



To: Peter Iglesias, City Manager; Suramy Cabrera, Development Services Director

From: Gustavo J. Ceballos, Assistant City Attorney

Approved By: Miriam Soler Ramos, City Attorney *MSR*

RE: Legal Opinion Update Regarding Vesting of Rights and Applicable Fees (CAO 2016-087)

Date: March 15, 2021

In October 2016, in consultation with the Assistant City Manager/Building official, and in conformance with the City's past practice as it relates to vesting rights and the Board of Architects review, then City Attorney Craig E. Leen adopted an opinion from Craig Collier, the City's special counsel for land use and zoning. Said opinion covered the topics of vested rights and the zoning application process. In order to avoid confusion and standardize the fee application process with the Florida Building Code, the general rule for when amendments to the City's Fee Schedule will apply to pending applications is being amended. Specifically, please see the existing language of CAO 2016-087 below and the language being added/struck through¹ to assure compliance with applicable State regulations.

"Pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code, and in consultation with the Assistant City Manager/Building Official, I hereby adopt as a City Attorney Opinion the attached opinion from Craig Collier, special counsel for land use and zoning. As of the date of this City Attorney Opinion, the general rule for all amendments to the City Code, and Zoning Code, ~~and fee schedule,~~ unless the City Commission expressly directs otherwise, is that any such amendments apply to all pending applications except the following: (1) applications that have obtained final Board of Architects approval (assuming the approval does not expire), (2) applications subject to a Development Agreement (the terms of the agreement apply), or (3) where applicable law requires."

¹ Deletions are indicated by strikethrough and insertions indicated by underline.