

**Variance Fee Waiver for Building Recertification**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES", ARTICLE ENTITLED "GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES," BY AMENDING SECTION 2.2.3, ENTITLED "DEVELOPMENT APPLICATION SUBMISSION AND REVIEW," BY MODIFYING THE APPLICABLE PROVISIONS FOR LAND USE BOARD APPLICATION FEES AND ESTABLISHING A PROCESS AND CRITERIA FOR THE CITY COMMISSION TO CONSIDER A WAIVER OF REQUIRED FEES FOR VARIANCE APPLICATIONS RELATED TO COMPLIANCE WITH APPLICABLE BUILDING RECERTIFICATION REQUIREMENTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

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

**WHEREAS**, under the requirements of the Florida Building Code, repairs or other improvements, as part of a building recertification, may be required for buildings in the City of Miami Beach; and

**WHEREAS**, in some instances, a variance application may be submitted to reconcile the requirements of the City Code with the minimum requirements of the Building Code, relating to required repairs or other improvements needed to correct a deficiency identified in a milestone inspection report for building recertification; and

**WHEREAS**, in some instances, the fees associated with a variance application to a City land use board may pose a financial hardship for residential buildings, and such residential buildings may need relief from the fees associated with a variance application, in order to comply with mandatory requirements of the Florida Building Code; and

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

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

**SECTION 1.** Chapter 2, "Administration and Review Procedures", Article II "General Development Application and Hearing Procedures", is hereby amended as follows:

**CHAPTER 2 - ADMINISTRATION AND REVIEW PROCEDURES**

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**ARTICLE II – General Development Application and Hearing Procedures**

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## **2.2.3 DEVELOPMENT APPLICATION SUBMISSION AND REVIEW**

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### **2.2.3.5 Fees for the administration of land development regulations**

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- g. *Variances.* Any applicant requesting a public hearing on any application pursuant to section 2.8.4 shall pay, upon submission, the applicable fees below:
1. Application for public hearing.
  2. Fee per variance requested.
  3. Application for amendment of an approved board order.
  4. Withdrawals and continuances. If an applicant withdraws or requests a continuance of an application prior to the date of the public hearing a fee to defray the costs of scheduling the new public hearing shall be assessed. Payment of a mail notice fee to notify the property owners of the cancellation of the original public hearing and establishment of the revised hearing date may be required.
  5. Deferral of public hearing. If the applicant requests a deferral of a public hearing, a fee equal to the total application fee shall be assessed. Payment of a mail notice fee to notify the property owners of the deferral of the original public hearing and establishment of the revised hearing date shall be required. If deferment or clarification of conditions is requested by the administration or the board, there will be no additional fee.
  6. Application for clarification of an approved board order.
  7. Application for extensions of time of an approved board order.
  8. Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
  9. Status report.
  10. Progress report.
  11. Applicant/homeowners requesting a variance shall pay one-half of the total fee with proof of homestead or primary occupancy of the subject property from the Miami-Dade County Property Appraiser's Office. Applicant/owner shall pay 100 percent of the required notice fee.
  12. Notwithstanding the foregoing, the application fee for a public hearing and fee per variance requested shall be waived for non-elderly and elderly low and moderate income or workforce housing developments.
  13. Notwithstanding the foregoing, 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. Any such waiver shall be applicable only to a property with a residential building and shall be based upon a documented financial hardship. Additionally, the applicable land use board shall use best efforts to prioritize a variance application related to compliance with applicable building recertification requirements.

## **SECTION 2. REPEALER.**

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

