

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: April 20, 2016



SUBJECT: LAND USE AND DEVELOPMENT COMMITTEE MEETING OF APRIL 20, 2016

A meeting of the Land Use and Development Committee has been scheduled for April 20, 2016 at 3:00 p.m. in the City Commission Chambers.

ACTION ITEMS

1. Discussion Regarding A Complete Review of Sign Ordinances.

(Continued from the March 30, 2016 LUDC Meeting
Sponsored by Commissioner Ricky Arriola
February 10, 2016 City Commission Meeting, Item C4G)

DISCUSSION ITEMS

2. Proposed Comprehensive Plan Amendment Related to Sea Level Rise and Compliance with 2015 Florida Senate Bill 1094, Entitled "Peril of Flood".

(Sponsored by City Commission
April 13, 2016 City Commission Meeting, Item C4L)

3. Annual Evaluation of Parking Impact Fee Structure.

(Returning from the February 17, 2016 LUDC Meeting
Sponsored By City Commission
September 17, 2014 City Commission Meeting, Item R7E)

4. Discussion Regarding Potential Fiscal and Review Process Impacts of Having All New Single Family Home Construction Reviewed by the Design Review Board.

(Continued from the March 30, 2016 LUDC Meeting
Sponsored by Commissioner Joy Malakoff
February 10, 2016 City Commission Meeting, Item C4J)

5. **Discussion Regarding Incentivizing Workforce Housing in the Private Sector.**
(Continued from the March 30, 2016 LUDC Meeting
Sponsored by Commissioner Michael Grieco
March 9, 2016 City Commission Meeting, Item C4D)
6. **Discussion Pertaining to Development Regulations And Guidelines for New Construction In the Palm View Historic District To Address Resiliency, Sustainability and Adaptation.**
(Sponsored by Commissioner Joy Malakoff
March 9, 2016 City Commission Meeting, Item C4K)

VERBAL REPORTS

7. **CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment.**
(Returning from the February 17, 2016 LUDC Meeting
Sponsored by Commissioner Michael Grieco
February 10, 2016 City Commission Meeting, Item R9F)
8. **Discussion Pertaining to an Electronic Agenda System For All City Land Use Boards.**
(Sponsored by City Commission
April 13, 2016 City Commission Meeting, Item C4A)
9. **Discussion Regarding Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood.**
(Sponsored by Commissioner Michael Grieco
April 13, 2016 City Commission Meeting, Item C4B)
10. **Discussion Regarding Operational Regulations for Alcoholic Beverage Establishments South of Fifth Street.**
(Sponsored by Commissioner Michael Grieco
April 13, 2016 City Commission Meeting, Item C4C)
11. **Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH).**
(Sponsored by Commissioner Michael Grieco
April 13, 2016 City Commission Meeting, Item C4E)
12. **Discussion On The Transit Hub On The 500 Block Of Alton Road.**
(Sponsored by Commissioner Ricky Arriola
April 13, 2016 City Commission Meeting, Item C4Q)
13. **Discussion Regarding Non-Conforming Use Amendments.**
(Sponsored by Commissioner Ricky Arriola
April 13, 2016 City Commission Meeting, Item C4R)

2016 Meeting Schedule

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

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COMMITTEE MEMORANDUM

TO: Land Use and Development Committee
FROM: Jimmy L. Morales, City Manager 
DATE: April 20, 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. On March 30, 2016, the item was continued to April 20, 2016.

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.
- Sign regulations for schools and religious institutions have been modified to allow more flexibility for larger properties, and to provide more latitude for promoting religious holidays and school events.

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-thru's, 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

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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 sound 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) For signs that have two or more sides, the sum of the signage on all sides will count towards to the permitted area.
- (h) 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 – Window Signs

- a) Licensed commercial establishments are permitted one sign on one window or door with copy limited to the address, business name, services, phone number and hours of operation.
 - 1. The size of the numerals for the address and store name shall not exceed six inches in height.
 - 2. The numerals and letter size for the services, phone number, and hours of operation shall not exceed two inches in height.
 - 3. The name of the establishment may be repeated more than once subject to design review
- b) An "open"/"closed" sign, illuminated or non-illuminated, shall be permitted. Such "open"/"closed" sign shall not exceed two (2) square feet; letters shall not exceed twelve (12) inches in height.

- c) The aggregate area of the above signs of this section shall not exceed five percent of the total glass window area and door area.
- d) 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,
- e) 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.
- f) 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, canopy, roller curtain or umbrella. 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) and TC-(1-2), one sign on the valance of an awning or canopy shall be permitted.

- (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) Letters shall not exceed eight inches in height.
- (c) Signs on continuous awnings shall be placed centered on the portion of the valance that corresponds to the individual storefront and be a uniform color.
- (d) All valance signs shall be subject to the design review process.

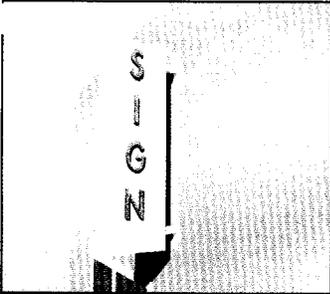
Sec. 138-17 - Wall Sign

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:

Wall Sign			
Design Standards per Districts			
	Zoning Districts		
	CD-(1-3) C-PS (1-4) I-1 MXE TC-(1-2) RM-3 HD MR	RM-(1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD-(1-2)	RS-(1-4) SPE GC
Max Area Percentage	0.4 sq. ft. 0.75 sq. ft. for every foot of linear frontage		
Max Area	<ul style="list-style-type: none"> • Max: 30 100 sq. ft. • Min: 20 15 sq. ft. 		GC & SPE: 30 sq. ft. RS-(1-4): 2 sq. ft.
Height Restrictions	Shall be not located above ground floor, except in apartment and hotel buildings that are two stories or higher	Prohibited above ground floor	
Max Quantity per Frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area	One Wall, Projecting, or Detached	
Accessory Use	<ul style="list-style-type: none"> • Max 75% of main use sign, or 20 sq. ft., whichever is less • For uses located in hotel & apt. buildings, must have direct access to street/sidewalk; follows same regulations as Main Permitted Use 		Not Permitted
Special Conditions	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 40 square feet.		Residential Use: Copy limited to address & name of building
Supplemental Standards	Hotels, apartments-hotels, and commercial buildings two stories or higher will 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.		

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:

Projecting Sign				
Design Standards per Districts				
	Zoning Districts			
	CD-(1-3) C-PS (1-4) I-1 MXE TC-(1-2) RM-3 HD MR	RM-(1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD-(1-2)	RS-(1-4) SPE GC	
Max Area	15 sq. ft.			Not Permitted
Height Restrictions	<ul style="list-style-type: none"> • Minimum 9'0" per Sec. 82-411 (b) • Letters max 6 inches 			
Max Quantity per Frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area	One Wall, Projecting, or Detached		
Accessory Use		Main permitted use		
Special Conditions	<ul style="list-style-type: none"> • May be illuminated by an external lighting source through design review • Not permitted in HD 			

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:

Detached Sign			
Design Standards per Districts			
	Zoning Districts		
	CD-(1-3) C-PS (1-4) I-1 MXE TC-(1-2) RM-3 HD MR	RM-(1-2) R-PS (1-4) RO TC-3 RM-PS1 TH WD-(1-2)	RS-(1-4) SPE GC
Max Area	<ul style="list-style-type: none"> • 15 sq ft • 5 ft if on perimeter wall 	<ul style="list-style-type: none"> • 15 sq ft • If sign setback 20 ft. from property line, max area may reach 30 sq. ft. • 5 ft if on perimeter wall 	Not Permitted
Height Restrictions	<ul style="list-style-type: none"> • 5 ft. max • Height may be permitted to exceed the maximum through the design review process. However at no time shall height exceed 10 ft. 		
Max Quantity per Frontage	Multiple signs for the same establishment may be permitted through the design review process if the aggregate sign area does not exceed the largest max permitted area	One Wall, Projecting, or Detached	
Setback Requirements	<ul style="list-style-type: none"> • Front yard: 10 ft • Interior side yard: 7.5 ft • Side yard facing a street: 10 ft • Perimeter wall sign: 0 ft 		
Accessory Use	Main permitted use		
Special Conditions	Not permitted in MXE	• In RO, maximum area 10 sq ft	

Sec. 138-20 – Supplemental Design 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. If they are located in a local historic district or upon a historic site then it shall be reviewed by the joint design review and historic preservation board pursuant to chapter 118, article II.

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

- (a) Religious institutions and schools shall be permitted 30 square feet of aggregate signage area, regardless of district regulations. For religious institutions and schools on properties with a lot size greater than 5,000 square feet, the following shall apply:
 - (1) Wall signs shall permitted to exceed the maximum number of signs and maximum sign area under the design review or certificate of appropriateness process, as applicable, up to an aggregate maximum size of 100 square feet per street front.
 - (2) Monument signs shall be limited to one per street front, with each sign not to exceed 15 square feet in sign area. The overall height of the sign, including the base (monument) shall not exceed six feet as measured from grade.
- (b) A temporary sign identifying a religious event or holiday may be permitted under the following criteria:
 - (1) A maximum of one temporary sign per street front, no larger than 30 sq. ft. each.

- (2) Temporary signs may be installed up to 30 days prior to the religious event or holiday and shall be removed at the end of the religious event or holiday.
- (3) Temporary signs may include projected images of the religious event or holiday.
- (4) The design, projection, materials, location and installation method of temporary signs shall be subject to the design review or certificate of appropriateness process, as applicable.

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.
- (d) Illuminated signs shall only consist of flush-mounted, back-lit letters. This does not apply to the MXE district.

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 per for the combined linear frontage within Article II for CD zoning districts.

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 roof signs and pole signs~~ 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.

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

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 ~~flat wall signs~~, 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 two banners per structure, no larger than 30 sq. ft. each.
- (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 (as revised and pending final adoption by City Commission under separate ordinance).

- (a) *Purpose.* Vacant storefronts create blighted economic and social conditions contrary to the viable and healthy economic, aesthetic and social fabric that the city has cultivated and encouraged in its commercial zoning districts. The purpose of this section is to encourage and regulate the screening of the interior of vacant storefronts with aesthetically compatible and attractive material, to obscure the deteriorated or deconstructed conditions of vacant storefronts, and to allow temporary signs to be included on this material.
- (b) *Definition.* For purposes of this section, a vacant storefront is any ground floor business establishment that is unoccupied.
- (c) *Applicability.* The requirements of this section apply only to the ground floor windows and doors of vacant storefronts that face a public right-of-way. If a commercial property is vacant for more than 15 days, all glass surfaces visible to the public shall be kept clean, and the interior of such vacant store shall be screened from public view in one of the following ways, until the property is occupied:
 - (1) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (e); or
 - (2) All glass surfaces visible from the public right-of-way shall be covered as provided in subsection (f).
- (d) *Storefront window cover permitted required for vacant storefronts.* Exterior Windows windows and doors on vacant commercial property may shall be completely substantially screened with an opaque material obscuring the interior. The materials used to satisfy this requirement shall be subject to review and approval by the planning department design review staff, in accordance with applicable design review and historic preservation criteria, and shall consist of 60-pound weight paper, or similar opaque material. Windows covered in accordance with this section shall may remain covered until issuance of a certificate of use or occupancy for the new occupant, whichever occurs first. If the owner of vacant commercial property elects not to utilize one of the signs identified in subsection (e), the owner shall utilize the window covers identified in subsection (f).
- (e) *Temporary signs permitted.* Material applied to windows in conformity with this section shall not contain general advertising signs or other prohibited sign types. Such material may contain applicable property access limitations, including no trespass provisions, as well as signs that comply with the regulations of this chapter, as follows:

- (1) Artistic or super graphics in accordance with section 138-204, which may cover 100 percent of the window; and
- (2) Other types of signage allowed by this chapter, including real estate signs in accordance with section 138-136, and construction signs in accordance with section 138-133; signage under this provision may be incorporated into artistic or super graphics as referenced in (1) above; however, the text of such signage shall be limited to no more than 25 percent of the total window area of the vacant storefront.
- (3) The design and material of all proposed signs under this subsection (e) shall require review by the planning department design review staff, in accordance with applicable design review and historic preservation criteria.
- (f) City-provided storefront cover. The city ~~may also~~ shall produce and provide preapproved storefront covers, ~~for a charge with or without charge, to encourage the coverage of vacant storefronts not complying with subsection (d) above. Such covers may contain applicable property access limitations, including no trespass provisions. Covers provided by the city shall also satisfy the requirements of this section.~~
- (g) Penalties and enforcement. Each day of noncompliance shall constitute a separate offense. The code compliance department is empowered and authorized to require compliance with this section within 30 days of written notice to violators.
 - (1) The following civil fines shall be imposed for a violation of this section:
 - a. First violation within a 12-month period: \$ 250.00;
 - b. Second violation within a 12-month period: 2,000.00;
 - c. Third violation within a 12-month period: \$ 3,000.00;
 - d. Fourth or subsequent violation within a 12-month period: \$ 5,000.00.
 - (2) Enforcement. The code compliance department shall enforce this section. The notice of violation shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, that the violation may be appealed by requesting an administrative hearing before a special master within ten (10) days after service of the notice of violation, and that the failure to appeal the violation within ten (10) days of service shall constitute an admission of the violation and a waiver of the right to a hearing.
 - (3) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal; appeals from decisions of the special master.
 - a. A violator who has been served with a notice of violation must elect to either
 - i. pay the civil fine in the manner indicated on the notice of violation; or
 - ii. request an administrative hearing before a special master to appeal the notice of violation, which must be requested within ten (10) days of the service of the notice of violation.
 - b. The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in sections 30-72 and 30-73 of this Code. Applications for hearings must

be accompanied by a fee as approved by a resolution of the city commission, which shall be refunded if the named violator prevails in the appeal.

- c. The failure to pay the civil fine, or to timely request an administrative hearing before a special master, shall constitute a waiver of the violator's right to an administrative hearing before the special master, and shall be treated as an admission of the violation, for which fines and penalties shall be assessed accordingly.
- d. A certified copy of an order imposing a fine may be recorded in the public records, and thereafter shall constitute a lien upon any real or personal property owned by the violator, which may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the violator's real or personal property, but shall not be deemed to be a court judgment except for enforcement purposes. Three (3) months after the recording of any such lien which remains unpaid, the city may foreclose or otherwise execute upon the lien, for the amount of the lien plus accrued interest.
- e. The special master shall be prohibited from hearing the merits of the notice of violation or considering the timeliness of a request for an administrative hearing if the violator has failed to request an administrative hearing within ten (10) days of the service of the notice of violation.
- f. The special master shall not have discretion to alter the penalties prescribed in this section.
- g. Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

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.

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

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

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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: April 20, 2016

SUBJECT: **Discussion of Comprehensive Plan Amendment Related to Sea Level Rise and Compliance with 2015 Florida Senate Bill 1094, Entitled "Peril of Flood".**

BACKGROUND

On July 1, 2014, the City hired AECOM as a Flood Mitigation Consultant, to perform an analysis of City regulations and practices that can be improved or established in order to mitigate the impacts of anticipated sea level rise.

On April 24, 2015, the Florida Legislature approved Senate Bill 1094, entitled "Peril of Flood," requiring the inclusion of development and redevelopment strategies that reduce flood risks in coastal areas which result from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise within Comprehensive Plan Coastal Management elements.

