

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
Alina T. Hudak, City Manager

FROM: Rafael A. Paz, City Attorney



FIRST READING

DATE: September 13, 2023

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "BUILDING REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "CONSTRUCTION STANDARDS," BY AMENDING DIVISION IV THEREOF, ENTITLED "2017-2022 BUILDING PERMIT REPRIEVE PROGRAM," TO EXTEND THE DURATION OF THE BUILDING PERMIT REPRIEVE PROGRAM FOR OWNERS OF SINGLE-FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, MIXED-USE OR COMMERCIAL PROPERTIES WHO HAVE FAILED TO OBTAIN A BUILDING PERMIT, OR WHO HOLD EXPIRED PERMITS; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AN EFFECTIVE DATE, AND A SUNSET PROVISION.

The proposed Ordinance was prepared at the request of the sponsor, Commissioner Alex J. Fernandez.

The performance of work without a permit is a recurring issue in the City. When it comes to dealing with unpermitted work, the City's primary interest is to ensure that unauthorized work complies with the Florida Building Code, as failure to comply with the Code can result in a life safety issue to the inhabitants of the structure. However, in many cases, cost is a concern to many persons who either have expired permits (without a final inspection or permit close-out), or who never applied for a permit in the first place.

On May 1, 2017, in response to the foregoing concerns, the City enacted Ordinance No. 2017-4088, which created a one-year reprieve period for property owners and tenants to come into compliance with the Florida Building Code, from May 1, 2017 through April 30, 2018. Subsequent ordinances have extended the reprieve period through December 31, 2023.

The proposed ordinance would extend the reprieve period through December 31, 2026.

RAP/FA/ag