

# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Members of the Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 30, 2016

SUBJECT: **LAND USE AND DEVELOPMENT COMMITTEE MEETING OF MARCH 30, 2016**

A meeting of the Land Use and Development Committee has been scheduled for March 30, 2016 at 3:00 p.m. in the City Commission Chambers.

### ACTION ITEMS

- 1. Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.**  
(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Joy Malakoff  
December 9, 2015 City Commission Meeting, Item C4A)
- 2. Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless of the Year of Construction.**  
(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Joy Malakoff  
February 10, 2016 City Commission Meeting, Item C4J)
- 3. Discussion Pertaining to a Proposed Ordinance Amendment to Create Operational Regulations for Alcoholic Beverage Establishments Adjacent to the Palm View and West Avenue Residential Areas.**  
(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Joy Malakoff  
February 10, 2016 City Commission Meeting, Item R5F)

**DISCUSSION ITEMS**

- 4. Discussion Regarding Short Term Rentals in North Beach.**  
(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Michael Grieco  
January 13, 2016 City Commission Meeting, Item C4H)
- 5. Discussion Regarding A Complete Review of Sign Ordinances.**  
(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Ricky Arriola  
February 10, 2016 City Commission Meeting, Item C4G)
- 6. Discussion Regarding the Removal of Carlos Zapata “Wing” Structure on Lincoln Road.**  
(Sponsored by City Commission  
March 9, 2016 City Commission Meeting, Item C4H)
- 7. Discussion Regarding Incentivizing Workforce Housing in the Private Sector.**  
(Sponsored by Commissioner Michael Grieco  
March 9, 2016 City Commission Meeting, Item C4D)

**VERBAL REPORTS**

- 8. Discussion On Air Rights.**  
(Returning from the February 17, 2016 LUDC Meeting  
Sponsored By Commissioner Joy Malakoff  
September 2, 2015 City Commission Meeting, Item C4I)
- 9. Discussion Regarding The City of Miami Beach’s Building Permit Application Process.**  
(Returning from the February 17, 2016 LUDC Meeting  
Sponsored by Commissioner Ricky Arriola  
January 13, 2016 City Commission Meeting, Item C4E)
- 10. Discussion Regarding The Impact Of A Partial Modification Of Ordinance 2014-3876 As It Relates To A FAR Interpretation.**  
(Returning from the January 20, 2016 LUDC Meeting  
Sponsored by Commissioner Joy Malakoff  
January 13, 2016 City Commission Meeting, Item C4I)

**2016 Meeting Schedule**

Wednesday April 20, 2016

Wednesday May 18, 2016

Wednesday June 15, 2016

Wednesday July 20, 2016 at 2 p.m.

Wednesday September 21, 2016

Wednesday October 26, 2016 at 2 p.m.

Wednesday November 16, 2016

Monday December 12, 2016

***I  
T  
E  
M  
  
O  
N  
E***

# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 30, 2016

SUBJECT: **Discussion Regarding A Proposed Zoning Ordinance Amendment To Allow A 'Hall For Hire' As A Conditional Use Within Existing Religious Institutions Located Within The Museum Local Historic District And In The RM-2 Zoning District.**

### HISTORY

On December 9, 2015, at the request of Commissioner Joy Malakoff, the City Commission referred this request to the Land Use and Development Committee (Item C4A). The item was first placed on the January 20, 2016 Land Use Committee agenda, and continued to a date certain of February 17, 2016.

On February 17, 2016, the Land Use Committee discussed the item, directed staff to prepare a draft Ordinance, and continued the matter to March 30, 2016.

### ANALYSIS

The RM-2 residential multifamily, medium intensity district is designed for medium intensity multi-family residences. The main permitted uses in the RM-2 district are single-family detached dwellings, townhomes, apartments, apartment-hotels, and hotels. The following are 'Conditional Uses' within the RM-2 zoning district:

- Adult Congregate Living Facility;
- Day Care Facility;
- Nursing Home;
- Stand-alone Religious Institutions;
- Private And Public Institutions;
- Schools;
- Commercial or Noncommercial Parking Lots And Garages;
- Accessory Neighborhood Impact Establishment.

Temple Emanue-el, located at 1701 Washington Avenue, was built in 1947 as a religious institution. In 1975 an activity center was constructed as an addition on the north side of the property. The subject property is zoned RM-2; the existing structure on site is classified as 'contributing' and is located within the boundaries of the Museum Local Historic District.

The definition of 'religious institution' in section 114.1 of the city code allows for catering of certain types of events, but does not allow for a hall for hire use for private events not covered in the definition. A proposal has been put forward by Temple Emanue-el to

expand the type of public and private events allowed on the property. In order to accomplish this, the code would need to be amended in order to allow for a hall-for-hire use within the RM-2 zoning district.

An option for accommodating this request would be to add a 'hall-for-hire' to the list of conditional uses in the RM-2 district for properties located within the Museum Local Historic District (see attached map illustrating the boundaries of this area). Such an amendment would not be limited to a single piece of property, and would give the operators of Temple Emanue-el latitude to accommodate non-religious events and meetings in the attached accessory structure. Further, as the proposed hall-for-hire use would require the review and approval of the Planning Board, appropriate intensities of use, as well operational safeguards would be at the discretion of the Planning Board.

If this, or a similar option were pursued, in order to ensure that a future hall-for-hire use is compatible with the medium scale, residential character of the immediate geographical area, the Administration recommends the following as part of any proposed code amendment:

- The prohibition of dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments, open air entertainment establishments and outdoor music (including background music), proposed to be operated on a permanent basis.
- Stand-alone bars and alcoholic beverage establishments, not functioning as part of a food related event, shall be prohibited.

#### **UPDATE**

On February 17, 2016, representatives of Temple Emanue-el addressed the Land Use Committee and summarized their proposal, as well as outreach efforts to surrounding residential structures. The Land Use Committee directed staff to prepare a draft Ordinance in accordance with the discussion, and requested that Temple Emanue-el continue its public outreach efforts. The attached ordinance amendment includes the conditions noted above, as discussed at the February 17, 2016 committee meeting.

#### **CONCLUSION**

The Administration recommends that the Land Use and Development Committee discuss the matter and provide appropriate policy direction.

JLM/SMT/TRM

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\March 30, 2016\RM-2 Museum HD CUP - MEMO Mar 2016 LUDC.docx

**RM-2 ZONING WITHIN THE  
MUSEUM HISTORIC DISTRICT**

**GU**

**CD-3**

**DADE BLVD**

**23RD ST**

**22ND ST**

**WASHINGTON AVE**

**PARK AVE**

**GU**

**COLLINS AVE**

**21ST ST**

**CD-3**

**RM-2**

**20TH ST**

**LIBERTY AVE**

**CCC**

**19TH ST**

**CD-2**

**18TH ST**

**RM-3**

**WASHINGTON AVE**

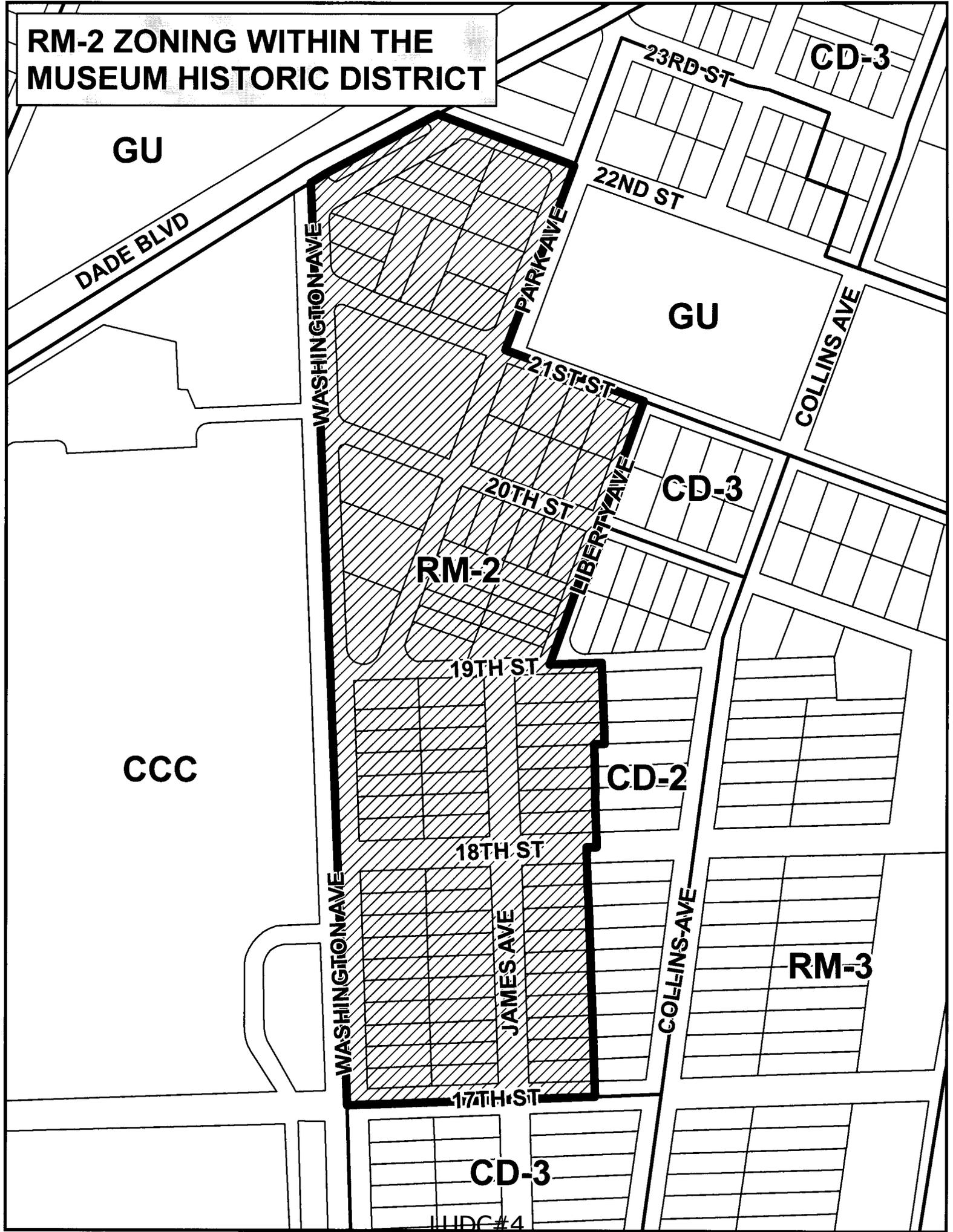
**JAMES AVE**

**COLLINS AVE**

**17TH ST**

**CD-3**

**UDC#4**



HALL FOR HIRE USE IN MUSEUM HISTORIC DISTRICT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," TO MODIFY THE CONDITIONAL USE REQUIREMENTS PERTAINING TO HALL FOR HIRE USES FOR PROPERTIES LOCATED WITHIN THE MUSEUM LOCAL HISTORIC DISTRICT; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

**WHEREAS**, the City Code contains provisions for conditional uses within the RM-2 zoning districts; and

**WHEREAS**, the City of Miami Beach desires to amend existing regulations pertaining to conditional uses within the RM-2 zoning districts; and

**WHEREAS**, the Planning Board recommended approval of this Ordinance at its meeting dated \_\_\_\_\_, 2016 by a vote of \_\_\_\_; and

**WHEREAS**, the amendment set forth below is 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:**

**SECTION 1.** Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**Sec. 142-213. Conditional uses.**

- (a) The conditional uses in the RM-2 residential multifamily, medium intensity district are adult congregate living facility; day care facility; nursing home; stand-alone religious institutions; private and public institutions; schools; commercial or noncommercial parking lots and garages; and accessory neighborhood impact establishment; as set forth in article V, division 6 of this chapter.
- (b) For properties located in the Museum Local Historic District, which contain a contributing structure, a separate hall for hire use within the interior of an existing religious institution shall require conditional use approval and shall comply with the following:
  - (1) Dance halls, entertainment establishments and neighborhood impact establishments may only be permitted as part of a hall for hire;
  - (2) The hall for hire use shall close by 11:00 PM Sunday through Thursday, and by 12:00 AM Friday and Saturday;
  - (3) Events at the hall for hire shall be for the exclusive use of the property owner (and its subsidiaries) and invited guests;

(4) Restaurants, stand-alone bars and alcoholic beverage establishments, not functioning as a hall-for-hire, shall be prohibited;

(5) Outdoor dining, outdoor entertainment and open-air entertainment uses shall be prohibited;

There shall be no variances from the provisions of Section 142-213(b).

**SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2016

Second Reading: \_\_\_\_\_, 2016

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language

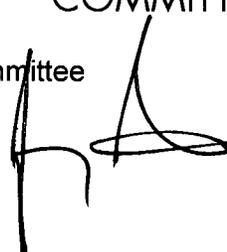
**I  
T  
E  
M  
  
T  
W  
O**

# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager 

DATE: March 30, 2016

SUBJECT: **Proposed Ordinance Setting Forth Demolition Procedures For All Single Family Homes, Regardless of the Year of Construction.**

### HISTORY

On February 10, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee (Item C4J). On February 17, 2016, the Land Use Committee discussed procedures for the issuance of demolition permits for single family homes, and the feasibility of requiring that all new single family construction be reviewed and approved by the Design Review Board. The Committee continued the matter to March 30, 2016.

### BACKGROUND / ANALYSIS

Currently, the Land Development Regulations (LDRs) in the City Code do not provide a process for the review of a demolition permit for a single family home, with the exception of the following:

- Homes located within the boundaries of a Local Historic District;
- Homes individually designated as a Historic Site or Historic Structure;
- Homes constructed prior to 1942 and determined to be 'Architecturally Significant'.

Section 142-108(f) of the City Code requires that the following benchmarks be met, prior to the issuance of a demolition permit for a pre-1942, Architecturally Significant home:

1. The issuance of a building permit process number for new construction;
2. The building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
3. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
4. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;

### UPDATE

On February 17, 2016, the Land Use Committee directed the Administration to prepare the following for additional discussion at the March 30, 2016 meeting:

1. A draft ordinance extending existing demolition procedures to all single family homes.

2. Provide additional data on the potential fiscal and review process impact of having all new single family home construction reviewed by the Design Review Board.

Demolition Procedures Ordinance:

The attached draft ordinance would modify Sec. 142-108(f) of the City Code by extending the current demolition approval procedures for pre-1942 homes to all single family homes. The proposal would not mandate a different level of review for new construction, but would require that the issuance of a demolition permit be predicated upon meeting the same benchmarks as currently required for pre-1942, architecturally significant single family homes.

An additional modification to Sec 142-108(f)(2)d is also proposed, to clarify the regulatory responsibility for required tree surveys and mitigation. In this regard, Urban Forestry in the Environment & Sustainability Department has replaced the Green Space Management as the regulatory authority.

Review of ALL Single Family Home Construction by the DRB:

Pursuant to a resolution adopted by the Design Review Board (DRB), the Land Use Committee discussed the potential for having the DRB review all new single family home construction. Currently, the DRB is only required to review new single family home applications for pre-1942 replacement homes and homes seeking a specified waiver from Sec 142-105. In this regard, the DRB reviewed 100 applications in 2014 and 114 applications in 2015, as noted hereto:

DRB Approved Single Family Home Applications

YEAR	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
2014	5	5	5	6	11	14	9	9	10	14	6	6	100
2015	12	15	11	14	8	17	10		9	5	8	5	114

Additionally, in 2015, 202 single family alteration & remodeling permits, as well as 157 new single family construction and addition permits were reviewed by the staff of the planning department. Of these 359 single family permits, it is estimated that over 150 did not require DRB approval. If 150 (or more) homes were added to the current DRB agendas, annually, this would result in an increased workload (e.g. notice, pre-application meetings, report writing, agenda production) and would require additional and/or longer DRB meetings.

In addition to the implications noted above, the required review of all single family homes, under the current DRB process, would be very burdensome on the average homeowner. While a speculative developer can simply absorb the time and expense of a DRB application, a homeowner representing themselves would be faced with an expensive and time consuming process.

In summary, staff believes that the current DRB process is not well structured to accommodate the level of single family home review being suggested by the Design Review Board. A separate process for single family home review, consisting of a rotating panel of design professionals, as is done in the City of Coral Gables, meeting on a weekly or bi-weekly basis, with less onerous notice and application exhibit requirements,

would be much better suited. Such a process, however, would require code modifications, as well as a tangible strategy to recruit more design professionals to serve on such a panel.

**CONCLUSION**

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction.

JLM/SMT/TRM

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\March 30, 2016\Demolition Procedures SF Homes - MEMO  
FINAL March 2016 LUDC.docx

**SINGLE FAMILY HOME DEMOLITION PROCEDURES**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR's) OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," SECTION 142-108, "PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS;" BY AMENDING THE REQUIREMENTS AND PROCEDURES FOR THE ISSUANCE OF A DEMOLITION PERMIT FOR SINGLE FAMILY HOMES; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

**WHEREAS**, the City's LDRs do not currently provide for any formal demolition rules or procedures when a total demolition permit is requested for a single family structure that is not located within the boundaries of a Local Historic District, not individually designated as an Historic Site or Historic Structure or has not been determined to be an Architecturally Significant Pre-1942 Single Family Home; and

**WHEREAS**, it is appropriate for the City to adopt criteria in the LDRs by which formal demolition rules and procedures are codified for all single family structures located within the City; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "Single Family Residential Districts," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**DIVISION 2. RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

**Sec. 142-108. - Provisions for the demolition of single-family homes located outside of historic districts.**

\* \* \*

(f) *Issuance of demolition permits for ~~architecturally significant~~ single family homes.*

- (1) Emergency demolition orders. This section shall not supersede the requirements of the applicable building code with regard to unsafe structures and the issuance of emergency demolition orders, as determined by the building official.
- (2) A demolition permit for the total demolition of any ~~an architecturally significant~~ single-family home ~~constructed prior to 1942~~, shall not be issued unless all of the following criteria are satisfied:
  - a. the issuance of a building permit process number for new construction;
  - b. the building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
  - c. all applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
  - d. a tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by ~~the Greenspace Management Division~~ Urban Forestry in the Environment & Sustainability Department.

**SECTION 2. REPEALER**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same 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 renumbered or relettered 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: , 2016  
Second Reading: , 2016

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

Underline denotes new language  
~~Strikethrough~~ denotes deleted language

[Sponsored by Commissioner Malakoff]

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\March 30, 2016\Demolition Procedures SF Homes -  
ORD March 2016 LUDC.docx

***I  
T  
E  
M  
  
T  
H  
R  
E  
E***

# MIAMI BEACH

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

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager



DATE: March 30, 2016

SUBJECT: **DISCUSSION PERTAINING TO A PROPOSED ORDINANCE AMENDMENT TO CREATE OPERATIONAL REGULATIONS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS ADJACENT TO THE PALM VIEW AND WEST AVENUE RESIDENTIAL AREAS.**

## **HISTORY**

At the February 10, 2016 City Commission meeting, while discussing item R5F, concerning the consolidation ordinance for alcoholic beverages, the Commission referred a discussion item to the Land Use and Development Committee (LUDC) pertaining to separate alcohol regulations for Alton Road and 17<sup>th</sup> Street. This proposal was sponsored by Commissioner Joy Malakoff.

On February 17, 2016, the LUDC discussed the item and continued the matter to March 30, 2016. Staff was instructed to prepare a draft ordinance in accordance with the discussion, for review on March 30, 2016.

## **BACKGROUND**

### *Alton Road*

While most of Alton Road between Sixth (6<sup>th</sup>) Street and Dade Boulevard is commercially zoned (CD-1 and CD-2), the barrier between the commercial zones and residential zoning (RM-1 and RM-2) to the west is only the width of an alley (Alton Court). Immediately to the west of Alton Court (the alley west of Alton Road), is the West Avenue neighborhood characterized by residential mid-rise and low-rise apartment buildings.

*17<sup>th</sup> Street* The south side of 17<sup>th</sup> Street is commercially zoned (CD-3), between Meridian Avenue and Lenox Avenue; therefore, there is the potential for more intense commercial development. This area is directly across the street from residential uses (RM-1 and RS-4) in the Palm View Historic District, which is comprised of low-rise apartment buildings and single family homes.

## **ANALYSIS**

Certain operational standards and regulations exist in the zoning code for the other parts of the City (e.g. North Beach, South of Fifth, and Sunset Harbor) that have a mixture of residential development and destination eating and drinking establishments. However, new establishments along Alton Road and 17<sup>th</sup> Street do not currently have the same type of regulations.

Currently, alcoholic beverage and entertainment establishments not exceeding specified

occupational load thresholds do not require Conditional Use review by the Planning Board in the commercial zoning districts along Alton Road and 17<sup>th</sup> Street. These thresholds are less than 300 persons for eating and drinking establishments without entertainment or less than 200 persons for establishments with entertainment as determined by the Fire Marshall. Additionally, 5:00 am liquor licenses are permitted.

