

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY OPPOSING SENATE BILL 284, AND ITS RELATED BILL, HOUSE BILL 55, BOTH OF WHICH SEEK TO PREEMPT LOCAL GOVERNMENTS FROM ADOPTING ZONING AND DEVELOPMENT REGULATIONS THAT REQUIRE SPECIFIC BUILDING DESIGN ELEMENTS FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS, UNLESS CERTAIN CONDITIONS ARE MET.

WHEREAS, Senate Bill (“SB”) 284, and its related bill, House Bill (“HB”) 55, have been filed for consideration during the 2021 Florida Legislative Session; and

WHEREAS, if enacted, SB 284 would preempt local governments from adopting zoning and development regulations that require specific “building design elements” for single-family and two-family dwellings, unless certain conditions are met; and

WHEREAS, SB 284 defines “building design elements” as the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors, including garage doors; the number and type of rooms; and the interior layout of rooms; and

WHEREAS, “building design elements” does not include the height, bulk, orientation, or location of a structure on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or protect the privacy of neighbors; and

WHEREAS, SB 284, if enacted, would restrict the City’s ability to enact regulations on building design elements for single-family and two-family dwellings to only: (1) structures listed in the National Register of Historic Places; (2) structures designated as historic property or a contributing property under the terms of a local preservation ordinance; or (3) regulations adopted in order to implement National Flood Insurance Program; and

WHEREAS, if enacted, SB 284 would take effect on July 1, 2021; and

WHEREAS, architectural character is an ingredient that binds our neighborhoods and communities; and

WHEREAS, elements such as window size, building materials, and lighting are currently reviewed by the City’s Planning Department and the City’s Land Development Boards to ensure that it is consistent with community character, promotes safety and security, and integrates with the public and private realm; and