At the March 15, 2016 meeting of the Mayors Blue Ribbon Panel on Seal Level Rise, the Panel endorsed the proposed amendments to the City's Comprehensive Plan, as recommended by AECOM. On April 13, 2016, the City Commission referred to the proposed Comprehensive Plan amendment to the Land Use and Development Committee (Item C4L). The item was simultaneously referred to the Planning Board. Commissioner Malakoff is sponsoring the proposed amendment.

ANALYSIS

Since mid-2014, the administration has been working with AECOM to prepare climate adaptation plans and strategies as a result of sea level rise. A major component of this analysis has been to review the City's 2025 Comprehensive Plan and to propose amendments that will reduce the City's risks related to sea level rise. AECOM is recommending several amendments to improve storm sewer and drainage levels of service, including the use of landscaping techniques to enhance storm water management and incorporating minimum freeboard requirements into the Land Development Regulations.

In 2015, the Florida Legislature adopted Senate Bill 1094, entitled "Peril of Flood", which requires the Coastal Management elements of local government Comprehensive Plans to include regulations related to the mitigation and reduction of flood risks in coastal

1. *Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.*
2. *Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.*
3. *Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.*

Additionally, in 2011 the Florida Legislature passed the Community Planning Act (CPA), which amended Section 163.3177, Florida Statutes, which allows local governments the option of planning for coastal hazards and the potential impacts of sea level rise within the Comprehensive Plan. This provided local governments with the option of designating Adaptation Action Areas (AAA). The designation is for areas that experience coastal flooding and that are vulnerable to the related impacts of rising sea levels, with the purpose of prioritizing funding for infrastructure and adaptation planning. Local governments that adopt an adaptation action area are able to incorporate policies within the coastal management element of their comprehensive plan to improve resilience to coastal flooding. Criteria for AAA designation includes: areas below, at, or near mean higher high water; areas which have a hydrological connection to coastal waters; or areas designated as evacuation zones for storm surge. Since the entire City meets the designation criteria, it is recommended that the entire City be designated an AAA.

In order to improve the City's ability to mitigate the impacts of sea level rise and comply with Senate Bill 1094, the amendment concerns following elements of the Miami Beach 2025 Comprehensive Plan:

- **Future Land Use Element**
 - Amend Policy 3.6 to encourage the use of landscaping techniques that enhance stormwater management
 - Amend Policy 6.2 to modify the level of service for storm sewer capacity.
- **Infrastructure Element**
 - Amend Policy 4.1 to require that the Land Development Regulations include a freeboard requirement in order to raise the ground floors of new construction.
 - Amend Policy 5 to modify the level of service for the drainage facilities design storm standard.
 - Establish Policy 5.5 to incorporate the use of stormwater storage and infiltration techniques in infrastructure replacement activities.

- **The Conservation/Coastal Zone Management Element**
 - Amend Policy 2.12 to encourage the use of highly water-absorbent native plants.
 - Establish Objective 13 to designate the City of Miami Beach as an AAA pursuant to section 163.3177(6)(g)(10), Florida Statutes and establish resiliency strategies.
- **Capital Improvement Program Element**
 - Amend Policy 5.5 to modify the level of service for storm water drainage.

It is anticipated that the plan amendments would follow this timeline:

Date	Process Step
4/13/2016	CC Referral to LUDC and Planning Board
4/20/2016	LUDC Hearing, May 18
5/24/2016	Planning Board Hearing
6/8/2016	CC Transmittal Hearing
6/9/2016	Transmit to State
6/15/2016	Notice from State of Complete Transmittal
7/15/2016	Review Agency Comments Due
9/14/2016	CC Adoption Hearing
9/15/2016	Submit Adoption Package to Review Agencies
9/20/2016	Notice from State of Complete Submittal
10/21/2016	Appeal Period Ends

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide appropriate policy direction and continue to the May Land Use and Development Committee meeting for review of the ordinance.

JLM/SMT/TRM/RAM

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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: April 20, 2016

SUBJECT: **ANNUAL EVALUATION OF PARKING IMPACT FEE STRUCTURE AND PARKING REGULATIONS**

BACKGROUND

Chapter 130, Article V of the Code of the City of Miami Beach establishes the "Fee in Lieu of Parking Program" where under certain circumstances new development or uses may pay an impact fee to the City if they are not able or do not wish to provide required parking on-site. On September 10, 2014, the City Commission updated the "Fee in Lieu of Parking" from \$35,000 to \$40,000 per parking space, in order to reflect changes in property values and consumer price indexes as required by Section 130-132 (d) of the City Code.

In conjunction with this modification, the City Commission referred a discussion item to the Land Use and Development Committee pertaining to the current off-street parking requirements in Chapter 130 of the City Code. On January 21, 2015 the Land Use and Development Committee discussed the item and expressed some concern with the related fiscal impact of modifying the annual fee-in-lieu, as well as expanding the program into historic districts. The committee continued the item and requested that a fiscal analysis be prepared.

On May 27, 2015, the Land Use and Development Committee discussed the item and continued the parking impact fee portion of this item to the September 9, 2015 meeting, and directed the Administration to prepare a draft Ordinance on the remaining items, to be presented at the July 29, 2015 meeting. On July 29, 2015, the Land Use and Development Committee continued the item to the September 9, 2015 meeting.

On September 9, 2015, the Land Use and Development Committee continued the item to the November 18, 2015 meeting. The November 18, 2015 Land Use and Development Committee meeting was cancelled, as was the December 2, 2015 meeting. On January 20, 2016, the item was continued to February 17, 2016. On February 17, 2016 the item was continued to a date certain of April 20, 2016.

ANALYSIS

Attached is a current summary of all outstanding parking impact fee accounts, including those with payment plans. The Planning and Finance Departments continue to be diligent as it pertains to past due bills.

Also, as previously directed by the Land Use Committee, attached is a draft ordinance that proposes modifications to Chapter 130 to simplify and clarify existing procedures and standards for off-street parking. The changes proposed do not modify or affect the number of off-street parking spaces required within each of the City's Parking Districts.

The attached ordinance proposes a number of grammatical and scrivener's error corrections, as well as the following non-substantive changes:

- Augmenting text descriptions of the various parking districts with maps.
- Clarifying and simplifying the procedures and requirements related to providing required parking spaces off-site, including a definition for distance measurement.
- Clarifying and simplifying minimum parking space dimension requirements.
- Clarifying when fees in lieu of providing required parking are assessed and that such fees have been incorporated into the fee schedule (Appendix A) of the Land Development Regulations.
- Updating obsolete reference citations.

The proposed ordinance also includes some substantive changes, which are designed to further clarify, streamline and simplify the application and administration of chapter 130. The following is a side-by-side comparison of these proposed modifications:

Current Code	Proposed Ordinance
Variance prohibition for required parking currently located in Sec. 118-353	Re-stated in Sec. 130-30
Required parking spaces cannot be removed except to accommodate trash rooms or ADA requirements	Non-conforming parking spaces can also be removed
When multiple parking reductions apply, the code does not establish an order of the reductions	Multiple reductions would be calculated in the order they appear in the code
Fractional parking credits or reductions are not specifically addressed	Fractional parking credits or reductions are rounded <i>down</i> to the nearest whole number
Signage for accessory uses in	Parking garage accessory use signage

parking garages are limited to 10 square feet per use	requirements are subject to the regulations of Chapter 138 (signage)
Temporary Parking Lot Time Frames: 3 year initial approval; Up to a 2 year extension by Planning Board; Up to 5 separate 1 year extensions by Planning Director. Max Time: 10 Years	Temporary Parking Lot Time Frames: 3 year initial approval; Up to 7 year extension by Planning Board. Max Time: 10 Years
Landscaping requirements listed in the temporary and provisional lot standards	Landscaping requirements moved to Chapter 126 (Landscaping)
Fee in Lieu of parking <i>shall</i> be evaluated yearly based on CPI by the Planning Director	Fee in Lieu of parking <i>may</i> be evaluated yearly based on CPI by the City Commission
Parking credits issued for buildings built before October 1989 based on parking code from 1989	Parking credits issued for the prior use based on current code
Current code does not address a mixture of parking credits and parking spaces used to satisfy required parking	Clarifies that a project can use a mixture of parking credits and parking on-site to satisfy required parking
Underutilized parking lots and garages are required to submit annual reports	Underutilized parking lots and garages would be required to submit an updated report only when there are changes proposed
Current code lacks clarity as it pertains to requirements for valet and tandem parking spaces	Clarifies the minimum distance requirement, size, and restrictive covenants required for valet and tandem spaces

Municipal Mobility Fee

The City is currently in the initial study phase of a future municipal mobility fee process, which is expected to replace the current concurrency management process. It is anticipated that the parking impact fee program may be able to be rolled into the municipal mobility fee. As this process moves forward, additional modifications to chapter 130 will be required.

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 issues discussed herein, it is recommended that the proposed Ordinance be sent to the City Commission for referral to the Planning Board.

JLM/SMT/TRM/RAM

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Planning Department
FY10 - FY16
As of 04/8/2016

Fee in Lieu of Parking Accounts with Outstanding Balances

	<u>Invoiced Amount</u>	<u>Paid Amt</u>	<u>Amount Due</u>
Total	\$ 638,768.10	\$ 99,287.10	\$ 539,481.00
Total Number of Accounts with Outstanding Balances		18	

Payment Plans

<u>Customer</u>	<u>Total Amount Due</u>	<u>Paid to Date</u>	<u>Balance</u>
Total	\$ 177,810.00	\$ 63,685.64	\$ 114,124.36
Total Number of Accounts with Payment Plan Agreements		12	

Off-Street Parking Regulations

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE I, "IN GENERAL," ARTICLE III, "DESIGN STANDARDS," ARTICLE V, "FEE IN LIEU OF PARKING PROGRAM," ARTICLE VI, "PARKING CREDIT SYSTEM," ARTICLE VII, "SURPLUS AND UNDER-UTILIZED PARKING SPACES," AND ARTICLE IX, "VALET AND TANDEM PARKING", BY AMENDING AND CLARIFYING STANDARDS AND PROCEDURES FOR OFF-STREET PARKING REQUIREMENTS; PROVIDING 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, regulation of standards for off-street parking improves the health, safety, and welfare of the City's residents; and

WHEREAS, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved in the City.

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

SECTION 1. That Chapter 130, "OFF-STREET PARKING", is hereby amended, as follows:

Chapter 130 - OFF-STREET PARKING

ARTICLE I. - IN GENERAL

Secs. 130-1—130-29. – Reserved.

Sec. 130-30. - Variances for off-street parking requirements.

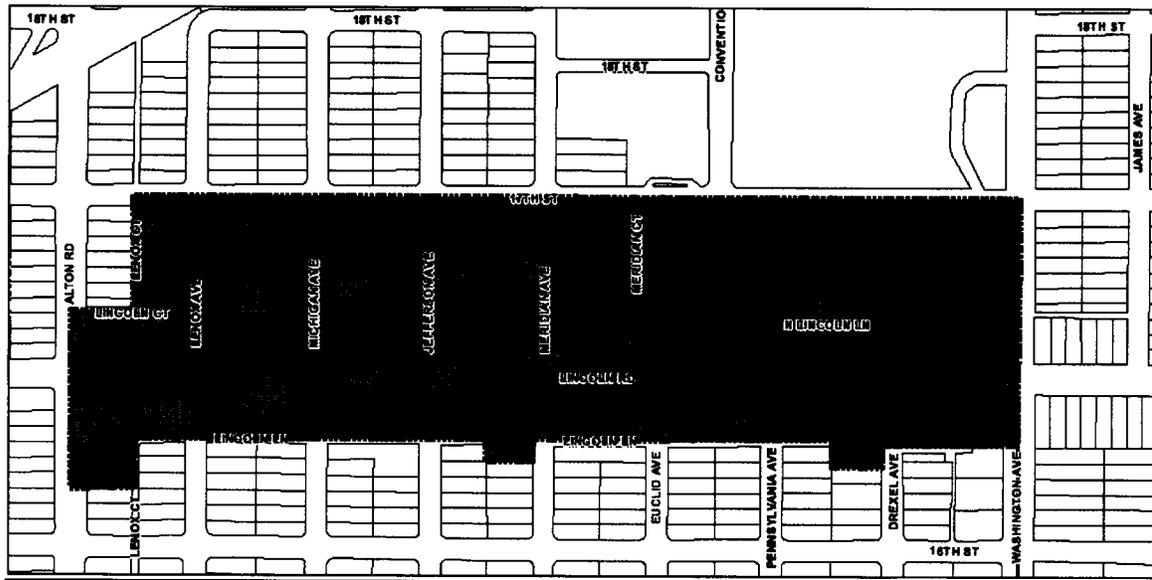
Variances for off-street parking requirements shall be prohibited unless explicitly authorized in this chapter.

ARTICLE II. - DISTRICTS; REQUIREMENTS

Sec. 130-31. - Parking districts established.

(a) For the purposes of establishing off-street parking requirements, the city shall be divided into ~~six~~ the following parking districts.