The CD-1 and CD-2 zoning districts between Alton Road and West Avenue from sixth (6<sup>th</sup>) Street to Dade Boulevard, and the CD-3 district between Lincoln Lane North and 17<sup>th</sup> Street from Meridian Avenue to Lenox Avenue, both border low intensity, non-transient residential districts. As such, residents from these areas have been expressing a strong desire for operational restrictions on eating and drinking establishments, particularly with regard to the hours of operation, outdoor areas, and entertainment uses.

The attached draft ordinances sets forth operational requirements and hours restrictions on alcoholic beverage establishments and outdoor areas for the west side of Alton Road from 6<sup>th</sup> Street to Collins Canal, and for properties within 100 feet of the south side of 17<sup>th</sup> Street from Meridian to Lenox Avenues., While two separate ordinances are proposed, only the revisions to Chapter 6 contain the substantive modifications; the proposed amendments to Chapter 142 are for reference purposes only. The following is a summary of the modifications in the Chapter 6 legislation:

1. Alcoholic beverage establishments shall cease operations no later than 2:00 a.m.
2. Sidewalk cafes and restaurants shall only serve alcoholic beverages during hours when food is served, shall cease operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
3. Rooftop portions of alcoholic beverage establishments shall be limited to restaurants only, shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.
4. Entertainment establishments, if permitted, shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved for conditional use, entertainment establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
5. Outdoor bar counters shall be prohibited.
6. No special event permits shall be permitted.

### **CONCLUSION**

The Administration recommends that the Land Use and Development Committee discuss the item further and provide appropriate policy direction. If there is consensus on the matter, it is further recommended that the Land Use Committee transmit the Chapter 6 ordinance to the City Commission with a favorable recommendation, and that the City Commission refer the Chapter 142 ordinance to the Planning Board.

JLM/SMT/TRM/TUI

# MIAMIBEACH

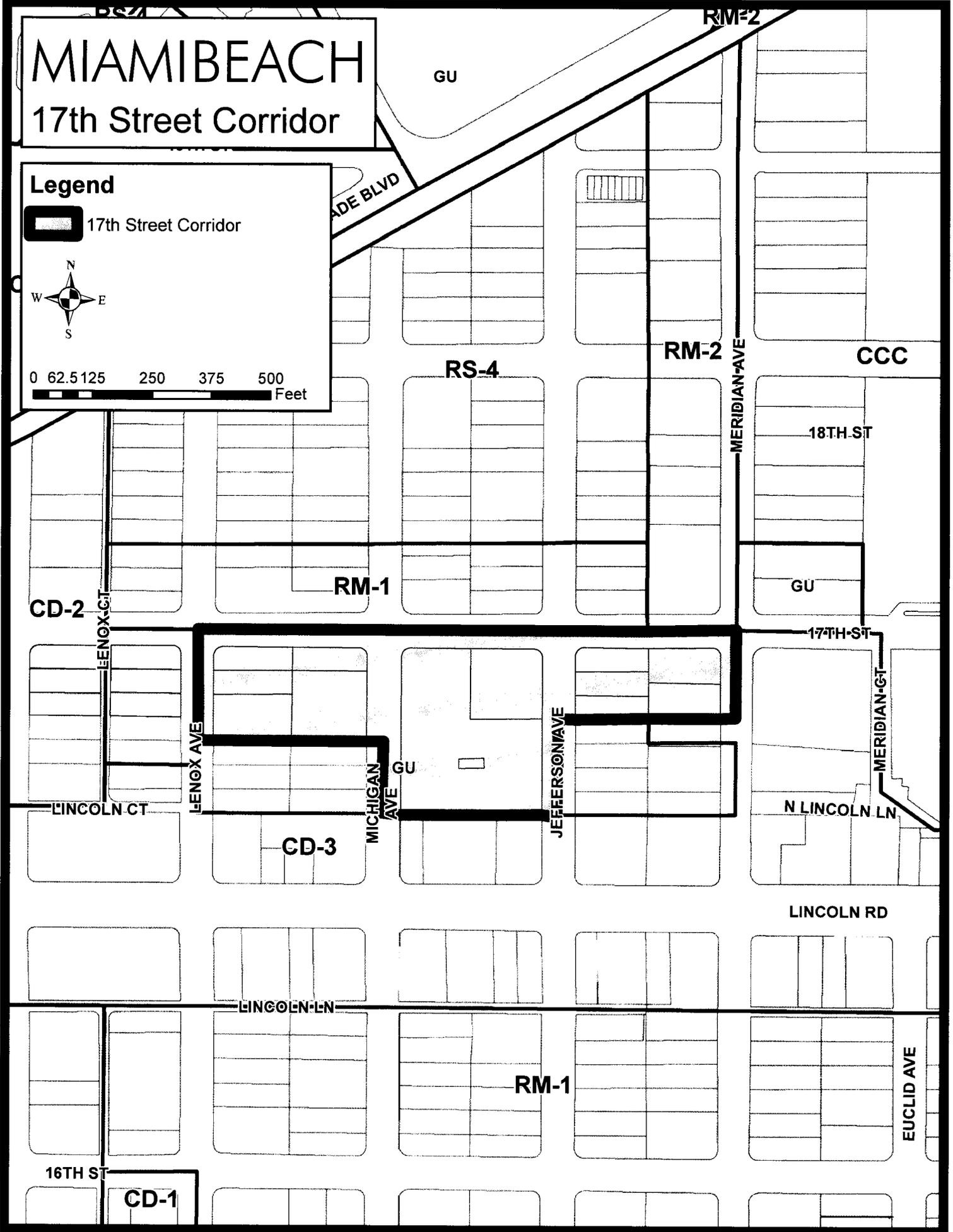
## 17th Street Corridor

### Legend

 17th Street Corridor



0 62.5 125 250 375 500 Feet



# MIAMIBEACH

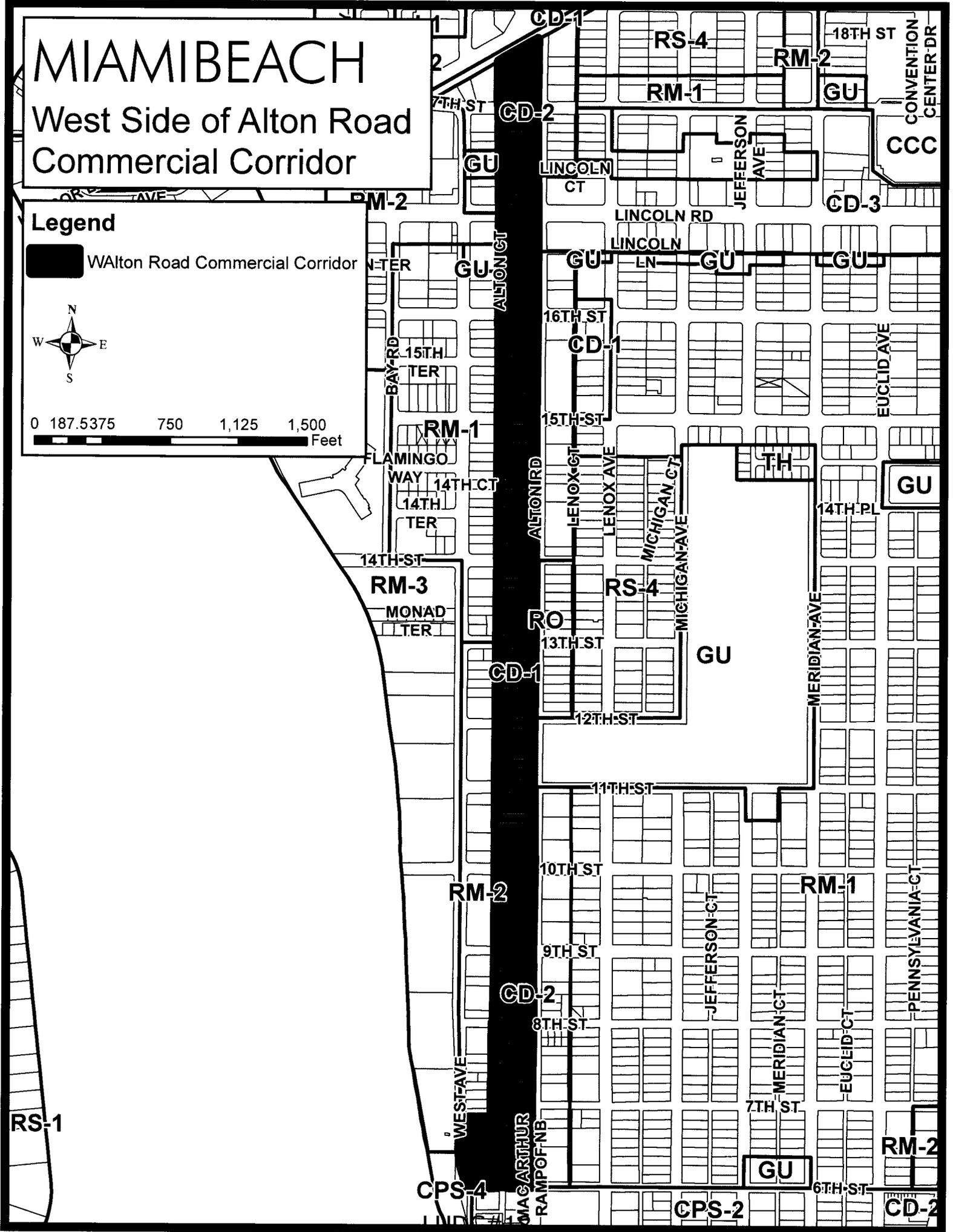
## West Side of Alton Road Commercial Corridor

### Legend

 Walton Road Commercial Corridor



0 187.5375 750 1,125 1,500 Feet



ALTON ROAD WEST AND 17<sup>TH</sup> STREET SOUTH - ALCOHOL  
ESTABLISHMENT REGULATIONS

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, FLORIDA BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS," BY AMENDING DIVISION 4, "CD-1 COMMERCIAL MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-272, "MAIN PERMITTED USES," BY CROSS REFRENCING MODIFICATIONS AND AMENDMENTS TO REGULATIONS FOR ALOHOLIC BEVERAGE ESTABLISHMENTS, BY AMENDING DIVISION 5, "CD-2 COMMERCIAL MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-302, "MAIN PERMITTED USES," AND SECTION 142-304. "ACCESSORY USES," BY CROSS REFRENCING MODIFICATIONS AND AMENDMENTS TO REGULATIONS FOR ALOHOLIC BEVERAGE ESTABLISHMENTS, AND BY AMENDING DIVISION 6, "CD-3 COMMERCIAL MEDIUM INTENSITY DISTRICT," BY AMENDING SECTION 142-332, "MAIN PERMITTED USES," AND SECTION 142-334, "ACCESSORY USES," BY CROSS REFRENCING MODIFICATIONS AND AMENDMENTS TO REGULATIONS FOR ALOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, the West Avenue neighborhood is comprised mainly of residential uses and is only divided by an alley from the commercial zoning districts, CD-1 and CD-2, on Alton Road; and

**WHEREAS**, the Palm View neighborhood is comprised of mainly residential uses and is divided by 17<sup>th</sup> Street from a commercial high intensity district, CD-3; and

**WHEREAS**, the City Code lists uses within the CD-1, CD-2, CD-3 districts that could be incompatible with adjacent residential uses in the West Avenue and Palm View neighborhoods; and

**WHEREAS**, large restaurants, stand-alone bars, entertainment establishments, and dance halls can sometimes be incompatible with the low scale character of adjacent residential neighborhoods if not regulated; and

**WHEREAS**, is it is desirable to encourage uses that are compatible with the low scale character of the neighborhood; 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.**

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 4, "CD-1, Commercial, Low Intensity District," is hereby amended as follows:

**Sec. 142-272. - Main permitted uses.**

The main permitted uses in the CD-1 commercial, low intensity district are commercial uses; apartments; bed and breakfast inn (pursuant to Section 142-1401); religious institutions with an occupancy of 199 persons or less, and alcoholic beverages establishments pursuant to the regulations set forth in Chapter 6. For properties on the west side of Alton Road (and east of Alton Court), from 6<sup>th</sup> Street to Collins Canal, cross reference with Section 6-3, as to specific operational requirements and prohibitions.

**SECTION 2.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2, Commercial, Medium Intensity District," is hereby amended as follows:

**Sec. 142-302. - Main permitted uses.**

The main permitted uses in the CD-2 commercial, medium intensity district are commercial uses; apartments; apartment/hotels; hotels; religious institutions with an occupancy of 199 persons or less and alcoholic beverages establishments pursuant to the regulations set forth in Chapter 6. For properties on the west side of Alton Road (and east of Alton Court), from 6<sup>th</sup> Street to Collins Canal, cross reference with Section 6-3, as to specific operational requirements and prohibitions.

\* \* \*

**Sec. 142-304. - Accessory uses.**

The accessory uses in the CD-2 commercial, medium intensity district are as required in article IV, division 2 of this chapter; and accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m. For properties on the west side of Alton Road (and east of Alton Court), from 6<sup>th</sup> Street to Collins Canal, cross reference with Section 6-3, as to specific operational requirements and prohibitions.

**SECTION 3.** Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 6, "CD-3, Commercial, High Intensity District," is hereby amended as follows:

**Sec. 142-332. - Main permitted uses.**

The main permitted uses in the CD-3 commercial, high intensity district are commercial uses; apartments; apartment/hotels; hotels, alcoholic beverage establishments pursuant to the regulations set forth in Chapter 6, and religious institutions with occupancy of 199 persons or less. Offices are prohibited on the ground floor on that portion of Lincoln Road which is closed to traffic, unless the office area is located in a mezzanine, or at least 75 feet back from the storefront; also apartments, apartment/hotels and hotels located on that portion of Lincoln Road shall comply with section 142-335. Dance halls (as defined in section 114-1 of this Code) not also operating as restaurants with full kitchens and serving full meals and licensed as alcoholic beverage establishments are prohibited on properties having a lot line adjoining Lincoln Road, from the Atlantic Ocean

to Biscayne Bay, unless the dance hall is located within a hotel with a minimum of 100 hotel units. For properties within 100 feet of the south side of 17<sup>th</sup> Street, from Lenox Avenue to Meridian Avenue, cross reference with Section 6-3, as to specific operational requirements and prohibitions.

\* \* \*

**Sec. 142-334. - Accessory uses.**

The accessory uses in the CD-3 commercial, high intensity district are as follows:

- (1) Those uses permitted in article IV, division 2 of this chapter.
- (2) Accessory outdoor bar counters, provided that the accessory outdoor bar counter is not operated or utilized between midnight and 8:00 a.m.; however, for an accessory outdoor bar counter which is adjacent to a property with an apartment unit, the accessory outdoor bar counter may not be operated or utilized between 8:00 p.m. and 8:00 a.m. For properties within 100 feet of the south side of 17<sup>th</sup> Street, from Lenox Avenue to Meridian Avenue, cross reference with Section 6-3, as to specific operational requirements and prohibitions.

**SECTION 4. Repealer**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 5. 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 6. Severability.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 7. Effective Date.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: , 2016  
Second Reading: , 2016

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\March 30, 2016\Alton West and 17th South Alcohol  
Regs - Chapter 142 ORD March 2016 LUDC.docx

CHAPTER 6 – ALCOHOLIC BEVERAGES

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING ARTICLE I, "GENERAL PROVISIONS," SECTION 6-3, "HOURS OF SALE," TO AMEND THE HOURS OF OPERATION, LOCATION, AND USE RESTRICTIONS FOR PROPERTIES ON THE WEST SIDE OF ALTON ROAD (AND EAST OF ALTON COURT), FROM 6<sup>TH</sup> STREET TO COLLINS CANAL, AND PROPERTIES WITHIN 100 FEET TO THE SOUTH OF 17<sup>TH</sup> STREET, BETWEEN LENOX AVENUE AND MERIDIAN AVENUE; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, alcoholic beverages are regulated in Chapter 6 of the City Code, entitled "Alcoholic Beverages"; and

**WHEREAS**, alcoholic beverage establishments in Miami Beach have been historically concentrated in the commercial and mixed-use entertainment districts along Washington Avenue, Collins Avenue, and Ocean Drive; and

**WHEREAS**, the Alton Road and 17<sup>th</sup> Street corridors have historically been composed of low intensity retail, service and retail establishments, which primarily serve City residents; and

**WHEREAS**, the West Avenue neighborhood is comprised mainly of residential uses and is only divided by an alley from the CD-1 and CD-2 commercial zoning districts on Alton Road; and

**WHEREAS**, the existing uses along the east side of West Avenue, immediately adjacent to the commercial districts along Alton Road, consist of low scale, non-transient apartment uses; and

**WHEREAS**, the Palm View neighborhood, located to the north of 17<sup>th</sup> Street and to the south of the Collins Canal, is comprised of mainly single family residential uses and is divided by 17<sup>th</sup> Street from a CD-3 commercial high intensity district; and

**WHEREAS**, the City Code authorizes uses within the CD-1, CD-2, CD-3 districts that could be incompatible with adjacent residential uses in the West Avenue and Palm View neighborhoods; and

**WHEREAS**, large restaurants, stand-alone bars, entertainment establishments, and dance halls, if not properly regulated, can be incompatible with the low scale character and quality of life of adjacent residential neighborhoods; and

**WHEREAS**, pursuant to Section 562.14, Florida Statutes, a municipality may, by ordinance, establish hours of sale for alcoholic beverages; and

**WHEREAS**, Florida courts have rejected equal protection and due process challenges to Section 562.14, Florida Statutes (*See Wednesday Night, Inc. v. City of Fort Lauderdale* (Fla. 1973)); and

**WHEREAS**, in *State ex rel. Floyd v. Noel* (Fla. 1936), the Florida Supreme Court recognized that “[i]t is so well settled that no citation of authority is required to support the statement that a municipality exercising the powers inherent in municipal corporations may reasonably regulate the sale of intoxicating liquors and in providing such reasonable regulations may prohibit the sale of such liquors within certain hours, and also may prohibit the sale of liquors within certain zones”; and

**WHEREAS**, in *Makos v. Prince* (Fla. 1953), the Florida Supreme Court recognized that a county may establish separate zones for the hours of sale of alcoholic beverages, and that the regulation of hours need not be uniform throughout the county as a whole; and

**WHEREAS**, Florida courts have consistently held that alcoholic beverage establishments are not entitled to grandfather status as to hours of sale for alcoholic beverages (*See Village of North Palm Beach v. S & H Foster's, Inc.* (Fla. 4th DCA 2012); *Other Place of Miami, Inc. v. City of Hialeah Gardens* (Fla. 3d DCA 1978)); and

**WHEREAS**, Chapter 1, of the Land Use Element, Objective 2, “Land Use Compatibility,” of the City’s 2025 Comprehensive Plan (hereinafter “Plan”), specifies that the City’s land development regulations will be used to address the location, type, size and intensity of land uses and to ensure adequate land use compatibility between residential and non-residential land uses; and

**WHEREAS**, Policy 2.1 of the Plan provides that the land development regulations shall continue to address the location and extent of nonresidential land uses in accordance with the Future Land Use map and the policies and descriptions of types, sizes and intensities of land uses contained in [the Future Land Use] Element; and

**WHEREAS**, Policy 2.2 of the Plan provides that development in land use categories which permit both residential and non-residential uses shall be regulated by formalized land development regulations which are designed to ensure adequate land use compatibility; and

**WHEREAS**, compatibility shall be achieved by one or more of the following: (1) enumeration of special land uses which may be particularly incompatible with residential uses and may be prohibited in specified areas or zoning districts; (2) enumeration of special land use administrative procedures such as Conditional Use approval, which require public hearings prior to special land use approval; (3) enumeration of special land use criteria such as minimum required distance separations from residential districts or uses or allowable hours of operation, to ensure that non-residential special land uses are properly located with respect to any residential uses to which they may be incompatible; and (4) the vertical separation of residential and non-residential uses within mixed use buildings through the use of land use regulations on accessory uses within residential buildings, and the identification of those types of commercial uses which are particularly incompatible with residential uses and which shall therefore NOT be permitted in mixed use buildings; and,

**WHEREAS**, in determining incompatibility, consideration shall be given to noise, lighting, shadows, access, traffic, parking, height, bulk, landscaping, hours of operation, buffering and any other criteria that may be important to ensure that necessary safeguards

are provided for the protection of surrounding property, persons, and neighborhood values; and

**WHEREAS**, in accordance with Chapter 1, Objective 2, Policies 2.1 and 2.2 of the Plan, it is desirable to encourage uses in commercial districts that are properly balanced and compatible with the scale, character and context of adjacent residential neighborhoods; 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:**

**SECTION 1.** Chapter 6, "Alcoholic Beverages," is amended, as follows:

**CHAPTER 6  
ALCOHOLIC BEVERAGES**

**ARTICLE I. - IN GENERAL**

\* \* \*

**Sec. 6-3. Hours of Sale.**

(a) The hours of sale of alcoholic beverages, whether as a permitted main or accessory use, shall require a State License, and shall be according to the following schedule, except as may be otherwise provided pursuant to subsection (6):

(1) Retail stores for package sales only – off premises consumption. Vendors may make sales of alcohol only for off premises consumption between the hours of 8:00 a.m. and midnight.

