

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Alex Fernandez

DATE: February 3, 2025

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE - REQUIRE APPLICANTS FOR ZONING INCENTIVES TO BE IN GOOD STANDING WITH THE CITY PRIOR TO FILING A COMPLETED APPLICATION, INCLUDING RESOLVING ALL OPEN CODE VIOLATIONS, PAYING ALL OUTSTANDING FINES, FEES, OR OTHER BILLS TO THE CITY, AND PROHIBITING HABITUAL OFFENDERS WITH A PATTERN OF CODE VIOLATIONS DURING THE PRECEDING FEW YEARS FROM APPLYING UNDER CERTAIN CIRCUMSTANCES.

### **RECOMMENDATION**

Please place the above item on the February 3, 2025 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

The City is in the process of discussing and/or adopting a number of zoning incentives, including long-term residential incentives. At the same time, many property owners and developers have left their properties vacant, improperly fenced or landscape, in need of painting, or otherwise in disrepair. These properties, when concentrated in any one area, can lead to a perception of blight. Unfortunately, these conditions exist on some of the City's premier retail corridors.

I would like the LUSC to consider possible amendments to the LDRs to require applicants for zoning incentives to be in good standing with the City prior to filing a completed application. This should include, without limitation:

- Resolving all open Code and Building violations.
- Paying all outstanding fines, fees, or other open bills to the City.
- Prohibiting properties with a history of persistent or habitual violations (to be discussed/identified by the LUSC) should be ineligible for applying under certain circumstances, including implementing a potential waiting period (e.g., one year) from the resolution of the last issue before eligibility for zoning incentives is reconsidered. This should take into account efforts to mitigate conditions, and whether the ownership has changed.

Following discussion and a recommendation by LUSC, I intend to sponsor a subsequent referral to the Planning Board.

### **BACKGROUND/HISTORY**

### **ANALYSIS**

**FISCAL IMPACT STATEMENT**

**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 - Good Standing for Eligibility for Zoning Incentives (Fernandez)

**Previous Action (For City Clerk Use Only)**

