

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: April 28, 2023

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD TO DIRECT STAFF TO DRAFT AND PRESENT AMENDMENTS TO THE LAND DEVELOPMENT REGULATIONS TO INCENTIVIZE THE RETENTION AND REHABILITATION OF HISTORIC BUILDINGS IN THE EVENT THAT HOUSE BILL 1317 AND COMPANION SENATE BILL 1346 ARE ADOPTED BY THE FLORIDA LEGISLATURE AND SIGNED INTO LAW BY THE GOVERNOR.

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### **BACKGROUND/HISTORY**

House Bill 1317, and companion Senate Bill 1346 (the “Bills”), were introduced during the 2023 Session of the Florida Legislature. The Bills would preempt the City’s authority to protect historic buildings from demolition, even if a building is structurally sound or actively used, and even if the building has no violations under the Florida Building Code. The Bills would prohibit the City of Miami Beach, and other local government in Florida, from restricting the demolition of any building which the Bills identify as a “nonconforming structure.” The Bills would also preempt the City’s ability to place conditions relative to design, height, and square footage on replacement construction, when a historic building is demolished.

On March 27, 2023, the City Commission adopted Resolution No. 2023-32533, opposing and urging the Florida Legislature not to adopt the Bills, on the basis that the Bills would preempt the City’s authority to enforce major provisions of its Historic Preservation Ordinance and undermine protections for contributing buildings in the City’s National Register and Local Historic Districts, as well as individually designated historic sites.

Given that the Bills would constrain the City’s authority to protect our historic resources, I would like the Land Use and Sustainability Committee (“LUSC”) to discuss possible amendments to the Land Development Regulations (“LDRs”) that would incentivize property owners to retain or rehabilitate historic buildings. Due to the urgency of this matter, I am also requesting that any recommendations of the LUSC be transmitted to the Planning Board as draft amendments to the LDRs.

### **ANALYSIS**

**SUPPORTING SURVEY DATA**

NA

**FINANCIAL INFORMATION**

NA

**Applicable Area**

Citywide

**Is this a "Residents Right  
to Know" item, pursuant to  
City Code Section 2-14?**

Yes

**Does this item utilize G.O.  
Bond Funds?**

No

**Legislative Tracking**

Commissioner Alex Fernandez