(2) Retail stores, including grocery, convenience stores, and gasoline service/filling stations, which primarily offer for sale products other than alcoholic beverages may make sales of beer and wine only for off premises consumption between the hours of 8:00 a.m. and midnight.

(3) All alcoholic beverage establishments with state licensure—on premise consumption only, may make sales of alcohol between the hours of 8:00 a.m. and 5:00 a.m.

a. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments but not operating as dance halls or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption between the hours of 5:00 a.m. and 8:00 a.m.

b. Restaurants with full kitchen facilities, serving full meals, licensed as alcoholic beverage establishments, and also operating as dance halls, or entertainment establishments, may remain open 24 hours a day; however, alcoholic beverages may not be offered for sale or on-premises consumption

between the hours of 5:00 a.m. and 8:00 a.m., and dancing and entertainment shall not be conducted between the hours of 5:00 a.m. and 10:00 a.m.

c. Other alcoholic beverage establishments not containing restaurants with full kitchen facilities, shall close at 5:00 a.m. and remain closed. No patron or other persons, other than those employed by the vendor may remain on the premises between the hours of 5:00 a.m. and 8:00 a.m.

d. *Sidewalk cafes.* Notwithstanding the provisions of subsections (3)(a) through (c), alcoholic beverages shall not be offered for sale or consumption at sidewalk cafes, as defined in section 82-366 of this Code and as otherwise permitted by the City in accordance with chapter 82, article IV, division 5, subdivision II of this Code (as may be amended from time to time), between the hours of 1:30 a.m. and 8:00 a.m., and shall not be consumed at sidewalk cafes between the hours of 2:00 a.m. and 8:00 a.m. No variances may be granted from the provisions of this section 6-3(3)(d) as to the hours of sale or consumption of alcoholic beverages at sidewalk cafes.

e. For properties within 100 feet of the south side of 17th Street, from Lenox Avenue to Meridian Avenue, the following regulations shall apply to all alcoholic beverage establishments, whether a main permitted use or accessory use:

1. Alcoholic beverage establishments shall cease operations no later than 2:00 a.m.
2. Sidewalk cafes and restaurants shall only serve alcoholic beverages during hours when food is served, shall cease operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
3. Rooftop portions of alcoholic beverage establishments shall be limited to restaurants only, shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.
4. Entertainment establishments, if permitted, shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved for conditional use, entertainment establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
5. Outdoor bar counters shall be prohibited.
6. No special event permits shall be permitted.

f. For properties on the west side of Alton Road (and east of Alton Court), between 6th Street and the Collins Canal, the following regulations shall apply to all alcoholic beverage establishments, whether a main permitted use or accessory use:

1. Alcoholic beverage establishments shall cease operations no later than 2:00 a.m.
2. Sidewalk cafes and restaurants shall only serve alcoholic beverages during hours when food is served, shall cease operations at 12:00 a.m., and shall not be permitted to have outdoor speakers.
3. Rooftop portions of establishments shall be limited to restaurants only, shall cease operations no later than 11:00 p.m. on weekdays and 12:00 a.m. on weekends, and shall only be permitted to have ambient, background music.
4. Entertainment establishments, if permitted, shall be required to obtain conditional use approval from the planning board, in accordance with the requirements and procedures of chapter 118, article IV. Additionally, if approved for conditional use, entertainment establishments shall be required to install a double door vestibule at all access points from the sidewalk, with the exception of emergency exits.
5. Outdoor bar counters shall be prohibited.
6. No special event permits shall be permitted.

(4) *Off-premises package sales by alcoholic beverage establishments.* Off-premises package sales associated with alcoholic beverage establishments other than retail stores shall be permitted between the hours of 8:00 a.m. and midnight.

(5) Consideration of a request for a private club Conditional Use permit, including the hours of operation, shall be pursuant to the Conditional Use Procedures and Review Guidelines as listed in section 118-191, et seq. Hours of operation and the consumption of alcoholic beverages will be considered between the hours of 8:00 a.m. and 5:00 a.m., Monday through Sunday, provided that service is made only to members and guests of members as provided under the Florida Statutes. However, any private club permitted to remain open after 2:00 a.m. shall provide for security in its premises by hiring private security guards or off-duty police officers between the hours of 2:00 a.m. and 5:00 a.m. each day. Private clubs securing a State License by complying with the requirements of Florida Statute, § 561.20 for racquetball, tennis or golf course facilities may admit members at any time for use of such facilities, but may not serve alcoholic beverages after 2:00 a.m. each day unless such private club is the holder of an extra-hours license Business Tax Receipt and complies with the above requirements.

(6) Notwithstanding subsection (3)(d), an alcoholic beverage establishment set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages for on-premises consumption and, if the alcoholic beverage establishment is located on Ocean Drive between 5th Street and 15th Street, for consumption at the establishment's sidewalk cafe (i) until 7:00 a.m. on January 1 (New Year's Day) or, if January 1 is on a Sunday, until 7:00 a.m. on Monday if the day that is observed as a national holiday for New Year's Day is on Monday, and (ii) until 7:00 a.m. during certain major event days or

weekends as may be designated by the City Commission or as may be designated by the City Manager following approval by the City Commission, under the following conditions:

- a. The police department and the code compliance Division of the City must be notified by a letter, received no later than 15 business days prior to either (a) January 1 or (b) the day on which alcohol sales are to be extended, stating that the alcoholic beverage establishment intends to serve alcoholic beverages for on-premises consumption and, if the alcoholic beverage establishment is located on Ocean Drive between 5th Street and 15th Street, for consumption at the establishment's sidewalk cafe until 7:00 a.m.;
- b. If deemed reasonably necessary by the police chief, or the police chief's designee, off-duty police officers must be provided at the alcoholic beverage establishment until 7:00 a.m.;
- c. There are no pending City Code violations against the alcoholic beverage establishment;
- d. No delinquent or past due monies are owed to the City;
- e. Outdoor entertainment or open-air entertainment is not allowed;
- f. No violation of the City's noise ordinance shall be permitted;
- g. No violation of the approved fire code occupancy load shall be permitted;
- h. All required City permits and licenses are current;
- i. The State License is current; and
- j. Any other conditions required by the City Manager in order to protect the public health, safety, or welfare.

(7) Alcoholic beverage establishments set forth in subsections (3) and (5) permitted to remain open to serve alcoholic beverages for on-premises consumption until 5:00 a.m. may continue to serve alcoholic beverages until 6:00 a.m. on the first day of daylight savings time in the spring.

(8) The City Manager may suspend the provisions of subsection (6) at any time to protect the public health, safety, or welfare.

## **SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
Philip Levine  
Mayor

ATTEST:

\_\_\_\_\_  
Rafael Granado  
City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2016

Second Reading: \_\_\_\_\_, 2016

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

***I  
T  
E  
M  
  
F  
O  
U  
R***

# MIAMI BEACH

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

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 30, 2016

SUBJECT: **Ordinance: Short Term Rentals in North Beach**



### HISTORY

On January 13, 2016, at the request of Commissioner Michael Grieco, the City Commission referred this request to the Land Use and Development Committee (Item C4H). The item was first placed on the February 17, 2016 Land Use Committee agenda, and continued to March 30, 2016. The Land Use and Development Committee directed the Administration to re-draft and modify the proposed ordinance in order to include requirements for renovating property for the March 30, 2016 meeting.

### ANALYSIS

The RM-1 zoning district prohibits transient uses (rentals for periods of less than six months and one day) such as hotels and short-term rentals. Limited exceptions to this rule exist within the Flamingo Park, Espanola Way, and Collins Park Local Historic Districts, which allow for short-term rentals under certain circumstances. Additionally, the RM-1 district allows for hotel uses in the area affected by the proposed ordinance, as follows:

*Sec. 142-152. - Main permitted uses.*

*The main permitted uses in the RM-1 residential multifamily, low density district are single-family detached dwelling; townhomes; apartments; **hotels, for properties fronting Harding Avenue or Collins Avenue, from the City Line on the north, to 73rd Street on the south;** and bed and breakfast inn (pursuant to article V, division 7 of this chapter).*

The North Shore National Register District is an area of North Beach that is listed in the National Register of Historic Places. As the area is not a locally designated historic district, incentives are used to encourage the restoration of structures contributing structures within the National Register Districts. In areas and situations where short-term rentals are permitted, it is required that buildings be renovated and restored. In order to encourage the rehabilitation of contributing structures in one of the most significant portions of the North Shore National Register District, the proposed ordinance would establish similar criteria for renovation and restoration in order for a property to be eligible to allow for short-term rentals. The amendment proposes the following

modification to Sec 142-1111:

(c) Eligibility within North Beach. Owners of properties zoned RM-1 and fronting Harding Avenue, from the City Line on the north to 73<sup>rd</sup> Street on the south, shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units subject to the following:

- (1) Prior to the issuance of a Business Tax Receipt permitting short-term rentals within a property, those buildings classified as "contributing" in the North Shore National Register Historic District shall be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in chapter 118, article X of these Land Development Regulations.

Since the affected area already permits hotels, the proposed modification is not expected to create detrimental impacts.

#### **CONCLUSION**

The Administration recommends that the Land Use and Development Committee discuss the matter and provide appropriate policy direction. If there is consensus on the matter, it is further recommended that the Land Use and Development Committee recommend that the City Commission refer the proposed ordinance amendment to the Planning Board for review and recommendation.

JLM/SMT/TRM/RAM

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\March 30, 2016\NB STR MEM - Mar 2016 LUDC.docx

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 "LAND DEVELOPMENT REGULATIONS," OF CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING DIVISION 2, ENTITLED "ACCESSORY USES"; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," BY AMENDING DIVISION 3, ENTITLED "SUPPLEMENTARY USE REGULATIONS," BY AMENDING SECTION 142-1111, ENTITLED "SHORT-TERM RENTAL OF APARTMENT UNITS OR TOWNHOMES," BY CREATING A NEW SUBSECTION (D), WHICH ESTABLISHES ELIGIBILITY REQUIREMENTS FOR SHORT-TERM RENTAL OF APARTMENT AND TOWNHOME RESIDENTIAL UNITS IN NORTH BEACH; LIMITING THE ELIGIBILITY TO THOSE PROPERTIES FRONTING HARDING AVENUE FROM THE SOUTH SIDE OF 73<sup>RD</sup> STREET TO THE NORTHERN BOUNDARY OF THE CITY; BY ESTABLISHING CONDITIONS PRECEDENT BEFORE A PROPERTY OWNER IS LEGALLY AUTHORIZED TO ENGAGE IN SHORT-TERM RENTALS; AND REQUIRE THE PROPERTY TO RECORD A COVENANT, WHICH MUST APPLY TO ALL PROSPECTIVE PURCHASES AND BE RECORDED IN THE PUBLIC RECORDS, THAT THE PROPERTY WILL BE ENTIRELY RENOVATED AND RESTORED FIVE YEARS AFTER ISSUANCE OF THE BUSINESS TAX RECEIPT PERMITTING SHORT-TERM RENTALS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the rental of single-family and multi-family residential properties for periods of less than six months and one day are prohibited by the Land Development Regulations ("LDRs"); and

**WHEREAS**, the City desires to amend existing regulations pertaining to the short-term rental of apartments and townhomes in RM-1 Zoning Districts; and

**WHEREAS**, the amendment will regulate those properties located in North Beach, specialist fronting Haring Avenue from the south side of 73<sup>rd</sup> street to the Northern boundary of the city; and

**WHEREAS**, the City has determined that there is a potential for harm should transient rentals are permitted without appropriate regulations to protect adverse external effects of such an intensive use; and

**WHEREAS**, the condition, requirements and regulations set forth in this amendment are consistent with, and further the public health, safety and welfare of the City and its residences and visitors.

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Division 3, entitled "Supplementary Use Regulations," of Article IV, entitled "Supplementary District Regulations," of Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**Chapter 142**

**ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3. SUPPLEMENTARY USE REGULATIONS**

\* \* \*

**Sec. 142-1111. Short-term rental of apartment units or townhomes.**

(a) Limitations and prohibitions.

- (1) Unless a specific exemption applies below, the rental of apartment or townhome residential properties in districts zoned RM-1, RM-PRD, RM-PRD-2, RPS-1 and RPS-2, CD-1, RO, R0-3 or TH for periods of less than six months and one day.
- (2) Any advertising or-advertisement that promotes the occupancy or use of the residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, or use of the residential premises in violation of this section.

"Advertising" or "advertisement" shall mean any form of communication for marketing or used to encourage, persuade, or manipulate viewers, readers or listeners for the purpose of promoting occupancy of a residential property for the purpose of holding commercial parties, events, assemblies, gatherings, or the occupancy of a residence for less than six months and one day, as provided herein, upon the premises, as may be viewed through various media, including, but not limited to, newspaper, magazines, flyers, handbills television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites or text messages.

- (3) None of the districts identified below shall be utilized as a hotel.

(b) Previously existing short-term rentals in specified districts. For a period of six months after June 19, 2010, owners of certain properties located in the following districts shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units for these properties under the requirements and provisions set forth below.

- (1) Eligibility: Properties within the RM-1 and TH zoning districts in the Flamingo Park and Espanola Way Historic Districts. Those properties that can demonstrate a current and consistent history of short-term renting, and that such short-term rentals are the primary source of income derived from that unit or building, as defined by the requirements listed below:

- (A) For apartment buildings of four or more units, or for four or more apartment units in one or more buildings under the same City of Miami Beach Resort Tax ("resort tax") account. In order to demonstrate current, consistent and predominant short-term renting, the property must comply with all of the following:
- (i) Have registered with the city for the payment of resort tax, or made resort tax payments as of January 1, 2016; and
  - (ii) Have resort tax taxable room revenue equal to at least 50 percent of total room revenue over the last two-year period covered by such payments; and
  - (iii) Have registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

For properties containing more than one apartment building, eligibility must apply to an individual building satisfying subsections (b)(1)(A)(i)—(iii) above.

- (B) For apartment and townhouse buildings of three or less units, or for three or less apartment units in one or more buildings under the same state license. In order to demonstrate current, consistent and predominant short-term renting, the property must:
- (i) Have been registered with the State of Florida as a resort dwelling or resort condominium pursuant to Chapter 509, Florida Statutes, as of March 10, 2010.

- (2) Time periods for the districts identified in subsection (b)(1) to apply for short-term rental approvals.

(A) Owners demonstrating compliance with subsection (b)(1) above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(f), within a time period of six months from June 19, 2010, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(B) Within three months of June 19, 2010, eligible owners shall apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

(C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code shall be demonstrated by October 1, 2011, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent these officials from undertaking enforcement action prior to such date.

(D) Applications under this section may be accepted until 60 days after April 11, 2012, upon determination to the planning director that a government licensing error prevented timely filing of the application.

- (3) Eligibility within the Collins Waterfront Local Historic District. Owners of property located in the Collins Waterfront Local Historic District shall be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units under the requirements and provisions set forth below:

- (A) Only those properties located south of West 24th Terrace shall be eligible for short-term rentals.
  - (B) Only buildings classified as "contributing" in the city's historic properties database shall be eligible for short-term rentals. The building and property shall be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in chapter 118, article X of these Land Development Regulations.
  - (C) The property must have registered with the State of Florida as a transient or condominium pursuant to Chapter 509, Florida Statutes, as of the effective date of this ordinance.
  - (D) The property must have registered with the city for the payment of resort tax and made resort tax payments as of as of the effective date of this ordinance.
  - (E) Short-term rental use shall be based on a single use for the property. No building or property seeking to have short-term rentals will be permitted to have mixed residential uses.
  - (F) Any property seeking to have short-term rental will need to demonstrate that there is on-site management, 24 hours per day, seven days a week.
  - (G) The short-term rental use requires at least a seven-night reservation.
- (4) Time period to apply for short-term rental approvals for those properties located in the Collins Waterfront Architectural District.
- (A) Owners demonstrating compliance with subsection (b)(3), above, shall apply for a certificate of use permitting short-term rental as detailed in subsection 142-1111(e) within a time period of three months from the effective date of this ordinance, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.
  - (B) Within three months of the effective date of this ordinance, eligible owners shall have obtained all the necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.
  - (C) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code, shall be demonstrated by the effective date of this ordinance, or rights to engage in short-term rental under this section shall be subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent the building or fire departments from undertaking enforcement action prior to such date.
- (5) In the event a building approved for short-term rentals in accordance with subsections (b)(3) and (4), above, is demolished or destroyed, for any reason, the future use of any new or future building on that property shall not be permitted to engage in short-term rentals, nor apply for short-term rental approval.
- (c) Regulations. For those properties eligible for short-term rental use as per (b) shall be permitted, provided that the following mandatory requirements are followed:
- (1) Approvals required: applications. Owners, lessees, or any person with interest in the property seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the

contact information for the person identified in subsection (3) below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described in subsection (9) below, if applicable.

The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$600.00.

- (2) Time period. All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.
- (3) Contact person. All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the districts identified in subsection (b). Each agreement, license, or lease, or scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the city manager or designee.
- (4) Entire unit. Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.
- (5) Rules and procedures. The city manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.
- (6) Signs. No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.
- (7) Effect of violations on licensure. Approvals shall be issued for a one-year period, but shall not be issued or renewed, if violations on three or more separate days at the unit, or at another unit in any building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.

(8) Resort taxes. Owners are subject to resort taxes for rentals under this section, as required by city law.

(9) Association rules. Where a condominium or other property owners' association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (c)(1) above, are not prohibited by the association's governing documents, shall be submitted to the city as part of the application.

(10) Variances. No variances may be granted from the requirements of this section.

(d) Eligibility within North Beach. Properties zoned RM-1 in North Beach may be eligible to apply for approval of a certificate of use permitting short-term rental of apartment and townhome residential units. Eligibility set forth herein, is limited to those properties fronting Harding Avenue, from the City Line on the north, to 73<sup>rd</sup> Street on the south, and may be eligible for short-term rentals, provided, the following conditions, requirements, and provisions are satisfied:

(1) Within five years of issuance of a Business Tax Receipt permitting short-term rentals at the property, those buildings classified as "contributing" in the North Shore National Register Historic District must be fully renovated and restored in accordance with the Secretary of the Interior Guidelines and Standards, as well as the certificate of appropriateness criteria in chapter 118, article X of these Land Development Regulations. The Property Owner must prepare a covenant, acceptable to the City, that will be recorded in the public records acknowledging that the property must be fully renovated and restarted with 5 years of the issuance of hthe Business Tax Receipt.

(2) Apartment buildings, townhomes or condominiums under the same City of Miami Beach Resort Tax ("resort tax") account must demonstrate current and consistent short-term renting, and the property must comply with all of the following:

(A) Have registered with the city for the payment of resort tax, or made resort tax payments as of January 1, 2016; and

(B) Have registered, with the State of Florida as a transient apartment or resort condominium pursuant to Chapter 509, Florida Statutes, as of January 1, 2016.

(3) Property owners demonstrating compliance with subsection (d) above, must apply for a certificate of use permitting short-term rental, or be deemed ineligible to proceed through the process specified herein for legalization of short-term rentals.

(4) Eligible property owners must apply to obtain all necessary approvals to comply with the Florida Building Code, Florida Fire Prevention Code and with all other applicable life safety standards.

(5) Compliance with the applicable requirements of the Florida Building Code and Florida Fire Prevention Code must be demonstrated propr to the issuance of the certificate of use, or rights to engage in short-term rental under this subsection shall be

subject to restrictions and/or limitations as directed by the building official and/or fire marshal. This subsection shall not prevent these officials from undertaking enforcement action prior to such date.

(6) Any property seeking to have short-term rental will need to demonstrate that there is on-site management, 24 hours per day, seven days a week.

(7) The short-term rental use requires at least a seven-night reservation.

(8) In the event a building approved for short-term rentals in accordance with this subsection, is demolished or destroyed, for any reason, the future use of any new or future building on that property shall not be permitted to engage in short-term rentals, nor apply for short-term rental approval.

(9) Regulations. For those properties eligible for short-term rental use as per (d) may be permitted to engage in short-term rentals, provided that the following mandatory requirements are followed:

(A) Approvals required: applications. Property owners seeking to engage in short-term rental, must obtain a certificate of use permitting short-term rental under this section. The application for approval to engage in short-term rentals shall be on a form provided for that purpose, and contain the contact information for the person identified below, identify the minimum lease term for which short-term rental approval is being requested, and such other items of required information as the planning director may determine. The application shall be accompanied by the letter or documents described below, if applicable.

(B) The application for a certificate of use permitting short-term rentals shall be accompanied by an application fee of \$1,000.00.

(C) Time period. All short-term rentals under this section must be pursuant to a binding written agreement, license or lease. Each such document shall contain, at a minimum: the beginning and ending dates of the lease term; and each lessee's contact information, as applicable. No unit may be rented more frequently than once every seven days.

(D) Contact person. All rentals must be supervised by the owner, manager, or a local and licensed real estate broker or agent or other authorized agent licensed by the city, who must be available for contact on a 24-hour basis, seven days a week, and who must live on site or have a principal office or principal residence located within the districts identified in subsection (a). Each agreement, license, or lease, or scanned copy thereof, must be kept available throughout its lease term and for a period of one year thereafter, so that each such document and the information therein, is available to enforcement personnel. The name and phone number of a 24-hour contact shall be permanently posted on the exterior of the premises or structure or other accessible location, in a manner subject to the review and approval of the city manager or designee.

