

R5 E HISTORIC PRESERVATION BOARD FEE WAIVER FOR SINGLE FAMILY HOME APPLICATIONS

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.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: March 19, 2025 9:35 a.m. First Reading Public Hearing

TITLE: HISTORIC PRESERVATION BOARD FEE WAIVER FOR SINGLE FAMILY HOME APPLICATIONS
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.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

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.

On February 3, 2025, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the attached ordinance to the Planning Board (C4 Q).

ANALYSIS

The attached draft ordinance amends the Land Development Regulations of the City Code (LDRs) to waive 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.

Further, applicants would still be responsible for paying the fees associated for the required public notice, including mail notice, site posting, and published notice. As the number of applications to the HPB involving single family homes has been limited, the Administration is supportive of the proposed ordinance.

PLANNING BOARD REVIEW

On March 4, 2025, the Planning Board held a public hearing and transmitted the proposed ordinance to the City Commission with a favorable recommendation (7-0).

FISCAL IMPACT STATEMENT

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. Further, applicants would still be responsible for paying the fees associated with the required public notice, including mail notice, site posting, and published notice.

Does this Ordinance require a Business Impact Estimate? Yes
(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 approve the subject ordinance at First Reading and schedule a Second Reading public hearing for April 23, 2025.

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)

Condensed Title

9:35 a.m. 1st Rdg PH, HPB Fee Waiver for Single Family Home Applications. (KRG) PL 5/7

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 NK

3/10/2025
Date

First Reading: March 19, 2025
Second Reading: April 23, 2025

Verified By: _____
Thomas R. Mooney, AICP
Planning Director