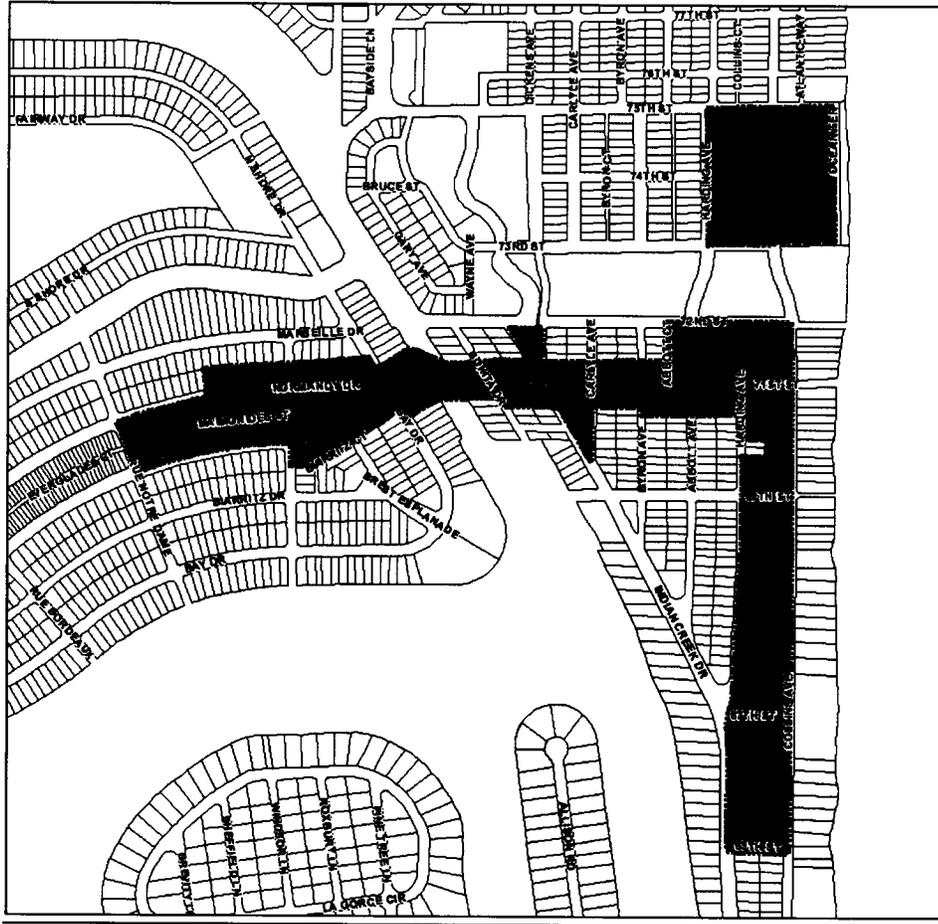
- (1) *Parking district no. 1.* Parking district no. 1 is that area not included in parking districts nos. 2, 3, 4, 5, 6, and 7.
- (2) *Parking district no. 2.* Parking district no. 2 includes those properties with a lot line on Lincoln Road from the west side of Washington Avenue to the east side of Alton Road and those properties north of Lincoln Road and south of 17th Street from the west side of Washington Avenue to the east side of Lenox Court, as depicted in the map below:-



- (3) *Parking district no. 3.* Parking district no. 3 includes those properties in the CD-3 commercial high density zoning district within one block north or south of Arthur Godfrey Road from the east side of Alton Road to west side of Indian Creek Waterway, as depicted in the map below:-



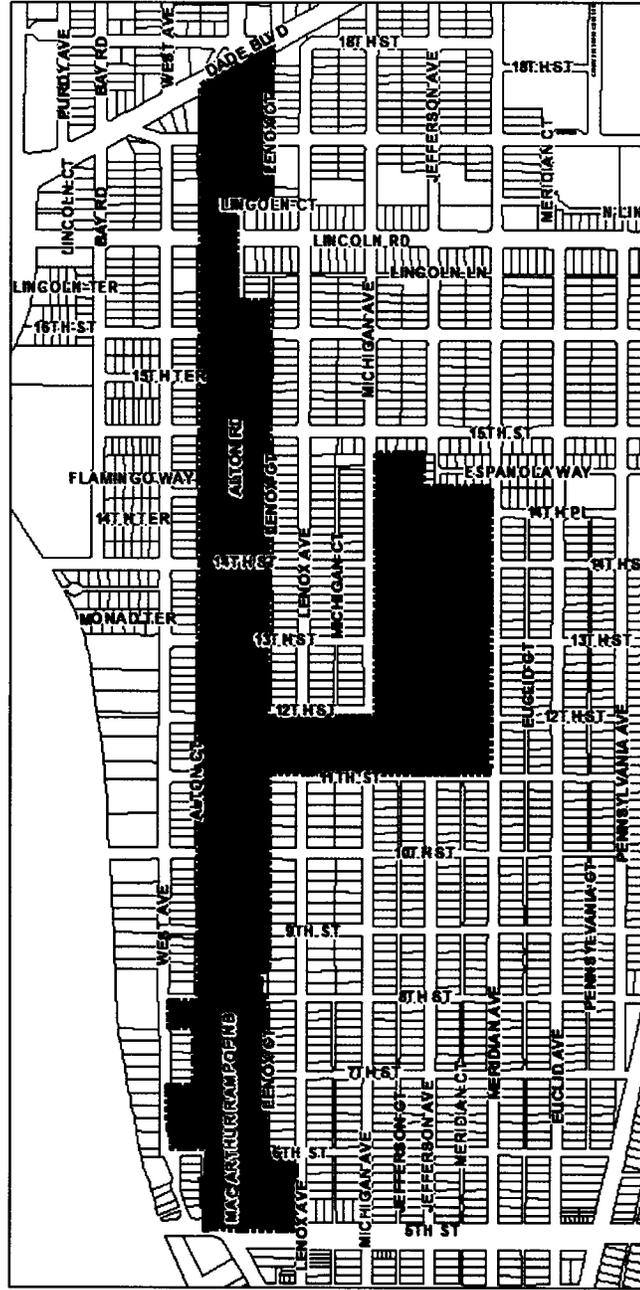
- (4) *Parking district no. 4.* Parking district no. 4 includes those properties within the TC-1 and TC-2 commercial district in the North Beach Town Center and those properties in CD-2 districts with a lot line on 71st Street, or between 67th Street and 72nd Street, from the west side of Collins Avenue to the east side of Rue Notre Dame, and those properties with a lot line on Normandy Drive from the west side of the Indian Creek Waterway to the east side of Rue Notre Dame, and those properties in the CD-2 and MXE districts between 73rd Street and 75th Street, as depicted in the map below:-



- (5) *Parking district no. 5 - Sunset Harbour Neighborhood.* Parking district no. 5 includes those properties generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east and Dade Boulevard on the south, as depicted in the map below:-



- (6) *Parking district no. 6.* Parking district no. 6 includes those properties between Alton Court (alley) and Lenox Court (alley), or with a lot line on Alton Road, where an alley does not exist, from 5 Street on the south to Dade Boulevard on the north, with the exception of properties included in parking district no. 2, as depicted in the map below:



(7) *Parking district no. 7.* Parking district no. 7 includes those properties with a lot line on Washington Avenue from 6th Street to Lincoln Road, excluding those properties in parking district no. 2, as depicted in the map below:-

* * *

Sec. 130-35. - Removal of existing parking spaces.

Except as provided for within subsection 130-132(c), no existing required parking space, which is legally conforming, may be eliminated for any use. However, notwithstanding the forgoing, the elimination of any such legal conforming, required parking space for the purposes of addressing Americans with Disabilities Act (ADA) compliance or for the creation of an enclosed dumpster/trash area when there has been a determination by the planning and zoning director of no feasible alternate location shall be permitted without the need to replace such space or payment of an impact-fee in lieu of required parking.

Sec. 130-36. - Off-site parking facilities.

(a) All parking spaces required in this article shall, shall be provided on a self-park basis or valet parking basis in accordance with section 130-251, and shall be located on the same lot with the building or use served, or offsite if one of the following conditions is met: within a distance not to exceed 500 feet from such lot, or 1,200 feet (i) if located in the architectural district or a local historic district, or (ii) the parking lot is operated on a valet basis as per section 130-35. The distance separation shall be measured by following a straight line from the lot on which the main permitted use is located to the lot where the parking lot or garage is located.

(1) The parking is within a distance not to exceed 1,200 feet of the property with the use(s), if located in the architectural district or a local historic district.

(2) The parking is within a distance not to exceed 500 feet of the property with the use(s), when the use is not located in the architectural district or a local historic district.

The foregoing distance separation shall be measured by following a straight line from the property line of the lot on which the main permitted use is located to the property line of the lot where the parking lot or garage is located.

(b) Where the required parking spaces are not located on the same lot with the building or use served and used as allowed in section 130-32, a unity of title or for nonadjacent lots, either a unity of title or a ~~restrictive~~ covenant in lieu of unity of title for parking unification shall be ~~prepared~~ required for the purpose of insuring that the required parking is provided. Such unity of title or restrictive covenant shall be executed by owners of the properties concerned, approved as to form by the city attorney, recorded in the public records of the county as a covenant running with the land and shall be filed with the application for a building permit.

~~(e) Temporary parking lot facilities shall be pursuant to section 130-68~~

Sec. 130-37. - Interpretation of off-street parking requirements.

- (a) The parking required herein is in addition to space for storage of trucks or other vehicles used in connection with a business, commercial, or industrial use.
- (b) Where fractional spaces result, the number of required parking spaces required shall be rounded up to the nearest whole number.
- (c) The parking space requirements for a use not specifically listed in this section shall be the same as for a listed use which generates a similar level of parking demand.
- (d) In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately, except when the amount of required parking spaces is computed under the shared parking provisions as set forth in section 130-221
- (e) Whenever a building or use, constructed or established after the effective date of these land development regulations, is changed or enlarged in floor area, number of apartment or hotel units, seating capacity or otherwise, to create a requirement for an increase in the number of required parking spaces, such spaces shall be provided, or the impact fee paid, whichever is permitted under these land development regulations, on the basis of the enlargement or change, pursuant to the procedures for establishing parking credits described in section 130-161.
- (f) Whenever a proposed use does not indicate the specific number of persons to occupy such area, the required parking shall be computed on the basis of one person per 15 square feet of floor area, the parking requirement shall then be calculated as listed in sections 130-32 through 130-34.
- (g) ~~Handicapped~~ Accessible parking facilities shall be provided as required by the South Florida Building Code. These spaces shall be included within the amount of parking that is required under these land development regulations.
- (h) For nonresidential uses, the parking calculation shall be the gross floor area of the building.
- (i) When multiple reductions can be applied to the required parking calculation, they shall be applied in the order in which they appear in the land development regulations.
- (j) When applying parking credits or reductions, any fractional spaces shall be rounded down to the nearest whole number.

* * *

ARTICLE III. - DESIGN STANDARDS

Sec. 130-61. - Off-street parking space dimensions.

With the exception of parking spaces that are permitted in sections 130-101, 130-251, and 130-281, a standard off-street parking space shall be an all-weather surfaced area, not in a street or alley according to the following standards; ~~and having a width of not less than eight and one-half feet and a length of not less than 18 feet, or when located outdoors, 16 feet with two feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of 18 feet. The provision of having a two-foot pervious area overhang in standard parking spaces may be waived at the discretion of the planning and zoning director in those instances where said overhang is not practical. In no instance, however, shall the length of any standard off street parking space be less than 18 feet, unless indicated in sections 130-401, 130-251, and 130-281 herein. A standard parallel parking space shall be an all-weather~~

surfaced area, 21 feet in length and eight and one-half feet wide. The length required shall be measured on an axis parallel with the vehicle after it is parked. The width required is to be column-free clear space, except for those standard off-street parking spaces immediately adjacent to a structural column within an enclosed parking structure which may have a width of eight feet. The required area is to be exclusive of a parking aisle or drive and permanently maintained for the temporary parking of one automobile. See section 130-251 for valet parking standards.

- (1) A standard parking space shall have a width of not less than eight and one-half feet and a length of not less than 18 feet, or when located outdoors, 16 feet with two feet of pervious area overhang, in place of wheel stops and defined by continuous concrete curb, for a total length of 18 feet. The provision of having a two-foot pervious area overhang in standard parking spaces may be waived at the discretion of the planning and zoning director in those instances where said overhang is not practical. In no instance, however, shall the length of any standard off-street parking space be less than 18 feet, unless indicated in sections 130-101, 130-251, 130-281, 130-69 and 130-61 (2) herein.
- (2) A standard parallel parking space shall have a width of not less than eight and one-half feet wide and a length of not less than 21 feet. The length required shall be measured on an axis parallel with the vehicle after it is parked. The width required is to be column-free clear space, except for those standard off-street parking spaces immediately adjacent to a structural column within an enclosed parking structure which may have a width of eight feet. The required area is to be exclusive of a parking aisle or drive and permanently maintained for the temporary parking of one automobile. See section 130-251 for valet parking standards.
- (3) Lots which are 55 feet wide or less may have 90° parking stalls measuring 8½ feet by 16 feet.

Sec. 130-67. - Screening and landscaping.

At-grade parking lots and parking garages shall conform to the minimum landscape standards as set forth in ~~section 126-6~~ Chapter 126.

Sec. 130-68. - Commercial and noncommercial parking garages.

Commercial and noncommercial parking garages as a main use on a separate lot shall be subject to the following regulations, in addition to section 142-1107 - Parking lots or garages on certain lots and the other regulations of this article:

* * *

- (2) When located in the RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3 and R-PS4 districts and the GU districts adjacent to residential districts, the following regulations shall apply:

* * *

- b. In addition, the following shall apply:

* * *

In no instance shall the above described combined residential and/or commercial space exceed 25 percent of the total floor area of the structure, with the commercial space not exceeding ten percent of the total floor area of the structure, nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage. ~~Signage for commercial uses allowable under this provision are limited to one nonilluminated sign no greater than ten square feet in area per business.~~

Sec. 130-69. - Commercial and noncommercial parking lots.

Commercial and noncommercial parking lots as a main use on a separate lot shall be subject to the following regulations, in addition to section 142-1107 - Parking lots or garages on certain lots and the other regulations of this article:

- (1) The required front and rear yards shall be those of the underlying district.
- (2) The required side yards shall be as follows:

Lot Width	Side Yard Setbacks
55 feet wide or less	Two feet
Between 56 and 100 feet, inclusive	Five feet
Greater than 100 feet	Ten feet

- ~~(3) Lots which are 55 feet wide or less may have 90° parking stalls measuring 8½ feet by 16 feet.~~

Sec. 130-70. - Temporary parking lot standards.

- (1) Temporary commercial or noncommercial parking lots may be operated in the MR marine district, GU government use district, MXE mixed use entertainment district, I-1 urban light industrial district or in any commercial district. These lots may be operated independent of a primary use. Temporary, noncommercial lots may be located in the R-PS1—4 and in any multifamily residential district or within the architectural district as

defined in section 114-1. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.

- (2) Parking lots shall be brought to grade with no less than one inch of asphalt over a four-inch lime rock base; however, the public works director may require a six-inch lime rock base or thicker asphalt based upon conditions at the site, the intensity of the use at the site or if trucks are intended to be parked on the site that would require the additional base support. Surface stormwater shall not drain to adjacent property or a public right-of-way. If the public works director determines that there is insufficient area to accommodate drainage, additional measures may be required to adequately drain stormwater runoff.
- (3) Should the city manager find that the operation of a temporary parking lot has an adverse effect on the welfare of surrounding properties, he may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.
- (4) Use of temporary parking lots shall not be for parking which is required by these land development regulations.
- (5) All lots considered under this article shall be reviewed pursuant to the design review regulations.
- (6) All lots located south of Biscayne Street or located in a residential zoning district shall require a public hearing pursuant to the conditional use procedures as set forth in chapter 118, article IV.
- (7) Temporary parking lots shall not be permitted to exist for a period of time greater than three years from the date of certificate of occupancy or occupational license (business tax receipt), whichever occurs first, regardless of ownership. At the end of this period, or such extensions that may be granted as contemplated herein, if the lot continues to be used for the purposes of parking, a permanent lot shall be constructed in conformity with these land development regulations. ~~however, p~~ Prior to the expiration of an approved temporary parking lot, or not later than 90 calendar days after the expiration of such ~~approval~~ approved temporary parking lot, an applicant may request from the planning board ~~one initial~~ an extension of time for a period not exceeding two seven years. In ~~granting~~ reviewing the initial extension of time request or subsequent progress reports as may be required, ~~or considering an appeal from the planning director's decision regarding an extension of time (as provided below)~~, the board shall consider, among other things, whether the applicant has complied with all of the applicable requirements of these land development regulations, and any conditions imposed by the planning board, if any, during its period of operation, as well as any landscaping on the property that may not be in compliance with the requirements of chapter 126 listed below. The notice of public hearing requirements shall be as set forth in chapter 118, article IV.