- (E) Entire unit. Only entire apartment units and townhomes, as defined in section 114-1, legally created pursuant to applicable law, may be rented under this section, not individual rooms or separate portions of apartment units or townhomes.
- (F) Rules and procedures. The city manager or designee may adopt administrative rules and procedures, including, but not limited to, application and permit fees, to assist in the uniform enforcement of this section.
- (G) Signs. No signs advertising the property for short-term rental are permitted on the exterior of the property or in the abutting right-of-way, or visible from the abutting public right-of-way.
- (H) Effect of violations on licensure. Approvals shall be issued for a one-year period, but shall not be issued or renewed, if violations on three or more separate days at the unit, or at another unit in any building owned by the same owner or managed by the same person or entity, of this section, issued to the short-term rental licensee were adjudicated either by failure to appeal from a notice of violation or a special master's determination of a violation, within the 12 months preceding the date of filing of the application.
- (I) Resort taxes. Property owners are subject to resort taxes for rentals under this section, as required by city law.
- (J) Association rules. Where a condominium or other property owners' association has been created that includes the rental property, a letter from the association dated not more than 60 days before the filing of the application, stating the minimum rental period and the maximum number of rentals per year, as set forth under the association's governing documents, and confirming that short-term rentals as proposed by the owner's application under subsection (d) above, are not prohibited by the association's governing documents, shall be submitted to the city as part of the application.
- (K) Variances. No variances will be granted from the requirements of this section.

~~(d)~~(e) Enforcement.

- (1) Violations of Subsection 142-1111(a), shall be subject to the following fines. The special master shall not waive or reduce fines set forth herein.
  - A. If the violation is the first violation: \$20,000.00.
  - B. If the violation is the second violation within the preceding 18 months: \$40,000.00.
  - C. If the violation is the third violation within the preceding 18 months: \$60,000.00.
  - D. If the violation is the fourth violation within the preceding 18 months: \$80,000.00.
  - E. If the violation is the fifth or greater violation within the preceding 18 months: \$100,000.00, and the suspension or revocation of the certificate of use.

Fines for repeat violations by the same offender shall increase regardless of locations. The Director of the Code Compliance Department must remit a letter to the Miami-Dade Property Appraiser and the Miami-Dade Tax Collector, with a copy of the Special Master Order adjudicating the violation, that notifies these governmental agencies that the single-family residential property was used for the transient rental or occupancy at the premises.

- (2) In addition to or in lieu of the foregoing, the city may seek an injunction by a court of competent jurisdiction to enforce compliance with or to prohibit the violation of this section.
- (3) Any code compliance officer may issue notices for violations of this section, with enforcement of subsection 142-1111(a), and alternative enforcement of subsection 142-1111(b) and (c) as provided in chapter 30 of this Code. Violations shall be issued to the owner, manager, real estate broker or agent, or authorized agent, or any other individual or entity that participates in or facilitates the violation of this section. In the event the record owner of the property is not present when the violation occurred or notice of violation issued, a copy of the violation shall be served by certified mail on the owner at its mailing address in the property appraiser's records and a courtesy notice to the contact person identified in subsection (c)(3) above.
- (4) The advertising or advertisement for the transient rental, occupancy or short-term rental of the apartment or townhouse residential property for the purpose of allowing a rental for a period of less than six months and one day at the apartment or townhouse residential premises is direct evidence that there is a violation of Subsection 142-1111(a), which is admissible in any proceeding to enforce Subsection 142-1111(a). The advertising or advertisement evidence raises a rebuttable presumption that the residential property named in the Notice of Violation or any other report or as identified in the advertising or advertisement is direct evidence that the residential property was used in violation of Section 142-1111(a).
- (5) Enhanced penalties. The following enhanced penalties must be imposed, in addition to any mandatory fines set forth in Subsection 142-1111(d) above, for violations of Subsection 142-1111(a):

(1) Enhanced Penalties for Subsection 142-1111(a):

- (a) The transient rental or occupancy must be immediately terminated, upon confirmation that a violation has occurred, by the Miami Beach Police Department and the code Compliance Department.
- (b) If the offense is a second offense within the preceding eighteen (18) month period of time, and the total square footage of all building(s), accessory building(s), dwelling(s) or structure(s) exceed 5,000 total square feet, then the Special Master must impose an additional fine of \$25,000.00.
- (c) A certified copy of an order imposing the civil fines and penalties must be recorded in the public records, and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. The certified copy of an order must be immediately recorded in the public records, and the City may foreclose or otherwise execute upon the lien.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PHILIP LEVINE, MAYOR

**ATTEST:**

\_\_\_\_\_  
RAFAEL E. GRANADO, CITY CLERK

Underline denotes additions  
~~Strikethrough~~ denotes deletions

(Sponsored by Mayor Philip Levine)

***I  
T  
E  
M  
  
F  
I  
V  
E***

# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee  
FROM: Jimmy L. Morales, City Manager   
DATE: March 30, 2016  
SUBJECT: **Ordinance: Revisions to Chapter 138 Pertaining to Signs**

### **BACKGROUND**

On February 10, 2016, at the request of Commissioner Arriola, the City Commission referred the subject Ordinance amendment (Item C4G) to the Land Use and Development Committee.

On February 17, 2016, the Land Use and Development Committee continued the item to the March 30, 2016 meeting.

### **ANALYSIS**

The American Planning Association (APA) recognizes that signs are an integral part of the character of a neighborhood, and being such, special care should be taken in the regulation and design of signs. Signs serve an important purpose in identifying businesses, commerce, buildings and sites. When properly designed and executed, signage can also accentuate the architecture of a building or structure.

Collectively, signage is a key component in place-making, giving an area a distinct feel. Signs are often times used informally as wayfinding landmarks, giving resident and visitors alike, a visual reference point to which be guided by. Concurrently, substandard sign regulations and poor sign design can negatively impact a neighborhood, contribute to urban blight and deter potential quality business. As such, land development regulations should require appropriate signage in terms of overall size, placement and dimensions. Additionally, sign regulations should promote, not constrict, design creativity. As noted in literature from the APA: *"Care in the design of signs— both public and private—is seen as a part of a larger effort in improving the quality of various places within a community."*

The enforcement of sign regulations and design guidelines should be simple and straight the point. This will allow for both city staff and applicants to have a clear understanding of what the regulations are and how they are applied. Chapter 138 of the Land Development Regulations (LDR's) provides the City's existing signage regulations and minimum design standards for private properties. Chapter 138 also deals with requirements for business signage, temporary signage, as well as prohibited signage.

However, the layout of the chapter is cumbersome, repetitive, and difficult to navigate. Additionally, the chapter's design standards are minimal and often do not provide applicants with sufficient information to determine the intent of the regulations. As a result, this has necessitated a regulatory environment that is lengthy and complex.

The proposed draft ordinance would modify Chapter 138 of the LDR's, in order to improve the overall design of exterior building signage, as well as streamline the approval process. The proposed modifications would complement the City's other efforts in streamlining the regulatory review process. The proposed draft ordinance revises the existing regulatory language, utilizing best practices in order to accomplish the following:

- Enhance, improve, and maintain the quality of signage throughout the city
- Promote sound urban design principles through the use of appropriate and well designed signage
- Improve the aesthetic appearance of new signs and maintain protections for designated historic signs
- Prevent future nonconforming signage.
- Reduce the number and type of sign variances being requested.
- Streamline the permitting processes with simplified and clearer regulations.

#### New Regulatory Charts

The proposed ordinance reorganizes Chapter 138, so that sections that complement one another are grouped together under the same Articles. The regulations and design standards for the different types of permissible non-temporary signs are all grouped together under Article II.

Article II is proposed to be modified in order to transfer information from a complicated table in section 138-172, to a series of condensed charts that carry all the pertinent information for the types of sign being sought. Each section describes the types of sign regulated by that chart, and provides regulations for signs in a more detailed and transparent fashion. Additionally, the charts contain graphics to better illustrate the individual sign types.

#### Substantive Modifications

The following is a summary of the substantive revisions proposed:

- Section 138-172 was moved to Section 138-17, modifying the ratio for the length of store frontage to sign area, as well as increasing the maximum allowable square footage in order to achieve better signage proportionality with a given façade. Also, the minimum area for wall signs, as well as the maximum height for detached signs, are proposed to be reduced.
- Section 138-139 and 138-172 were moved to Section 138-139 and 138-17 respectively, and modify the Certificate of Appropriateness requirements for cultural institution temporary banners and building id signs within the RM-3 district. It is recommended that both of these approvals be transferred to city staff, in order to streamline the approval process.

- New Sections (138-20 and 138-21) pertaining to minimum and supplemental design standards for exterior building signage have been added, which codify minimum design standards and incentive higher quality signage.

The attached draft ordinance is a clean copy of the revised sign code format. All new standards, regulations and procedures have been underscored. If the proposal should move forward, a more formal version of the ordinance, which includes a full title, whereas clauses and appropriate strike-thrus, will be provided.

### **CONCLUSION**

The Administration recommends that the Land Use and Development Committee discuss the proposed draft ordinance and provide appropriate policy direction. If there is consensus on the direction of the legislation, it is further recommended that the Land Use and Development Committee recommend that the City Commission refer the item to the Planning Board for review and recommendation.



JLM/SMT/TRM/RAM/CAM

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\March 30, 2016\Signage Ordinance - MEMO Mar 2016 LUDC.docx

**SIGNAGE REGULATIONS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR'S) OF THE CITY CODE, BY AMENDING CHAPTER 138, "SIGNS," BY .....; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the current signage regulations have over time been added to and become complicated to understand and implement

**WHEREAS**, it is in the best interest of the City to promote safe and seemly commercial activity in the city, through commerce friendly design and construction; and

**WHEREAS**, the amendments set forth below are necessary to accomplish the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** That Chapter 138, "Signs," is hereby amended and replaced in the Land Development Regulations of the Code of the City of Miami Beach, FL as shown in Exhibit A.

**Article I. – IN GENERAL**

**Sec. 138-1. - Purpose.**

The purpose of this chapter is to provide comprehensive regulations for signage within the City. The following regulations and standards are intended to permit signs that through their design, location, numeration, and construction, will optimize communication, promote a healthy environment for housing and commerce, as well as preserve the architectural character of the city and the constitutional right of free speech.

**Sec. 138-2. – Applicability & Severability**

The regulations in this chapter apply to all signs and are in addition to the regulations contained elsewhere in these land development regulations. Except for signs exempted in Section 138-4, all signs shall require permits. For the purposes of this chapter, "sign" or "signs" will include all associated supporting structures.

Pursuant to the procedures and standards set forth in chapter 118, article VIII, the Board of Adjustment may grant a variance permitting the erection and maintenance of a sign which does not conform to the regulations set forth for maximum size, location or graphics, illustrations, and other criteria set forth in these land development regulations. Appeals from decisions of administrative officials regarding the application of these restrictions of this chapter to particular

signs shall be heard by the Board of Adjustment pursuant to the procedures set forth in chapter 118, article II, division 5. Where specific applicable regulations have not been established, all sign permit application shall be reviewed by the Design Review Board pursuant to the procedures set forth in chapter 118, article VI.

These regulations are specifically intended to be severable such that if any section, subsection, clause or phrase of these regulations is found to be invalid or unconstitutional by the decision of a jurisdictional court, the decisions shall not affect the validity of the remaining provisions.

### **Sec. 138-3. – General Requirements.**

The following requirements apply with regards to signs, in addition to provisions appearing elsewhere in these land development regulations.

- a) Unless otherwise exempted in Sec. 138-5, no sign shall be erected, constructed, posted, painted, altered, maintained, or relocated without the issuance of a building permit or planning permit.
- b) Building permit applications shall be filed together with such drawing and specification as may be necessary to fully advise the city with the location, construction, materials, illumination, structure, numeration, design, and copy of the sign.
- c) Structural features and electrical systems shall be in accordance with the requirements of the Florida Building Code.
- d) No sign shall conflict with the corner visibility clearance requirements of section 142-1135 .
- e) All signs, unless otherwise stipulated in this chapter, shall be located only upon the lot on which the business, residence special use, activity, service, product or sale is.
- f) All signs shall be maintained in good condition and appearance.
- g) Any persons responsible for the erection or maintenance of a sign which fails to comply with the regulations of this chapter shall be subject to enforcement procedures as set forth in section 114-8.
- h) No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of these land development regulations and applicable technical codes.

### **Sec. 138-4. - Exempt signs.**

The following signs are exempted from permit requirement. All signs must be in accordance with the structural and safety requirements of the Florida Building Code.

- a) Official traffic signs, governmental information signs, and provisional warning signs, when required by a governmental agency.
- b) Address signs, not to exceed one per street frontage, maximum two square feet in area. Copy shall be limited to the address of the property.
- c) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter. Shall not exceed two square feet in area.

- d) Historical markers approved by the historic preservation board.
- e) Change of copy on a bulletin board, poster board, display encasement directory sign, changeable copy sign, or marquee.
- f) Signage on vehicles, only as detailed in Sec. 138-60 under Article IV.
- g) Temporary signs authorized by Sec. 138-131 of this chapter which are composed of paper, cardboard, plastic film or other similar material and are affixed directly to a window.

**Sec. 138-5. - Prohibited signs and sign devices.**

- a) No general advertising shall be constructed, painted, used, operated or maintained.
- b) No sign shall display or contain intermittent lights, pennants, streamers, banners, balloons, revolve or move.
- c) No sign shall copy or imitate any official governmental sign.
- d) False and misleading signs shall be unlawful to post.
- e) No sign shall provide a background of colored lights blending with the traffic signals to the extent of confusing a motorist when viewed from a normal approaching position of a vehicle at a distance of 25 to 300 feet.
- f) Signs which aren't securely affixed to the ground, are freestanding, or applied to trees, utility poles, bus benches, trash receptacles, or other unapproved supporting structures are prohibited.
- g) Except as otherwise permitted by these land development regulations, no sign indicating the presence of an accessory commercial use in a hotel, apartment-hotel, or apartment building located in a residential district shall be visible from a public street, walk, or other public way.
- h) Pole signs and Roof signs are prohibited. Legal nonconforming roof and pole signs may be repaired only as provided in section 138-10##
- i) Balloon signs are prohibited throughout the city. However, tethered balloon signs may be permitted if approved pursuant to special event review procedures.
- j) Signs on umbrellas, tables, chairs and any other furniture or fixtures associated with outdoor cafes or sidewalk cafes are prohibited unless otherwise expressly permitted in these land development regulations.
- k) Televisions or similar device, displaying images of any kind are not permitted to be located within the first ten feet of a storefront.

**Sec. 138-6. - Removal required.**

- a) If a sign does not comply with the provisions of these land development regulations and has not received a building permit, such sign and any auxiliary supporting structures shall be removed.

- b) Any sign associated with vacated premises shall either be removed, or altered so that the sign no longer displays visual aspects pertaining with the previous activity, by the owner or lessee no later than six months after the activity has ceased functioning.
- c) Notwithstanding the foregoing, the planning director, or designee, may waive the requirement for the removal of a sign, regardless of the permit status, if the sign is determined to be historic or architecturally significant.
- d) The code compliance department shall inquire of the planning director, or designee, prior to the issuance of any violation of this section, whether a waiver has been or will be issued pursuant to this section.

Secs. 138-7—138-12. - Reserved.

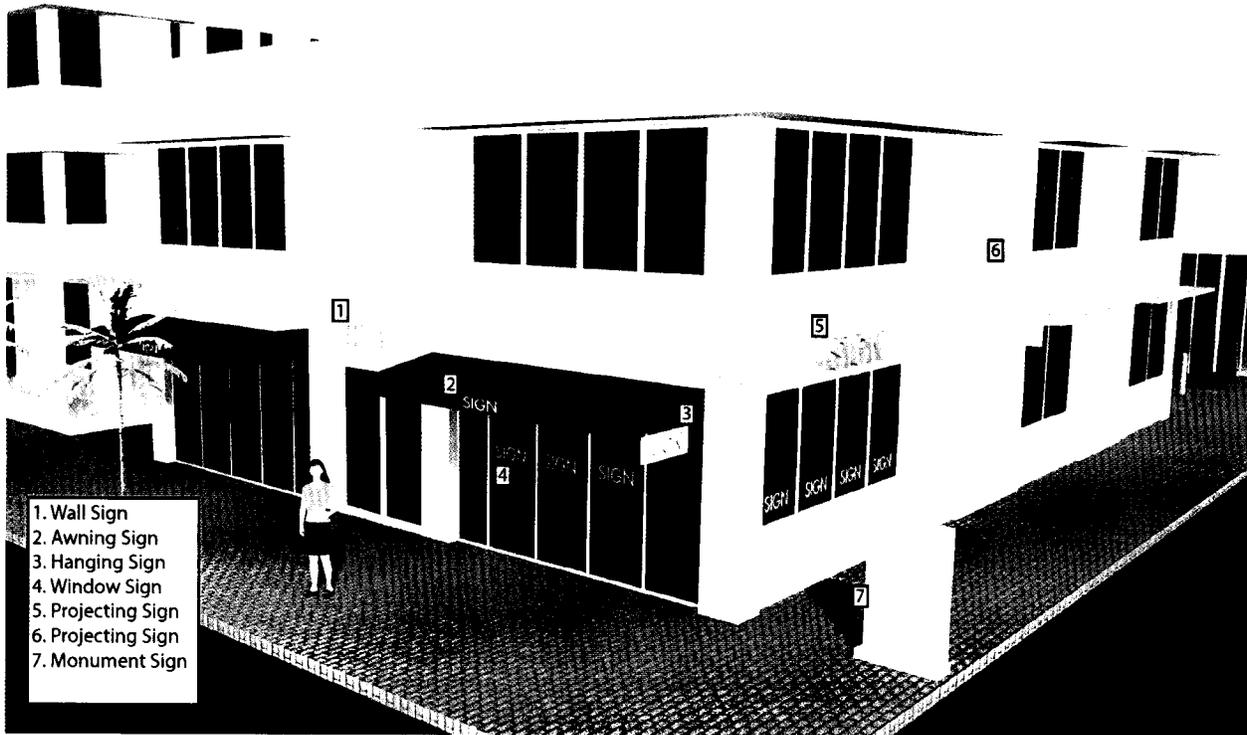
## **ARTICLE II. – SIGN DESIGN STANDARDS**

### **Sec. 138-13. – General Sign Design Standards**

The following design standards apply to all signs unless otherwise exempted in this chapter or these land development regulations.

- (a) Establishment must have direct access to the street or waterway to be permitted a sign that faces a public right of way or waterway.
- (b) Signs must front a street or waterway. Signs may be permitted to front alleys where the alley frontage provides a means of public entrance, or is adjacent to a parking lot or garage.
- (c) Signs located above the ground floor shall be limited to the name of the building or the use that encompasses the largest amount of floor area in the building.
- (d) Electrical conduit, support structures, receptacle boxes, or any other operational devices associated with a sign shall be designed in such a manner as to be visually unnoticeable.
- (e) Sign copy, with the exception of window signs, will be limited to licensed permitted uses. Sign copy shall not indicate prices unless otherwise specified within this chapter.
- (f) Only one Wall, Projecting, or Detached sign will be permitted per allowed frontage for each principal or licensed accessory use, unless otherwise allowed in this chapter.
- (g) All signs shall be subject to design review procedures.

The following diagram shows an example of the signs described within this article:



**Sec. 138-14 – Door & Window Signs**

In addition to other permitted signs, in commercial districts, the following regulations shall apply to signage affixed to doors and windows:

- a) Licensed commercial establishments shall be permitted to have non-illuminated signs affixed directly to the inside of the glass. Such signs may consist of copy limited to the address, business name, services, phone number, and hours of operation. The aggregate area of the aforementioned signs shall not exceed five percent of the total glass window and door area for the subject establishment.
- b) An illuminated or non-illuminated "open"/"closed" sign shall not exceed two (2) square feet; letters shall not exceed twelve (12) inches in height.
- c) If no other signs are associated with the use, the main permitted sign or signs may be located on the window with a total aggregate size not to exceed 20 square feet,
- d) Restaurants may also have a menu board besides other signs provided herein. When a menu board is affixed to a window, it shall be limited to an area of three square feet. If a menu display case is affixed to the building wall, it shall be limited to an overall area of four square feet.
- e) Commercial establishments that offer for sale or lease products which are not located on the premises (e.g., real estate) may place up to three display board type signs on the window. Such display boards shall be limited to six square feet each and are subject to design review approval.

**Sec. 138-15 Hanging Signs**

In all districts except RS-(1-4), one non-illuminated sign per frontage, not exceeding three square feet total, shall be allowed hanging from the underside of an awning or canopy. Hanging sign shall have a minimum height clearance of seven feet six inches, with letters not exceeding six inches.

### **Sec. 138-16 Awning Valance Signs**

This section is in reference to signs painted, stamped, perforated or stitched on an awning or canopy. For purposes of this section, a valance is defined as that vertical portion of the awning that hangs down from the structural brace. Signs on other surface areas of an awning, canopy or roller curtain are not permitted.

