

C4 Q REFERRAL TO THE PLANNING BOARD – WAIVER OF HISTORIC
PRESERVATION BOARD APPLICATION FEES FOR SINGLE FAMILY HOMES.
Applicable Area:

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-notice/>

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)

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**

* * *

ARTICLE II – General Development Application and Hearing Procedures

* * *

2.2.3 DEVELOPMENT APPLICATION SUBMISSION AND REVIEW

* * *

2.2.3.5 Fees for the administration of land development regulations

* * *

- 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