

## **ADMINISTRATIVE REVIEW OF OPERABLE STOREFRONTS**

**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 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE VI, "DESIGN REVIEW PROCEDURES," AT SECTION 118-260, ENTITLED "ADMINISTRATIVE REVIEW PROCEDURES," TO AUTHORIZE THE ADMINISTRATIVE REVIEW OF OPERABLE STOREFRONTS AND/OR FAÇADE ALTERATIONS UTILIZING AN EXTERIOR COMPONENT WITHIN THE STOREFRONT; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, City Code Section 118-260 identifies specific design review applications that may be approved administratively by the City's Planning Department; and

**WHEREAS**, the City Commission desires to amend City Code Section 118-260 to authorize the Planning Department to administratively review certain storefront modifications that do not materially modify the design of existing buildings, including the installation of operable storefronts to replace fixed storefront systems and other modifications; and

**WHEREAS**, many commercial enterprises in the City currently have exterior components separated by a fixed storefront systems, and

**WHEREAS**, several commercial enterprises in the City have expressed a desire to modify their fixed storefronts with operable systems, in order to seamlessly expand their interior space and merge indoor and outdoor spaces and uses; and

**WHEREAS**, the regulations proposed herein will promote a more vibrant and active street experience and create a high-quality pedestrian-oriented streetscape and facade design, all of which will encourage more "eyes on the street" and enhance public safety; and

**WHEREAS**, these regulations will enhance the built environment of the City, and will make the public realm more inviting and accommodating to pedestrians; and

**WHEREAS**, these administrative reviews will streamline the process for commercial enterprises seeking to do business in the City; and

**WHEREAS**, these regulations will accomplish the aforestated goals, and ensure that the public health, safety and welfare are preserved.

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

**SECTION 1.** Chapter 118 of the City Code, "Administration and Review Procedures," Article VI, "Design Review Procedures," is hereby amended as follows:

**CHAPTER 118  
ADMINISTRATIVE AND REVIEW PROCEDURES**

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**ARTICLE VI. – DESIGN REVIEW BOARD**

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**Sec. 118-260. - Administrative review procedures.**

(a) The planning director or the director's designated representative, shall have the authority to approve, approve with conditions, or deny an application on behalf of the board, for the following:

- (1) Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way, any waterfront or public park. For those lots which are greater than 10,000 square feet, the floor area of the proposed addition may not exceed ten percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet.
- (2) Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
- (3) Facade and building alterations, renovations and restorations which are minor in nature.
- (4) Modifications to storefronts and/or façade alterations in commercial zoning districts that support indoor/outdoor uses, which are compatible with the architecture of the building, except for vehicular drive-through facilities. Such modifications may include the installation of operable window and entry systems such as pass-through windows, take-out counters, sliding or folding panel doors, french doors, or partially-transparent overhead-door systems. Applications submitted pursuant to this subsection (a)(4) shall comply with the following regulations:
  - a. the property shall not be located within 300 feet of any residential zoning district, measured following a straight line from the proposed operable storefront of the commercial establishment to the nearest point of the property designated as RS, RM, RMPS, RPS, RO or TH on the city's zoning district map; and
  - b. the extent of demolition and alterations to the façade of the building shall not permanently alter the character of the building's architecture by removing original architectural features that cannot be easily replaced, or by compromising the integrity of the architectural design.

Should the proposed storefront modification not comply with any of the above regulations, the proposed modifications to storefronts and/or façade alterations shall require design review board review and approval.

- (5) Modifications to storefronts and/or façade alterations utilizing an exterior component within the storefront and/or façade, which are compatible with the architecture of the building (including, without limitation, the installation of walk-up teller systems and similar 24/7 ATM-style pickup openings, dry-cleaning drop-off and pick-up kiosks, and similar self service facilities; but excluding vehicular drive-through facilities). Any new openings shall be architecturally compatible with the building and minimally sized to facilitate the transfer of goods and services.
- ~~(4)~~(6) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
- ~~(5)~~(7) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
- ~~(6)~~(8) Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
- ~~(7)~~(9) Minor work involving public improvements upon public rights-of-way and easements.
- ~~(8)~~(10) Minor work which is associated with rehabilitations and additions to existing buildings, or the construction, repair, or rehabilitation of new or existing walls, at-grade parking lots, fences.
- ~~(9)~~(11) Applications related to exterior balcony, terrace, porch and stairway rails on existing buildings, which have become nonconforming as it pertains to applicable Florida State Codes, and which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life safety codes. Modifications required to address compliance with applicable state life safety codes shall be consistent with the original design character of the existing rails, and may include the introduction of secondary materials such as fabric mesh, solid panels and glass panels.

The director's decision shall be based upon the criteria listed in this article. The applicant may appeal a decision of the planning director, pursuant to the procedural requirements of Section 118-9.

## **SECTION 2. CODIFICATION.**

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

## **SECTION 3. REPEALER.**

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

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Mayor Dan Gelber

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Rafael E. Granado, City Clerk

First Reading: May 8, 2019

Second Reading: June 5, 2019

(Sponsor: Commissioner Ricky Arriola)

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

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