

C7 L DEMOLITION PERMIT NOTIFICATION

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT THE RECOMMENDATION OF THE PUBLIC SAFETY, NEIGHBORHOODS AND QUALITY OF LIFE COMMITTEE, AT ITS MAY 22, 2024 MEETING, DIRECTING THE ADMINISTRATION TO NOTIFY THE MAYOR AND CITY COMMISSION VIA A LETTER TO COMMISSION WHEN A DEMOLITION PERMIT IS SUBMITTED TO THE CITY PURSUANT TO THE "RESILIENCY AND SAFE STRUCTURES ACT" (FLORIDA STATUTE 553.8991).

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 26, 2025

TITLE: DEMOLITION PERMIT NOTIFICATION

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT THE RECOMMENDATION OF THE PUBLIC SAFETY, NEIGHBORHOODS AND QUALITY OF LIFE COMMITTEE, AT ITS MAY 22, 2024 MEETING, DIRECTING THE ADMINISTRATION TO NOTIFY THE MAYOR AND CITY COMMISSION VIA A LETTER TO COMMISSION WHEN A DEMOLITION PERMIT IS SUBMITTED TO THE CITY PURSUANT TO THE "RESILIENCY AND SAFE STRUCTURES ACT" (FLORIDA STATUTE 553.8991).

### **RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) adopt the attached resolution.

### **BACKGROUND/HISTORY**

On April 3, 2024, at the request of Commissioner Laura Dominquez, the City Commission referred a discussion item (C4 X) to the Public Safety and Neighborhood Quality of Life Committee (PSNQLC) to consider a resolution requiring notification via Letter to Commission (LTC) of any demolition permit applications applied for within the City's historic districts.

On May 22, 2024, the PSNQLC discussed the item and recommended that the City Commission receive notification from the Administration via an LTC when a demolition permit is requested for a building within one of the city's historic districts pursuant to the Resiliency and Unsafe Structures Act. Additionally, Commissioners Tanya K. Bhatt, Alex Fernandez and David Suarez were added as co-sponsors.

### **ANALYSIS**

On March 22, 2024, Senate Bill 1526, the Resiliency and Safe Structures Act, was signed into law by the Governor with an immediate effective date. The law prohibits local governments from restricting or preventing the demolition of certain structures located on a property in which all or a portion of such property is seaward of the coastal construction control line. Contributing buildings located within a historic district listed on the National Register of Historic Places prior to January 1, 2000 and buildings individually listed on the National Register of Historic Places are exempt from the law.

The City has fourteen (14) local historic districts, seventeen (17) individually designated local historic sites and four (4) National Register districts. Section 2.13.2 of the Land Development Regulations of the City Code (LDRs) requires Historic Preservation Board (HPB) approval, at a publicly noticed hearing, for the demolition of any structure located within a local historic district or individually designated as a local historic site.

The new state law now prohibits the City from requiring a property owner to obtain HPB approval prior to the demolition of a building located on a property seaward of the coastal construction control line. **This prohibition affects approximately 104 properties**, many of which contain multiple buildings and all of which are located along or near the ocean.

The following is a summary of the properties exempt from HPB review for demolition:

**Ocean Beach Historic District**

East side of Ocean Drive between 1<sup>st</sup> and 6<sup>th</sup> Streets (12 properties).

West side of Ocean Drive between 5<sup>th</sup> and 6<sup>th</sup> Streets (3 properties).

**Collins Waterfront Historic District and Collins Waterfront Architectural District listed on the National Register of Historic Places**

East side of Collins Avenue between 22<sup>nd</sup> and 43<sup>rd</sup> Streets (32 properties).

**Morris Lapidus/ Mid-20<sup>th</sup> Century Historic District**

East side of Collins between 44<sup>th</sup> and 53<sup>rd</sup> Streets (15 properties).

**North Beach Resort Historic District**

East side of Collins Avenue between 63<sup>rd</sup> and 71<sup>st</sup> Streets (17 properties).

**Harding Townsite/South Altos del Mar Historic District and North Shore Historic District listed on the National Register of Historic Places**

West side of Ocean Terrace between 73<sup>rd</sup> and 75<sup>th</sup> Streets (7 properties).

**Bath Club Historic Site**

5937 Collins Avenue (1 property).

**Ocean Drive/Collins Avenue Historic District**

Non-Contributing buildings only (17 properties).

In the event an application for a demolition permit is submitted for any of the properties identified above, the city may only review the permit for compliance with the Florida Building Code, the Florida Fire Prevention Code, and Life Safety Code. Pursuant to the attached resolution, an LTC will provide notification of these demolition applications.

A publicly noticed hearing before the HPB, as well as the approval of the board, will continue to be required prior to the demolition of any structure exempt from the Resiliency and Safe Structures Act.

The Administration is supportive of the recommendation of the PSNQLC as the LTC notification will provide additional transparency for all affected parties and the general public.

**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-notices/>

**FINANCIAL INFORMATION**

Not Applicable

**CONCLUSION**

The Administration recommends that the City Commission adopt the attached resolution.

**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 Laura Dominguez

**Co-sponsor(s)**

Commissioner Tanya K. Bhatt  
Commissioner Alex Fernandez  
Commissioner David Suarez

**Condensed Title**

Demolition Permit Notification. (Dominguez/Bhatt/Fernandez/Suarez) PL

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

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE PUBLIC SAFETY, NEIGHBORHOODS AND QUALITY OF LIFE COMMITTEE, AT ITS MAY 22, 2024 MEETING, AND DIRECTING THE ADMINISTRATION TO NOTIFY THE MAYOR AND CITY COMMISSION VIA A LETTER TO COMMISSION WHEN A DEMOLITION PERMIT APPLICATION IS SUBMITTED TO THE CITY FOR A PROPERTY LOCATED WITHIN A LOCAL HISTORIC DISTRICT PURSUANT TO THE "RESILIENCY AND SAFE STRUCTURES ACT" (FLORIDA STATUTES SECTION 553.8991).**

**WHEREAS**, the City has fourteen (14) local historic districts, seventeen (17) individually designated local historic sites and four (4) National Register districts; and

**WHEREAS**, Section 2.13.2 of the Land Development Regulations of the City Code (LDRs) requires Historic Preservation Board (HPB) approval, at a publicly noticed hearing, for the demolition of any structure located within a local historic district or individually designated as a local historic site; and

**WHEREAS**, on March 22, 2024, Senate Bill 1526 (Resiliency and Safe Structures Act) was signed into law by the Governor with an immediate effective date. The law prohibits local governments from restricting or preventing the demolition of certain structures located on a property in which all or a portion of such property is seaward of the coastal construction control line; and

**WHEREAS**, the Resiliency and Safe Structures Act prohibits the City from requiring a property owner to obtain HPB approval prior to the demolition of a building located on a property seaward of the coastal construction control line with the exception of contributing buildings located within a historic district listed on the National Register of Historic Places prior to January 1, 2000; and;

**WHEREAS**, there are approximately 104 properties located within multiple historic districts that could potentially be demolished pursuant to the Resiliency and Safe Structures Act and without a prior hearing before the HPB.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accept the recommendation of the Public Safety, Neighborhoods and Quality of Life Committee, at its May 22, 2024 meeting, and direct the Administration to notify the Mayor and City Commission of any demolition permit requested for a property located within a local historic district pursuant to the Resiliency and Unsafe Structures Act via a Letter to Commission.

**PASSED and ADOPTED** this 26th day of February 2025.

**ATTEST:**

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

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

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

2/13/2025  
Date