~~After the first extension of time, and prior to expiration, or not later than 90 calendar days after the expiration of such approval, an applicant may request from the planning director not more than five extensions of time for periods not to exceed one year each. In considering a request for an extension of time, the director shall consider the same criteria considered by the planning board as specified above.~~

~~An applicant may request from the planning board a further extension of time for a period not to exceed two years for approved temporary parking lots that have held a temporary parking lot license (n/k/a business tax receipt), if they have availed themselves of all applicable extensions of time, and are expiring no later than July 31, 2011, inclusive of parking lots in the MXE (east side of Collins Avenue) district. When requesting the additional two year extension of time from the planning board, the applicant shall comply with the setback requirements for parking lots in the underlying zoning district, as determined by the planning director, and satisfy the landscaping requirements for permanent parking lots. After this two-year extension, no more than three one-year extensions may be requested from the planning director.~~

At the end of all applicable extensions of time for a temporary parking lot, unless a permanent is constructed in conformity with these land development regulations the lot shall cease to be used for parking and the asphalt and rock base shall be removed and replaced with soil and landscaping, which shall be maintained until the property is developed for a use permitted in the zoning district. The owner of the property shall be responsible for maintaining such property and the landscaping. A plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation shall be submitted to, and approved by, the planning department as part of the last administrative request for extension of time.

~~The decision of the director with respect to an extension of time may be appealed by the applicant to the planning board. The appeal shall be in writing and shall be submitted to the planning director on or before the 20th day after the date of the decision of the planning director. Review of the decision of the planning board shall be to a court of competent jurisdiction by petition for writ of certiorari.~~

(8) Landscaping requirements shall be pursuant to the requirements of Chapter 126.

~~A landscape plan that specifies and quantifies the existing and/or proposed plant material inclusive of mature shade trees, hedge material, ground cover and in-ground irrigation shall be submitted for review and approval by the planning department, according to the following criteria:~~

- ~~a. At a minimum, the plan shall indicate a five foot wide, landscaped area bordering the surface area along a property line, street, alley or sidewalk. The areas fronting a street or alley shall be landscaped with a grouping of three palms every 15 linear feet of frontage or one canopy tree every 20 feet of frontage. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department.~~
- ~~b. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; hedges on street or alley frontages shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and shall not exceed 60 inches (five feet) at maturity.~~
- ~~c. For temporary parking lots seeking an extension of time from the planning board, the interior landscaping of lots exceeding 55 feet in width, shall be a minimum of five percent of net interior area. One shade tree or grouping of three palms with a clear trunk of at least six feet shall be provided for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to divide and break up the expanse of paving. Parking lots that are 55 feet wide or less shall not be required to provide interior landscaping.~~

- ~~d. Landscaped areas shall require protection from vehicular encroachment. Car stops shall be placed at least 2½ feet from the edge of the paved area.~~
 - ~~e. Notwithstanding the dimensions of a parking lot, an in-ground irrigation system that covers 100 percent of the landscaped areas shall be required and shown on the landscape plan.~~
 - ~~f. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a temporary parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to, cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.~~
- (9) If the lot is paved and not operated on a valet basis, then all parking spaces shall be marked by painted lines or curbs or other means to indicate individual spaces and wheel stops shall be provided. Vehicles shall not back out onto any street. The size of the parking spaces, back-out areas and exit/interior drives shall not have dimensions less than those required in sections 130-61 and 130-64. Lots operated on a valet basis shall have wheel stops at the edge of the pavement. All wheel stops required in this subsection shall be placed no less than four feet away from each other.
- (10) Prior to the issuance of a building permit, the planning department shall approve the site and landscaping plans. Prior to the issuance of an occupational license, the department shall approve the placement, quality and size of landscaping material.
- (11) Any temporary parking lot that is nonconforming to these regulations six months after the effective date of these land development regulations or upon the expiration date of an existing occupational license, whichever is later, shall cease to exist.

Sec. 130-71. - Provisional parking lot standards.

When permitted, the following standards are established for provisional parking lots:

- (1) Provisional commercial or noncommercial parking lots may be operated in the CD1-3 (commercial, low to high intensity) districts, CPS-1 and 2 (commercial performance standards districts), I-1 (urban light industrial) district, and MXE (mixed use entertainment) district. These lots may be operated independent of a primary use. One sign per street frontage is permitted. The maximum size of each sign shall be five square feet per 50 feet of street frontage, not to exceed 20 square feet. This sign shall also include copy that indicates the name of the operator, the phone number of operator to report complaints, the phone number for Code Compliance, and who can use the parking facility; i.e., whether it is open to the general public, private, valet or self-parking.
- (2) Provisional parking lots shall be brought to grade with a dust-free surface of no less than two inches of crushed rock. Prior to the issuance of an occupational license for a provisional parking lot, the applicant shall submit a plan which addresses the regular maintenance and watering of the parking and landscaped surfaces; such plan shall be approved by the planning department and monitored

for compliance. Surface stormwater drainage shall be approved by the public works department.

- (3) Should the city manager find that the operation of a provisional parking lot has an adverse effect on the welfare of surrounding properties, ~~he~~ the manager may revoke the license pursuant to the procedures set forth in section 102-383 upon 48-hour written notification to the applicant.
- (4) Use of provisional parking lots shall not be for parking which is required by these land development regulations.
- (5) Provisional parking lots shall not be permitted to exist for a period of time greater than one year from the date of certificate of occupancy, or occupational license issuance, whichever occurs first, regardless of ownership. At the end of this period, if the lot continues to be used for the purposes of parking, a temporary or permanent lot shall be constructed in conformity with these land development regulations; however, an applicant may request one extension of time for a period not exceeding six months from the planning director. Any further extension of time shall be prohibited.
- (6) Landscaping requirements shall be pursuant to the requirements of Chapter 126:
 - ~~a. A landscape plan that specifies and quantifies the proposed and/or existing plant material inclusive of mature shade trees, hedge material and ground cover shall be submitted for review and approval by the planning department.
At a minimum, the plan shall indicate a two feet six inches (2½ feet) wide, landscaped area bordering the surfaced area along all property lines. All landscaped areas shall utilize St. Augustine grass or planted material acceptable to the planning department. A hedge that is at least 36 inches in height at the time of planting shall be installed on the entire perimeter of the lot; the side or sides of the lot that face a street or an alley shall not exceed 42 inches in height at maturity. The hedge material planted on any side of the lot that abuts the lot line of another property shall be at least 48 inches (four feet) in height at time of planting and 60 inches (five feet) at maturity.~~
 - ~~b. The areas fronting a right-of-way or an alley shall be landscaped with a grouping of three palms every 20 linear feet of frontage or one canopy tree every 25 feet of frontage.~~
 - ~~c. An in-ground irrigation system that covers 100 percent of the landscaped areas shall be required.~~
 - ~~d. All landscaping that is placed on the lot shall be maintained in good condition so as to present a healthy, neat and orderly appearance. Prior to the issuance of an occupational license for a provisional parking lot, the applicant shall submit a plan for a recurring maintenance schedule that includes, but is not limited to cleaning the lot, clipping of hedge material, removing and replacement of dead plant material, fertilization and irrigation. This maintenance plan shall be approved by the planning department.~~
- (7) All lots considered under this article shall be reviewed pursuant to the design review process.

- (8) If the lot is not operated on a valet basis, all parking spaces shall be marked by painted lines or curbs or other means to indicate individual spaces and wheel stops shall be provided. Vehicles shall not back out onto any street. The size of the parking spaces, back-out areas and exit/interior drives shall not have dimensions less than those required in sections 130-61 through 130-64. Lots operated on a valet basis shall have wheel stops at the edge of the parking surface. All wheel stops required in this subsection shall be placed no less than four feet away from each other.
- (9) Prior to the issuance of a building permit, the planning department shall approve the site and landscaping plans. Prior to the issuance of an occupational license, the division shall approve the placement of landscaping.
- (10) The applicant for a provisional parking lot must provide a written statement from the property owner as part of the required submission for the lot, acknowledging that the owner is fully and solely responsible for eliminating any contamination resulting from lack of a drainage system on the unpaved lot and indemnifying and holding the city harmless from loss or damage arising from any contamination on the lot, in a form approved by the city attorney's office.
- (11) No variances shall be granted from the requirements of this section.
- (12) At the time the provisional parking lot ceases to exist, all crushed rock material shall be removed within 30 days and replaced with sod and/or landscaping as determined acceptable by the planning, design and historic preservation division. This provision shall not apply to existing lots where crushed rock was legally in place at the time of the passage of these land development regulations.

ARTICLE V. - FEE IN LIEU OF PARKING PROGRAM

Sec. 130-132. - Fee calculation.

- (a) *New construction.* The fee in lieu of providing parking for new construction shall be satisfied by a one-time payment at the time of issuance of a building permit ~~of \$35,000.00 per parking space. The amount of such one-time fee may be changed in accordance with subsection (d) of this section~~ is set forth section 118-7.
- (b) *Existing structures and outdoor cafes.* When alteration or rehabilitation of a structure results in an increased parking requirement, or an outdoor cafe is created or expanded, the fee in lieu of providing parking shall be satisfied by one of the following:
 - (1) A one-time payment as set forth in subsection (a) of this section.
 - (2) A yearly payment in the amount ~~of two percent of the payment required by subsection (a) of this section set forth in 118-7,~~ which shall continue as long as the use exists. (The amount of such payment may vary from year to year in accordance with the determination set forth in subsection (d) of this section.) However, in lieu of continued yearly payments, a one-time redemption payment may be made at any time of the full

amount due pursuant to subsection (a) of this section minus the amount of money already paid through yearly payments; such amount shall be based upon the latest determination made pursuant to subsection (d) of this section as of the time of the redemption payment rather than upon the amount which would have been due if the fee had been paid at the time of issuance of the building permit. However, when new floor area is added to the existing building, the impact fee in lieu shall be as set forth in subsection (a) of this section.

- (c) *Removal of existing parking spaces in a historic district.* Whenever an existing required parking space is removed or eliminated for any building that existed prior to October 1, 1993, which are located within the architectural district, a contributing building within a local historic district, or any individually designated historic building, a fee in lieu of providing parking shall be required if a replacement parking space is not provided pursuant to section 130-36 on site or within 500 feet of the site or within 1,200 feet of the site if in the architectural district. Such fee shall be satisfied as set forth in subsection (b), above. In no case shall the removal of parking spaces result in less than one parking space per residential unit or 50 percent of the required parking for commercial uses. This subsection shall not prohibit the removal of grade level parking spaces located within the front, side street or interior side yards of a lot ~~which has a designated contributing building within a designated historic district,~~ should those parking spaces be nonconforming. ~~This subsection shall not prohibit the removal of grade level parking spaces located within the front yard or side yard facing a street of a lot which has a noncontributing building within a designated historic district, should those parking spaces be nonconforming.~~ Any request for the removal of parking spaces under this subsection shall only be approved with the applicant's consent. ~~The parking department shall advise the planning department and the joint design review/historic preservation board of the impact of the removal of any parking spaces.~~
- (d) *Annual evaluation.* The amount determined to be the city's total average cost for land acquisition and construction of one parking space shall may be evaluated yearly ~~each May~~ by the city commission ~~planning director~~ based upon the Consumer Price Index (CPI). If determined appropriate, the city commission may amend the fee structure in this section by resolution.

Sec. 130-133. - Fee collection.

(a) *New construction.*

- (1) *One time payment.* For new construction the fee in lieu of providing parking shall be paid in full ~~at the time of application for the~~ prior to obtaining a full building permit. Such fee shall be refunded, upon the request of the applicant, if construction does not commence prior to expiration of the building permit.
- (2) *Yearly fee.* For those projects which are eligible for and elect a yearly payment plan, the first fee-in-lieu payment shall be paid ~~prior to the issuance of a building permit and shall be applied at the time the certificate of use is issued.~~ If no building permit is needed, the first payment shall be due at the time the occupational license or certificate of use, whichever is earlier, is issued. The amount due shall be prorated from September 30. The second payment shall be due Jun 1 following the issuance of the occupational license or certificate of use, whichever is earlier, and the amount due shall be prorated. Subsequent annual payments shall be paid in full by June 1 as long as the use exists, ~~the amount of the payment is set forth in subsection 130-132(b)(2).~~
- (b) *Existing structures.* For existing structures and those which elect a yearly payment plan, the first fee-in-lieu payment shall be paid ~~prior to the issuance of a building permit and shall be~~

~~applied at the time the certificate of use is issued. If no building permit is needed, the first payment shall be due at the time the occupational license or certificate of use, whichever is earlier, is issued. The second payment shall be due June 1 following the issuance of the occupational license or certificate of use, whichever is earlier, and t The amount due shall be prorated from September 30. Subsequent annual payments shall be paid in full by June 1 as long as the use exists, t The amount of the payment is set forth in subsection 130-132(b)(2).~~

- (c) *Existing structures; one time redemption payment.* For existing structures, a one time redemption payment may be made at any time and shall be in the amount determined by application of the formula for a one time payment as set forth in subsection 130-132(b)(2).
- (d) *Late payments.* For late payments, monthly interest shall accrue on unpaid funds due to the city under the fee-in-lieu program at the maximum rate permitted by law. Additionally, a fee in the amount of two percent of the total due shall be imposed monthly to cover the city's costs in administering collection procedures.
- (e) *Failure to pay.* Any participant in the fee-in-lieu program who has failed to pay the required fee within three months of the date on which it is due shall be regarded as having withdrawn from the program and shall be required to provide all parking spaces required by these land development regulations or cease the use for which such spaces were required. Failure to comply shall subject such participant to enforcement procedures by the city and may result in fines of up to \$250.00 per day and liens as provided by law.

ARTICLE VI. - PARKING CREDIT SYSTEM

Sec. 130-161. - Regulations.

~~Whenever a lawfully permitted building or use that was established prior to October 1, 1989, is changed in a manner that results in an increase in the number of required parking spaces, the following regulations shall apply. Any building or use that lawfully existed on October 1, 1989, shall receive a parking space credit equal to the number of parking spaces required prior to the adoption of these land development regulations. Such building or use shall receive a parking credit equivalent to the adopted parking requirement for the building or uses in existence at the time of application for a building permit or change of use. The most recent available certificate of use or certificate of occupancy shall be utilized to determine the credit. If a building or use was established prior to the adoption of a parking district that reduces the parking requirement, the parking credit shall be calculated pursuant to the parking requirements of parking district no 1. The parking credit shall be calculated at the time of building permit or change of use application and run with the land and shall be applied toward the required parking as follows:~~

- (1) The parking credit shall only be applied to the area within the existing shell of the building, unless otherwise specifically provided in Chapter 118, Article IX, of these land development regulations.
- (2) Parking credits shall not be applicable to buildings or portions of a building that have been demolished, unless otherwise specifically exempted in Chapter 118, Article IX, of these land development regulations.
- (3) ~~Parking credits in the MXE mixed use entertainment district shall only be applied as of November 5, 1990. Parking credits in the redevelopment area shall only be applied as~~

~~of the effective date of these land development regulations. Any existing use in the MXE mixed use entertainment district or redevelopment area which has satisfied the parking requirement through participation in the parking impact fee program may have its parking impact fee adjusted for parking credits at the next due date for payment. No reimbursement or prorating shall be allowed. In order to calculate the parking requirement of a proposed use, the parking credit shall be subtracted from the total parking requirement of the proposed use. The additional required parking shall be provided pursuant to the requirements of section 130-36 or if eligible, the fee in lieu of parking program described in Article V of this chapter.~~

- (4) Existing required parking spaces, inclusive of spaces for which a complete fee in lieu of required parking was made, for a building or use shall not count towards meeting additional required parking for a proposed use, unless the total number of existing required parking spaces exceeds the total number of required parking spaces of the proposed use.

