



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

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Rafael A. Paz, City Attorney

A handwritten signature in black ink, appearing to be "Rafael A. Paz", written over a horizontal line.

DATE: February 23, 2022

FIRST READING

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118 OF THE CODE OF THE CITY OF MIAMI BEACH, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, ENTITLED "HISTORIC PRESERVATION," DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 118-503 THEREOF, ENTITLED "SCOPE, POLICIES, AND EXEMPTIONS," TO CORRECT A SCRIVENER'S ERROR; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The proposed Ordinance, which is sponsored by Mayor Dan Gelber, is submitted to the City Commission for first reading on February 23, 2022 to correct a scrivener's error inadvertently included in Ordinance No. 2005-3495. There is no substantive change.

BACKGROUND

On October 19, 2005, the Mayor and City Commission of the City of Miami Beach adopted Ordinance No. 2005-3495, amending Section 118-503 of the City Code, to expand and enhance the procedure of the Historic Preservation Board regarding after-the-fact Certificates of Appropriateness.

Ordinance No. 2005-3495 created subsection 118-503(b) to modify the requirements for an after-the-fact certificate of appropriateness.

Additional edits were made after First Reading, as denoted by double-underline additions and double-strikethrough deletions throughout Ordinance No. 2005-3495 (attached as Exhibit A), but, inadvertently, paragraph references to subsection 118-503(c), governing exemptions, were not updated and a few intended words were omitted.

A correction to the scrivener's error is required for uniformity and consistency throughout Section 118-503; and no substantive change to the Ordinance is intended.

RAP/RFR/ym

**RECONSTRUCTION OF DEMOLISHED PROPERTIES AND ENGINEERING
REQUIREMENTS**

ORDINANCE NO. 2005-3495

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, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 1, "GENERALLY," BY AMENDING SECTION 118-503 TO MODIFY THE REQUIREMENTS FOR AN AFTER-THE-FACT CERTIFICATE OF APPROPRIATENESS; BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, "HISTORIC PRESERVATION," DIVISION 3, "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION", BY AMENDING SECTION 118-562 TO ADD A REQUIREMENT FOR AN INDEPENDENT STRUCTURAL EVALUATION FOR DEMOLITION REQUESTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach wishes to preserve its unique architectural history and to maintain the structural, historical and architectural integrity of existing structures in the City's designated historic districts and sites; and

WHEREAS, the City of Miami Beach Historic Preservation Board and the Planning Department are the primary vehicles for preserving this history and integrity; and,

WHEREAS, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures of the Historic Preservation Board regarding after-the-fact Certificates of Appropriateness in order to preserve the architectural history and built character of the City; and,

WHEREAS, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements for Certificates of Appropriateness for Demolition in order to ensure an objective review of contributing structures; and,

WHEREAS, the City of Miami Beach Historic Preservation Board and Planning Board strongly endorses the proposed amendments to the Historic Preservation Section of the Code; and

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

EXHIBIT A

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

SECTION 1. That Chapter 118, Entitled "Administration and Review Procedures", Article X, Entitled "Historic Preservation", Division 1, entitled "Generally" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 118-503. Scope, policies and exemptions.

(a) **Scope.** Unless expressly exempted by subsection (b) of this section, no building permits shall be issued for new construction, demolition, alteration, rehabilitation, signage or any other physical modification of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, nor shall any construction, demolition, alteration, rehabilitation, signage or any other exterior or public interior physical modification, whether temporary or permanent, without a permit, be undertaken, without the prior issuance of a certificate of appropriateness or certificate to dig by the historic preservation board, or the planning director or his designee, in accordance with the procedures specified in this section. For purposes of this article, "alteration" or "modification" shall be defined as any change affecting the external appearance and internal structural system including columns, beams, load bearing walls and floor plates and roof plates of a structure or other features of the site including but not limited to landscaping and relationship to other structures, by additions, reconstruction, remodeling, or maintenance involving a change in color, form, texture, signage or materials, or any such changes in the appearance of public interior spaces. The foregoing shall exclude the placement of objects in or on the exterior or public interior of a structure or site, not materially affecting its appearance or architectural integrity.

