

PRIORITY ITEMS 3

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: January 16, 2025

TITLE: 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

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to Appendix A of the City Code and recommend that the Mayor and City Commission (City Commission) adopt the proposal.

BACKGROUND/HISTORY

On November 20, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred the item (C4 R) to the LUSC.

ANALYSIS

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss and consider whether the City Commission should 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, the sponsor has also requested that the LUSC consider whether any of these requirements could instead be waived by a land use board or approved at the staff level.

For purposes of advancing this initiative, the following are draft text amendments to Appendix A of the City Code, for consideration by the LUSC:

Appendix A:

Chapter 2, Article I

*Variances: Per variance requested— \$939.00 (See section 118-7 2.2.3.5 for applicable waivers)
The City Commission, by Resolution, may waive some or all of this fee, for applications related to compliance with applicable building recertification requirements.*

2.2.3.5 RC

*Fees for the administration of land development regulations
General Fees for Public Hearing*

* * *

The City Commission, by Resolution, may waive some or all of the above fees, for variance applications related to compliance with applicable building recertification requirements.

The Administration recommends that any consideration of a fee waiver for variance applications be subject to City Commission approval. The reason is that without City Commission oversight, there is a potential for significant variance applications to be filed, under the guise of addressing the building recertification process. The waiver of these fees should be evaluated on a case-by-case basis, and not be a blanket fee waiver.

If there is consensus on the above noted amendments, an ordinance can be brought directly to the City Commission for First Reading. Since this an amendment to Appendix A, and not an LDR amendment, a referral to the Planning Board is not required.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate?
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the LUSC endorse the proposed amendments to Appendix A of the City Code and recommend that the City Commission adopt the proposal.

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

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

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.