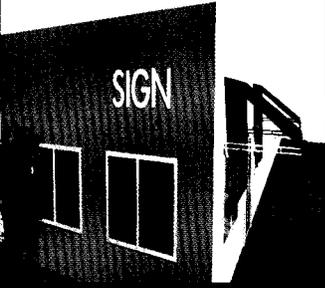
In all districts except RS-(1-4), one sign per shall be permitted on the valance of an awning or canopy.

- (a) The length of such sign shall not exceed 25 percent of the length of the awning, or the length of that portion of the awning or canopy associated with the establishment, up to a maximum of ten square feet.
- (b) An awning or canopy may only have one sign, no repetition of text.
- (c) Letters shall not exceed eight inches in height.
- (d) A sign on a continuous awning shall be centered on the portion of the valance that corresponds to the individual storefront and shall be a uniform color.
- (e) All valance signs shall be subject to the design review process.

**THIS PORTION INTENTIONALLY LEFT BLANK**

**Sec. 138-17 - Wall Sign**

Wall Signs are signs attached to, and erected parallel to, the face of, or erected or painted on the outside wall of a building and supported throughout its length by such wall or building and not extending more than 12 inches from the building wall. Such signs shall be governed by the following chart:

<b>Wall Sign</b>		
<b>Design Standards per Districts</b>		
	<b>Zoning Districts</b>	
	<b>CD-(1-3)</b> <b>C-PS (1-4)</b> <b>I-1</b> <b>MXE</b> <b>TC-(1-2)</b> <b>RM-3</b> <b>HD</b> <b>MR</b>	<b>RM-(1-2)</b> <b>R-PS (1-4)</b> <b>RO</b> <b>TC-3</b> <b>RM-PS1</b> <b>TH</b> <b>WD-(1-2)</b>
<b>Max Area Ratio</b>	0.4 sq. ft. <u>0.75 sq. ft.</u> for every foot of linear frontage	
<b>Max Area</b>	<ul style="list-style-type: none"> <li>• Max: <del>30</del> <u>100</u> sq. ft.</li> <li>• Min: <del>20</del> <u>15</u> sq. ft.</li> </ul>	GC & SPE: 30 sq. ft. RS-(1-4): 2 sq. ft.
<b>Height Restrictions</b>	Shall be not located above second floor	
<b>Max Quantity per Frontage</b>	One per street frontage	
<b>Accessory Use</b>	<ul style="list-style-type: none"> <li>• Max 75% of main use sign, or 20 sq. ft., whichever is less</li> <li>• For uses located in hotel &amp; apt. buildings, must have direct access to street/sidewalk; follows same regulations as Main Permitted Use</li> </ul>	Not Permitted
<b>Special Conditions</b>	Corner buildings may provide one combined sign instead of the two permitted signs. This sign shall be located on the corner of the building visible from both streets, and shall have a maximum size of <u>40-square-feet equal to the combined permissible area allowed for both frontages..</u>	Residential Use: Copy limited to address & name of building
<b>Supplemental Standards</b>	<u>Hotels, apartments-hotels, and commercial buildings two stories or higher may be permitted one building identification sign above the main roofline, with an area not to exceed one percent of the wall area on which it is placed. The placement and design of the sign shall be subject to approval through the design review process.</u>	

**Sec. 138-18 - Projecting Sign**

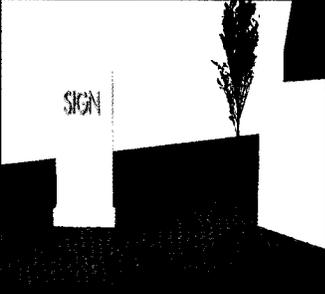
Projecting signs are signs attached to and projecting more than 12 inches from the face of a wall of a building. This includes marquee signs. A projecting sign which extends more than 36 inches above a roof line or parapet wall shall be designated as a roof sign. All sides of a projecting sign displaying signage will be calculated towards the max area. Such signs shall be governed by the following chart:

<b>Projecting Sign</b>			
<b>Design Standards per Districts</b>			
	<b>Zoning Districts</b>		
		<b>CD-(1-3)</b> <b>C-PS (1-4)</b> <b>I-1</b> <b>MXE</b> <b>TC-(1-2)</b> <b>RM-3</b> <b>HD</b> <b>MR</b>	<b>RM-(1-2)</b> <b>R-PS (1-4)</b> <b>RO</b> <b>TC-3</b> <b>RM-PS1</b> <b>TH</b> <b>WD-(1-2)</b>
<b>Max Area</b>	15 sq. ft.		
<b>Height Restrictions</b>	Shall be not located above second floor		
<b>Max Quantity per Frontage</b>	One per street frontage.		
<b>Accessory Use</b>	Not permitted	Same as main permitted use	
<b>Special Conditions</b>	May be illuminated by an external lighting source through design review process		
<b>Not Permitted</b>			

**THIS PORTION INTENTIONALLY LEFT BLANK**

**Sec. 138-19 - Detached Sign**

Detached signs are signs not attached to or painted on a building but which are affixed to the ground. A sign attached to a surface detached from a building, such as a fence or wall, shall be considered a detached sign. All sides of a detached sign displaying signage will be calculated towards the max area. Such signs shall be governed by the following chart:

<b>Detached Sign</b>			
<b>Design Standards per Districts</b>			
	<b>Zoning Districts</b>		
	<b>CD-(1-3)</b> <b>C-PS (1-4)</b> <b>I-1</b> <b>TC-(1-2)</b> <b>RM-3</b> <b>HD</b> <b>MR</b>	<b>RM-(1-2)</b> <b>R-PS (1-4)</b> <b>RO</b> <b>TC-3</b> <b>RM-PS1</b> <b>TH</b> <b>WD-(1-2)</b>	<b>MXE</b> <b>RS-(1-4)</b> <b>SPE</b> <b>GC</b>
<b>Max Area</b>	• 15 sq ft	<ul style="list-style-type: none"> <li>• 15 sq ft</li> <li>• In RO 10 sq ft</li> <li>• If sign setback 20 ft. from property line, max area may reach 30 sq. ft.</li> </ul>	<b>Not Permitted</b>
<b>Height Restrictions</b>	<ul style="list-style-type: none"> <li>• 5 ft. max</li> <li>• <u>Height may be permitted to exceed the maximum height if approved by the Design Review Board or Historic Preservation Board as applicable. However at no time shall height exceed 10 ft.</u></li> </ul>		
<b>Max Quantity per Frontage</b>	One per street frontage.		
<b>Setback Requirements</b>	<ul style="list-style-type: none"> <li>• Front yard: 10 ft</li> <li>• Interior side yard: 7.5 ft</li> <li>• Side yard facing a street: 10 ft</li> <li>• On perimeter wall, 5 sq. ft. max, waiving setback requirements</li> </ul>		
<b>Accessory Use</b>	Not Permitted		

**Sec. 138-20 – Minimum Design Standards & Guidelines**

All signs permissible within this article shall comply with the following minimum design standards:

- a) The framework and body of all signs shall consist of aluminum or similar alloy material.
- b) Wall signs shall consist of individual letters, or routed out aluminum panels offset a minimum of 4 inches from the wall.
- c) Wall sign individual letters shall have a minimum depth of 4 inches.
- d) Wall sign individual letters shall be pin-mounted or flush-mounted. Raceway or wireway mounting shall only per permitted where the structural conditions of the wall do not allow for the direct mounting of letters. Raceways or wireways, if permitted, shall not exceed

the width or height of the sign proposed and shall be subject to the design review process.

- e) The placement and location of all signs shall be compatible with the architecture of the building, and shall not cover or obscure architectural features, finishes or elements.

### **Sec. 138-21 – Supplemental Standards**

- (a) Commercial buildings are allowed an exterior directory sign, attached to the building, up to six square feet in area, listing the names of all licensed uses within the building is permitted; sign material and placement shall be subject to approval through the design review process.
- (b) Artistic or super graphics and/or neon banding that have no commercial association are permitted, and may or may not face a street, with the approval of the design review board or historic preservation board, as applicable.
- (c) Wall signs which meet the following additional design specifications may be increased in size from 0.75 sq. ft. per linear feet of store frontage to 1 sq. ft. per linear feet of store frontage (up to the maximum size permitted in Sec 138-17):
1. The sign shall consist of individual letters, and shall be pin-mounted or flush-mounted (no raceways or wireways).
  2. Sign letters shall consist of aluminum or similar alloy, and shall have a minimum depth of 6 inches.
  3. Sign letters shall be open face with exposed neon or similar lighting, or reverse channel letters.

Secs. 138-21—138-40. - Reserved.

## **ARTICLE III - Specific District & Setting Sign Regulations**

### **Division 1 – Specific District Sign Regulations**

#### **Sec. 138-41 – Civic and Government Use and Convention Center District**

The GU and CCC districts shall follow the sign regulations as determined by the surrounding districts as determined by the planning and zoning director. However, all sign regulations for municipal buildings, uses and sites within the CCC district which are wholly used by, open and accessible to the general public may be waived by the city commission as per subsection 142-425(d).

#### **Sec. 138-42. - Lincoln Road Signage District.**

The purpose of this section is to facilitate the substantial restoration of existing storefronts, facades and buildings, in accordance with the criteria and requirements of chapter 118, article X of these land development regulations, and to permit well designed, unique and proportional

graphics and signage, which is consistent with the historic period of significance and which do not detract from the architectural character of the buildings, nor the established context of the surrounding streetscape. Additionally, this section is not intended to allow larger signs that do not adequately address the architectural and historic character of graphic signage that previously existed on Lincoln Road.

(a) For those properties fronting on Lincoln Road, and located in between the west side of Collins Avenue and the east side of Washington Avenue, the following shall apply:

(1) Wall, projecting or other building signs, which exceed the number and overall square footage permitted under section 138-172, may be permitted, subject to the issuance of a certificate of appropriateness from the historic preservation board. The placement, design and illumination of such signage shall be subject to the review and approval of the historic preservation board, in accordance with the following:

- a. A proportional relationship of text and graphics shall be required. All graphics must relate to the proposed use of the store for which the sign is proposed.
- b. The total square footage of permitted signage, inclusive of non-text graphics, shall not exceed 35 percent of the building facade area. For purposes of this section, the building facade area shall be defined as the area located above the storefront and below the top of the parapet, in between the physical confines of a specific tenant space.
- c. The text portion of the sign shall be limited to the name of the establishment and related products and services available on site only. Signage text not associated with the actual use, or incidental signage text, shall not be permitted.
- d. The text portion of the sign(s) shall be limited to no more than one per storefront. For corner properties, the text portion of the sign(s) shall be limited to no more than one per street front. For corner properties where historic evidence exists of more than two signs at the ground floor, including a corner sign, at the discretion of the historic preservation board, an additional sign at the ground floor may be permitted at the corner in a manner consistent with such historic evidence. In no instance shall the total square footage of signs permitted under this subsection exceed the limitations set forth in subsection (b) above.
- e. For those facades facing a residential or hotel use, only back-lit signage shall be permitted.
- f. For properties with frontage on both Lincoln Road and Collins Avenue, the only signage permitted on Collins Avenue shall fall within the confines of the corner radius, with a maximum lineal frontage of 20 feet on Collins Avenue.

(2) In evaluating signage applications for a certificate of appropriateness, the historic preservation board shall consider the following:

- a. The quality of materials utilized for the sign and their appropriateness to the architecture as well as the historic and design integrity of the structure.
- b. The overall design, graphics and artistry associated with a proposed sign and its relationship to the historic and design integrity of the structure.
- c. The design detail, animation and non-text graphics proposed for the proposed sign(s).
- d. The illumination, surface colors and finishes, width, depth, and overall dimensions of the proposed sign(s).

- e. Original, historic signage associated with the building and/or property.
- (3) The historic preservation board may, at its discretion, place restrictions on the hours of operation for any sign approved under this subsection.
- (4) Signage must relate to the specific occupant(s) of the property.
- (5) Prior to the issuance of a building permit for any signage approved under this section, the planning director, or designee, or, if required the historic preservation board, shall review and approve the substantial rehabilitation or restoration of a facade, business location or storefront where new signage under this section is proposed. Such rehabilitation or restoration shall be substantially completed, prior to the actual installation of any signage approved under this section.

**Sec. 138-43. - North Beach Town Center signage.**

For those properties located in the North Beach Town Center TC zoning districts, the following shall apply:

- (1) Window signs in the TC-1 and TC-2 districts. When there are no other flat wall signs associated with the use, the main permitted sign or signs may be located on the ground floor window with a total aggregate size of 20 square feet for the first 25 feet of linear frontage, plus one square foot for every three feet of linear frontage up to a maximum of 30 square feet.
- (2) In addition to other permitted signs, projecting signs oriented to pedestrian view shall be permitted to be located perpendicular to the sidewalk, limited to one sign per business establishment for each side facing a street or alley. Such signs shall not exceed three square feet in area. Generally, letters shall not exceed six inches in height unless integrated into a creative graphic design approved by design review. Such signs may be illuminated by an external lighting source if the lighting source is approved by design review.

Sec. 138-43—138-50. - Reserved.

**Division 2 - Specific Setting Sign Regulations**

**Sec. 138-51 – Signs for schools and religious institutions**

Religious institutions and schools shall be permitted 30 square feet of aggregate signage area, regardless of district regulations.

**Sec. 138-52 – Signs for oceanfront & bayfront buildings.**

Signs located between the erosion control line (ECL) and the main structure shall be limited to the following:

- (a) One sign identifying the main structure, sign area not to exceed one percent of the wall area facing the ECL with a maximum size of 75 square feet
- (b) One sign per accessory use, sign area not to exceed 20 square feet.
- (c) A flat sign located on a wall facing an extension of a dead-end street, municipal parking lot or park, and within the area designated as the dune district or the required 50-foot rear yard setback at the ground level, may be permitted with a maximum size of ten square feet of sign for only one accessory use.

Signs located of building fronting the bay shall be limited to the following:

- (a) No more than one sign facing the bay, limited to the main permitted use.
- (b) Such sign shall only consist of flush-mounted, back-lit letters.
- (c) The area of such sign shall not exceed one percent of the wall area facing the bay with a maximum size of 50 square feet. The design and location of the sign shall be approved by the design review process or certificate of appropriateness process as applicable.

#### **Sec. 138-53 – Interconnected retail**

For retail storefronts that share interior connecting openings, required bathrooms or other common facilities, the following criteria shall be met before separate individual main use signs may be permitted for each:

- (a) Each of the interconnected businesses shall have a separate occupational license
- (b) Each of the interconnected businesses shall have direct access from the street with its own separate, main entrance.
- (c) Each of the interconnected businesses shall have a minimum storefront width of 20 linear feet.
- (d) The maximum width of the interconnecting opening between businesses shall not exceed 12 ft.
- (e) The individual sign for a storefront that interconnects with another business shall not exceed three-fourths of the storefront where it is located.
- (f) The aggregate sign area for the interconnected storefronts shall not exceed the maximum sign area permitted for the combined linear frontage.

#### **Sec. 138-54 – Legal nonconforming use signage**

- (a) Signage regulations for legal nonconforming use in a residential district shall be the regulations for CD-1 zoning district.

#### **Sec. 138-55 – Legal nonconforming signs**

- (a) Except as otherwise provided herein, nonconforming signs which are damaged by any cause may be repaired if the cost of repair does not exceed 50 percent of the current replacement value of the sign. Such repairs shall be limited to routine painting, repair and replacement of electrical components; change of copy shall not be permitted. Notwithstanding this provision, signs painted directly on the surface of a building or painted

directly on a flat surface affixed to a building may only be repainted to conform to all requirements of these land development regulations.

- (b) The copy or content of nonconforming roof signs and pole signs may not be altered. Such signs shall be removed if ownership or use of the advertised building or business changes.
- (c) Nonconforming signs, which were installed at the time of a building's or structure's initial construction, and which have retained their original copy and which are located on buildings or structures classified as contributing in the city's historic database or which have been designated as historic sites may be repaired or restored regardless of cost and may be retained regardless of change in ownership; however the copy shall not be changed.
- (d) Flags, pennants or banners, which were installed at the time of a building's or structure's initial construction, but were subsequently removed, and such building or structure is classified "contributing" in the city's historic properties database, may be reinstalled, subject to the certificate of appropriateness requirements in chapter 118, herein, upon the submission of substantial historical evidence.
- (e) Additionally, signs that were installed at the time of a building's or structure's initial construction, but were subsequently removed or altered, and such building or structure is classified as contributing in the city's historic database, may be restored or replicated subject to the certificate of appropriateness requirements in chapter 118, herein, and historic preservation board approval, provided substantial historical evidence of the original configuration of such sign is submitted. Such renovation or replication, inclusive of a change of copy as may be approved by the historic preservation board, shall not be required to meet existing sign regulations as long as the resulting sign replicates the original one. If the original sign copy is retained, the sign shall not be construed as additional signage, but rather the preservation of original historic elements of a building or structure.

#### **Sec. 138-56. - Signs for filling stations**

Signs for filling stations shall be permitted and subject to the following:

- (a) One wall sign per frontage with a sign area not to exceed 40 sq. ft.
- (b) One detached monument sign per site, with a maximum sign area of 20 sq. ft. In addition the price sign shall be no greater than the minimum necessary to meet state requirements.
- (c) Service bays and islands may contain identification and instructions typical of service bays, but no advertising material. Sign on service bays and islands shall not exceed 5 square feet per bay/island. In addition, the information displayed by a service bay/island identification sign shall be in compliance with state law and chapter 8A of the County Code.

#### **Sec. 138-58 – Vertical retail center signs**

A vertical retail center means a commercial building with a minimum of 150,000 gross square footage floor area, exclusive of floor area for excess parking and, including multiple commercial

uses that are located above the ground floor. This definition shall not include buildings that are predominantly office or nonretail uses.

(a) An eligible use in a vertical retail center is a use with a minimum of 12,500 square feet that is either retail, restaurant, food market or personal fitness center.

(b) Criteria.

- (1) The center may have signs on only two street frontages, the location and configuration of which shall be subject to design review approval. The cumulative sum of the sign areas on a facade, including corners, approved under this provision, shall be up to five percent of the building facade on which they are located. Signs located on a building corner shall be up to five percent of the smallest adjoining building facade, subject to design review or historic preservation board approval, whichever has jurisdiction.
- (2) The center shall have no more than six business identification signs in each permitted facade or corner. Each business identification sign shall not occupy more than one percent of the wall area.
- (3) An eligible use in a vertical retail center may, subject to the limitations contained in (a) (2) above, have no more than two business identification signs on the external walls or projections of the center, exhibiting the name of the establishment and/or its brand identifying logo only. Individual capital letters shall not exceed four feet six inches in height.
- (4) A vertical retail center may have a roof-top project identification sign, not including the name of any tenant of the project, in the sole discretion of the design review and/or historic preservation boards, whichever by law has jurisdiction.
- (5) Project entrance identification signs for the center are allowed. A project entrance identification sign may be wall mounted or projecting and may be located immediately adjacent to each vehicular or pedestrian entry to the project. Such signs may be up to 30 square feet in total sign area and may not exceed ten feet in overall height, subject to design review approval.
- (6) Ground floor retail signage shall be as permitted in section 138-172, one sign per store. In addition to the above, any retail use greater than 40,000 square feet on the ground floor may have one additional wall or double-faced projecting sign, not to exceed 175 square feet, subject to design review approval.
- (7) Project directory signs for a vertical retail center may be located inside the center near each vehicular or pedestrian entrance to the project, not visible from the right-of-way. These signs may be no more than 18 square feet in signage area per sign face and wall mounted or freestanding. Such project directory signs may list all tenants on all floors within the center and have a "You are Here" type map to orientate guests and visitors.
- (8) Uses in vertical retail centers may also have business identification signs on interior walls, not visible from the right-of-way.
- (9) The design review board, or historic preservation board, whichever by law has jurisdiction, shall approve a sign master plan for the center prior to the issuance of any sign permit. The appropriate board shall have design review authority over all signs above ground level; building and planning staff may approve all signs at ground level, as well as any replacement signage for new occupants within the previously approved Sign Areas, provided the same are otherwise in compliance with the criteria set forth herein.

(10) There shall be no variances from this section.

**Sec. 138-59. - Signs for major cultural institutions.**

Wall signs for major cultural institutions, as defined in section 142-1332, shall be permitted to exceed the maximum number of signs and maximum sign area under the design review process.

Monument signs for major cultural institutions will be limited on per site site, with more than 15 square feet in sign area. Height and size of monument shall be determined under the design review process.