(b) **Policies.**

(1) After-the-Fact Certificates of Appropriateness for Demolition.

In the event any demolition as described above or in subsection (b) of this section should take place prior to historic preservation board review, the demolition order shall be conditioned to require the property owner to file an "after-the-fact" application for a certificate of appropriateness for demolition to the historic preservation board, within 15 days of the issuance of the demolition order. No "after-the-fact" fee shall be assessed for such application. The board shall review the demolition and determine whether and how the demolished building, structure, landscape feature or the partially or fully demolished feature of the exterior or public interior space of a structure, shall be replaced. The property owner shall also be required, to the greatest extent possible, to retain, preserve and restore any demolished feature of a structure until such time as the Board reviews and acts on the "after-the-fact" application. In the event the property owner fails to file an "after-the-fact" application for a certificate of appropriateness for demolition to the historic preservation board within 15 days of the issuance of an emergency demolition order, the city may initiate enforcement proceedings including proceedings to revoke the certificate of use, occupational license, any active building permit(s) or certificate of occupancy of the subject site, whichever is appropriate. Additionally, this article may be enforced and violations may be punished as provided in section 114-8 of this Code; or by enforcement procedures as set forth in the Charter and penalties as provided in section 1-14 of this Code.

(2) Replacement of Existing Structures.

The policy of the City of Miami Beach shall be that a contributing building demolished without obtaining a Certificate of Appropriateness from the historic preservation board, shall only be replaced with a new structure that incorporates the same height, massing and square footage of the previous structure on site, not to exceed the maximum FAR and height permitted under the City Code, with no additional square footage added. This policy shall be applicable in the event a building permit for new construction or for repair or rehabilitation is issued, and demolition occurs for any reason, including but not limited to, an order of the Building Official or the County Unsafe Structures Board. This policy shall also be applicable to any request for an “after-the-fact” Certificate of Appropriateness. This policy may be rebutted, and the Historic Preservation Board may allow for the addition of more square footage, where appropriate, not to exceed the maximum permitted under the City Code, if it is established to the satisfaction of the Historic Preservation Board that the following criteria have been satisfied:

- i. The proposed new structure is consistent with the context and character of the immediate area; and
- ii. The property owner made a reasonable effort to regularly inspect and maintain the structure free of structural deficiencies and in compliance with the minimum maintenance standards of this Code.

(3) Replication of Demolished Contributing Structures.

The historic preservation board shall determine, on a case-by-case basis, whether the replication of an original, contributing structure is warranted. For purposes of this subsection, replication shall be defined as the physical reconstruction, including all original dimensions in the original location, of a structure in totality, inclusive of the reproduction of primary facade dimensions and public area dimensions with appropriate historic materials whenever possible, original walls, window and door openings, exterior features and finishes, floor slab, floor plates, roofs and public interior spaces. The Historic Preservation Board shall have full discretion as to the exact level of demolition and reconstruction required. If a building to be reconstructed is non-conforming, any such reconstruction shall comply with all of the requirements of Chapter 118, Article IX of these Land Development Regulations.

(c) Exemptions. The following permits are exempt from the regulations of this section:

(1) All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment not located on exteriors or within public interior spaces, and not visible from the public right-of-way.

(2) Any permit necessary for compliance with a lawful order of the building official, county unsafe structures board, fire marshal, or public works director when issuance of such permit on an immediate basis is necessary for the public health or safety or to prevent injury to life, limb or property. In the event that compliance includes full or partial demolition of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district an emergency meeting of the historic preservation board shall be called prior to the demolition being authorized, unless the work is of an emergency nature and must be done before a meeting could be convened. The historic preservation board may offer alternative suggestions regarding the need for manner and scope of demolition; these suggestions shall be taken into consideration by the official issuing the final determination regarding demolition. However, the final determination regarding demolition shall be made by the official issuing the order. In the event that the historic preservation board does not hold the meeting prior to the scheduled demolition, the demolition may take place as scheduled. ~~In the event any demolition as described above should take place prior to historic preservation board~~

