



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Alex Fernandez

DATE: November 20, 2024

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS AMENDING THE LAND DEVELOPMENT REGULATIONS TO AUTHORIZE THE CITY COMMISSION TO APPROVE A FEE WAIVER BY RESOLUTION FOR LAND USE BOARD APPLICATION FEES FOR VARIANCES, WHERE THE VARIANCE IS REQUIRED TO MAKE REPAIRS OR IMPROVEMENTS TO CORRECT A DEFICIENCY IDENTIFIED IN A BUILDING RECERTIFICATION (MILESTONE) INSPECTION REPORT FOR A RESIDENTIAL APARTMENT BUILDING, CONDOMINIUM, OR COOPERATIVE.

**RECOMMENDATION**

Please place the above item on the November 20, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

Under State and County law, residential apartment, condominium, and cooperative buildings are required to undergo milestone inspections (also known as building recertification) after specified periods of time, based on the age and location of the building. These inspections often result in detailed reports which identify required repairs or other improvements.

In certain instances, a milestone inspection report may identify a required repair or other improvement that may, due to nonconformance with the Land Development Regulations ("LDRs") and/or the current configuration of the property, require a variance from the City.

In light of mounting costs and increased regulatory requirements for residential apartment, condominium, and cooperative properties, I would like the LUSC to consider whether the LDRs should be amended to permit the City Commission to waive, by Resolution, land use board application fees for variances, where the variance is required to make repairs or other improvements to correct a deficiency identified in a milestone inspection report for a residential apartment building, condominium, or cooperative. To facilitate these improvements, I would also like the LUSC to consider whether any of these requirements could instead be waived by a land use board or approved at the staff level.

**BACKGROUND/HISTORY**

**ANALYSIS**

**FISCAL IMPACT STATEMENT**

n/a

**Does this Ordinance require a Business Impact Estimate?**

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

**FINANCIAL INFORMATION**

**CONCLUSION**

**Applicable Area**

Citywide

**Is this a “Residents Right to Know” item,  
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Office of Commissioner Alex Fernandez

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

**Condensed Title**

Ref: LUSC – Fee Waivers for Variances to Implement Building Recertification Requirements.  
(Fernandez)