**Sec. 138-60 – Pennants, banners, streamers, flags and flagpoles.**

- a) Flags and flagpoles must meet the following requirements, except during nationally recognized holidays:
  - 1. Flagpoles shall be permanently affixed to the ground, building or other structure in a manner acceptable to the building official.
  - 2. Flagpoles shall not exceed 50 feet in height above grade when affixed at ground level. The height of length and height of flagpoles affixed to building shall be subject to design review, never to exceed 25 feet above the roof line.
  - 3. The installation of permanent flagpoles projecting over public property shall require approval from the public works department.
  - 4. Attached or detached flagpoles in single-family districts shall not exceed 30 feet in height, as measured from grade.
  - 5. The arrangement, location and number of flags and flagpoles in excess of one per property shall be determined by the design review process.
- b) Temporary flagpoles may be affixed to buildings or other structures without requiring a building permit or approval from the public works department. Temporary flagpoles shall be placed at least seven feet above ground level, and may not exceed four square feet in area.
  - 1. No portion of a temporary flag that extends over public property shall be less than nine feet above such property, measured vertically directly beneath the flag to grade.
- c) All detached flagpoles shall abide by the setback requirement of monument signs in the CD-1 district.

**Sec. 138-61. – Display of signs or advertisement on vehicles**

- (a) Signs attached to or placed on a vehicle (including trailers) that is parked on public or private property shall be prohibited. This prohibition, however, does not apply in the following cases:
  - (1) Identification of a firm or its principal products on a vehicle operating during the normal hours of business or parked at the owner's residence; provided, however, that no such

vehicle shall be parked on public or private property with signs attached or placed on such vehicle for the purpose of advertising a business or firm or calling attention at the location of a business or firm.

- (2) Vehicles carrying advertising signs dealing with the candidacy of individuals for elected office, or advertising propositions to be submitted and voted upon by the people. This exemption, however, shall cease seven days after the date of the election in which the person or proposition was finally voted upon.
  - (3) Vehicles which require governmental identification, markings or insignias of a local, state or federal government agency.
  - (4) Signs that are authorized under chapter 10-4(b) and 8A-276 of the Code of Miami-Dade County.
  - (5) All other signs on vehicles advertising a business or firm shall be removed or covered when the vehicle is parked on public or private property.
- (b) It shall be unlawful for any person to operate an advertising vehicle in or upon the following streets and highways under the city's jurisdiction: all of Ocean Drive, and the residential area bounded by and including 6th Street on the south, North Lincoln Lane on the north, Lenox Avenue on the west, and Drexel Avenue and Pennsylvania Avenue on the east. An advertising vehicle is any wheeled conveyance designed or used for the primary purpose of displaying advertisements. Advertising vehicles shall not include or attach any trailers or haul any other vehicle or trailer.

This section shall not apply to:

- (1) Any vehicle which displays an advertisement or business notice of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly, or primarily to display advertisements;
  - (2) Mass transit, public transportation
  - (3) Taxicabs; or
  - (4) Any vehicle exempted under section 138-74(a) above.
- (c) Penalties. A violation of the provisions of subsection (a) shall be subject to the enforcement procedures and fines set forth in chapter 30, Article III of this Code. A violation of the provisions of subsection (b) shall be subject to the penalties set forth in section 1-14 of this Code.

Secs. 138-62—138-132. - Reserved.

#### **ARTICLE IV. - TEMPORARY SIGNS**

##### **Sec. 138-131. - Generally.**

- (a) Temporary signs may be erected or posted and may be maintained only as authorized by and in accordance with the provisions of this article.

- (b) Temporary signs other than those affixed directly to a window and composed of paper, cardboard, plastic film or other similar material, shall require a permit as set forth in this chapter.
- (d) For temporary signs six square feet or larger, a bond shall be posted prior to erection of the sign in an amount determined by the building official based upon the estimated cost of removal of the sign. However, no bond shall be required in excess of the amount provided in appendix A. The bond shall be refundable upon removal of the sign.
- (e) Temporary signs communicating noncommercial messages may be posted or erected in accordance with the sign area and number regulations applicable to election signs.

(Ord. No. 89-2665, § 9-4(A), eff. 10-1-89; Ord. No. 93-2867, eff. 8-7-93)

**Sec. 138-132. - Business signs.**

- (a) Business signs are signs identifying a particular activity, service, product or sale of limited duration.
- (b) There shall be a maximum of two permits for the same premises within one calendar year for signs requiring permits. Window signs as described in subsection 138-4(6) shall have no maximum number.
- (c) The sign area for window signs shall not exceed ten percent of total window area. The sign area for non-window signs for a nonconforming business in a residential district is four square feet. The sign area for non-window signs for a business in a nonresidential district is 15 square feet.
- (d) Temporary business signs may be erected and maintained for a period not to exceed 30 days, except that the city manager may approve an extension of time for the business to erect and maintain such signs beyond the 30 days, after the manager finds that such extension is necessary to mitigate the impacts of public construction on visibility of, or access to, the business. Such extension beyond 30 days shall terminate concurrent with the termination of the public construction.

**Sec. 138-133. - Construction signs.**

- (a) Temporary construction signs may be erected and maintained on a construction site for a period beginning with the issuance of a building permit and must be removed within three months from the date the area of new construction or substantial rehabilitation receives a temporary or final certificate of occupancy or a certificate of completion, whichever applies. However, any such signs shall be removed immediately if the building permit expires and construction has not commenced and/or if the permit is not renewed.
- (b) There shall be a maximum of one construction sign per street frontage.
- (c) Sign copy may include, but not limited to, the project name, the parties involved in the construction and financing, their phone numbers, unit prices, e-mail addresses, or web sites. Unit prices shall not exceed ten percent of the total sign area and six inches in height.
- (d) Construction signs may be wall, part of a construction fence, or rigid detached signs, affixed to posts or a construction fence. Banners are prohibited. The sign area for single-family

signs is four square feet. The sign area for all other districts, shall not exceed one square foot per three linear feet of street frontage, not to exceed 75 square feet

1. If part of a construction fence, the size of the sign copy shall not exceed what is permitted above; however, a rendering of the project, or artistic mural affixed directly on a construction fence shall not be computed as part of the sign area.
2. Detached construction signs shall be setback ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a construction fence shall be 12 feet above grade. Maximum height to the top of a flat sign affixed to a building shall not extend above the second story of such building.
3. The sign area for window signs shall not exceed ten percent of total window area. The area contained in renderings, decorative or artistic portions of such signs shall be included in the sign area calculation, in accordance with the provisions herein.

(e) All signs shall be reviewed under the design review process

#### **Sec. 138-134. - Election signs.**

- (a) Election signs are signs announcing political candidates seeking public office or advocating positions relating to ballot issues.
- (b) In a commercial district or industrial district the number is limited only by sign area regulations. In residential districts there shall be no more than one sign per residential building or lot.
- (c) The sign area in commercial or industrial districts for campaign headquarters shall not have a sign area limitation. Each candidate may have four campaign headquarters which shall be registered with the city clerk. Other commercial or industrial district locations shall have the same requirements as for construction signs or real estate signs, whichever is larger. The sign area in residential districts shall be the same as for construction signs.
- (d) Election signs shall be removed seven days following the election to which they are applicable.
- (e) It shall be unlawful for any person to paste, glue, print, paint or to affix or attach by any means whatsoever to the surface of any public street, sidewalk, way or curb or to any property of any governmental body or public utility any political sign, poster, placard or automobile bumper strip designed or intended to advocate or oppose the nomination or election of any candidate or the adoption or rejection of any political measure.

#### **Sec. 138-135. - Real estate signs.**

Real Estate signs are signs advertising the sale, lease or rent of the premises upon which such sign is located.

- (a) There shall be a maximum of one sign permitted per street frontage. Waterfront properties will be permitted a sign facing the water. No signs are permitted on public property.
- (b) Signs may be double faced provided all information is identical. Copy shall not indicate prices. Iridescent and illuminated signs are prohibited.
- (c) The sign area for the primary sign:

1. In Single Family districts allowed to be a maximum of 14 inches by 18 inches. An attached strip sign shall be permitted two inches by 18 inches. "Open House" type signs shall be 22 inches by 16 inches, and only red & white or black & white. No other signs will be permitted.
  2. In multifamily districts, sign shall not exceed four feet by four feet.
  3. The sign area for a commercial/industrial sign shall not exceed four feet by six feet.
- (d) Detached signs shall have a setback of ten feet if lot is vacant, three feet if lot has improvements. Sign may be placed on structure or wall if structure or wall is less than three feet from property line. Height shall not exceed five feet.
- (e) Real estate signs are not permitted on windows of apartment, multifamily buildings or individual offices.
- (f) Real estate signs shall be removed within seven days of the sale or lease of the premises upon which the sign is located.
- (g) Only the following information and no other information may appear on the sign:
1. For all districts:
    - i. "For Sale," "For Lease," or "For Rent," or combination thereof
    - ii. The name and logo of the real estate broker or realtor
    - iii. Name of the owner or the words "By Owner" in lettering not to exceed one inch in height.
    - iv. A designation following such name as being either a "Realtor," "Broker" or "Owner" in lettering not to exceed one inch in height.
    - v. The telephone number of such realtor, broker or owner
    - vi. The words "By Appointment Only"; "Waterfront"; "Pool."
  2. Additionally, for commercial, industrial, and multifamily buildings:
    - i. Zoning information
    - ii. Size of property and/or building
    - iii. Permitted use of property
- (h) Each primary sign shall receive a permit from the license department, which shall charge a fee as set forth in appendix A per primary sign. There shall be no additional charge for strip or "open house" type signs.

**Sec. 138-137. - Banners signs.**

- (a) One temporary banner per calendar year, per property, may be erected and maintained for a period not to exceed 14 days.
1. Area shall not exceed 30 sq. ft.
  2. Design will be subject to administrative design review.
- (b) A building permit is required. The building official shall require a performance bond in an amount determined necessary in order to insure its removal, but not less than the amount provided in appendix A. Temporary banners shall not be used for construction signs.

**Sec. 138-138. - Garage sale signs.**

A garage sale sign may only be posted during the effective time of a valid garage sale permit issued by the city. One 12 by 18 inch garage sale sign shall be permitted for a maximum period of two days.

**Cross reference**— Garage sales generally, § 86-31 et seq.

**Sec. 138-139. - Cultural institutions temporary banner.**

A cultural institution shall be defined as one that engages in the performing or visual arts or engages in cultural activities, serves the general public and has a permanent presence in the city.

- (a) The institution shall be designated by the Internal Revenue Service as tax exempt pursuant to section 501(c)(3) or (4) of the Internal Revenue Code.
- (b) The institution shall have an established state corporate charter for at least one year prior to the application for approval and be maintained for duration of the approval.

A cultural institution may have a temporary banner identifying a special event under the following criteria:

- (a) There shall be a maximum of three banners per structure, no larger than 30 sq. ft. each. Larger banners may be approved, subject to the issuance of a certificate of appropriateness from the Design Review Board or Historic Preservation Board as applicable.
- (b) Banners may be installed up to 30 days prior to the special cultural event, exhibit or performance and shall be removed at the end of the special event, exhibit or performance.
- (c) Cultural institutions may use projected images of the special event, exhibit or performance up to a maximum of 30 days prior to the special event, exhibit or performance.
- (d) Design, projection, and installation method shall be subject to design review

**Sec. 138-140. - Vacant storefront covers.**

The ground floor of an unoccupied vacant storefront may be completely screened with an opaque material obscuring the interior.

- (a) Vacant storefront covers and sign shall not contain general advertising. However, artistic super graphics with no commercial association may cover 100 percent of the window.
- (b) Signage with commercial association may only cover 25% of the window cover and must be associated with the future use of the property.
- (c) Windows covered in accordance with this section may remain covered until issuance of a certificate of use or occupancy for the new occupant, whichever occurs first.

(d) The city may also produce and provide preapproved storefront covers, with or without charge, to encourage the coverage of vacant storefronts. Covers provided by the city shall also satisfy the requirements of this section.

**SECTION 2. APPLICABILITY**

The regulations and requirements held here within shall not apply to projects that have a valid Land Use Board Approval or have been issued a building permit process number.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

**SECTION 4. 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 renumbered or reentered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 5. 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 \_\_\_\_\_, 2016.

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2016  
Second Reading: \_\_\_\_\_, 2016

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

Underscore denotes new language  
~~Strikethrough~~ denotes deleted language

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\March 30, 2016\Singage Ordinance - ORD  
New Text Only Mar 2016 LUDC.docx

***I  
T  
E  
M  
  
S  
I  
X***



# MIAMI BEACH

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

## MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 30, 2016

SUBJECT: **DISCUSSION REGARDING THE REMOVAL OF CARLOS ZAPATA "WING" STRUCTURE ON LINCOLN ROAD.**

### BACKGROUND

At the March 9, 2016 Commission meeting, the removal of the Carlos Zapata "Wing" Structure was referred to the Land Use and Development Committee.

### ANALYSIS

In 1995 Lincoln Road underwent a renovation by architect Thompson and Wood Architecture. One of the final pieces installed in 1999, was the Carlos Zapata "Wing" structure on the 400 block of Lincoln Road. This structure was never completed as designed, missing a glass wall in front of the fountain, creating an enclosure.

The Zapata "Wing" and fountain conditions have deteriorated over time due to the environment and impact of pedestrian traffic. The fountains are used by children, dogs, and skateboarders, creating a potentially hazardous situation. Risk Management has received complaints of slip and falls adjacent to that area.

In October 2014, The "Lincoln Road District Master Plan" by James Corner Field Operations that was approved by City Commission, suggested removal of the Carlos Zapata "Wing" structure in order to enhance visibility from Washington Avenue.

### CONCLUSION

The administration recommends that the Land Use Committee discuss the item further and provide appropriate policy direction.

JLM/MT/AK/AM

***ITEM SEVEN***



COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: March 30, 2016

SUBJECT: **Discussion Regarding Incentivizing Workforce Housing in the Private Sector**

**Introduction**

At the March 9, 2016 City Commission meeting, Commissioner Michael Grieco referred a discussion on incentivizing workforce housing in the private sector to the Land Use and Development Committee.

**Background**

Workforce housing refers to affordable housing intended for use by households comprised of employed members who live or desire to live in reasonable proximity to their workplace. Affordable housing, by definition, is any housing whose inhabitants pay no more than 30% of their household income for utilities and rent or mortgage for their residence. At its October 22, 2014 meeting, the City Commission defined the beneficiaries of workforce housing in our City as those earning 120 to 140 percent Area Median Income (AMI).

Family Size	80%	100%	120%	140%
1	\$ 39,950	\$ 49,937	\$ 59,925	\$ 69,912
2	\$ 43,350	\$ 54,187	\$ 65,025	\$ 75,862
3	\$ 48,750	\$ 60,937	\$ 73,125	\$ 85,312
4	\$ 54,150	\$ 67,687	\$ 81,225	\$ 94,762

Housing accessibility is a vital component in a community's ability to retain its workforce. According to an April 14, 2014 article in *The New York Times*, the greater Miami area is one of the most expensive in the nation for renters. The typical household expends 43% of its household income to cover its housing costs. Further, the Center for Housing Policy reports that ours is "the most expensive metropolitan area in the country when housing and transportation costs were combined."

While the median rent in the City has risen from \$719 per month in 1990 to \$1,088 in 2013, representing a 51 percent increase in one generation, the number of renter-occupied units has consistently decreased. According to data provided by the Office of Tourism, Culture and Economic Development, renter-occupied units fell from 41,238 in 1980 to 27,158 in 2013.

According to the *Out of Reach 2014*, an annual housing report by the National Low Income Housing Coalition, the national affordable housing wage (the income at which a person can afford a modest rental unit in his/her work market) is \$18.92 per hour (or \$39,353 annually). In South Florida, the affordable housing wage is \$19.39 per hour (or \$40,331). Unfortunately, the typical Florida renter only earns \$13.73 per hour (or \$28,558 annually). A

Florida family earning minimum wage would need 2.4 wage earners to afford a modest, two-bedroom apartment, according to the report. Many of our service industry jobs fall short of the affordable housing wage threshold including<sup>1</sup>:

- Restaurant wait staff (\$18,000)
- Valets (\$17,000)
- Pool attendants (\$23,000)
- Tow truck drivers (\$32,000)
- Retail sales associates (\$21,000)
- Retail managers (\$31,000)
- Housekeeper (\$17,000)

<sup>1</sup> Median wage information provided by [www.salary.com](http://www.salary.com)

Many other critical community jobs barely cross the affordable housing wage threshold including<sup>2</sup>:

- Teachers (\$40,500)
- Municipal Service Worker I (\$43,377)
- Museum Guards (\$39,919)
- Recreation Attendant (\$38,757)
- Recreation Leader 1 (\$43,377)
- Waste Collector (\$47,132)
- Restaurant Managers (\$43,000)

<sup>2</sup> Median wage information provided by [www.salary.com](http://www.salary.com) and City of Miami Beach

While the City has historically supported the development of affordable housing for very low- and low-income households, many of the same funds used to develop these projects can be used to develop workforce housing including:

- Community Development Block Grant (CDBG) funds
- HOME Investment Partnership (HOME funds)
- State Housing Initiatives Program (SHIP)

United States Department of Housing and Urban Development (HUD) funds can be used to provide services to households earning up to 120 percent of the Area Median Income (AMI) of \$57,700 for the Greater Miami – Miami Beach – Kendall area. While these funds can be used if available and appropriate, the funding trend continues to show overall reductions year after year. As of this writing, the City expects to receive up to \$ 1 million for capital/housing projects in FY 2014/15. In addition, it should be noted that there has been discussion from HUD for several months regarding a fourth round of Neighborhood Stabilization Program (NSP) funds. While this funding is not assured, the City has benefitted from these funds in the past.

Communities around the country are addressing the need to retain critical members of the workforce by promoting the creation of affordable, workforce housing. Communities employ a variety of incentives to spur development including:

- Allowing Accessory Dwelling Units (in conjunction with single-family homes so as to create adjunct housing units)
- Adaptive Reuse (converting outmoded buildings such as hospitals, factories, train stations, etc.)
- Commercial Linkage (requiring commercial and industrial developers to either build or fund housing in conjunction with proposed commercial developments)
- Density Bonuses (offered in exchange for the inclusion of workforce units in a development project)

- Waiver or Reductions of Impact Fees (one of the most commonly used tactics)
- Inclusionary Zoning (portion of constructed units are set aside for affordable homeownership)

The Palm Beach County Workforce Housing Program makes it mandatory “for the development of workforce housing units in all new residential developments within the Urban Suburban Tier in unincorporated Palm Beach County.” The program deems households earning up to 140 percent of AMI as eligible and strictly maintains homeownership units for 15 years subject to an additional 15-year affordability period if the property is sold before the expiration of its initial affordability period.

In Miami, The Related Group has developed several workforce housing developments using public parking as an anchor creating affordable home ownership opportunities. The Related Group entered into long-term leases on garages owned by the City of Miami where parking is used by the public during the day and residents of Loft 2 and Loft 3 at night. The one-bedroom units were sold from \$119,000 to 159,000 and the developments included amenities such as pools and gyms, according to “As Luxury Market Cools, the Need for Affordable Units Heats Up” published in March 2007. The Related Group’s Civic Center project, a 1,000-unit development, was constructed on 12 acres of city-owned land and has affordability deed restrictions on half of the units. The remaining units have deed restrictions impacting re-sales only.

The South Florida area has quite a few affordable housing developers in addition to The Related Group, including, but not limited to, Pinnacle Housing Group, Carrfour Supportive Housing, Peninsula Developers, and Carlisle Development Group, to name a few.

As communities explore the development of workforce housing, several factors are typically considered including:

- Workforce being served (oftentimes focusing on employees essential to the local economy, i.e. service industry or public sector personnel);
- Affordability (ensuring that housing costs are a reasonable percentage of the median wages of those intended to be served ~ typically 30%);
- Proximity (the distance between the employment opportunities and the available housing); and
- Quality and supply (the number of units made available and amenities provided should reflect the needs of the targeted residents, i.e. access to quality child care and access to high-performing public schools if families are being targeted).

Communities often look at additional factors such as accessibility and promotion of public transportation to minimize traffic congestion while improving housing affordability and the inclusion of other public services.

Below is a list potential incentives the City can explore to spur private development of workforce housing:

#### **Development- Related Incentives**

- Extend incentives currently offered to affordable housing projects to workforce housing including streamlining the approval and permitting process and provide priority in scheduling and reviewing

- Provide financial incentives such as those offered to “green” housing development projects to workforce housing (i.e. refund application and review fees by General Fund payment to Building Department)
- Defer/restructure impact fees so developers don't have to pay until the unit is actually occupied by a qualified household
- Reimbursement of impact fees using funds collected from market rate and commercial projects

### **Zoning-Related Incentives**

- Create mixed-tenant projects that include affordable, workforce and market rent units while offering reduced development costs only for the units dedicated to affordable and workforce housing
- Density bonuses (offered in exchange for the inclusion of workforce units in a development project)
- Increase floor area ratio (FAR) (as currently allowed in CD-2 areas)
- Reduce unit size requirements (i.e. micro housing)
- Reduce or eliminate parking requirements
- Amend/relax setbacks and development requirements

### **Administrative-Related Incentives**

- Utilize current City-owned properties to develop workforce housing (including parking garages and other municipal service-oriented sites)
- Charge market price residential/commercial developments a fee to subsidize affordable and workforce housing (known as linkage fees)
- Amend the definition of workforce housing beneficiaries to include individuals earning from 80% to 140% AMI to maximize funding options
- Create a financing program specifically for housing purposes that allows the City to provide financing for rental housing development and home ownership for income-eligible beneficiaries
- Approach the Federal National Mortgage Association (FannieMae) to encourage employer-assisted housing programs that includes three steps:
  - i. Home buyer education
  - ii. Down payment assistance
  - iii. Closing costs assistance
- Promote workforce housing rental opportunities in conjunction with first-time homebuyer opportunities so families have the opportunity to utilize housing stock until they can transition into ownership freeing units for other individuals joining the workforce over time
- Encourage mixed income/mixed use development through positive marketing efforts focusing on the end-user beneficiary to eliminate NIMBY-based development obstacles
- Promote education and outreach to developers so they fully understand incentives offered
- Research with the City Attorney the possibility of short-term tax abatements for new projects
- Establish a long-term deed restriction program to preserve affordability

Parallel to this discussion, the Finance and Citywide Projects Committee is exploring the incorporation of workforce housing in the construction of new garages. Current height and accessory use limitations would minimize the impact of this approach, unless the land development regulations are modified. Attached please find a list of City-owned facilities, including garages and parking lots, that may be incorporated into the broader discussion regarding workforce housing.