~~review, the demolition order shall be conditioned to require the property owner to file an "after the fact" application for a certificate of appropriateness for demolition to the historic preservation board, within 15 days of the issuance of the demolition order: no "after the fact" fee shall be assessed for such application. The board shall review the demolition and determine whether and how the demolished building, structure, landscape feature or the partially or fully demolished feature of the exterior or public interior space of a structure, shall be replaced. The property owner shall also be required, to the greatest extent possible, to retain, preserve and store any demolished feature of a structure until such time as the Board reviews and acts on the "after the fact" application. In the event the property owner fails to file an "after the fact" application for a certificate of appropriateness for demolition to the historic preservation board within 15 days of the issuance of an emergency demolition order the city may initiate enforcement proceedings including proceedings to revoke the certificate of use, occupational license, any active building permit(s) or certificate of occupancy of the subject site, whichever is appropriate. Additionally, this article may be enforced and violations may be punished as provided in section 114-8 of this Code; or by enforcement procedures as set forth in the Charter and penalties as provided in section 1-14 of this Code.~~

(3) Any permit issued for an existing structure in a designated historic district which has been specifically excluded from the district.

SECTION 2. That Chapter 118, Entitled "Administration and Review Procedures", Article X, Entitled "Historic Preservation", Division 3, entitled "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 118-562. Application.

(a) An application for a certificate of appropriateness may be filed with the historic preservation board at the same time or in advance of the submission of an application for a building permit. Copies of all filed applications shall be made available for inspection by the general public.

(b) All applications involving demolition, new building construction, alteration, rehabilitation, renovation, restoration or any other physical modification of any building, structure, improvement, landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district shall be on a form provided by the planning department and shall include such information and attached exhibits as the board and the planning department determine are needed to allow for complete evaluation of the proposed demolition, construction and other physical improvements, alterations or modifications including, but not limited to, the following:

- (1) Written description of proposed action.
- (2) Survey.
- (3) Complete site plan.
- (4) Materials containing detailed data as to architectural elevations and plans showing proposed changes and existing conditions to be preserved.
- (5) Preliminary plans showing new construction in cases of demolition.
- (6) A financial feasibility study of the new project in cases of demolition and a feasibility study for an existing structure which addresses the possibility of substantially renovating or operating the

existing historic structure. Consideration of parking needs and demands shall be addressed within the feasibility study, as well as alternative methods of providing parking. The study will also determine whether the retention of the building would deny the owner economically viable use of the property.

(7) An historic resources report, containing all available data and historic documentation regarding the building, site or feature.

(8) Any application which involves substantial structural alterations to or the substantial or full demolition of any building, structure, improvement, significant landscape feature, public interior or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, with the exception of non substantial exterior structural repairs, alterations and improvements (as may be more specifically defined by the board in its by-laws and application procedures), shall be required to include a structural evaluation and corrective action report prepared by a professional (structural) engineer, licensed in the state as a part of the application at time of submission. For non substantial exterior structural repairs, alterations and improvements (as may be more specifically defined by the board in its by-laws and application procedures), a signed and sealed engineering drawing shall be required. The structural evaluation and corrective action report shall include, but not be limited to, the following:

a. Review and analysis of structural conditions, based upon the engineer's direct on-site inspection and analysis of the structural condition of the subject property, as well as any and all earlier structural records and drawings, as may be available. This shall include documentation, in the form of photographs, plans, elevations, and written descriptions, of any and all areas, portions, or elements of the building or structure that shows existing or potential structural problems or concerns, in full accordance with the requirements of the building official.

b. Results of testing and analysis of structural materials and concrete core samples, taken at a sufficient number of locations in and about the building, inclusive of but not limited to foundations, columns, beams, walls, floors and roofs. The report shall professionally analyze and evaluate the compressive strength, chloride content, and overall structural condition of each and every core sample and assess the condition of all other structural elements or systems in the building or structure, regardless of material, that may be of structural concern.