ARTICLE VII. - SURPLUS AND UNDER-UTILIZED PARKING SPACES

Sec. 130-191. - Surplus parking spaces.

~~When a development contains parking spaces in excess of the number required by these land development regulations, such spaces shall be considered as surplus parking. These surplus spaces may be leased to utilized by another property for use as required parking spaces, if pursuant to the off-site parking requirements of section 130-36, the surplus spaces are within 500 feet of the development leasing such spaces or within 1,200 feet of the development leasing such spaces in the City of Miami Beach Architectural District. The lease agreement shall be approved by the planning and zoning director and the city attorney's office prior to its execution and it shall be recorded in the public records of the county, for each of the affected properties, prior to the issuance of a building permit or occupational license, whichever is earlier. When the development that contains the surplus parking changes to a use that requires additional parking, such use shall not receive a building permit or occupational license until the city receives documentation that a parking shortfall has not been created for any other use that may have been utilizing the surplus parking.~~

Sec. 130-192. - Under-utilized parking spaces.

~~When a building or development contains required parking spaces that are being under-utilized, such spaces may be leased to utilized by another party. However such under-utilized spaces shall not be considered as required parking spaces of the lessee another party. In order to determine if a development has under-utilized spaces, the applicant shall submit an annual report to the planning and zoning director substantiating this finding. The director shall may approve or deny the report request, and any subsequent request for modification based upon the report of the city department verifying the results of the annual report. An application fee plus a fee per space as provided in appendix A shall be paid for purposes of offsetting the cost of administrating this article.~~

ARTICLE IX. - VALET AND TANDEM PARKING

Sec. 130-251. - Requirements.

- (a) Commercial parking garages and lots may consist of 100 percent valet parking spaces. Required parking for commercial establishments, hotels, hotel accessory uses, multi-family residential buildings, residential accessory uses, and alcoholic beverage establishments may be satisfied by providing 100 percent valet parking spaces. If the parking spaces are located off-site, they shall comply with the requirements of section 130-36 in order to satisfy minimum parking requirements. ~~However~~ In addition, any required parking valet spaces for a multi-family residential building shall be governed by a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, stipulating that a valet service or operator must be provided for such parking for so long as the use continues.
- (b) Dimensions for valet and tandem parking spaces shall be eight and one-half feet ~~depth~~ in width by 16 feet ~~width~~ in depth. Dimensions for tandem parking spaces shall be a minimum of eight and one-half feet in width by thirty-two feet in depth, with a maximum stacking of two vehicles per space with a parking aisle of at least 22 feet.
- (c) Tandem parking spaces may be utilized for self-parking only in multi-family residential buildings and shall have a restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, limiting the use of each pair of tandem parking spaces to the same unit owner.
- (d) Commercial parking garages and lots may utilize tandem parking spaces if they are operated exclusively by valet parking. A restrictive covenant, approved as to form by the city attorney's office and recorded in the public records of the county as a covenant running with the land, shall be required and shall affirm that a valet service or operator must be provided for such parking for so long as the tandem parking spaces exist.

SECTION 4. 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 5. REPEALER.

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

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
& FOR EXECUTION

City Attorney

Date

First Reading: May 11, 2016
Second Reading: June __, 2016

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

Underscore denotes new language
~~Strikethrough~~ denotes removed language

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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: April 20, 2016

SUBJECT: **Discussion: Potential Fiscal and Review Process Impacts of Having All New Single Family Home Construction Reviewed by the Design Review Board.**

HISTORY

On February 10, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred a discussion item to the Land Use and Development Committee (Item C4J), pertaining to demolition procedures for single family homes. 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.

On March 30, 2016, the Land Use Committee endorsed the draft ordinance regarding demolition procedures for single family homes and continued the discussion pertaining to a review process for all single family homes to April 20, 2016. The Committee also requested that the following information be brought back for discussion:

- a. The City Attorney shall provide draft ballot language pertaining to an ethics ordinance modification for design professionals serving on both a new, rotating board of architects, as well as the existing City Land Use Boards.
- b. The Planning Department shall obtain information on the City of Coral Gables Board of Architects process, and put together an outline of how such a process might be implemented in the City of Miami Beach.

BACKGROUND / ANALYSIS

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. The DRB reviewed 100 applications in 2014 and 114 applications in 2015:

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 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.

UPDATE

Pursuant to the direction of the LUDC on March 30, 2016, staff researched the Coral Gables Board of Architects process and put together a draft of what a potential process in Miami Beach could look like. The following is a summary:

Coral Gables Board of Architects

The Coral Gables Board of Architects is a decision-making and recommending board comprised of at least seven (7) members. All members are appointed by the City Manager and subject to the City of Coral Gables' City Commission approval. Each member of the Board is a registered architect or landscape architect with at least ten (10) years' experience and numerous design and construction projects within the City.

The City Architect, as staff to the Board, is available to assist applicants in finding reasonable and appropriate solutions to design challenges. The Board meets every Thursday to respond to applications in a timely manner. Submittals for review on any given Thursday must be made no later than the previous Friday at Noon. For a typical building permit, the Board's review would involve a preliminary and final Board approval prior to permit issuance.

Any case brought before the Board of Architects is heard by a three (3) member panel (the "Panel") of the Board. A quorum of the full Board is not necessary to convene a Panel and a Panel of two (2) is permissible if there are insufficient members present to convene a Panel of three (3). Any decision of the Panel must be by both members for a two (2) member panel or majority of a three (3) member Panel. Appeals of the Board of Architects are to the City Commission.

Although the Board of Architects meeting convened for Panel members is open to the public, it is not a public hearing. The member serving as the Chair of the Panel has the discretion whether to allow public comments.

Miami Beach Option for a Board of Architects:

If a similar Ordinance were to be considered by the City of Miami Beach, the following is an outline of what a potential implementation could consist of:

- The panel would consist of design professionals from the DRB and HPB, as well as other design professionals, for a total of at least seven members;
- The panel would meet twice a month (every 2 weeks) on a different day than the DRB and HPB;
- Quorum for the panel would be at least three members and include at least one current DRB or HPB member (architect or landscape architect).

CONCLUSION

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

JLM/SMT/TRM

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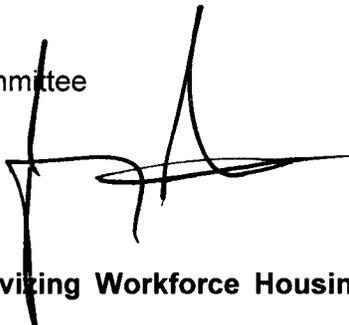
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COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager 

DATE: April 20, 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. This item was deferred from the March 30, 2016 Land Use Committee meeting because of time constraints.

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 including¹:

- 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)

¹ Median wage information provided by www.salary.com

Many other critical community jobs barely cross the affordable housing wage threshold including²:

- 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)

² Median wage information provided by 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 1/2)			
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 1/2)			
02-3210-017-0090	7030 Trouville Esplanade	Normandy Island Park			
02-3211-001-0200	N/A	parking lot (P-9E)			
02-3211-001-0760	6880 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			
02-3211-079-0001	N/A	401 Blu North Beach Condo - Bus Shelter			
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-8B)			
02-3226-001-0390	N/A	300 23rd Street cancelled			
02-3226-001-0391	2200 Liberty Ave	Miami City Ballet (land & building)			
02-3226-001-0400	340 23rd Street				
02-3226-001-0410	N/A	Miami City Ballet (land only) cancelled			
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/bridge (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 Dillido Terrace St end (west)	1st Dillido Terrace street end (west side)			
02-3232-011-0530	1st Dillido Terrace St end (east)	Dillido Island Street End (Parcel A)			
02-3232-011-0790	N/A	1st Dillido Terrace street end (east side)			
02-3232-011-1700	Di Lido Island	Dillido 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	Lummus 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			

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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: April 20, 2016

SUBJECT: **DISCUSSION: DEVELOPMENT REGULATIONS AND GUIDELINES FOR NEW CONSTRUCTION IN THE PALM VIEW HISTORIC DISTRICT TO ADDRESS RESILIENCY, SUSTAINABILITY AND ADAPTATION.**

BACKGROUND

On March 9, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred subject item to the Land Use and Development Committee (Item C4K).

ANALYSIS

On June 6, 1999, the City Commission adopted Ordinance No. 99-3186-2565, which amended the Zoning Ordinance by designating the Palm View Local Historic District. The Palm View district is bounded by Dade Boulevard on the north, Lenox Court on the west, 17th Street on the south and Meridian Avenue on the east.

Existing Conditions

The Palm View neighborhood is defined primarily by detached, one- and two-story single-family dwellings and low rise apartment buildings. There are many excellent examples of significant architectural styles that represent the historical development of the area and Miami Beach. The architectural style with the most significant concentration in the historic district is the Mediterranean Revival style, which was popular in the 1920's during the first major land development period - the Florida Land Boom era. Other architectural styles represented in the district include Masonry Vernacular, Med/Deco Transitional, and Post War Modern. Attached is a table with a description of existing homes in the district:

Neighborhood Development Context

At the time of designation in 1999, the vision for the Palm View Local Historic District was to protect and stabilize an existing urban neighborhood through appropriate and sensitive infill construction and restoration of the existing Contributing homes. The blending of new and old styles was desired, in order to respect the history and character of the neighborhood, maintaining the historic fabric and modest scale of buildings, while allowing for new appropriate development.

The areas surrounding the Palm View Historic District have changed dramatically from the time when the initial Palm View Subdivision was developed. The Palm View area was originally part of a 200-acre strip of land from Biscayne Bay to the Atlantic Ocean,

and north of 14th Street. Developed in the 1920s and 1930s, this entire area contained primarily single family residences north of Lincoln Road.

Overtime, the areas surrounding existing residential single family (RS-4) portion of the Palm View Historic District have been rezoned and redeveloped with much larger and more intensive development. Surrounding zoning districts now include the CD-2, CD-3, RM-1, RM-2 and CCC. Additionally, 17th Street has become a highly traveled east-west corridor and Alton Road has developed into a major north-south commercial corridor.

In addition to these land use factors, the district is likely to experience some difficulties associated with proposed and future modifications that will be required for existing historic homes due to the close proximity of Collins Canal and flooding impacts associated with sea level rise. In light of these issues, Palm View neighborhood property owners have requested that the City begin to develop design guidelines and regulations for new construction that are specific to the Palm View neighborhood. It should be noted the the Mayor's Blue Ribbon Panel on Sea Level Rise is also studying historic preservation in the face of climate change and sea level rise.

Development Regulations

The Administration has evaluated the historic architectural character of the single family district within the Palm View neighborhood and has developed draft regulations in order to ensure that any new construction is compatible with the unique and historically significant homes. The goals of the draft regulations are as follows:

- To ensure that the design of new construction within the Palm View district is consistent with the historic building pattern in terms setbacks, yard areas and open space.
- To ensure a similarity of scale, height, size, and massing between existing and new buildings.
- To maintain the historic appearance and character of the neighborhood.
- To provide a framework for new construction that allows new buildings to sensitively co-exist with existing structures, while adhering to current and future code requirements that address sea level rise.

A draft ordinance with the proposed regulations is attached to this memorandum for discussion by the Committee. These regulations are proposed to be incorporated into the single family development regulations of the City Code, in a similar manner that design regulations were inserted for the Altos-del-Mar single family district.

Single Family Incentives

Section 142-108(g)(2) of the Land Development Regulations details various incentives that are provided for the retention and preservation of individually designated historic single family homes and 'Architecturally Significant' single-family homes. These incentives, which are applicable to homes constructed prior to 1966, include increases in unit size, lot coverage and height for additions. As currently written, these incentives cannot be applied to single-family homes located in locally designated historic districts.

At the request of Palm View homeowners, these incentives would be allowed for contributing single family homes, zoned RS-4 within the Palm View Local Historic District. This proposed modification would allow eligible homes in Palm View to take

advantage of similar incentives currently available to individually designated historic single family homes and architecturally significant homes constructed prior to 1966.

CONCLUSION

The Administration recommends that the Land Use and Development Committee discuss the matter further and provide policy discussion and direction. It is further recommended that this item be continued to the May LUDC to allow for more neighborhood dialogue and input before referral to Planning Board.

JLM/SMT/TRM/DJT

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DRAFT 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",.....; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Palm View Historic District is a predominantly single family residential neighborhood; and

WHEREAS, Miami Beach is a low-lying coastal community vulnerable to the effects of climate change and sea level rise

WHEREAS, it is desirable to encourage new construction to be compatible with the residential character of the neighborhood; and

WHEREAS, the City of Miami Beach is investing in climate adaptation measures to reduce our climate-related risks

WHEREAS, the amendment set forth below is necessary to accomplish the objectives identified above.

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 2. - RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts", is hereby amended as follows:

Sec. 142-108. - Development regulations for the Altos Del Mar Historic District.
In addition to the development regulations contained in sections 142-101—142-106 above, the following development regulations shall apply to those portions of the RS-4 zoning district located within the Palm View Historic District; in the event of a conflict between the provisions of sections 142-101—142-106 above, the provisions of section 142-108 shall control:

- (a) Purpose. The purpose of the regulations are as follows:
- (1) To ensure that the design of new construction within the Palm View district is consistent with the historic building pattern in terms setbacks, yard areas and open space.
 - (2) To ensure a similarity of scale, height, size, and massing between existing and new buildings.
 - (3) To maintain the historic appearance and character of the neighborhood.

- (4) To provide a framework for new construction that allows new buildings to sensitively co-exist with existing structures, while adhering to current and future code requirements that address sea level rise.
- (b) New construction and additions. New single family homes and additions to existing homes shall comply with the following:
 - (1) New construction shall be sited in a manner that is compatible with surrounding buildings in terms of setbacks, orientation and spacing from adjacent buildings, and open space.
 - (2) Scale.
 - a. The scale of new buildings and additions shall be compatible with existing structures in the district.
 - b. New buildings may be larger than existing buildings in the district, but shall be sensitive to the established context so as not to overwhelm adjacent structures.
 - c. New construction shall emphasize pedestrian scale.
 - (3) Massing.
 - a. New building design shall be compatible with architectural styles historically present within the district and by using building materials that are of traditional dimensions.
 - b. A solid-to-void ratio (the amount of wall surface area compared to openings) shall be used that is similar to that of architectural styles historically present within the district, through the use of vertical and horizontal treatments, expression of the position of each floor in the exterior of the building.
 - c. Building components as porches, eaves, arcades, balconies and niches shall be utilized. such
 - (4) Proportion
 - a. The design of new buildings shall be consistent with the proportions of existing buildings in the district, particularly adjacent structures.
 - b. New buildings that are substantially wider than existing structures in the district shall be divided into subordinate planes that are similar in width to those of adjacent structures in the district.
 - (5) Roof Shape
 - a. Roof forms shall be consistent with typical roofing forms of existing buildings in the district relative to pitch, orientation and complexity.
 - b. Gable and hip roofs for primary structures are encouraged.
 - c. Flat roofs are generally discouraged.
 - (6) Fenestration
 - a. The proportions of window and door openings should reflect the character of the district, particularly those of adjacent buildings.
 - b. Large expanses of glass, either vertical or horizontal, are discouraged.
 - c. The ratio of wall to window, (solid to void relationship) shall be consistent with existing structures. Large glass surfaces shall be divided into smaller windows.