Our community's geographic and infrastructure limitations will require creative approaches to increase the availability of affordable workforce housing including the exploration of mixed use developments and the use multiple funding sources. The City is prepared to explore opportunities for sustainable development in collaboration with experienced, fiscally capable developers.

### **Conclusion**

Workforce housing is an effective tool in retaining critical workforce members. While the City has limited funding that may be incorporated as appropriate, additional incentives and private investment and cooperation are necessary because of the private market's condition. The Administration is seeking further direction in how to further encourage workforce housing development in our City.

JML/KGB/MLR

Attachment: City-owned Property Inventory

F:\neig\Homeless\CHILDREN\ALL\Commission Committees\Land Use Committee\Workforce Housing Land Use  
03302016.doc



CITY OF MIAMI BEACH  
2014-2015  
PARCELS SORTED BY FOLIO NUMBER

FOLIO NUMBER	ADDRESS	DESCRIPTION	2015		USE
			LOT SIZE (SQ. FT.)	BUILDING (SQ. FT.)	
02-3202-000-0020	7251 Collins Ave	Surfside Park a/k/a North Shore Park	179,500	39,048	8940 MUNICIPAL : MUNICIPAL
02-3202-000-0040	N/A	77th Street bridge extension	41,202		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-002-0030	N/A	81st Street foot bridge (lot with access to)	7,500		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-002-0300	N/A	Biscayne Elementary Park	60,385		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-002-0360	7600 Tatum Waterway Dr	Biscayne Elementary Park (access to foot bridge)	875		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-002-0370	80 Tatum Waterway Dr	Tatum Park	7,167	825	8940 MUNICIPAL : MUNICIPAL
02-3202-002-0380	N/A	Tatum Park	6,525		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-002-0390	N/A	Tatum Park	6,525		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-002-0400	N/A	Tatum Park	6,525		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-002-0410	N/A	Tatum Park	7,000		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-002-0420	N/A	Tatum Park	10,633		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-003-0631	75 Dickens Ave	Water Tank Farm (PW-3)	154,430	1,948	8940 MUNICIPAL : MUNICIPAL
02-3202-003-1250	N/A	Ocean Terrace Park	52,080		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0010	N/A	North Shore Open Space Park	115,500		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0050	8201 Atlantic Way	North Shore Open Space Park	120,043	3,866	8940 MUNICIPAL : MUNICIPAL
02-3202-004-0110	8101 Abbott Ave	North Shore Open Space Park	78,000		8940 MUNICIPAL : MUNICIPAL
02-3202-004-0150	7929 Atlantic Way	North Shore Open Space Park	78,000	2,359	8940 MUNICIPAL : MUNICIPAL
02-3202-004-0300	7645 Atlantic Way	Altos del Mar lot	13,000		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0310	7645 Atlantic Way	Altos del Mar lot	6,500		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0320	N/A	Altos del Mar lot	19,500		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0330	7621 Atlantic Way	Altos del Mar lot	13,000		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0340	7611 Atlantic Way	Altos del Mar lot	13,000		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0350	7601 Atlantic Way	Altos del Mar lot	13,000		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0360	N/A	Altos del Mar Park and parking lot (P-9F)	13,800		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0370	N/A	Altos del Mar Park and parking lot (P-9F)	13,800		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0380	N/A	parking lot (P-9F)	13,100		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0390	7515 Collins Ave	parking lot (P-9F)	10,500		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0400	7505 Collins Ave	Library - North Beach	10,500	5,254	8940 MUNICIPAL : MUNICIPAL
02-3202-004-0410	N/A	Altos del Mar lot	12,500		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0420	7625 Collins Ave	Altos del Mar lot	6,250		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0430	7617 Collins Ave	Altos del Mar lot	6,250		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0440	7611 Collins Ave	Altos del Mar lot	6,250		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-004-0580	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0590	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0600	7929 Collins Ave	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0610	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0620	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0630	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0640	8051 Collins Ave	North Shore Open Space Park	46,500	690	8247 FOREST/PARK OR REC AREA : DADE COUNTY
02-3202-004-0770	N/A	North Shore Open Space Park outlots (82nd-83rd St.)	10,815		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0780	8232 Collins Ave	North Shore Open Space Park outlots (82nd-83rd St.)	8,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0790	N/A	North Shore Open Space Park outlots (82nd-83rd St.)	12,500		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0810	3208 Collins Ave	North Shore Open Space Park outlots (82nd-83rd St.)	11,500		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0820	8140 Collins Ave	Log Cabin (land only)	8,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0830	8140 Collins Ave	Log Cabin (land only)	8,750		8940 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-004-0840	8128 Collins Ave	Log Cabin (land & building)	17,500	4,454	8940 MUNICIPAL : MUNICIPAL
02-3202-004-0860	8108 Collins Ave	Log Cabin (land & building)	17,500	1,820	8940 MUNICIPAL : MUNICIPAL
02-3202-004-0880	8040 Collins Ave	North Shore Open Space Park outlots (80th-81st St.)	17,500		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0900	8028 Collins Ave	North Shore Open Space Park outlots (80th-81st St.)	8,750		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0910	8016 Collins Ave	North Shore Open Space Park outlots (80th-81st St.)	8,750		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0920	8010 Collins Ave	North Shore Open Space Park outlots (80th-81st St.)	8,750		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0930	8000 Collins Ave	North Shore Open Space Park outlots (80th-81st St.)	8,750		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0940	7940 Collins Ave	North Shore Open Space Park outlots (79th-80th St.)	26,250		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0970	7918 Collins Ave	North Shore Open Space Park outlots (79th-80th St.)	12,500		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0980	225 79th St	North Shore Open Space Park outlots (79th-80th St.)	7,500		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-004-0990	N/A	North Shore Open Space Park outlots (79th-80th St.)	6,250		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-005-0060	N/A	85th Street Bridge approach	6,250		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-005-0550	N/A	parking lot (P-23)	9,000		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-006-0020	N/A	North Shore Open Space Park	115,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0070	N/A	North Shore Open Space Park	13,200		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0080	8535 Atlantic Way	North Shore Open Space Park	13,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0090	8529 Atlantic Way	North Shore Open Space Park	13,300		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0100	N/A	North Shore Open Space Park	26,700		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0110	8501 Atlantic Way	North Shore Open Space Park	13,450		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0120	N/A	North Shore Open Space Park	27,000		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0140	8429 Atlantic Way	North Shore Open Space Park	27,000		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0150	N/A	North Shore Open Space Park	27,000		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0170	8345 Atlantic Way	North Shore Open Space Park	13,450		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0180	N/A	North Shore Open Space Park	13,400		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0190	N/A	North Shore Open Space Park	13,300		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0200	N/A	North Shore Open Space Park	13,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0210	8309 Atlantic Way	North Shore Open Space Park	26,300		8040 VACANT GOVERNMENTAL : MUNICIPAL

CITY OF MIAMI BEACH  
2014-2015  
PARCELS SORTED BY FOLIO NUMBER

FOLIO NUMBER	ADDRESS	DESCRIPTION	2015		USE
			LOT SIZE (SQ.FT.)	BUILDING (SQ.FT.)	
02-3202-006-0220	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0230	8333 Collins Ave	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0240	8327 Collins Ave	North Shore Open Space Park	11,875		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0250	8311 Collins Ave	North Shore Open Space Park	6,875		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-006-0260	8301 Collins Ave	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0270	8441 Collins Ave	North Shore Open Space Park	18,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0290	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0300	8411 Collins Ave	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0310	8401 Collins Ave	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0320	8535 Collins Ave	North Shore Open Space Park	12,500		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0330	8525 Collins Ave	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0340	8521 Collins Ave	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0350	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0360	N/A	North Shore Open Space Park	6,250		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0430	226 87th Terrace	parking lot - 226 87th Terrace	15,313		2865 PARKING LOT/MOBILE HOME PARK : PARKING LOT
02-3202-006-0440	N/A	North Shore Open Space Park outlots (86th-87th St.)	150		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-006-0470	8616 Collins Ave	North Shore Open Space Park outlots (86th-87th St.)	8,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0480	8612 Collins Ave	North Shore Open Space Park outlots (86th-87th St.)	8,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0490	8604 Collins Ave	North Shore Open Space Park outlots (86th-87th St.)	8,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-006-0500	8540 Collins Ave	North Shore Open Space Park outlots (85th-86th St.)	17,500		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-006-0520	8528 Collins Ave	North Shore Open Space Park outlots (85th-86th St.)	8,750		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-006-0530	8516 Collins Ave	North Shore Open Space Park outlots (85th-86th St.)	8,750		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-006-0540	8508 Collins Ave	North Shore Open Space Park outlots (85th-86th St.)	17,500		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-006-0560	8440 Collins Ave	North Shore Open Space Park outlots (84th - 85th)	52,500		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-006-0620	8340 Collins Ave	North Shore Open Space Park outlots (83rd - 84th)	8,750		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-006-0640	8328 Collins Ave	North Shore Open Space Park outlots (83rd - 84th)	8,750		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-006-0650	N/A	North Shore Open Space Park outlots (83rd - 84th)	8,750		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-006-0660	8300 Collins Ave	North Shore Open Space Park outlots (83rd - 84th)	17,500		8065 VACANT GOVERNMENTAL: PARKING LOT
02-3202-008-0010	N/A	Crespi Park	50,750		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3202-008-2220	N/A	81st Street foot bridge (lot with access to)	5,750		8040 VACANT GOVERNMENTAL : MUNICIPAL
02-3202-015-0020	N/A	Parkview Island Park	33,170		8080 VACANT GOVERNMENTAL : VACANT LAND - GOVERNMENTAL
02-3203-000-0030	599 Ocean Dr	Lummas Park	871,200	26,331	8940 MUNICIPAL : MUNICIPAL
02-3203-000-0040	200 Fairway Dr	Normandy Shores Golf Course	5,190,087		
02-3203-000-0050	N/A	Normandy Waterway			
02-3203-001-3450	8100 Hawthorne Ave	pump station			
02-3203-012-0010	8440 Hawthorne Ave	Stillwater Park			
02-3210-002-0700	N/A	Normandy Island Park			
02-3210-002-0710	N/A	Normandy Island Park			
02-3210-012-0590	N/A	Vichy Drive (west side of north ½)			
02-3210-013-0360	N/A	parking lot (P-24A)			
02-3210-013-0370	N/A	parking lot (P-24A)			
02-3210-013-0380	N/A	parking lot (P-24A)			
02-3210-013-0400	N/A	parking lot (P-24A)			
02-3210-013-0540	N/A	parking lot (P-24C)			
02-3210-013-0550	N/A	parking lot (P-24C)			
02-3210-013-1281	1047 71st Street	parking lot (P-24B)			
02-3210-013-1430	N/A	Vichy Drive (south ½)			
02-3210-017-0090	7030 Trouville Esplanade	Normandy Island Park			
02-3211-001-0200	N/A	parking lot (P-9E)			
02-3211-001-0760	6860 Indian Creek Dr	Fire Station #4			
02-3211-002-0080	N/A	parking lot (P-25)			
02-3211-002-0910	N/A	parking lot (P-9A)			
02-3211-002-0950	N/A	Byron Carlyle parking lot			
02-3211-002-1070	500 71 Street	Byron Carlyle Theatre			
02-3211-002-1090	N/A	parking lot (P-9C)			
02-3211-002-1270	N/A	parking lot (P-9D)			
02-3211-002-1290	N/A	70th Street b/w Bonita Drive and Indian Creek Drive			
02-3211-002-1300	N/A	Indian Creek Drive widening			
02-3211-002-1320	N/A	70th Street b/w Bonita Drive and Indian Creek Drive			
02-3211-002-1340	N/A	Indian Creek Drive widening			
02-3211-002-1350	N/A	parking lot (P-9D)			
02-3211-002-1360	N/A	Indian Creek Drive widening			
02-3211-003-0510	N/A	Allison Road median			
02-3211-007-0330	6475 Collins Ave	Allison Park and parking lot (P-18A)			
02-3211-007-0340	N/A	Allison Park and parking lot (P-18A)			
02-3211-007-0350	N/A	Allison Park and parking lot (P-18A)			
02-3211-007-0360	N/A	Allison Park and parking lot (P-18A)			
02-3211-007-0720	N/A	Indian Creek Park			
02-3211-007-0730	N/A	Indian Creek Park			
02-3211-007-0750	6444 Indian Creek Dr	Indian Creek Park			
02-3211-007-0820	6500 Indian Creek Dr	Shane Watersport Center (land & building)			
02-3211-007-1680	N/A	65th Street b/w Indian Creek Drive and Collins Avenue			
02-3211-007-1920	N/A	65th Street b/w Indian Creek Drive and Collins Avenue			

CITY OF MIAMI BEACH  
2014-2015  
PARCELS SORTED BY FOLIO NUMBER

FOLIO NUMBER	ADDRESS	DESCRIPTION	2015		USE
			LOT SIZE (SQ. FT.)	BUILDING (SQ. FT.)	
02-3211-007-2060	N/A	Indian Creek Drive widening			
02-3211-007-2080	N/A	Indian Creek Drive widening			
02-3211-014-0050	N/A	63rd and Pine Tree Drive			
02-3211-014-1450	N/A	63rd and La Gorce Drive			
<b>02-3211-079-0001</b>	<b>N/A</b>	<b>401 Blu North Beach Condo - Bus Shelter</b>			
02-3214-000-0020	N/A	W 54th St. & W 56th St. - W 58 St thru W 60th & Adj			
02-3214-001-0180	N/A	Beach View Park, Fire Station #3, parking lot (P-19B) & outlot			
02-3214-001-0190	5301 Collins Ave	Beach View Park, Fire Station #3, parking lot (P-19B) & outlot			
02-3214-001-0200	N/A	Beach View Park, Fire Station #3, parking lot (P-19B) & outlot			
02-3222-000-0030	4301 Michigan Ave	Polo Park			
02-3222-001-0550	400 W 42 Street	42nd Street parking garage			
02-3222-001-1580	N/A	parking lot (P-8B)			
02-3222-006-0350	N/A	parking lot (P-8E)			
02-3222-011-1660	N/A	pump station (access road)			
02-3222-011-1670	N/A	Surprise Waterway Bridge outlot			
02-3222-011-1680	N/A	North Bay Road Street End			
02-3222-014-0420	N/A	41st Street street widening			
02-3222-017-0050	4300 Chase Ave	Muss Park			
02-3222-019-0260	4125 Jefferson Ave	parking lot (P-8F)			
02-3222-019-0270	836 W 42 Street	parking lot (P-8F)			
02-3222-022-1810	610 W 51 Ter	Fisher Park			
02-3223-002-0020	N/A	Pine Tree Park			
02-3223-002-0060	4621 Collins Ave	Indian Beach Park and parking lot (P-19)			
02-3223-002-0340	N/A	Collins Avenue widening			
02-3223-003-0050	4221 Pinetree Dr	Jewish Community Center (land & building)			
02-3223-003-0060	4233 Pinetree Dr	Jewish Community Center (land only)			
02-3223-003-0070	N/A	Jewish Community Center (land only)			
02-3223-006-0030	N/A	parking lot (P-8D)			
02-3226-001-00405	340 23rd Street				
02-3226-001-0370	2111 Collins Ave	Collins Park and parking lot (P-6B)			
<b>02-3226-001-0390</b>	<b>N/A</b>	<b>300 23rd Street cancelled</b>			
02-3226-001-0391	2200 Liberty Ave	Miami City Ballet (land & building)			
02-3226-001-0400	340 23rd Street				
<b>02-3226-001-0410</b>	<b>N/A</b>	<b>Miami City Ballet (land only) cancelled</b>			
02-3226-001-0460	224 23rd Street	224 23rd Street			
02-3226-001-0470	211 22nd Street	Library (land only) - 211 22nd Street - Collins Park			
02-3226-001-0480	227 22nd Street	Library (land & building) - 227 22nd Street - Collins Park			
02-3226-001-0490	245 22nd Street	Library (land only) - 245 22nd Street - Collins Park			
02-3226-001-0751	N/A	Indian Creek outlot (26th Street)			
02-3226-001-0751	255 Collins Avenue (sea wall)	Sea wall			
02-3226-001-0780	2660 Collins Ave	parking lot (P-20)			
02-3226-001-0781	N/A	Indian Creek Drive outlot (26th -27th Street)			
02-3226-001-0820	N/A	29th Street street end (south side)			
02-3226-001-0970	N/A	Indian Creek foot/brdge (Lot with access to)			
02-3226-001-1030	N/A	24th Street street end			
02-3226-001-1040	N/A	25th Street street end			
02-3226-001-1050	N/A	26th Street street end			
02-3226-001-1060	N/A	27th Street street end			
02-3226-001-1080	N/A	29th Street street end (north side)			
02-3226-001-1425	3401 Collins Ave	parking lot (P-16D)			
02-3226-001-1490	3501 Collins Ave	Pancoast Park and parking lot (P-16E)			
02-3226-001-1760	3715 Indian Creek Dr	Indian Creek Drive outlot (37th-38th Street)			
02-3226-001-2050	41st Street bridge approach	41st Street bridge approach			
02-3226-002-0630	300 28 Street	Fairgreen Park a/k/a 28th Street pump station			
02-3227-000-0090	500 17th Street	City Hall, Convention Center & surrounding parking lots	5,977,860.77	1,608,111	8940 MUNICIPAL : MUNICIPAL
02-3227-000-0090	1700 Convention Center Dr	Entire 1st Floor City Hall		13,711	Total Air Conditioned Area (Common Area Factor = 35.26%)
02-3227-000-0090		Community Room		1,531	
02-3227-000-0090		Community Services		397	
02-3227-000-0090		Homeowners Permitting Assistance		652	
02-3227-000-0090		Cashier		311	
02-3227-000-0090		Security Office		149	
02-3227-000-0090		Central Services		1,948	
02-3227-000-0090		City Clerks and Special Masters Office		2,274	
02-3227-000-0090		Miami-Dade County District 5		412	
02-3227-000-0090		General Employees Pension Office		1,384	
02-3227-000-0090		Employee Lounge		374	
02-3227-000-0090		Security Office / Storage		705	
02-3227-000-0090	1700 Convention Center Dr	Entire 2nd Floor City Hall		19,856	Total Air Conditioned Area (Common Area Factor = 17.06%)
02-3227-000-0090		Building Department		11,091	
02-3227-000-0090		Planning Department		5,871	
02-3227-000-0090	1700 Convention Center Dr	Entire 3rd Floor City Hall		22,921	Total Air Conditioned Area (Common Area Factor = 13.02%)
02-3227-000-0090		Commission Chambers		2,497	
02-3227-000-0090		Building Department Support and Elevator Safety		3,722	

