

# MIAMIBEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: March 4, 2025

FROM: Thomas R. Mooney, AICP  For TRM  
Planning Director

SUBJECT: **PB24-0743. Historic Preservation Board Fee Waiver for Single Family Home Applications**

#### **RECOMMENDATION**

Transmit the proposed ordinance amendment to the Mayor and City Commission (City Commission) with a favorable recommendation.

#### **HISTORY**

On October 30, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred a discussion item (C4 E), pertaining to the waiver of Historic Preservation Board (HPB) application fees for single family homes to the Land Use and Sustainability Committee (LUSC). On November 25, 2024, the LUSC discussed the proposal and recommended that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendation in the LUSC memo.

On February 3, 2025, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the attached ordinance to the Planning Board (C4 Q).

#### **REVIEW CRITERIA**

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Not applicable** – The proposed amendment does not modify district boundaries.

**3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Not applicable** – The proposed Ordinance does not affect the overall scale of development.

**4. Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Not Applicable** – The proposed amendment does not affect loads on public facilities or infrastructures.

**5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable** – The proposed change does not modify existing district boundaries.

**6. Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The proposed change is necessary in order to minimize the financial impact and challenges associated with improving single family homes in historic districts.

**7. Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Not Applicable** – The proposed ordinance amendment will not affect living conditions in the neighborhood.

**8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Not Applicable** – The proposed change will not increase traffic congestion.

**9. Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change will not reduce light and air to adjacent areas.

**10. Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change will not adversely affect property values in the adjacent areas.

**11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change will not be a deterrent to the improvement or development of adjacent properties.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

1. **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

2. **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Not Applicable** – The proposal will not affect the resiliency of the City.

3. **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

#### **ANALYSIS**

The attached draft ordinance amends the Land Development Regulations of the City Code (LDR's) to waive HPB application fees for single-family homes within local historic districts or individually designated historic sites. The fiscal impact of the proposal is expected to be nominal, as there have been less than five applications requiring HPB approval in the last 2 years. Further, applicant's would still be responsible for paying the fess associated for the required public notice, including mail notice, site posting, and published notice. As the number of applications to the HPB involving single family homes has been limited, staff is supportive of the proposed ordinance.

#### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

**Historic Preservation Board Fee Waiver for Single Family Home Applications**

**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 “MIAMI BEACH RESILIENCY CODE,” BY AMENDING CHAPTER 2, ENTITLED “ADMINISTRATION AND REVIEW PROCEDURES,” ARTICLE II, ENTITLED “GENERAL DEVELOPMENT APPLICATION AND HEARING PROCEDURES,” SECTION 2.2.3, ENTITLED “DEVELOPMENT APPLICATION SUBMISSION AND REVIEW,” BY AMENDING SECTION 2.2.3.5, ENTITLED “FEES FOR THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS,” TO PROVIDE A FEE WAIVER FOR CERTIFICATE OF APPROPRIATENESS APPLICATIONS IN SINGLE FAMILY ZONING DISTRICTS; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the renovation, expansion and restoration of single family homes located in historic districts is a vital quality of life component for the health, welfare, and prosperity of Miami Beach residents; and

**WHEREAS**, development costs create financial challenges for improving single family homes in historic districts; and

**WHEREAS**, the City of Miami Beach (“City”) recognizes that incentives are necessary to foster renovation, expansion and restoration of single family homes located in historic districts; and

**WHEREAS**, the City has the authority to enact laws which promote the public health, safety, general welfare, and morals of its citizens; 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, AS FOLLOWS:**

**SECTION 1.** Chapter 2 of the Miami Beach Resiliency Code, entitled “Administration and Review Procedures,” Article II, entitled “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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- h. Certificate of appropriateness.* Any applicant requesting a public hearing on any application pursuant to article XIII, shall pay, upon submission, the applicable fees below:
1. Application for a preliminary evaluation of a project before the board.
  2. Application for public hearing.
  3. Application for certificate of appropriateness fee per square foot of floor area.
  4. Application for amendment of an approved board order.
  5. 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.
  6. 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.
  7. Application for clarification of an approved board order.
  8. Application for extensions of time of an approved board order.
  9. Application for after-the-fact approval shall incur triple fees, excluding advertisement, mail, and posting fees as applicable.
  10. Structural engineering reports or reviews as required.
  11. Status reports.
  12. Progress reports.
  13. Notwithstanding the foregoing, the application fee for a public hearing and application fee for a certificate of appropriateness per square foot of floor area shall be waived for non-elderly and elderly low and moderate income or workforce housing developments.
  14. Notwithstanding the foregoing, the application fee for a public hearing and application fee for a certificate of appropriateness per square foot of floor area shall be waived for applications located within residential single family (RS) zoning districts.

### **SECTION 2. REPEALER.**

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

### **SECTION 3. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Steven Meiner, Mayor

ATTEST:

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

\_\_\_\_\_  
Rafael E. Granado, City Clerk

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2025

Second Reading: \_\_\_\_\_, 2025

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director