c. Proposed corrective measures and monitoring of the work, including detailed plans, elevations, sections and specifications, as well as written descriptions of any and all structural corrective measures that will be undertaken for any and all areas, portions, or elements of the building or structure that may be of structural concern. These documents shall contain sufficient supporting evidence to establish that the corrective measures proposed will be adequate to restore and preserve the structural integrity of the identified areas, portions, or elements to be preserved, including a written and detailed description of the process by which the proposed corrective work will proceed, as well as the sequencing of the work. Finally, a written verification shall be included stating that all structural conditions throughout the building or structure shall be closely monitored by a special inspector, approved by the building department and employed by the applicant, during the course of all demolition, new construction, and bracing and shoring work. This provision is required in order to immediately identify any and all adverse changes in the structural integrity or stability of the subject building or structure during the course of the work, inclusive of architectural features. The special inspector shall provide expeditious direction to the contractor specific to how the observed adverse changes shall be quickly and properly stabilized and permanently corrected. This information shall be immediately conveyed to the city's planning and building departments for

their review and any necessary actions.

d. Proposed methodology and process for demolition, including detailed plans, elevations, sections and specifications, as well as a written description of any and all temporary shoring and bracing measures and all measures required to protect the safety of the public and workers. These measures shall be fully implemented and in place prior to and during the course of any demolition and construction activity on the subject property. The documents shall contain sufficient supporting evidence to establish that the corrective measures proposed will be adequate to restore and preserve the structural integrity of the identified areas, portions, and elements, including a written and detailed description of the proposed process and sequencing of demolition, as well as a detailed description of the demolition methods to be utilized. Finally, a written verification shall be included stating that all work as described above shall be closely monitored during the course of work by a special inspector approved by the building department. This inspector shall be employed by the applicant.

e. A signed and sealed certification that the structural integrity and stability of the subject building(s)/structure(s), and its architectural features, shall not be compromised in any way during the course of any and all proposed work on the subject site.

(9) The Historic Preservation Board, for applications involving the full demolition of any contributing building, structure or site individually designated in accordance with sections 118-591, 118-592 and 118-593, or located within an historic district, may request the City to retain a licensed independent structural engineer, with expertise in historic structures, to perform an independent evaluation of the structure proposed to be demolished. The City Commission, in its sole discretion, may review the request and appropriate funds to cover the costs associated with the retention of such engineer. The Planning Department shall select the independent structural engineer from a qualified list it maintains. If it is determined by the independent structural engineer that the building, structure or site can be retained, preserved or restored, and a certificate of appropriateness is issued based upon such determination, then the property owner shall reimburse the City for all costs it paid to such engineer, and the property may be liened to assure payment. If it is determined by the independent structural engineer that the building, structure or site cannot be retained, preserved or restored, then the City shall bear the responsibility of all costs incurred by such independent structural engineer.

SECTION 3. 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 relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 4. REPEALER.

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

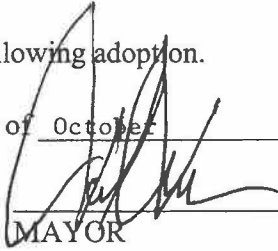
SECTION 5. SEVERABILITY.

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

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this 19th day of October, 2005.


MAYOR

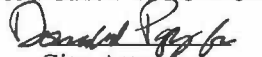
David Dermer

ATTEST


CITY CLERK

Robert Parcher

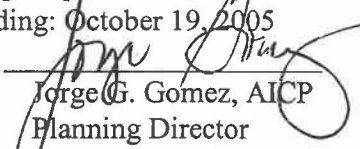
APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

10/07/05
Date

First Reading: September 8, 2005

Second Reading: October 19, 2005

Verified by: 
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

Double Bold Underscore denotes changes pursuant to and following First Reading Approval

10/3/2005

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CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY



Condensed Title:

Ordinance amending the Historic Preservation Section pertaining to requirements for new construction on those properties where a contributing building is demolished and requirements for evaluations by independent structural engineers.

Issue:

Amendment to the Historic Preservation Section of the City Code to clarify procedures and requirements for new construction on those properties where a contributing building is demolished and to implement new requirements for evaluations by independent structural engineers.