CITY OF MIAMI BEACH  
2014-2015  
PARCELS SORTED BY FOLIO NUMBER

FOLIO NUMBER	ADDRESS	DESCRIPTION	2015		USE
			LOT SIZE (SQ. FT.)	BUILDING (SQ. FT.)	
02-3227-000-0090		Office of Budget and Performance		3,455	
02-3227-000-0090		Finance Department		6,002	
02-3227-000-0090		Procurement Division		1,475	
02-3227-000-0090		Human Resources		2,772	
02-3227-000-0090		Human Resource and Procurement Break Room (Shared)		87	
02-3227-000-0090		Human Resource Conference Room		270	
02-3227-000-0090	1700 Convention Center Dr	Entire 4th Floor City Hall		30,695	Total Air Conditioned Area (Common Area Factor = 18.08%)
02-3227-000-0090		Commission Chambers		1,319	
02-3227-000-0090		Office of Mayor and City Commission		5,032	
02-3227-000-0090		Office of The City Attorney		6,644	
02-3227-000-0090		Public Works Department		6,419	
02-3227-000-0090		Office of the City Manager		6,580	
02-3227-000-0090	2100 Washington Av	21st Street Recreation Center (Teen Center)		12,676	Total Floor Area 21st Street Recreation Center including common areas
02-3227-000-0090		Auditorium and Stage		4,700	
02-3227-000-0090		Recreation Center		2,500	
02-3227-000-0090		Internal Affairs Offices		2,946	
02-3227-000-0090	555 17th Street	555 17th Street		10,003	Total Floor Area 10,003 s.f.including common areas
02-3227-000-0090		Code Compliance		5,667	
02-3227-000-0090		Homeless Outreach		982	
02-3227-000-0090		Housing and Community Development		3,340	
02-3227-000-0100	2300 Pinetree Dr	Bayshore Golf Course Par 3 Golf Courses			
02-3227-005-0070	N/A	28th Street alleyway b/w Sheridan Ave. and Pine Tree Dr.			
02-3227-010-0270	1400 W 21 Street	Sunset Lake Park (Sunset Island #4)			
02-3227-011-0200	N/A	24th Street foot bridge approach			
02-3227-015-0071	N/A	Garden Avenue street end			
02-3227-016-0790	4000 Chase Ave	parking lot (P-8C)			
02-3227-016-0800	N/A	parking lot (P-8C)			
02-3227-016-0810	N/A	parking lot (P-8C)			
02-3227-016-0830	4016 Chase Ave	parking lot (P-8C)			
02-3227-017-1130	N/A	Orchard Court			
02-3227-017-1250	4049 Royal Palm Ave	parking lot (P-8G)			
02-3227-017-1290	4000 Royal Palm Ave	parking lot (P-8H)			
02-3227-017-1370	4011 Prairie Ave	parking lot (P-8H)			
02-3227-017-1380	4001 Prairie Ave	parking lot (P-8H)			
02-3227-017-1390	525 W 40 Street	parking lot (P-8H)			
02-3227-017-1400	N/A	City Park (R-49) triangle w/ fountain			
02-3228-001-1280	N/A	Sunset Island #2 median			
02-3232-003-0890	San Marino Island	San Marino Island roadways			
02-3232-006-0890	Hibiscus Island Park	Hibiscus Island Park			
02-3232-011-0121	1st Dilido Terrace St end (west)	1st Dilido Terrace street end (west side)			
02-3232-011-0530	1st Dilido Terrace St end (east)	Dilido Island Street End (Parcel A)			
02-3232-011-0790	N/A	1st Dilido Terrace street end (east side)			
02-3232-011-1700	Di Lido Island	Dilido Island roadways			
02-3233-000-0010	1 Flagler Memorial Island	Flagler Memorial Island			
02-3233-001-1110	Rivo Alto AMD	Rivo Alto Island roadways			
02-3233-004-0120	Belle Isle Park	Belle Isle Park			
02-3233-004-0130	52 Venetian Causeway	Belle Isle Park			
02-3233-012-0390	1700 Purdy Ave	Island View Park and boat ramp			
02-3233-013-0110	1833 Bay Rd	1833 Bay Road			
02-3233-013-0120	1817 Bay Rd	parking lot (P-4A)			
02-3233-013-0130	1817 Bay Rd	parking lot (P-4A)			
02-3233-014-0220	N/A	Bay Road & Lincoln Court outlots			
02-3233-017-0060	N/A	parking lot (P-4C)			
02-3233-017-0070	N/A	parking lot (P-4C)			
02-3233-017-0080	N/A	parking lot (P-4C)			
02-3233-017-0120	1625 West Ave	parking lot (P-4D)			
02-3233-022-0350	N/A	median @ 20th Street & Alton Road w/ fountain			
02-3233-085-0010		Sunset Harbour Garage (air)			
02-3234-000-0050	1200 Meridian Ave	Flamingo Park			
02-3234-002-0060	1622 Michigan Ave	parking lot (P-10G)			
02-3234-002-0100	1040 Lincoln Rd	Colony Theatre			
02-3234-002-0180	N/A	parking lot (P-10D)			
02-3234-002-0221	N/A	parking lot (P-10D)			
02-3234-002-0360	N/A	parking lot (P-10E)			
02-3234-002-0440	1622 Euclid Ave	parking lot (P-10F)			
02-3234-002-0450	1623 Meridian Ave	parking lot (P-10F)			
02-3234-004-0690	1691 Michigan Ave	The Lincoln (land only)			
02-3234-004-0710	N/A	parking lot (P-10)			
02-3234-004-0720	N/A	parking lot (P-10)			
02-3234-004-0730	N/A	parking lot (P-10)			
02-3234-004-0820	N/A	parking lot (P-10)			
02-3234-004-0830	N/A	parking lot (P-10)			
02-3234-004-0840	N/A	parking lot (P-10)			

CITY OF MIAMI BEACH  
2014-2015  
PARCELS SORTED BY FOLIO NUMBER

FOLIO NUMBER	ADDRESS	DESCRIPTION	2015		USE
			LOT SIZE (SQ.FT.)	BUILDING (SQ.FT.)	
02-3234-004-0870	N/A	parking lot (P-10A)			
02-3234-004-0880	N/A	parking lot (P-10A)			
02-3234-004-0890	N/A	parking lot (P-10A)			
02-3234-004-0900	N/A	parking lot (P-10A)			
02-3234-004-0910	N/A	parking lot (P-10A)			
02-3234-007-0010	1931 Meridian Ave	Holocaust Memorial (land only)			
02-3234-007-0020	1915 Meridian Ave	Holocaust Memorial (land only)			
02-3234-007-0040	N/A	Holocaust Memorial parking lot (P-5H)			
02-3234-007-0050	1937 Meridian Ave	Holocaust Memorial (land only)			
02-3234-007-0060	1809 Meridian Ave	Preferred parking lot - Parking Lot (Convention Center)			
02-3234-007-0070	N/A	Preferred parking lot - Parking Lot (Convention Center)			
02-3234-007-0080	N/A	Preferred parking lot - Parking Lot (Convention Center)			
02-3234-007-0090	N/A	Preferred parking lot - Parking Lot (Convention Center)			
02-3234-007-0100	N/A	Preferred parking lot - Parking Lot (Convention Center)			
02-3234-007-0110	1855 Meridian Ave	Preferred parking lot - Parking Lot (Convention Center)			
02-3234-007-0420	1721 Meridian Ave	17X parking lot			
02-3234-007-0430	1727 Meridian Ave	parking lot (P-5F)			
02-3234-007-0440	N/A	parking lot (P-5F)			
02-3234-007-0450	1745 Meridian Ave	parking lot (P-5F)			
02-3234-007-0460	1755 Meridian Ave	Entire 1st Floor - Finance Department		4,536	Total Floor Area 4,536 sf including common areas
02-3234-007-0460		Entire 2nd Floor - Parking Department		6,048	Total Floor Area 6,048 sf including common areas
02-3234-007-0460		Entire 3rd Floor		6,048	Total Floor Area 6,048 sf including common areas
02-3234-007-0460		Office of Real Estate		427	
02-3234-007-0460		I.T. Training Rooms North		1,197	
02-3234-007-0460		I.T. Training Rooms South		2,254	
02-3234-007-0460		Entire 4th Floor - I.T. Department		6,048	Total Floor Area 6,048 sf including common areas
02-3234-007-0460		Entire 5th Floor		6,048	Total Floor Area 6,048 sf including common areas
02-3234-007-0460		Tourism Culture & Economic Development Department		3,780	
02-3234-007-0460		I.T. Department		2,268	
02-3234-007-0470	1765 Meridian Ave	parking lot - Convention Center			
02-3234-007-0480	1777 Meridian Ave	parking lot - Convention Center			
02-3234-007-0500	N/A	North Lincoln Lane b/w Meridian Ave. and Meridian Ct.			
02-3234-007-0510	N/A	North Lincoln Lane b/w Meridian Ave. and Meridian Ct.			
02-3234-007-0560	1664 Meridian Ave	parking lot (P-10C)			
02-3234-007-0570	N/A	parking lot (P-10C)			
02-3234-007-0630	N/A	parking lot (P-10C)			
02-3234-007-0640	N/A	parking lot (P-10C)			
02-3234-007-0650	N/A	parking lot (P-10C)			
02-3234-007-0660	N/A	parking lot (P-10C)			
02-3234-007-0670	N/A	parking lot (P-10C)			
02-3234-008-0220	1027 Collins Ave	Pelican Garage (land only)			
02-3234-008-0520	1301 Collins Ave	13th Street Garage (P-17A)			
02-3234-008-0550	1337 Collins Ave	13th Street provisional parking lot (P-13B)			
02-3234-008-0730	N/A	15th Street b/w Ocean Court and Collins Avenue			
02-3234-008-1020	1262 Collins Ave	13th Street parking lot (P-17)			
02-3234-008-1030	N/A	13th Street parking lot (P-17)			
02-3234-008-1220	1040 Collins Ave	Council Tower North (land & building)			
02-3234-013-0050	N/A	Collins Court b/w 15th Street and Espanola Way			
02-3234-016-0100	N/A	Collins Canal outlot J			
02-3234-018-0240	1100 Lincoln Rd	1100 Lincoln Rd			
02-3234-019-0010	N/A	18th Street street end (north side)			
02-3234-019-0470	N/A	18th Street street end (south side)			
02-3234-019-0560	N/A	17th Street street end			
02-3234-019-0840	1601 Washington Ave	Lincoln Place (land only)			
02-3234-019-0970	N/A	15th Street street end			
02-3234-019-1090	1550 Collins Ave	Anchor Garage & shops (land & building)			
02-3234-022-0060	N/A	City park at 20th Street and Alton Road			
02-3234-206-0001	1701 Meridian Ave	Entire 1st Floor 765 17th Street	17,550	7,066	Total Floor Area 7,066 sf including common areas
02-3234-206-0040		765 17th Street, Unit 1		1,327	Lease Agreement - South Florida Salon Group
02-3234-206-0030		767 17th Street, Unit 2		1,803	Lease Agreement - Massage Partners
02-3234-206-0020		771 17th Street, Unit 3		1,291	Lease Agreement - SB Waxing
02-3234-206-0010		775 17th Street, Unit 4		1,269	Lease Agreement - Damian Gallo
02-3234-206-0010		Entire 2nd Floor 1701 Meridian Avenue		7,219	Total Floor Area 7,219 sf including common areas
02-3234-206-0050		1701 Meridian Avenue, Unit 5		5,995	Fire Department - Administrative Offices
02-3234-206-0050		Entire 3rd Floor 1701 Meridian Avenue		7,219	Total Floor Area 7,219 sf including common areas
02-3234-206-0060		1701 Meridian Avenue, Unit 6		6,036	CIP Administrative Offices
02-3234-206-0070		Entire 4th Floor 1701 Meridian Avenue		7,219	Total Floor Area 7,219 sf including common areas
02-3234-206-0070		1701 Meridian Avenue, Unit 7 #400		1,926	Lease Agreement - Care Resource
02-3234-206-0070		1701 Meridian Avenue, Unit 7 #401		2,150	Vacant - Parks and Recreation
02-3234-206-0070		1701 Meridian Avenue, Unit 7 #402A		541	State Representative David Richardson
02-3234-206-0070		1701 Meridian Avenue, Unit 7 #402B		149	Vacant
02-3234-206-0080		1701 Meridian Avenue, Unit 7 #403		905	Miami Beach Visitor & Convention Authority
02-3234-206-0080		Entire 5th Floor 1701 Meridian Avenue		3,509	Total Floor Area 3,509 sf including common areas (not roof)

CITY OF MIAMI BEACH  
2014-2015  
PARCELS SORTED BY FOLIO NUMBER

FOLIO NUMBER	ADDRESS	DESCRIPTION	2015		USE
			LOT SIZE (SQ. FT.)	BUILDING (SQ. FT.)	
02-3234-206-0080		1701 Meridian Avenue, Unit 8		2,393	Miami Beach Office of Communications
02-3234-226-0001	500 17 Street	Penn 17 LLC Cooper Ave Garage Informational			
02-3234-2260010	500-17 Street	Penn 17 LLC Cooper Ave Retail			
02-4203-000-0010	344 Alton Rd	Miami Beach Marina (tenant improvements)			
02-4203-001-0560	N/A	Alton Court north of 8th Street (portion of)			
02-4203-002-0010	535 Ocean Dr	Lummas Park b/w 5th-6th Streets			
02-4203-002-0090	533 Collins Ave	Council Tower South (land & building)			
02-4203-003-1020	226 Collins Ave	Community Garden			
02-4203-003-1060	225 Washington Ave	Washington Park			
02-4203-003-1110	210 2nd Street	Friendship Corner			
02-4203-003-1120	N/A	Friendship Corner			
02-4203-003-1230	139 Washington Ave	Parking Lot			
02-4203-003-1240	N/A	Parking Lot			
02-4203-004-0721	270 7th Street	7th Street parking garage (land & building)			
02-4203-009-0200	N/A	parking lot (P-12)			
02-4203-009-0210	N/A	parking lot (P-12)			
02-4203-009-0280	N/A	parking lot (P-13)			
02-4203-009-0290	N/A	parking lot (P-13)			
02-4203-009-0370	1130 Washington Ave	Miami Beach Police Department and Historic City Hall			
02-4203-009-2020	34 Washington Ave	34 Washington Ave.			
02-4203-009-2021	28 Washington Ave	28 Washington Ave.			
02-4203-009-2030	22 Washington Ave	22 Washington Ave.			
02-4203-009-2140	N/A	vacant lot			
02-4203-009-2150	N/A	vacant lot			
02-4203-009-2161	N/A	easement (South Pointe Drive)			
02-4203-009-2250	811 Biscayne Street	Washington Ave. widening - 811 Biscayne Street			
02-4203-009-2270	704 1 Street	Washington Ave. widening			
02-4203-009-2280	710 1 Street	Parking Lot			
02-4203-009-2290	714 1 Street	Parking Lot			
02-4203-009-2510	811 Commerce Street	Washington Ave. widening			
02-4203-009-4330	1051 Jefferson Ave	Fire Station #1			
02-4203-009-4820	833 6th Street	South Shore Community Center and parking lot (P-2B)			
02-4203-009-5630	N/A	pump station (future site)			
02-4203-009-9210	344 Alton Rd	Miami Beach Marina (land & building)			
02-4203-009-9250	400 Alton Rd	400 Alton Rd (150 ft. Easement)			
02-4203-012-0010	Pier Park and parking lot (P-1A)	Pier Park and parking lot (P-1A)			
02-4203-012-0011	1 Ocean Dr	Penrod's (building / leasehold)			
02-4203-012-0012	1 Ocean Dr	Penrod's (land / leasehold)			
02-4203-012-0020	N/A	Carter's Pier (riparian rights)			
02-4203-012-0100	N/A	Ocean Front Park			
02-4203-013-0030	N/A	Washington Avenue triangle			
02-4203-209-0680	131 Alton Rd CU-2	Library - South Shore @ The Courts			
02-4203-234-0002	90 Alton Rd	Yacht Club at Portofino parking spaces (leased to City)			
02-4203-251-0002	1000 S Pointe Dr	Murano at Portofino parking spaces (leased to City)			
02-4203-265-0002	400 Alton Rd	Murano Grande Parking lot parking spaces (leased to City)			
02-4203-286-0002	450 Alton Rd	Icon parking spaces (leased to City)			
02-4204-000-0010	140 Mc Arthur Causeway	Terminal Isle (PW-1)			
02-4204-000-0030	N/A	Undetermined			
02-4204-001-0390	Star Island median	Bouy Park a/k/a Star Island median			
02-4204-004-0010	N/A	parking lot (P-4AL)			
02-4204-004-0020	N/A	parking lot (P-4AL)			
02-4204-004-0030	N/A	parking lot (P-4AL)			
02-4204-004-0040	N/A	parking lot (P-4AL)			
02-4205-001-0370	159 Palm Ave	Palm Island Park			
02-4205-001-0560	N/A	Palm Island median			
02-4205-002-0810	N/A	Palm Island (nameless street)			
02-4210-000-0040	1 Washington Ave	South Pointe Park			
02-4210-000-0041	50 S Washington Ave	South Pointe Park Extension - 50 S Washington Ave			
02-4210-000-0042	1 Washington Ave	Smith & Wollensky (leasehold)			
02-4210-000-0043	1 Washington Ave	Smith & Wollensky (land)			
02-4210-000-0044	N/A	Federal Triangle			

***I  
T  
E  
M  
  
E  
I  
G  
H  
T***

**VERBAL REPORT**



OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy L. Morales, City Manager  
FROM: Joy V. W. Malakoff, Commissioner  
DATE: August 28, 2015  
SUBJECT: A REFERRAL TO THE LUDC REGARDING THE VACATION OF A PORTION OF THE ALLEY BETWEEN ALTON ROAD AND WEST AVENUE, JUST SOUTH OF 17TH STREET - AS PART OF A PROPOSED MIXED USE PROJECT THAT WILL INCLUDE RESIDENTIAL, RETAIL AND STRUCTURED PARKING, INCLUDING PUBLIC PARKING.

Please place the above item for discussion on the September 2, 2015 Commission Agenda.

If you have any questions, please contact me at extension 6622.

JVWM

***I  
T  
E  
M***

***N  
I  
N  
E***

**VERBAL REPORT**

# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager  
FROM: Ricky Arriola, Commissioner  
DATE: December 28, 2015  
SUBJECT: **REFERRAL TO LAND USE AND DEVELOPMENT COMMITTEE-  
DISCUSSION REGARDING THE CITY OF MIAMI BEACH'S  
BUILDING PERMIT APPLICATION PROCESS.**

Please add the above subject as an item to the January 13, 2016 Commission meeting agenda.

Sincerely,  
Ricky Arriola

**Cardillo, Lilia**

---

**From:** Chiroles, Erick  
**Sent:** Monday, January 04, 2016 11:24 AM  
**To:** Cardillo, Lilia  
**Subject:** FW: Shine a Light in the Darkness

## MIAMIBEACH

**Erick Chiroles, Aide to Commissioner Arriola**  
Office of the Mayor and Commission  
1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139  
Tel: 305-673-7000 x6274  
[www.miamibeachfl.gov](http://www.miamibeachfl.gov)

*We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community*

 Please print only if necessary.

---

**From:** Michael Barrineau [<mailto:michael.barrineau@gmail.com>]  
**Sent:** Monday, December 28, 2015 5:26 PM  
**To:** Chiroles, Erick  
**Subject:** Shine a Light in the Darkness

Thanks Erick! Happy New Year...Please let me know you received.

---

Re: An Open Letter to the Mayor, Commissioners and Candidates

Good Afternoon,

I appreciate the opportunity to have spoken with many of you over the past few months about the "dark period" that exists within the City's application review process and the out sized influence this affords applicants for building permits, variances, etc. I'm referring to the period of time between the submission of an application to modify or build something and the time when a permit is issued or the application is added to a board agenda. This is the dark period.

During this time, property owners, developers, architects and lawyers work one-to-one with City employees; for weeks or months. Meetings are held, emails and phone calls are exchanged, opinions are formed. Often, during the dark period, Tom Mooney and his staff will issue a statement of opinion regarding the application. What's missing? The residents of Miami Beach are completely excluded from this process. The most affected neighbors are completely unaware that an application has even been submitted.

When I spoke with City Clerk, Rafael Granado about the dark period, he assured me that anything/everything submitted to the City is public information. Rafael is proud of the speed his office processes public information requests and assured me that if I requested information on an application he'd have it to me within 48 hours. When I asked Rafael how I'd know to ask, what would alert me to the fact that an application had been submitted? -- he indicated that I should take that up with the City Manager or the Commission. This was Tom Mooney's response also. (Tom and Rafael are not the issue, just doing their jobs).

*"Catch-22 -- a dilemma or difficult circumstance from which there is no escape because of mutually conflicting or dependent conditions"*

Consider the Marriott Hotel's historic building. Located at 2nd Street and Ocean Drive (next door to Marjory Stoneman Douglas Ocean Beach Park), currently under construction. The interior of the historic building has been completely stripped; only the facade remains. A large, new, opening; presumably a doorway has been installed facing the park. I've been told, the total value of this project is over \$3M. Clearly, this is a significant renovation. But it was never presented to the residents South of Fifth and was not submitted for review by the HPB in spite of the fact that it's a historic building! Our first indication that something had been approved at this location was the massive hole in the wall beside the park.

A simple solution that would add transparency and provide residents an important voice? Require that basic information be published on the City's website within 72 hours of any application -- street address, name of applicant, \$\$ value, type of application, etc. This would resolve the catch-22. If a resident or neighborhood association discovers something of interest and wants more info, Rafael and his staff will be happy to provide it. To ensure that it's long lasting and non-political, this requirement should be added to the city code.

I'm writing to ask for your help on this issue. Have a great week; look forward to visiting with each of your at our candidate forum.

Best,

Michael  
(305) 588-4600

***I  
T  
E  
M  
  
T  
E  
N***

**VERBAL REPORT**

# WANAIBEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy L. Morales, City Manager  
FROM: Joy V. W. Malakoff, Commissioner  
DATE: January 7, 2016  
SUBJECT: Referral to Land Use for a discussion regarding the impact of a partial modification of Ordinance 2014-3876 as it relates to a FAR interpretation.

Please add the above item to the January 13, 2016 City Commission Consent Agenda for referral to the Land Use Committee on January 20, 2016:

If you have any questions, please contact me at extension 6622.

JVWM