



City of Miami
Legislation
Ordinance

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 15-01413

Final Action Date:

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10/ARTICLE I, OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, ENTITLED "BUILDINGS/IN GENERAL," MORE PARTICULARLY BY AMENDING SECTION 10-5, TO PROVIDE FOR THE DEFERRAL OF BUILDING PERMIT FEES FOR AFFORDABLE AND WORKFORCE HOUSING; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 10 of the Code of the City of Miami, as amended ("City Code"), allows for waiver of particular building permit fees in certain limited circumstances; and

WHEREAS, in addition to affordable housing, the City Commission wishes to incentivize the creation of workforce housing for those individuals whose income is between 80% and 140% of the area's median income; and

WHEREAS, by allowing affordable and workforce housing units to defer building permit fees, it will incentivize the creation of same by lowering the barrier of entry for new affordable and workforce housing units;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 10 of the City Code is amended in the following particulars:{1}

"CHAPTER 10

BUILDINGS

ARTICLE I. - IN GENERAL

* * * *

Sec. 10-5. - Waiver and deferral of fees and senior citizens waiver.

(a) The fees required under this article may be waived by the city manager for entities and agencies of the city.

(b) The fees required pursuant to this Article, except for those surcharges required by the State of Florida or Miami-Dade County, as listed in Section 10-4(b)(2)(a) and (b) of the City Code may be deferred by the City Manager for affordable housing or workforce housing, as defined in Section 13-5 of the City Code utilizing the same petition process and covenant requirement as the affordable and workforce housing impact fee deferral program described in Sections 13-8

and 13-16 of the City Code.

- (bc) Notwithstanding any provisions of this Code or the Florida Building Code to the contrary, all fees and charges assessed by the city departments, including impact fees, which are required to be paid as a condition of the issuance of a building permit, shall not be charged if all the following conditions are met for senior citizens:
- (1) The permit to be obtained will correct a violation for work without permit or for work with an expired permit for which the property owner has been cited by code enforcement or any section of the building department.
 - (2) The work performed without a permit commenced prior to March 1, 2002 (Florida Building Code entered in effect March 1, 2002), or the permit which expired was issued under the South Florida Building Code.
 - (3) The work for which the building permit is requested is for an improvement to a single-family or duplex residence, townhouse or condominium which is occupied by the property owner who is a senior citizen and who has had a valid homestead exemption for the past five years for that property.
 - (4) If the property is owned by more than one person each must qualify for the senior citizen exemption, except if the joint owners are married, only one of the owners must meet the qualifications for the senior citizen exemption.
- (ed) Each development department will track the amount of permit fees and charges affected by this exemption each fiscal year. The general fund shall reimburse each of the development departments the amount of permit fees and charges exempted as part of the following fiscal year's budget.
- (de) This subsection is not intended to waive any permit fees or charges assessed by the departments of the state, the county or federal government.

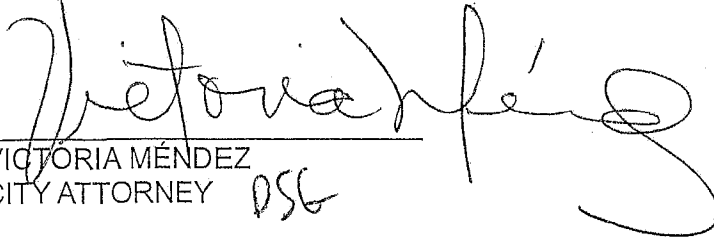
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Section 3. All Ordinances or parts of Ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 4. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective immediately upon its adoption and signature of the Mayor.{2}

APPROVED AS TO FORM AND CORRECTNESS:


VICTORIA MÉNDEZ
CITY ATTORNEY DSG

Footnotes:

{1} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

{2} This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.