(7) Materials

- a. If considered, contemporary materials shall be compatible with historic materials in visual impact, texture and relationship to architectural style.
- b. The physical composition of contemporary materials can differ from historic materials.

(8) Architectural Character and Details

- a. Building elements such as windows, doors and porches shall be similar in size and shape to those found historically in the district.
- b. Architectural elements, such as projecting eyebrows, divided lite windows, built-in decorative planters, ornamental site walls and gates that allow transparency into the site, chimneys, exposed rafter details, arched openings, arcades and loggias, balconettes, decorative shutters and horizontal stucco banding designed in scale with similar historic features found in the district, are encouraged.
- c. Contemporary details shall utilize materials and design styles that reinforce the quality and integrity of the existing 'Contributing' architecture.

(9) Additions to Contributing Buildings

- a. Character-defining features on exterior façades that are visible from the public right-of-way should remain intact and be restored to the greatest extent possible.
- b. The Contributing building fabric should be retained to the greatest extent possible in the construction of the addition.
- c. Demolition of exterior walls that are visible from the public right-of-way shall be minimized to the greatest extent possible to accommodate the new addition.
- d. New additions should respect the appearance of the Contributing portion of the building but need not replicate the historic material.

(10) Location and Height

- a. Whenever possible, additions should be located toward the rear of the existing building.
- b. Locating an addition flush with the original front façade or projecting beyond the original front façade is strongly discouraged.

(11) Massing and Roof Form

- a. Additions should complement the scale, massing, and roof form of the original design of the existing building.
- b. If the roof of the addition is visible from the public right-of-way, the roof form and pitch shall reflect the form and pitch of the roof on the original building.

(12) Resiliency and Adaptation

- a. For space created below the first habitable floor, which has a minimum floor to ceiling height of 8 feet measured above sidewalk grade, no height or number of stories shall be counted.
- b. These space located below the first finished floor shall not count toward unit size, overall height or number of stories, provided it remains

substantially open, and does not include any type of mechanical ventilation.

Sec. 142-408 109. - Provisions for the demolition of single-family homes located outside of historic districts

* * *

(g) New construction requirements for properties containing a single-family home constructed prior to 1942.

* * *

(2) Regulations for additions to architecturally significant homes which are substantially retained and preserved. In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105, 142-106 and section 118-252, and the regulations below, the provisions herein shall control:

* * *

- I. *[Applicability.]* The above regulations shall also be applicable to:
1. Any single-family home designated as an historic structure by the historic preservation board, and not located within a locally designated historic district.
 2. Any single-family home constructed prior to 1966, if the owner voluntarily seeks a determination of architectural significance and if such home has been determined to be architecturally significant in accordance with section 142-108(a).
 3. Any property containing a single-family home classified as 'contributing' and located within the Palm View historic district.

* * *

Sec. 142-409 110. - Commercial use of single-family homes prohibited.

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.

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

Underscore denotes new language

~~Strikethrough~~ denotes deleted language

M:\\$CMB\CCUPDATES\Land Use and Development Committee\2016\April 20, 2016\Palm View
Development Regs - DRAFT GUIDELINES ORD FORM Apr 2016 LUDC.docx

ITEM SEVEN

VERBAL REPORT

Cardillo, Lilia

From: Granada, Rafael
Sent: Wednesday, January 20, 2016 8:25 PM
To: Cardillo, Lilia
Subject: Fwd: February agenda
Attachments: image001.jpg; ATT00001.htm; Dania Beach, FL Code of Ordinances.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Grieco, Michael" <MichaelGrieco@miamibeachfl.gov>
Date: January 20, 2016 at 8:22:28 PM EST
To: "Granada, Rafael" <RafaelGranado@miamibeachfl.gov>
Subject: February agenda

Please place on agenda:

Discussion item and referral to Land Use Committee Regarding CMB Preparations for Likely Passage of State Medical Marijuana Constitutional Amendment

Please include this email and the attached Dania Beach Ordinance with the item

Sec. 19-1. - Definitions.

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

Applicant. An individual or business entity desiring to operate a medical marijuana retail center within the city limits.

Business operating name. The legal or fictitious name under which a medical marijuana retail center conducts its business with the public.

Employee. A person authorized to act on behalf of the medical marijuana retail center, whether that person is an employee or a contractor, and regardless of whether that person receives compensation.

Identification tag. A tamperproof card issued by the city to the persons involved with a medical marijuana retail center as evidence that they have passed the background checks and other requirements of this chapter and are authorized to be present on the premises.

Marijuana. Any strain of marijuana or cannabis, in any form, that is authorized by state law to be dispensed or sold in the State of Florida. Also referred to as "medical marijuana."

Medical marijuana permit. A permit issued by the city pursuant to this chapter authorizing a business to sell marijuana in the city. Also referred to as "permit."

Medical marijuana retail center. A retail establishment, licensed by the Florida Department of Health as a "medical marijuana treatment facility," "medical marijuana treatment center," "dispensing organization," "dispensing organization facility" or similar use, that sells and dispenses medical marijuana, but does not engage in any other activity related to preparation, wholesale storage, distribution, transfer, cultivation, or processing of any form of marijuana or marijuana product, and does not allow on-site consumption of marijuana. A medical marijuana treatment center shall not be construed to be a medical marijuana retail center.

Medical marijuana treatment center. Any facility licensed by the Florida Department of Health to acquire, cultivate, possess, process (including but not limited to development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transport, sell, distribute, dispense, store, or administer marijuana, products containing marijuana, related supplies, or educational materials, as authorized by state law. A medical marijuana treatment center may include retail sales or dispensing of marijuana. A facility which provides only retail sales or dispensing of marijuana shall not be classified as a medical marijuana treatment center under this chapter. Also may be referred to as a "medical marijuana treatment facility" or "dispensing organization" or other similar term recognized by state law.

Owner. Any person, including any individual or other legal entity, with a direct or indirect ownership interest of five (5) percent or more in the applicant, which interest includes the possession of stock, equity in capital, or any interest in the profits of the applicant.

Premises. The building, within which a medical marijuana retail center is permitted to operate by the city, including the property on which the building is located, all parking areas on the property or that are utilized by the medical marijuana retail center and sidewalks and alleys within one hundred (100) feet of the property on which the medical marijuana retail center is located.

Qualified registered patient/qualified patient. A resident of the State of Florida who has been added to the state's compassionate use registry by a physician licensed under F.S. Ch. 458 or Ch. 459, to receive medical marijuana from a dispensing organization or medical marijuana treatment center or similar use as defined in Florida Statutes.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-2. - Medical marijuana permit and identification tag required.

- (1) It shall be unlawful for any business or person to operate a medical marijuana retail center, or to otherwise offer for sale or in any way participate in the conduct of any activities upon the premises within the city without first obtaining a medical marijuana permit.
- (2) Each person employed in the conduct of such activity shall be screened and approved pursuant to this chapter and required to obtain an identification tag before the medical marijuana retail center opens for business or, for persons who become involved with the center after it is open, before having any involvement in center's activities.
- (3) No medical marijuana permit or identification tag shall be transferable; each person must obtain a medical marijuana permit or identification tag directly from the city.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-3. - Applications for permit; investigation and issuance; term.

- (1) Applications for a medical marijuana permit shall be made by the applicant in person to the city clerk during regular business hours upon such forms and with such accompanying information as may be established by the city. Such application shall be sworn to or affirmed. Every application shall contain at least the following:
 - (a) The business operating name and all applicant and owner information. If the applicant or owner is:
 1. An individual, his or her legal name, aliases, home address and business address, date of birth, copy of driver's license or a state or federally issued identification card;
 2. A partnership, the full and complete name of the partners, dates of birth, copy of driver's license or state or federally issued identification card of all partners, and all aliases used by all of the partners, whether the partnership is general or limited, a statement as to whether or not the partnership is authorized to do business in the State of Florida and, if in existence, a copy of the partnership agreement (if the general partner is a corporation, then the applicant shall submit the required information for corporate applicant in addition to the information concerning the partnership);
 3. A corporation, the exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, the legal names and dates of birth, driver's license numbers or state or federally issued identification card numbers of all officers, and directors, and all aliases used, the capacity of all officers, and directors, and, if applicable, the name of the registered corporate agent, and the address of the registered office for service of process, and a statement as to whether or not each corporation is authorized to do business in the State of Florida;

4. The addresses required by this section shall be physical locations, and not post office boxes. The name, home address, and business address of the applicant and the name and an address of all owner(s), if any, other than the applicant. The addresses required by this section shall be physical locations, and not post office boxes.
- (b) A complete copy of the business' application to the State of Florida and all related exhibits, appendices, and back up materials for approval and licensure as a medical marijuana treatment center.
- (c) A statement as to whether the applicant or any owner or employee has previously received a medical marijuana permit or identification tag from the city.
- (d) A statement as to whether the applicant or any owner holds other permits or licenses under this Code and, if so, the names and locations of such other permitted or licensed establishments.
- (e) A statement as to whether the applicant or any owner has been a partner in a partnership or an officer or director of a corporation whose permit or license issued under this Code has previously been suspended or revoked, including the name and location of the establishment for which the permit or license was suspended or revoked, as well as the date of the suspension or revocation.
- (f) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business revoked by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such revocation.
- (g) A statement as to whether or not the applicant or any owner has lost any privilege or had any permit or license to do business suspended by any local, state or federal government and, if so, the nature of such privilege, permit or license and the reason for such suspension.
- (h) A statement as to whether or not the applicant or any owner or employee has been found guilty of or has pleaded guilty or nolo contendere to a felony relating to any business in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
- (i) A statement as to whether or not the applicant or any owner or employee has been found guilty of, or have pleaded guilty or nolo contendere to, a felony relating to a battery or a physical violence on any person in this state or in any other state or federal court, regardless of whether a judgment of conviction has been entered by the court having jurisdiction of such cases.
- (j) A statement as to whether or not the applicant or any owner has filed a petition to have their respective debts discharged by a bankruptcy court having jurisdiction of such cases.
- (k) Written documentation that the applicant, every owner, and each employee has successfully completed level 2 background screening within the year.
- (l) A passport photograph of the applicant, every owner, and each employee.
- (m) A notarized, signed, and sworn statement that the information within the application is truthful, independently verifiable, and complete and that the photocopies of the attached driver's licenses or state or federally issued identification cards are true and correct copies of the originals.
- (2) *Rejection of application.* In the event the city determines that the applicant has not satisfied the application requirements for a proposed medical marijuana retail center, the applicant shall be notified of such fact; and the application shall be denied.
- (3) *Fees.* In addition to demonstrating compliance with this article, the applicant shall pay a nonrefundable application fee in an amount established by resolution of the city commission for each applicant, each owner, and each employee to cover its administrative costs and expenses incurred in reviewing and

administering the permit and identification tag program, irrespective of the issuance or denial of the application. Each applicant shall also pay an annual nonrefundable, nonproratable permit fee in an amount established by resolution of the city commission before receiving a medical marijuana permit.

(4) *Application review.*

- (a) *Investigation.* The city shall refer the application to the chief of police, who shall review the application and documentation provided, and conduct a background screening of the applicant, each owner and employee. Upon receipt of the appropriate documentation, the chief of police shall forward the information and application to the city manager, together with any recommendations and other relevant information from the files regarding the applicant.
- (b) *City manager determination.* Upon receipt of such material from the chief of police, the city manager shall, within thirty (30) days, either:
 - 1. Notify the applicant that the permit has been denied and the reason for such denial; or
 - 2. Issue a permit, with or without conditions.
- (c) *Duration.* Permits shall be issued for a one-year period for a term commencing October 1 or the date of issuance, and ending the following September 30.
- (d) *Denial.* The city shall deny an applicant's application for a medical marijuana permit if:
 - 1. The applicable permit or licensing fees have not been paid in full;
 - 2. The application violates or fails to meet the provisions of this Code, any building, fire or zoning code, statute, ordinance, or regulation;
 - 3. The application contains material false information, or information material to the decision was omitted; failure to list an individual required to be listed, and whose listing would result in a denial, is presumed to be material false information for purposes of denial of the application; the certification that the applicant owns, possesses, operates and exercises control over the proposed or existing medical marijuana retail center is a material representation for purposes of this section;
 - 4. The applicant or any owner has a permit or license under this Code, or has had a permit or license under this Code, which has been suspended or revoked;
 - 5. The granting of the application would violate a statute or ordinance, or an order from a court of law that prohibits effectively the applicant from obtaining a medical marijuana permit;
 - 6. The applicant, an employee, or any owner has been convicted of fraud or felony by any state or federal court within the past five (5) years or less than five (5) years has elapsed since the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - 7. The applicant, an employee, or any owner has obtained any governmental permit by fraud or deceit.
- (e) *Background checks, photograph and identification tag.* In connection with the issuance of a medical marijuana permit by the city, the chief of police shall, upon verification of successful level 2 background screening, cause an identification tag to be issued to each approved applicant for a permit as well as for each owner and each employee. on the face of each identification tag, there shall be placed the following:
 - 1. A photograph of the applicant/owner/employee;
 - 2. The permit number;
 - 3. The permit holder's name and address;

4. The name and address of the medical marijuana retail center that the applicant/owner/employee represents or is employed by; and
 5. The expiration date of the permit.
- (f) *Reapplication.* If a person applies for a medical marijuana permit at a particular location within a period of one (1) year from the date of denial of a previous application for a medical marijuana permit at the location, and there has not been an intervening change in the circumstances material to the decision regarding the former reason(s) for denial, the application shall not be accepted for consideration.
- (g) *Renewal.* Medical marijuana permits shall be entitled to renewal annually subject to the provisions of this chapter. Before the October 1 expiration date, the annual medical marijuana permit may be renewed by presenting the permit for the previous year, and:
1. Paying the appropriate permit fee;
 2. Updating the information supplied with the latest application or certifying that the information supplied previously remains unchanged; and
 3. Providing proof of continued compliance with all state and city licenses, operational and zoning requirements.
- (h) *Permit transferability.*
1. The medical marijuana permit is specific to the applicant and the location and shall not be transferred.
 2. An attempted transfer of a medical marijuana permit either directly or indirectly in violation of this section is hereby declared void, and in that event the medical marijuana permit shall be deemed abandoned, and the medical marijuana permit shall be forfeited.
- (i) *Violation of regulations.* In the event of a Code violation, violation of the conditions of the medical marijuana permit or special exception approval, or other violation of the laws applicable to the medical marijuana retail center, the city shall issue a warning notice and the applicant shall, no later than twenty (20) business days after receipt of the notice, provide a copy of a corrective action plan and timeframes and completion date to address the identified issues to the city.
- (j) *Illegal transfer.* If a medical marijuana permit is transferred contrary to this chapter, the city shall suspend the medical marijuana permit and notify the permittee of the suspension. The suspension shall remain in effect until all of the requirements of this chapter have been satisfied and a new medical marijuana permit has been issued by the city.
- (k) *Grounds for revocation.* Any medical marijuana permit issued under this article shall be revoked if any one or more of the following occurs:
1. The applicant provides false or misleading information to the city;
 2. Anyone on the premises knowingly dispenses, delivers, or otherwise transfers any marijuana or marijuana product to an individual or entity not authorized by state law to receive such substance or product;
 3. The applicant, an owner or a manager is convicted of a felony offense;
 4. Any applicant, owner, manager or employee is convicted of any drug-related crime under Florida Statutes;
 5. The applicant fails to correct any City Code violation or to otherwise provide an action plan to remedy the violation acceptable to the city manager within twenty (20) days of citation;
 - 6.

