

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: September 9, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

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 For TRM

SUBJECT: **PB25-0783. Concurrency and Mobility Fees – Waiver and Installment Plan**

RECOMMENDATION

Transmit the proposed ordinance amendment to the Mayor and City Commission (City Commission) with a favorable recommendation.

HISTORY

On June 25, 2025, at the request of Commissioner Alex Fernandez, the City Commission referred the proposed ordinance directly to the Planning Board (C4 E).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not create isolated districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment is not out of scale with the needs of the neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed amendment will not tax the existing load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not Applicable

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The desire to provide increased flexibility to support new business within exiting buildings and reduce vacancy rates, makes the passage of the proposed changes necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not affect living conditions.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Not Applicable – The proposed change will not affect light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not Applicable

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not Applicable

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level**

rise, pursuant to adopted projections.

Not Applicable

- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Not Applicable

- (3) Whether the proposal is compatible with the City’s sea level rise mitigation and resiliency efforts.**

Not Applicable

ANALYSIS

The Land Development Regulations of the City Code (LDRs) require the payment of concurrency mitigation fees and mobility fees as it relates to increases in development intensity. These fees are assessed to offset impacts to the City’s transportation system and ensure that adequate infrastructure is available to support new or intensified uses.

In commercial corridors with higher vacancy rates, the immediate payment of the full amount of these fees, particularly for small businesses or changes of use without new construction, may create a financial burden. The proposed ordinance seeks to address these challenges by providing flexibility in the timing of fee payment and by providing the City Commission with a mechanism to waive some or all fees in targeted commercial areas under specific conditions.

The proposed ordinance includes the following key provisions:

Installment Payment Option

For changes of use within existing buildings where no new construction or additions are proposed, concurrency and mobility fees would have the option to be paid in up to six installments over a one-year period. Applicants would have to enter into a written contract with the City specifying payment terms, and failure to pay the total amount within one year would result in the revocation of the business tax receipt and closure of the business until the fees are paid in full.

Fee Waiver Authority

The City Commission, by Resolution, may waive some or all concurrency and mobility fees for properties located within the following areas:

1. 41st Street (Indian Creek to Alton Road).
2. Lincoln Road (Collins Avenue to Alton Road).
3. Washington Avenue (5th Street to 17th Street).
4. 71st Street and Normandy Drive (CD-2 zoned properties).

Property owners would have to submit written documentation substantiating the rationale for the waiver.

The intent of the ordinance is to support economic revitalization in targeted commercial areas by reducing upfront costs, encouraging occupancy, and reducing commercial vacancies, while maintaining the City’s ability to recover fees over time.

FISCAL AND STAFFING IMPACT

Based on application data over the past five years, approximately 30% of mobility fee assessments (103 out of 335 applications) were for changes of use only, with no new construction. If only half of these applications utilized an installment plan, over 50 agreements would need to be drafted, executed, monitored, and enforced annually.

This represents a significant administrative challenge, requiring contract management, payment tracking, compliance verification, and enforcement. If the proposed ordinance is eventually adopted, the City Commission will need to consider staffing enhancements. In this regard, it is likely that at least one full-time staff position would need to be added to the Planning Department to manage the installment process, and to ensure proper implementation, oversight, and enforcement of the new payment provisions.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.