Item Summary/Recommendation:

On September 8, 2005, the City Commission approved the proposed Ordinance on First Reading, subject to minor modifications regarding the allocation of funding for an independent engineer. The Administration recommends that the Mayor and City Commission adopt the proposed Ordinance.

Advisory Board Recommendation:

The Historic Preservation Board reviewed the Ordinance on March 8, 2005 and recommended approval. The Planning Board reviewed the proposed Ordinance on March 29, 2005, recommended certain modifications and continued the item to the April 26, 2005 meeting. On April 26, 2005 the Planning Board transmitted the proposed Ordinance to the City Commission with a favorable recommendation. On July 11, 2005, the Land Use and Development Committee reviewed the proposed Ordinance and recommended approval.

Financial Information:

| Source of Funds: | | Amount | Account | Approved |
|--|-------|--------|---------|----------|
| <div><div></div><div>Finance Dept.</div></div> | 1 | | | |
| | 2 | | | |
| | 3 | | | |
| | 4 | | | |
| | Total | | | |

City Clerk's Office Legislative Tracking:

Jorge Gomez or Thomas Mooney

Sign-Offs:

| Department Director | Assistant City Manager | City Manager |
|---------------------|------------------------|--------------|
| | | |

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AGENDA ITEM

RSB

DATE

10-19-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
<http://ci.miami-beach.fl.us>



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members Of The City Commission

Date: October 19, 2005

From: Jorge M. Gonzalez
City Manager

**SECOND READING
PUBLIC HEARING**

Subject: Reconstruction and Engineer Requirements

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, BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, ENTITLED "HISTORIC PRESERVATION," DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 118-503 TO MODIFY THE REQUIREMENTS FOR AN AFTER-THE-FACT CERTIFICATE OF APPROPRIATENESS; BY AMENDING CHAPTER 118, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE X, ENTITLED "HISTORIC PRESERVATION," DIVISION 3, ENTITLED "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION", BY AMENDING SECTION 118-562 TO ADD A REQUIREMENT FOR AN INDEPENDENT STRUCTURAL EVALUATION FOR DEMOLITION REQUESTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Adopt the proposed Ordinance.

ANALYSIS

Recently, the City Commission adopted, on First Reading, modifications to the Non-Conforming Structures section of the City Code, which was the result of the recommendations of the Mayor's Blue Ribbon Panel on the Structural Integrity of Historic Buildings. This ordinance, however, did not address "conforming" buildings in the City's historic districts.

In order to address any "conforming" buildings which may be required to be demolished in the future, by order of the Building Official, the same policy clause that was developed for the "non-conforming structures" section of the City Code has been proposed for "conforming" buildings. Specifically, a section has been added creating a policy that any contributing structure demolished shall be fully reconstructed without any additional floor

area. The Historic Preservation Board will have the latitude, on a case-by-case basis, to require the reconstruction of any structure deemed to be structurally unsafe.

By limiting the amount of floor area that can be added to a contributing structure, it is anticipated that this change will encourage the preservation of structures by creating an incentive for their preservation. It will also put all current and future property owners on notice that existing structures in local historic districts, that are designated contributing, would have to be reconstructed if they are found to be structurally unsafe.

In addition to this change, new language has been added requiring that an independent licensed structural engineer with expertise in historic structures, be retained to evaluate any application which involves the full demolition of any contributing building located within an historic district, inclusive of an application for an after-the-fact certificate of appropriateness for demolition. The independent engineer shall be chosen from a list approved pursuant to an RFQ, and the evaluation of the engineer shall take into consideration any potential methods for retaining and preserving the subject structure. This portion of the proposed ordinance amendment was referred by the City Commission to the Planning Board in order to address the potential conflicts associated with a structural evaluation of an historic structure being performed by an engineer retained and paid for by the property owner.

