

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: February 22, 2022

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB21-0478 - Clarifications to Certificate of Appropriateness (COA) Administrative Appeals and Application Form Requirement.**

#### **RECOMMENDATION**

Transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On December 8, 2022, at the request of the City Manager, the City Commission referred the proposed Ordinance to the Planning Board for review and recommendation (item C4 T).

#### **REVIEW CRITERIA**

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Consistent** – The proposed amendment does not amend district boundaries nor create an isolated district unrelated to adjacent or nearby districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** - The proposed ordinance amendment does not affect the scale of development within the affected neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and**

**infrastructure.**

**Consistent** – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Not applicable** – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – The need to clarify appeal procedures for COA's, in light of an independent evaluation of the land development regulations, makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed change will not affect traffic congestion.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed change does not modify height or setback limits and would not reduce light and air to adjacent areas beyond what is currently allowed.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

**Consistent** – The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not applicable.**

- 13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not applicable.**

**COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Partially Consistent** – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Partially Consistent** – The proposal does not affect the resiliency of the City with respect to sea level rise.

- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

**Consistent** – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

**BACKGROUND**

Recently, independent evaluations were conducted regarding the administrative review procedures pertaining to apartment hotels, including recommendations from the Office of the Inspector General (OIG). The following are the applicable recommendations contained in OIG Report 21-40:

*1. The Planning and Building Departments, in consultation, should determine whether Section 118-562(b) of the Land Development Regulations should be amended to permit the Planning Department to approve administrative Certificates of Appropriateness on the building permit application or require a separate Certificate of Appropriateness application on a form prepared by the Planning Department (See Legal Opinion).*

*2. The City should amend Article X of the Land Development Regulations to clearly state and require that in the cases of administrative review of a Certificate of Appropriateness performed pursuant to Section 118-563(d) of the Land Development Regulations, the Planning Director, or designee, shall issue a written decision as to the approval, denial, or conditions imposed with respect to a Certificate of Appropriateness, including whether said decision involved subsections 118-563(d)(1) and 118-563(d)(3), so that the same can be appealed by affected persons as provided by Section 118-563(e) and 118-9 of the Land Development Regulations (See Legal Opinion).*

The first recommendation pertains to what type of application form should be required for certificates of appropriateness that are eligible to be reviewed at staff level. The second recommendation pertains to the appeal and notice process for administrative level certificate of appropriateness reviews.

### **ANALYSIS**

The attached Ordinance amends Chapter 118 of the Land Development Regulations (LDR's) of the City Code. There are two areas proposed to be amended, for clarification purposes, as more specifically summarized hereto:

#### **Administrative Application Form Clarification**

Subsections 118-562 and 118-563 are proposed to be amended to clarify that the building permit application may suffice as the application for administrative level certificates of appropriateness filed in accordance with section 118-563(d). This clarifies and confirms standard practice, as the information contained in the building permit application is identical to that information that would be required on a separate certificate of appropriateness application.

This information is clerical in nature and required solely for record keeping purposes. More importantly, the application form, in no way, impacts the substantive review of the certificate of appropriateness (i.e., the actual architectural plans and exhibits that clearly show the nature of the exterior modifications and improvements).

#### **Administrative Level COA Appeal Clarification**

As part of the Planning Department's review of building permit applications, the approval of a Certificate of Appropriateness (COA) is required in connection with new construction or modifications to existing buildings located in locally designated historic districts. Depending on the scope of work proposed, a COA may be approved either by the Historic Preservation Board (HPB) or by staff. The HPB's jurisdiction is limited to the exterior components of the building or structure and public interior spaces.

The staff of the HPB is authorized to review COA applications for minor repairs, demolition, alterations, and improvements pursuant to the requirements set forth in Section 118-563(d) of the LDR's. For reference purposes, the following is the verbatim text from Section 118-563(d):

*Notwithstanding subsections 118-563(a) through (c) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director or designee) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. Such minor repairs, alterations and improvements include 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 (excluding rear alleys), any waterfront or public parks, provided such ground level additions do not require the demolition or alteration of architecturally significant portions of a building or structure. For those lots under 5,000 square feet, the floor area of the proposed addition may not exceed 30 percent of the floor area of the existing structure or primary lot,*

*whichever is less, with a maximum total floor area not to exceed 1,500 square feet. For those lots between 5,000 square feet and 10,000 square feet, the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 2,000 square feet. For those lots greater than 10,000 square feet, the floor area of the proposed addition may not exceed 10 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 restorations, recommended by staff, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.*
- (4) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.*
- (5) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.*

In 2015, Section 118-9 of the LDR's was created (Ordinance 2015-3977) to consolidate all procedures regarding appeals and re-hearings of land use matters into one section of the City Code. At this time, appeals of administrative decisions related to Subsection 118-563(d), pertaining to administrative level COA, were under the jurisdiction of the HPB. Additionally, appeals of administrative decisions to the Board of Adjustment (BOA) were specific to formal administrative determinations, and not to an appeal of an administrative COA. Also, under Ordinance 2015-3977 the appeal period pursuant to Subsection 118-563(d) increased from 5 days to 15 days.

