



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

To: Jimmy Morales, City Manager
From: Matti Herrera Bower, Mayor
Date: August 26, 2013
Re: Referral to Land Use and Development Committee

In May of this year, the Historic Preservation Board resolved to urge the City Commission to consider adopting regulations similar to the City of Coral Gables in regards to the review of total demolition requests of any structure 50 years old or older.

I wish to refer the Coral Gables Ordinance (attached) to the next Land Use and Development Committee Meeting and make it a part of the upcoming Special Public Workshop on Architecturally Significant Homes.

Should you have any questions, please contact Gabrielle Redfern at extension 6157.

Thank you.

MHB/ fgr



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

OFFICE OF THE CITY MANAGER

LTC NO. 185-2013

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and
Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: May 28, 2013

SUBJECT: City of Coral Gables Demolition Ordinance

Attached, please find a copy of a resolution adopted by the Historic Preservation Board at their May 14, 2013 meeting. The Board is urging the Mayor and City Commission of the City of Miami Beach to consider adopting a demolition ordinance for single family residences, as similar as possible to the City of Coral Gables Ordinance, which requires review of total demolition requests for any structure 50 years of age or older, by the City's Historic Preservation Officer, in order to determine if the structure should be brought to the Historic Preservation Board for Historic Designation consideration.

Please advise if you would like this matter scheduled for an upcoming Land Use and Development Committee meeting.

Attachment (1)

JLM:JEG/RGL:WHC

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- C: Jorge G. Gomez, Assistant City Manager
- Rafael E. Granado, City Clerk
- Richard Lorber, Acting Planning Director
- Gary Held, First Assistant City Attorney

RECEIVED
2013 MAY 29 PM 3:48
CITY CLERK'S OFFICE

**CITY OF MIAMI BEACH
HISTORIC PRESERVATION BOARD**

RESOLUTION

WHEREAS, the City of Miami Beach Historic Preservation Board is charged by Ordinance as serving in an advisory capacity to the City Commission and other City Boards on issues affecting the City's architecture, design, historic districts and structures; and

WHEREAS, the Historic Preservation Board strongly supports the efforts of the City to promote and enhance its unique social and architectural history and to improve the appearance of new construction; and

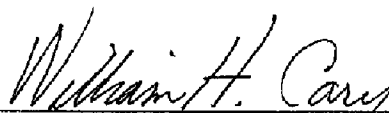
WHEREAS, the City of Miami Beach (City) places a strong emphasis on the retention and preservation of existing, architecturally significant single family homes; and

WHEREAS, the City of Miami Beach Historic Preservation Board deems it appropriate to protect the significant architectural history, existing building scale, and unique character of the single family residential neighborhoods in Miami Beach; and

WHEREAS, the City of Miami Beach Historic Preservation Board as well as many local residents have noted with alarm the increasing rate of total demolition of significant homes for replacement with much larger new homes.

THEREFORE, it is hereby resolved that the Historic Preservation Board urges the Mayor and City Commission to consider adopting a demolition ordinance for single family residences, as similar as possible to the City of Coral Gables Ordinance, which requires review of total demolition requests for any structure 50 years of age or older, by the City's Historic Preservation Officer, in order to determine if the structure should be brought to the Historic Preservation Board for Historic Designation consideration.

PASSED AND ADOPTED THIS 14th DAY OF May, 2013.



William H. Cary
Assistant Director of Planning
For the Historic Preservation Board

ARTICLE 3 - DEVELOPMENT REVIEW

Section 3-1107. Demolition.

- A. No permit for demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Article. Denial of such application indefinitely and refusal by the Board to grant a Special Certificate of Appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be served. The Historic Preservation Board shall be guided by the criteria contained in subsection (D) below.
- B. The Board may grant a Special Certificate of Appropriateness to demolish with a deferred effective date. The effective date shall be determined by the Board based upon the significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this division. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features. After the specified expiration of the deferred Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the appropriate administrative officials.
- C. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of buildings or improvements designated as historic landmarks or located in an historic landmark district, the Board may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Board may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.
- D. In addition to all other provisions of this Division, the Board shall consider the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:
1. The degree to which the building, structure, improvement or site contributes to the historic and/or architectural significance of the historic site or district;
 2. Whether the building, structure, improvement or site is one of the last remaining examples of its kind in the neighborhood, the county or the region;
 3. Whether the loss of the building, structure, improvement or site would adversely affect the historic and/or architectural integrity of the historic site or district;
 4. Whether the retention of the building, structure, improvement or site would promote the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage;
 5. Whether architectural plans have been presented to the Board for the reuse of the property if the proposed demolition were to be carried out, and the appropriateness of said plans to the character of the historic site or district, if applicable; and demonstration as well as the posting of a bond requirement that there are sufficient funds in place to carry out such plans;
 6. Whether the building, structure, improvement or site poses an imminent threat to the public health or safety;
 7. Whether the applicant has demonstrated that retention of the building, structure, improvement or site would create an unreasonable or undue economic hardship as described in Section 3-1115; and
 8. Whether there is a compelling public interest requiring the demolition.

