



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: November 20, 2024  
TITLE: REFERRAL TO THE PLANNING BOARD – HOUSING IMPACT STATEMENT REQUIREMENT FOR DEVELOPMENT APPLICATIONS.

**RECOMMENDATION**

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

**BACKGROUND/HISTORY**

On September 11, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred an item (C4 U) to the Land Use and Sustainability Committee (LUSC) pertaining to a requirement for a housing impact statement for development applications. On October 14, 2024, the LUSC discussed the proposal and recommended that the City Commission refer an ordinance amendment to the Planning Board in accordance with the recommendations in the LUSC memo.

**ANALYSIS**

Attached are draft ordinances amending the Comprehensive Plan, as well as the Land Development Regulations of the City Code (LDRs). In this regard, the housing element of the Comprehensive Plan is proposed to be amended to create a new policy (HE 1.1.13) specific to a housing impact statement.

Chapter 1 of the LDRs is proposed to be amended to create a definition for a housing impact statement. Additionally, Chapter 2 of the LDRs would be amended to create a requirement for a housing impact statement in the application requirements and review criteria for all land use boards.

The proposed ordinances are intended to provide the land use boards with additional criteria to consider when evaluating projects that have an existing residential housing component.

**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**

No Fiscal Impact

### **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-notice/>

### **FINANCIAL INFORMATION**

N/A

### **CONCLUSION**

The Administration recommends the following:

1. The City Commission refer the attached draft ordinances 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 Alex Fernandez

**Co-sponsor(s)**

Commissioner Joseph Magazine

**Condensed Title**

Ref: PB – Housing Impact Statement Requirement for Development Applications.  
(Fernandez/Magazine) PL