

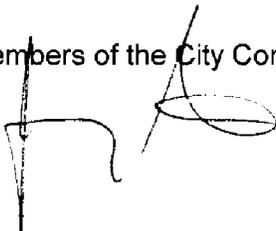


# MIAMI BEACH

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

## COMMISSION MEMORANDUM

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

FROM: Jimmy L. Morales, City Manager 

DATE: October 16, 2013

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE – A DISCUSSION REGARDING DECKS, DOCKS & SEAWALL OVER CITY LAND AND THE NEED TO ISSUE A REVOCABLE PERMIT**

### ADMINISTRATION RECOMMENDATION

The Administration recommends referring the item to the Land Use and Development Committee.

### BACKGROUND

The City Attorney's Office has informed Public Works Engineering that decks, docks and seawall construction over City own property will require a Revocable Permit, as defined by Code ARTICLE III USE OF PUBLIC PROPERTY, DIVISION 2 REVOCABLE PERMIT:

#### **Sec. 82-91. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Property, city property* means any land, water or air rights owned or maintained by the city.

Revocable permit means permission granted in writing for any use of real property owned or maintained by the city or in which the city holds an interest, by a person or entity, establishing conditions for such use, providing for revocation by the city and establishing requirements for return of the property upon termination/revocation.

A revocable permit requires that an application and all pertinent documentation be submitted to the Public Works' Right-of-Way Manager for processing. Once the application process is complete, the request is presented to the City Commission: Setting a public hearing on First Reading, then approval on Second Reading, Public Hearing. In all, the process may take up-to four months to complete.

The City Attorney's office has suggested that this item be brought up to the City Commission to consider revising the definition of a revocable permit and the exclusion of docks, decks and seawalls over City-owned waters (submerged lands).

Whenever an existing seawall requires repairs or replacement, the standard procedure is to install a new 18" seawall in front of it, and the space in between them filled with dirt and compacted. In addition, a concrete cap is framed and poured over the new seawall. The newly combined 18" seawall becomes a City Submerged land, and as such would require a revocable permit. If a deck or dock is built over the City submerged lands, either on pilings or cantilevered, it would also require a revocable permit.

A solution therefore is needed to allow the homeowner or business developer to obtain a dock, deck or seawall permit in a shorter period of time, as the permitting of these structures had not followed the revocable permit procedure in the past.

### **ACTION**

The Public Works Engineering Division requests that the Land Use Committee review the issue and provide a recommendation that may be presented to the Commission for action.

- 1) Consider the following, revise the definition of the revocable permit not to include docks, decks or seawalls over City submerged lands
- 2) For seawall expansion past the property line and onto City submerged lands, the applicant will have to pay for additional square footage acquired, based on a value set by the Commission every five years, and based on the market value of waterfront land.

For docks and decks over City Submerged lands direct the PW ROW to establish a permit similar for bus benches in City ROW.

### **CONCLUSION**

The Administration recommends referring the item to the Land Use and Development Committee for direction and further discussion.

  
MT/EC/DCS