ARTICLE 3 - DEVELOPMENT REVIEW

- E. As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation Board may require that no building permit be issued for the demolition of said structure until a building permit for the construction of a new building has been issued.
- F. The owner of the property shall permit access to the subject property for the purpose of inspections and/or appraisals required by the Historic Preservation Board or Historic Preservation Officer.
- G. No permit for demolition of a non-designated building shall be issued to the owner thereof without prior notification by the Building Official to the Historical Resources Department. All demolition permits for non-designated buildings must be approved and signed by the Director of the Historical Resources Department. Such signature is valid for six (6) months and shall thereafter expire and the approval deemed void unless the demolition permit has been issued by the Building and Zoning Department. The Historical Resources Department may require review by the Historic Preservation Board if the building to be demolished is considered eligible for designation as a local historic landmark or as a contributing building or property within an existing local historic landmark district. The public hearing shall be held at the next regularly scheduled meeting if the provided statutory notice is complied with at which time the provisions of this Division shall apply. The determination of historic significance and eligibility for designation as a local historic landmark by the Historic Preservation Board is a non-final and non-appealable decision.
- H. The damage, destruction, or demolition of any building, structure, improvement or site or portion thereof protected by this Division (a) for which a certificate of appropriateness for demolition has not been granted, or (b) which was carried out in violation of the provisions for demolition and demolition by neglect under the provisions of this Section, shall cause the City to reject an application for a building permit until the following criteria have been met:
 - 1. A pre-application shall be submitted to the Historical Resources Department containing the following information:
 - a. A detailed sworn explanation outlining the facts surrounding the unlawful damage, destruction, or demolition.
 - b. Evidence that any and all code enforcement fines have been paid.
 - c. Evidence that all violations on the property have been corrected or a stipulation outlining the agreed upon steps to correct all outstanding violations.
 - 2. Review and approval of the Historical Resources Department checklist by the following departments so that the applications for issuance of a building permit may proceed.
 - a. Building and Zoning.
 - b. Planning.
 - c. Public Works.
 - d. Public Service.
 - e. Historic Resources.
 - f. City Manager.
 - g. City Attorney.
 - 3. All approvals issued within the parameters of this section shall not be construed to be a development order and shall not be evidence of approval by any of the City's departments of the building permit.

ARTICLE 3 - DEVELOPMENT REVIEW

- I. The ad valorem tax exemption provided for under Sections 3-1118-1120 does not apply to buildings, structures, improvements or sites that have been demolished in violation of this Section.

Section 3-1108. Demolition by neglect.

- A. Demolition by neglect is any failure to comply with the minimum required maintenance standards of this Section, whether deliberate or inadvertent.
- B. The owner of any building, structure, landscape feature, improvement, site or portion thereof which has been historically designated pursuant to the Historic Preservation provisions of this Division shall be required to properly maintain and preserve such building or structure in accordance with the standards set forth in the applicable sections of the Florida Building Code, and this Division.
 1. It is the intent of this Section to preserve from deliberate or inadvertent neglect, the interior, exterior, structural stability and historic and architectural integrity of any historically designated building, structure, landscape feature, improvement, site or portion thereof. All such properties, building and structures shall be maintained in accordance to minimum maintenance standards, preserved against decay, deterioration and demolition and shall be free from structural defects through prompt and corrective action to any physical defect which jeopardizes the building's historic, architectural and structural integrity; such defects shall include, but not be limited to, the following:
 - a. Deteriorated and decayed facades or façade elements, including but not limited to, facades which may structurally fail and collapse entirely or partially;
 - b. Deteriorated or inadequate foundations;
 - c. Defective or deteriorated flooring or floor supports or any structural members of insufficient size or strength to carry imposed loads with safety;
 - d. Deteriorated walls or other vertical structural supports, or members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
 - e. Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;
 - f. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors;
 - g. Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering;
 - h. Any structure which is not properly secured and is accessible to the general public;
 - i. Any fault or defect in the property that renders it structurally unsafe or not properly watertight; and
 - j. The spalling of the concrete of any portion of the interior or exterior of the building.
 2. A City code enforcement official who finds a violation of this Section shall issue a written warning to the violator to immediately correct the violation. If any building, structure, landscape feature, improvement, site, or portion thereof which has been historically designated pursuant to the Historic Preservation provisions, in the opinion of the Historic Preservation Board, or the Historic Preservation Officer in this Division, or the City's Building Official, falls into a state of disrepair so as to potentially jeopardize its structural stability and/or architectural integrity, and/or the safety of the public and surrounding structures, the Historic Preservation Officer or the City's Building Official shall have right of entry onto the subject