The applicant fails to correct any state law violation or address any warning in accordance with any corrective action plan required by the state within the timeframes and completion date the applicant provided to the city;

7. The applicant's state license or approval authorizing the dispensing of medical marijuana expires or is revoked; or
 8. Any special exception approval granted by the city for the use of a medical marijuana retail center at a particular location expires or is revoked.
- (l) *Revocation.* In the event the city determines there are grounds for revocation as provided in this chapter, the city shall notify the permittee of the intent to revoke the medical marijuana permit and the grounds upon which such revocation is proposed. The permittee shall have ten business days in which to provide evidence of compliance with this chapter. If the permittee fails to show compliance with this chapter within ten (10) business days, the city shall schedule a hearing before the special magistrate. If the special magistrate determines that a permitted medical marijuana retail center is not in compliance with this chapter the city shall revoke the medical marijuana permit and shall notify the permittee of the revocation. nothing in this section shall take away other enforcement powers of the special magistrate or any other agency provided by the Code or statute.
- (m) *Effect of revocation.*
1. If a medical marijuana permit is revoked, the permittee shall not be allowed to obtain another medical marijuana permit for a period of two (2) years, and no medical marijuana permit shall be issued during that time period to another applicant for the location and premises upon which the medical marijuana retail center was situated.
 2. The revocation shall take effect fifteen (15) days, including Saturdays, Sundays, and holidays, after the date the city mails the notice of revocation to the permittee or on the date the permittee surrenders his or her medical marijuana permit to the city, whichever occurs first.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-4. - General requirements.

Each medical marijuana retail center shall observe the following general requirements:

- (1) Conform to all applicable building statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (2) Conform to all applicable fire statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (3) Conform to all applicable health statutes, codes, ordinances, and regulations, whether federal, state, or local;
- (4) Conform to all applicable zoning regulations and land use laws, whether state or local, including but not limited to the City Land Development Code;
- (5) Keep the original of the medical marijuana permit posted in a conspicuous place at the premises at all times, which medical marijuana permit shall be available for inspection upon request at all times by the public.

(Ord. No. 2014-015, § 3, 10-28-14)

Sec. 19-5. - Medical marijuana permit operation requirements.

Any business operating under a medical marijuana permit shall comply with the following operational guidelines.

- (1) *Hours of operation.*
 - a. Operation is permitted only between the hours of [8:00 a.m. and 5:00 p.m. Monday through Saturday].
 - b. No operation is permitted on Sundays or state or federal holidays.
- (2) *On-site consumption of marijuana.* No medical marijuana retail center shall allow any marijuana to be smoked, ingested or otherwise consumed on the premises. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall smoke, ingest or otherwise consume marijuana on the premises.
- (3) *Alcohol prohibited.* No medical marijuana retail center shall allow the sale, service, or consumption of any type of alcoholic beverages on the premises including in the surrounding rights-of-way. The medical marijuana retail center shall take all necessary and immediate steps to ensure compliance with this paragraph. No person shall consume an alcoholic beverage on the premises, including the surrounding rights-of-way.
- (4) *Outdoor activity.* There shall be no outdoor displays, sales, promotions, or activities of any kind permitted on the premises, including the surrounding rights-of-way. All activities and business shall be conducted within the confines of the permanent building containing the medical marijuana retail center.
- (5) *On-site storage.* There shall be no on-site storage of any form of marijuana or marijuana product, except as reasonably necessary for the conduct of the medical marijuana retail center's on-site business.
- (6) *Live plant materials.* No living marijuana plants are permitted on the site of a medical marijuana retail center.
- (7) *Maintenance of premises.* A medical marijuana retail center shall actively remove litter at least twice each day of operation on the premises, from the premises, the area in front of the premises, from any parking lot used by its patrons, and, if necessary, from public sidewalks or rights-of-way within one hundred (100) feet of the outer edge of the premises used by its patrons.
- (8) *Garbage.* Refuse or waste products incident to the distribution of marijuana shall be destroyed on-site at least once every twenty-four (24) hours.
- (9) *Delivery.* All deliveries to the medical marijuana retail center shall be made during regular operating hours while on-site security personnel are present.
- (10) *Security.* With the application, the applicant shall submit a security plan demonstrating compliance with F.S. § 381.986, and all other applicable statutes and State administrative rules.
 - a. In addition to proving compliance with all state requirements, the security plan shall, at a minimum, provide the following:
 1. Fully operational lighting and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft, both in the premises and in the surrounding rights-of-way, including:
 - a. A silent security alarm that notifies the police department or a private security agency that a crime is taking place;
 - b. A vault, drop safe or cash management device that provides minimum access to the cash receipts; and

- c. A security camera system capable of recording and retrieving an image which shall be operational at all times during and after business hours. The security cameras shall be located:
 - (i) At every ingress and egress to the dispensary, including doors and windows;
 - (ii) On the interior where any monetary transaction shall occur; and
 - (iii) At the ingress and egress to any area where medical marijuana is stored;
2. Traffic management and loitering controls;
3. Cash and inventory controls for all stages of operation on the premises, and during transitions and delivery.
4. On-site armed security personnel during business hours.
- b. The chief of police shall review the applicant's operational and security plan using Crime Prevention Through Environmental Design (CPTED) principles. The chief may impose site and operational revisions as are deemed reasonably necessary for the health, safety and general welfare of the applicant, owner(s), employees, customers, adjacent property owners and residents, which may include items such as methods and security of display and storage of marijuana and cash, limitations on window and glass door signage, illumination standards, revisions to landscaping, and any other requirement designed to enhance the safety and security of the premises.
- (c) Any instance of breaking and entering at a medical marijuana retail center, regardless of whether marijuana or marijuana-based products are stolen, shall constitute a violation of this chapter if the security alarm fails to activate simultaneous with the breaking and entering.
- (11) *Odor and air quality.* A complete air filtration and odor elimination filter and scrubber system shall be provided ensuring the use will not cause or result in dissemination of dust, smoke, or odors beyond the confines of the building, or in the case of a tenant in a multi-tenant building, beyond the confines of the occupied space. A double door system shall be provided at all entrances to mitigate odor intrusion into the air outside the medical marijuana retail center.
- (12) *Delivery vehicle identification.* For security purposes, no vehicle used in the operation of or for the business purposes of a medical marijuana retail center shall be marked in such a manner as to permit identification with the medical marijuana retail center.
- (13) *Signage.* Notwithstanding other provisions of the Code, signage for a medical marijuana retail center shall be limited as follows:
 - a. Graphics, logos and symbols shall be prohibited;
 - b. Neon shall be prohibited;
 - c. Signs shall not be internally illuminated;
 - d. Signs may be externally illuminated consistent with the requirements of section 505-30, only during hours of operation;
 - e. A medical marijuana retail center shall post, at each entrance to the medical marijuana retail center the following language:

ONLY INDIVIDUALS WITH LEGALLY RECOGNIZED MARIJUANA OR CANNABIS QUALIFYING PATIENT OR CAREGIVER IDENTIFICATION CARDS OR A QUALIFYING PATIENT'S LEGAL GUARDIAN MAY OBTAIN MARIJUANA FROM A MEDICAL MARIJUANA RETAIL CENTER.

The required text shall be in letters one-half inch in height.

- (14) *On-site community relations contact.* The medical marijuana retail center shall provide the city manager, and all property owners and tenants located within one hundred (100) feet of the entrance to its premises, with the name, phone number, and e-mail or facsimile number of an on-site community relations staff person to whom they can provide notice during business hours and after business hours to report operating problems. The medical marijuana retail center shall make every good faith effort to encourage neighbors to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police department or other city officials.
- (15) *Employment restrictions.* It shall be unlawful for any medical marijuana retail center to employ any person who:
- a. Is not at least twenty-one (21) years of age; and
 - b. Has not passed a level 2 background screening.
- (16) *Persons allowed to enter the premises.*
- a. *Underage entry.* It shall be unlawful for any medical marijuana retail center to allow any person who is not at least eighteen (18) years of age on the premises during hours of operation, unless that person is authorized by state law to purchase medical marijuana, whether as a qualified patient with a valid identification card or primary caregiver or legal guardian of a qualified patient with a valid identification card.
 - b. *Entry by persons authorized by state law.* It shall be unlawful for any medical marijuana retail center to allow any person on the premises during the hours of operation if that person is not authorized by state law to be there. Authorized persons, such as owners, managers, employees and qualified registered patients, their legal guardians, qualified registered caregivers must wear an identification tag, and authorized inspectors and authorized visitors must wear a visitor identifying badge and be escorted and monitored at all times by a person who wears his or her identification tag.
- (17) *Product visibility.* No marijuana or product of any kind may be visible from any window or exterior glass door.
- (18) *Sole business.* No business other than the dispensing of medical marijuana shall be permitted to be conducted from the premises.
- (19) *Loitering.*
- a. A medical marijuana retail centers shall provide adequate indoor seating for its customers, clients, patients and business invitees.
 - b. Customers, clients, patients or business invitees shall not be directed, encouraged or allowed to stand, sit (including in a parked car for any period of time longer than reasonably required for a person's passenger to conduct their official business and depart), or gather or loiter outside of the building where the center is operating, including in any parking areas, sidewalks, rights-of-way, or neighboring properties.
 - c. Pedestrian queuing or loitering at any time, including prior to business hours, outside of the center's building is prohibited.
- (20) *Compliance with state regulations and licensure requirements.* A medical marijuana retail center must comply with all federal and state laws, licensing and regulatory requirements.
- a. A medical marijuana retail center shall notify the city within five (5) business days of receipt of any notice of violation or warning from the state or of any changes to its state licensing approvals.
 - b.

If a medical marijuana retail center receives a notice of violation or warning from the state, it shall, no later than twenty (20) business days after receipt of the notice, provide a copy of the corrective action plan and timeframes and completion date to address the identified issues to the city.

- (21) *Prohibited activities.* A medical marijuana retail center shall not engage in any activity other than those activities specifically defined herein as an authorized part of the use. The preparation, wholesale storage, cultivation, or processing of any form of marijuana or marijuana product, and on-site consumption of any marijuana or marijuana product is specifically prohibited at a medical marijuana retail center. On-site storage of any form of marijuana or marijuana product is prohibited, except to the extent reasonably necessary for the conduct of the on-site retail business.

(Ord. No. 2014-015, § 3, 10-28-14)

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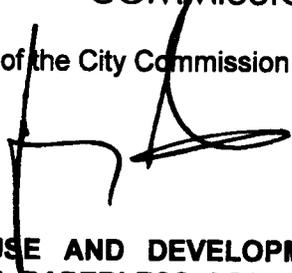
VERBAL REPORT

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager 

DATE: April 13, 2016

SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE -
DISCUSSION PERTAINING TO A PAPERLESS AGENDA SYSTEM FOR ALL
CITY LAND USE BOARDS.**

ADMINISTRATION RECOMMENDATION

Refer the discussion item to the Land Use and Development Committee for consideration and recommendation.

BACKGROUND / ANALYSIS

The City is in the final stages of a full conversion to an electronic agenda system called Novus, which is expected to be fully operational in May. The City's Board of Adjustment and Planning Board have already begun to upload agendas and exhibits using the new program.

The Novus system will be much more versatile in terms of public access to documents and exhibits associated with Land Use Board applications, and will allow for expanded electronic access. In order to build upon the advanced capabilities of this system, the Administration would like to begin the discussion and the benefits (in terms of saving paper and staff time) of converting to a paperless agenda system for all of the City's Land Use Boards (Planning Board, Board of Adjustment, Design Review Board and Historic Preservation Board).

CONCLUSION

The Administration recommends that the Mayor and the City Commission refer the discussion item to the Land Use and Development Committee for consideration and recommendation.



JLM/SMT/TRM

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VERBAL REPORT

C4B Referral To The Land Use And Development Committee To Discuss Future Rooftop And Deck Accessory Bar Uses In The Sunset Harbour Neighborhood.
(Sponsored by Commissioner Michael Grieco)

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VERBAL REPORT

MEMORANDUM FOR: City Manager Jimmy Morales

FROM: Commissioner Michael Grieco

SUBJ: Operational Regulations for Alcoholic Beverage Establishments South of Fifth Street

Please place this memo discussing a possible draft addition to the city's alcoholic beverages regulations, Chapter 6, City Code, specific to south of Fifth Street, as a Consent Agenda item on the April 13, 2016 City Commission agenda, for referral to the Land Use and Development Committee.

The principal effect of the possible ordinance amendment would be to prohibit alcoholic beverage sales for consumption on premises after 2:00 a.m. south of Fifth Street, except for establishments that currently hold a 5:00 a.m. State On-Premises Alcoholic Beverages License. [I.e., those establishments would be "grandfathered in".]

The reason for introducing this item at this time is to parallel an ordinance with the same closing time now under consideration for districts affecting the West Avenue and Palm View neighborhoods.

That ordinance is an initiative of Commissioner Malakoff taken at the Feb. 10, 2016 city commission discussion of item R5F (the consolidation ordinance for alcoholic beverages), and referred to the Land Use and Development Committee which, at its Feb. 17 meeting, asked for a detailed ordinance, now being considered. Because of similarities in the three neighborhoods: West Avenue, Palm View, south of Fifth, I believe it is timely to consider including consideration of south of Fifth as well. The attached draft follows the format of the ordinance amendment now going through the commission's review process.

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VERBAL REPORT

C4E Referral To The Land Use And Development Committee: Discussion Regarding Incentivizing The Retention, Raising And/Or Relocation Of Historic/Architecturally Significant Single Family Homes (SFH).
(Sponsored by Commissioner Michael Grieco)

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VERBAL REPORT

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: April 6, 2016
SUBJECT: **Referral to the Land Use and Development Committee Regarding a Discussion on the Transit Hub on the 500 Block of Alton Road.**

Please add the above subject as a consent agenda item to the April 13, 2016 Commission meeting agenda.

Sincerely,
Ricky Arriola

MIAMIBEACH

Ricky Arriola, Commissioner
Office of the Mayor and Commission
1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139
Tel: 305-673-7000 x7107
www.miamibeachfl.gov

**ITEM
THIRTEEN**

VERBAL REPORT

MIAMIBEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jimmy Morales, City Manager
FROM: Ricky Arriola, Commissioner
DATE: April 11, 2016
SUBJECT: **REFERRAL TO THE LAND USE AND DEVELOPMENT COMMITTEE
TO DISCUSS NON-CONFORMING USE AMENDMENTS.**

Please add the above subject as a consent agenda item to the April 13, 2016 Commission meeting agenda.

Sincerely,
Ricky Arriola

MIAMIBEACH

Ricky Arriola, *Commissioner*
Office of the Mayor and Commission
1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139
Tel: 305-673-7000 x7107
www.miamibeachfl.gov

Sec. 142-155. - Development regulations and area requirements.

