

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: February 3, 2025  
TITLE: REFERRAL TO THE PLANNING BOARD – WAIVER OF HISTORIC PRESERVATION BOARD APPLICATION FEES FOR SINGLE FAMILY HOMES.

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached draft ordinance to the Planning Board.

### **BACKGROUND/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 memorandum.

### **ANALYSIS**

The attached draft ordinance amends the Land Development Regulations of the City Code (LDRs) to waive Historic Preservation Board (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. As the number of applications to the HPB involving single family homes has been limited, the Administration is supportive of the proposed ordinance.

### **APPLICATION FEE WAIVER**

The subject amendment is proposed on a comprehensive basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).
3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

### **FISCAL IMPACT STATEMENT**

The fiscal impact of the proposal is expected to be nominal, as there have been a limited number of applications requiring HPB approval in the last 2 years. Additionally, the number of single family homes located within local historic districts is minuscule when compared to the larger area of the City.

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

### **Department**

Planning

### **Sponsor(s)**

Commissioner Kristen Rosen Gonzalez

**Co-sponsor(s)**

Commissioner Tanya K. Bhatt

**Condensed Title**

Ref: PB - Waive Historic Preservation Board Application Fees for Single Family Homes. (Rosen Gonzalez/Bhatt) PL

**Previous Action (For City Clerk Use Only)**