The Ordinance was reviewed by the Historic Preservation Board on March 8, 2005, which recommended approval. The Planning Board reviewed the revised Ordinance on March 29, 2005 and continued the item to the April 26, 2005 meeting. The Planning Board had specific concerns pertaining to the inclusion of parking impact fees in areas outside of local historic districts, as well as the proposed mandatory requirements for new construction in the event a contributing building is demolished. In order to address these concerns the following modifications to the Ordinance were made:

1. The policy for buildings demolished by an Order of the Building Official or without a Certificate of Appropriateness from the Historic Preservation Board has been modified to require that any new structure be limited to the height, massing and square footage of the original structure (not to exceed the height and FAR requirements of the Code) and that the architectural style of the new structure be subject to the review and approval of the Historic Preservation Board.
2. Specific criteria was established that allows the Historic Preservation Board to rebut the aforementioned policy.
3. The requirements for an independent structural engineer were modified so that such engineer would act on behalf of the Historic Preservation Board, and not the property owner. Also, such engineer would be chosen by the Board, from a qualified list to be maintained by the Planning Department.

On April 26, 2005 the Planning Board transmitted the Ordinance to the City Commission with a favorable recommendation. On June 8, 2005 the City Commission referred the matter to the Land Use and Development Committee for further study.

On July 11, 2005, the Land Use and Development Committee endorsed the proposed ordinance, with the proviso that the structure of the ordinance be simplified and made easier to read. In order to address this requirement, the Administration has redrafted the proposed Ordinance in a manner that reorganizes the language.

The most significant change was introducing a new portion of the Ordinance pertaining to the new City policy on the reconstruction requirements for lots on which a contributing structure was located and the ability of the Historic Preservation Board to waive such policy. This section of the proposed Ordinance amendment was relocated from the proposed Ordinance pertaining to "Non-Conforming Structures".

On September 8, 2005, the City Commission approved the subject Ordinance on First Reading. The Commission expressed some concern with regard to the funding of the independent engineer and a strong desire to assure fiscal control. In this regard, new language has been added to the proposed Ordinance requiring that the Commission, at their discretion, ratify any and all services of an independent engineer requested by the Historic Preservation Board.

Additionally, the City Commission must also allocate the appropriate funds, to cover the costs associated with the retention of an independent engineer, prior to the commencement of any work. Finally, instead of the engineer being chosen by the Historic Preservation Board, the Commission requested that responsibility be transferred to the Planning Department. The selection would come from a qualified list of structural engineers approved pursuant to an RFQ, and maintained by the Planning Department.

FISCAL IMPACT

The proposed Ordinance is expected to have a fiscal impact under certain circumstances. If the independent structural engineer determines that the structure cannot be retained, preserved or restored, then the City bears responsibility of all costs incurred by the engineer. This is estimated to cost \$25,000 per analysis.

In order to assure fiscal control, the Ordinance has been modified to require that the City Commission have final authority over the retention of an independent engineer, as well as the allocation of funds.

CONCLUSION

Adopt the proposed Ordinance.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/TH/JGG/TRM

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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, October 19, 2005**, to consider the following:

10:15 a.m.

An Ordinance Amending Miami Beach City Code Chapter 2, Article VI, Division 3, By Creating Section 2-373 Thereof, Entitled "Requirement For City Contractors To Provide Equal Benefits For Domestic Partners," By Mandating That City Contractors Provide Equal Benefits For Domestic Partners.

Inquiries may be directed to the Procurement Division at (305) 673-7490.

10:20 a.m.

A Resolution Setting A First Public Hearing To Consider Extending The Approval Of The Miami Beach Convention Center As A Venue For Conventions, Expositions Or Events Involving Adult Materials, Pursuant To The Provisions Of Section 847.0134, Florida Statutes; and Referring The Matter To The Land Use And Development Committee.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:30 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 1, "Generally," By Amending Section 118-503 To Modify The Requirements For An After-The-Fact Certificate Of Appropriateness; By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/ Certificate Of Appropriateness For Demolition," By Amending Section 118-562 To Add A Requirement For An Independent Structural Evaluation For Demolition Requests.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:35 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 138, "Signs," By Amending Article I, "In General," By Amending Section 138-11 To Clarify The Requirements And Procedures For The Removal Of Signs; Providing For Inclusion In The City Code.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).
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