- (a) The development regulations in the RM-1 residential multifamily, low density district are as follows:
- (1) Max. FAR: 1.25; west side of Collins Avenue between 76th and 79th Streets – 1.4.
 - (2) Public and private institutions: Lot area equal to or less than 15,000 sq. ft. – 1.25; lot area greater than 15,000 sq. ft. – 1.4
 - (3) In the Flamingo Park Local Historic District, the following shall apply:
 - a. Notwithstanding the provisions of section 142-1161 of these land development regulations, roof-top additions shall not be permitted on any contributing building and any stairwell or elevator bulkhead shall meet the line-of-sight requirements of section 142-1161, but not to exceed allowable building heights. The historic preservation board reserves the right to re-classify the contributing status of any structure in the district, prior to rendering a decision on any application that may contemplate a rooftop addition.
 - b. Ground level additions shall be detached and separated from the main structure(s) on the site by a distance of at least ten feet. The historic preservation board may, on a case-by-case basis, allow a ground level addition to attach to the rear of an existing structure that has a flat roof and parapet, provided such addition does not exceed the height of the existing structure and that the attachment does not result in the demolition, obscuring or removal of any significant architectural features and/or finishes from the existing structure.
 - c. The height of any ground level addition to an existing structure, whether attached or detached, shall be limited to one story, not to exceed 12 feet above the height of the main roof of the existing structure. In the event the existing structure is two stories in height or higher, the proposed addition shall not exceed a total of three stories and 35 feet.

- d. Ground level additions, whether attached or detached, shall follow the established lines of the interior side setbacks of the main existing structure on the site. For the first two floors of the addition, any non-conforming interior side setback may be extended, provided the minimum interior and/or street side setback is five feet; the third floor of the addition, if permitted, shall meet the minimum side yard requirements. Notwithstanding the foregoing, the historic preservation board may, on a case-by-case basis, allow ground level additions to exceed one side of the established interior side setbacks of the main existing structure on the site, provided the sum of the interior side setbacks is a minimum of 15 feet.
- e. No more than two contiguous lots may be aggregated for development purposes.
- f. For any new construction or additions, whether attached or detached, on multiple or aggregated lots, a minimum building separation of ten feet at the center of the aggregated lots shall be required. The historic preservation board may, on a case-by-case basis, allow for a connection in the rear of the property, provided the depth of such connection does not exceed 25 percent of the lot depth and that the connection does not contain any parking spaces.
- g. Only those portions of a contributing building that were not part of the original structure on site, or that have not acquired any type of architectural significance, as determined by staff or the historic preservation board, may be proposed to be demolished.
- h. For contributing buildings or properties, no building or structure shall be permitted within an existing historic courtyard. For purposes of this subsection, an historic courtyard shall be defined as a grade level space, open to the sky, which is enclosed on at least two sides by an existing building or structure on the same property and is an established architectural or historic component of the site or building design by virtue of significant features and/or finishes, including, but not limited to, paving patterns, fountains, terraces, walkways or landscaping.

- i. Each level of new construction or additions, whether attached or detached, shall have a maximum floor to floor height of 12 feet. The historic preservation board may, on a case-by-case basis, waive the maximum floor to floor height requirement and allow for loft or mezzanine space within the allowable volume of the building, provided the total floor area of any such loft space or mezzanine does not exceed one-third the total floor area in that room or story in which the loft space or mezzanine occurs.
- j. Stairwell bulkheads shall not be permitted to extend above the maximum building height.
- k. Elevator bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement cannot be waived by the historic preservation board.
- l. If an alley exists, no front curb cut shall be permitted. If no alley exists, any curb-cut required shall not exceed 12 feet in width.
- m. No variances from these provisions shall be granted.

(4) Notwithstanding the foregoing, hotels with accessory uses located in a RM-1 zoning district west of Alton Road, shall be permitted to be redeveloped in accordance with the provisions contained within section 118-395(b)(8).

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	New construction – 550 Non-elderly and elderly low and	New construction – 800 Non-elderly and elderly low and	Historic district – 40 Flamingo Park Local Historic	Historic district – 4 Flamingo Park Local Historic

		moderate income housing: See <u>section 142-1183</u> Rehabilitated buildings – 400	moderate income housing: See <u>section 142-1183</u> Rehabilitated buildings – 550	District – 35 (except as provided in <u>section 142-1161</u> Otherwise – 50	District – 3 (except as provided in <u>section 142-1161</u> Otherwise – 5
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(Ord. No. 89-2665, § 6-2(B), eff. 10-1-89; Ord. No. 92-2853, eff. 6-26-93; Ord. No. 94-2965, eff. 12-31-94; Ord. No. 97-3097, § 2, 10-8-97; Ord. No. 98-3107, § 1, 1-21-98; Ord. No. 98-3149, § 1, 11-4-98; Ord. No. 98-3150, § 1, 11-4-98; Ord. No. 2005-3483, § 2, 5-18-05; Ord. No. 2006-3515, § 1, 5-10-06; Ord. No. 2006-3540, § 1, 10-11-06; Ord. No. 2011-3744, § 4, 10-19-11)

Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.

(a) *Nonconforming uses.* If a building which contains a nonconforming use is, repaired or rehabilitated at a cost exceeding 50 percent of the value of the building as determined by the building official, it shall not be thereafter used except in conformity with the use regulations in the applicable zoning district contained in these land development regulations and all rights as a nonconforming use are terminated.

(b) *Nonconforming buildings.*

(1) Nonconforming buildings which are repaired or rehabilitated by less than fifty (50) percent of the value of the building as determined by the building official shall be subject to the following conditions:

- a. Repaired or rehabilitated residential and/or hotel units shall meet the minimum unit size requirements as set forth for the zoning district in which the property is located. The number of units in the building shall not be increased.
- b. The building shall have previously been issued a certificate of use, certificate of completion, certificate of occupancy or occupational license by the city to reflect its current use.
- c. Such repairs or rehabilitation shall meet the requirements of the city property maintenance standards, the applicable Florida Building Code, and the Fire Safety Code.
- d. If located within a designated historic district, or an historic site, the repairs or rehabilitations shall comply substantially with the Secretary of Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations. If the repair or rehabilitation of a contributing structure conflicts with any of these regulations, the property owner shall seek relief from the applicable building or Fire Safety Code.

- e. Any new construction shall comply with the existing development regulations in the zoning district in which the property is located, provided, however, that open private balconies, including projecting balconies and balconies supported by columns, not to exceed a depth of 30 feet from an existing building wall, may be permitted as a height exception. The addition of balconies may be permitted up to the height of the highest habitable floor for a building non-conforming in height, provided such balconies meet applicable FAR and setback regulations. Any addition of a balcony in a nonconforming building shall be subject to the review and approval of the design review board or historic preservation board, as may be applicable.

(2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official, shall be subject to the following conditions:

- a. All residential and hotel units shall meet the minimum and average unit size requirements for rehabilitated buildings as set forth in the zoning district in which the property is located.
- b. The entire building and any new construction shall meet all requirements of the city property maintenance standards, the applicable Florida Building Code and the Life Safety Code.
- c. The entire building and any new construction shall comply with the current development regulations in the zoning district in which the property is located. No new floor area may be added if the floor area ratio is presently at maximum or exceeded.
- d. Development regulations for buildings located within a designated historic district or for an historic site:
 - 1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:

- i. At least 75 percent of the front and street side facades;
 - ii. At least 75 percent of the original first floor slab;
 - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
 - iv. All architecturally significant public interiors.
2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
 - i. The structure is architecturally significant in terms of design, scale, or massing;
 - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
 - iii. The structure is associated with the life or events of significant persons in the city;
 - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;

- v. The structure has yielded or is likely to yield information important in prehistory or history; or
- vi. The structure is listed in the National Register of Historic Places.

Notwithstanding the above, for buildings over three stories in height, at least 75 percent of the front facade and 75 percent of any architecturally significant portions of the street side facades shall be retained and preserved, in order to retain any non-conforming floor area, height, setbacks or parking credits. If the historic preservation board does not waive the requirements of subsection (b)(2)d.1. above for any reason, including the inability of a reconstructed building to meet the requirements of the applicable building code, any new structure shall be required to meet all current development regulations for the zoning district in which the property is located.

- 3. The building shall comply substantially with the secretary of interior standards for rehabilitation and guidelines for rehabilitating historic structures, as amended, as well as the certificate of appropriateness criteria in Article X of these Land Development Regulations.
- 4. If the repair or rehabilitation of a contributing structure or historic site conflicts with any of the requirements (as amended) in the applicable Florida Building Code or the Life Safety Code, the property owner shall seek relief from such code.
- 5. Regardless of its classification on the Miami Beach Historic Properties database, a building may be re-classified as contributing by the historic preservation board if it meets the relevant criteria set forth in the City Code.

6. Contributing structures shall be subject to all requirements in section 118-503 of these Land Development Regulations.
- e. Development regulations for buildings not located within a designated historic district and not an historic site.
 1. Buildings constructed prior to 1965 and determined to be architecturally significant by the planning director, or designee, may retain the existing floor area ratio, height, setbacks and parking credits, if the following portions of the building remain intact and are retained, preserved and restored:
 - i. At least 75 percent of the front and street side facades;
 - ii. At least 75 percent of the original first floor slab;
 - iii. At least 50 percent of all upper level floor plates;
and
 - iv. At least 50 percent of the interior sidewalls.
 2. For buildings satisfying the above criteria, and whose lot size is less than 20,000 square feet, the parking impact fee program may be utilized, provided that all repairs and rehabilitations, and any new additions or new construction is approved by the design review board and that any existing, required parking, that is conforming, shall not be removed.
 3. For purposes of this subsection, the planning director, or designee shall make a determination as to whether a building is architecturally significant according to the following criteria:

- i. The subject structure is characteristic of a specific architectural style constructed in the city prior to 1965, including, but not limited to, vernacular, Mediterranean revival, art deco, streamline modern, post-war modern, or variations thereof;
- ii. The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in an irreversible manner; and
- iii. Exterior architectural characteristics, features, or details of the subject structure remain intact.

A property owner may appeal any determination of the planning director, or designee relative to the architectural significance of a building constructed prior to 1965 to the design review board, in accordance with the requirements and procedures pursuant to the requirements of Section 118-9.

4. Buildings constructed in 1965 or thereafter, and buildings constructed prior to 1965 and determined by the planning director, or designee not to be architecturally significant, shall be subject to the regulations set forth in subsection (b)(2)a – c herein.
 5. If there is a change in use, a building shall receive no parking credits and must either provide the required parking on-site, or within 500 feet of the site, or pay a parking impact fee.
- f. Any new construction identified in subsections d. and e., above, shall comply with the existing development regulations in the zoning district in which the property is located, provided, however, that open private balconies, including projecting balconies and balconies supported by columns, not to exceed a depth of 30 feet from an existing building wall, may be permitted as a height exception. The addition of the highest habitable floor for a building

nonconforming in height, provided such balconies meet applicable FAR and setback regulations. Any addition of a balcony in a nonconforming building shall be subject to the review and approval of the design review board or historic preservation board, as may be applicable.

- (3) There shall be no variances from any of the provisions herein pertaining to maximum floor area ratio and to parking credits.
- (4) Single-family homes shall be treated the same as other buildings, in determining when an existing structures lot coverage, height and setbacks may remain.
- (5) Notwithstanding the foregoing, in the event of a catastrophic event, including, but not limited to, fire, tornado, tropical storm, hurricane, or other act of God, which results in the complete demolition of a building or damage to a building that exceeds 50 percent of the value of the building as determined by the building official, such building may be reconstructed, repaired or rehabilitated, and the structure's floor area, height, setbacks and any existing parking credits may remain, if the conditions set forth in subsection (b)(1)a – d herein are met.
- (6) The foregoing regulations shall not apply to any building or structure located on city-owned property or rights-of-way, or property owned by the Miami Beach Redevelopment Agency.
- (7) Gasoline service stations.
 - a. Notwithstanding the foregoing provisions, a nonconforming gasoline service station that provides a generator or other suitable equipment that will keep the station operational, and which has been damaged, repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official pursuant to the standards set forth in the Florida Building Code may be repaired or rehabilitated, if the following conditions are met:
 1. The entire building and any new addition shall meet all requirements of the city property maintenance standards,

the applicable Florida Building Code and the Life Safety Code.

2. The entire building and any new addition shall comply with the current development regulations in the zoning district in which the property is located, including, but not limited to all landscape requirements. New monument-style signs shall be required. Pole signs shall be prohibited.
 3. No new floor area may be added if the floor area ratio is presently at maximum or exceeded.
- b. Necessary repairs to add an emergency electrical generator and related facilities to a nonconforming gasoline service station shall be permitted.
 - c. A nonconforming gasoline service station that provides a generator or other suitable equipment that will keep the station operational, may add new floor area (other than floor area strictly necessary to house an emergency electrical generator and related facilities), or convert existing floor area or land, to add new accessory uses, such as a convenience sales area or a car wash, subject to conditional use approval, notwithstanding the nonconforming status of the gasoline service station.

(8) Hotel and Accessory Uses.

- a. Notwithstanding the foregoing provisions, a nonconforming hotel with accessory uses located in a RM-1 zoning district west of Alton Road, that is not increasing the unit count or accessory uses, may be redeveloped if the following conditions are met:
 1. Any new addition shall meet all requirements of the city property maintenance standards, the applicable Florida Building Code and the Life Safety Code.
 2. Any new addition shall comply with the current development regulations in the zoning district in which

the property is located, including, but not limited to all landscape requirements.

3. Ground level additions shall be attached to the main structure.
4. The height of any ground level addition to an existing structure, whether attached or detached, shall be limited to three (3) stories, not to exceed the height of the main roof of the existing structure. In the event the existing structure is three (3) stories in height or higher, the proposed additional shall not exceed the height limitations of the underlying zoning district.
5. Ground level additions, whether attached or detached, shall follow the established lines of the interior side setbacks of the main existing structure on the site. For any three (3) story addition, any nonconforming interior side setback may be extended, provided the minimum interior and/or street side setback is five (5) feet.
6. Only fifty percent (50%) of the total structures on the property site may be demolished for the purposes of new construction.
7. No building or structure shall be permitted within an existing courtyard. For purposes of this subsection, a courtyard shall be defined as a grade level space, open to the sky, which is enclosed on at least two (2) sides by an existing building or structure on the same property and is an established architectural component of the site or building design by virtue of significant features and/or finishes, including, but not limited to, paving patterns, fountains, terraces, walkways, or landscaping.
8. Each level of new construction or additions, whether attached or detached, shall have a minimum floor height of twelve (12) feet.

9. If an alley exists, no front curb cut shall be permitted. If no alley exists, any curb-cut required shall not exceed twenty-four (24) feet in width.
10. Only existing accessory uses will be permitted in sites meeting all of the regulations stated herein. No increase in occupancy for accessory food and beverage establishments will be permitted.

(Ord. No. 89-2665, § 13-5, eff. 10-1-89; Ord. No. 94-2908, eff. 2-26-94; Ord. No. 94-2927, eff. 5-14-94; Ord. No. 98-3108, § 12, 1-21-98; Ord. No. 2005-3493, § 1, 9-8-05; Ord. No. 2006-3523, § 1, 7-12-06; Ord. No. 2007-3566, § 1, 9-5-07; Ord. No. 2015-3921, § 1, 2-11-15; Ord. No. 2015-3977, § 16, eff. 12-19-15)

