. A fee of \$2,500 is charged for an application for public hearing for projects that must undergo a Land Use Board approval. A fee of \$500 is charged for each variance requested.

The proposed ordinance would waive the fee for application for public hearing on existing buildings that require a public hearing only for the purpose of installing solar roofs or other renewable energy systems. The fee for each variance requested would also be waived for existing and new projects seeking a variance related to the installation of solar roofs or other renewable energy systems. Payment of fees for notice, advertisement, and other procedural requirements would still be charged as part of this process.

#### **PLANNING BOARD REVIEW**

On June 27, 2017, the Planning Board transmitted the proposed Ordinance Amendment to the City Commission with a favorable recommendation.

#### **UPDATE**

The subject ordinance was approved at First Reading on July 26, 2017, with no changes.

#### **CONCLUSION**

The Administration recommends that the City Commission adopt the Ordinance.

#### **Legislative Tracking**

Planning

#### **Sponsor**

Commissioner Kristen Rosen Gonzalez

**ATTACHMENTS:**

**Description**

- Form Approved Ordinance