In 2017, Section 118-9 was amended (Ordinance 2017-4083) to address a separate conflict with the Related Special Acts, which requires all administrative appeals, regardless of the LDR subsection, to be heard by the BOA. In this regard, appeals of administrative decisions related to Subsection 118-563(d) were moved from the jurisdiction of the HPB to the jurisdiction of the BOA, and the appeal timeframe was increased from 15 days to 30 days. However, this transfer of appeal jurisdiction did not clarify or establish publishing requirements or appeal dates for administrative level COA decisions. As such, the date of issuance of the building permit has been used as the date by which the 30-day appeal period commences.

The proposed amendment to Section 118-9 provides a clear distinction between appeals of formal administrative determinations and those approvals issued pursuant to Subsection 118-563(d). The proposed modifications to Section 118-9 also corrects the unintended lack of clarity currently existing due to the significant modifications made in 2017.

Separately, the Administration is working on a developing a report identifying permit applications that have been approved for an administrative level certificate of appropriateness. It is anticipated that such a report will be able to be published on a weekly basis, to provide better access to applications approved administratively.

It is important to note that due to the sheer volume of administrative level COA applications, as well as the limited nature of the work that is eligible for administrative review, the date of the issuance of the building permit has always been used as the timeframe for which an appeal of an administrative decision can be filed. This is important as a determination of timeliness for any appeal must be uniform.

Finally, the process for administrative level review of certificates of appropriateness has been carefully combined and coordinated with the review of building permits due to the sheer number of applications reviewed by Planning Department staff. The tight limits on the types of projects that are eligible for administrative level review, as more specifically noted in Section 118-563(d), were established to ensure that they are improvements that have minimal impact on the site and surrounding area. The current review process strikes a very careful balance between ensuring participation by affected parties and having an efficient permit review process.

As noted in the background section, the OIG has recommended revised procedures regarding the posting of decisions pertaining to administrative level certificates of appropriateness. However, any potential Code amendments that expand the regulatory process pertaining to administrative approvals will need a fiscal impact evaluation, as well as an analysis of the impacts on the overall building permit review process. Given the current number of permit applications subject to administrative certificate of appropriateness review, per year, the process currently in place provides a careful balance between thoroughly reviewing plans and allowing for a reasonable permit timeframe.

In conclusion, when the rules and regulations governing the process by which buildings are renovated become onerous, it can have the effect of discouraging much needed renovations and restorations. Indeed, the goal of historic districts is to incentivize and encourage the restoration and renovation of contributing properties and buildings within a given district. Attached are examples of completed projects where the certificate of appropriateness was reviewed and approved pursuant to Section 118-563(d). Given the challenges the City is facing regarding flooding, climate change and the condition of older buildings, a careful balance must continue to be achieved to ensure an equitable process for minor, historic renovations and restoration projects.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

## Clarifications To COA Administrative Appeals And Application Form Requirements

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH BY AMENDING CHAPTER 118 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," BY AMENDING SECTION 118-9, ENTITLED "REHEARING AND APPEAL PROCEDURES," IN ORDER TO CLARIFY THE STANDARDS AND PROCEDURE FOR ADMINISTRATIVE APPEALS BEFORE THE BOARD OF ADJUSTMENT; BY AMENDING ARTICLE X, ENTITLED "HISTORIC PRESERVATION," BY AMENDING DIVISION 3, ENTITLED "ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION," TO CLARIFY THE REVIEW PROCEDURE FOR ADMINISTRATIVE LEVEL CERTIFICATES OF APPROPRIATENESS, INCLUDING APPEALS THEREOF; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, the Related Special Acts, which are considered part of the City's Charter provides that the "Board of Adjustment shall hear and decide appeals from, and review, any order, requirements, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance of the City of Miami Beach;" and

**WHEREAS**, the Related Special Acts requires all administrative appeals be heard by the Board of Adjustment; and

**WHEREAS**, Section 118-9 of the Land Development Regulations of the City Code sets for the standards, process and procures for appeals heard by the Board of Adjustment; and

**WHEREAS**, Section 118-563 of the Land Development Regulations of the City Code delineates certain types of improvements locations within a local historic district for which the required Certificate of Appropriateness may be reviewed by administrative staff, as well as a detailed process and procedural requirements for the review of such Certificates of Appropriateness; and

**WHEREAS**, the City desires to clarify the standards, process, and procedures of review set forth in Section 118-9 for applicable Certificates of Appropriateness approved pursuant to Section 118-563 of the Land Development Regulations of the City Code, in order to be consistent with past and current City practice; and

**WHEREAS**, the City desires to clarify the standards, process and procedures for administrative review of Certificates of Appropriateness approved pursuant to Section 118-563 of the Land Development Regulations of the City Code, in order to be consistent with past and current City practice; and

**WHEREAS**, the proposed revisions to section 118-9 and 118-563, herein, are necessary to achieve these objectives.

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

**SECTION 1.** That Chapter 118 "Administration and Review Procedures," Article I "In General," is hereby amended as follows:

**Sec. 118-9 Rehearing and appeal procedures.**

The following requirements shall apply to all rehearings and appeals to or from the City's ~~by-land~~ development boards unless otherwise more specifically provided for in these land development regulations, and applicable fees and costs shall be paid to the City as required under section 118-7 and Appendix A to the City Code. As used herein, "land use board(s)" shall mean the board of adjustment, design review board, historic preservation board and planning board.

\* \* \*

(b) *Board of adjustment—Administrative appeal procedures:*

~~(1) The board of adjustment shall have the exclusive authority to hear and decide all administrative appeals when it is alleged that there is error in any written planning order, requirement, decision, or determination made by the planning director or his designee in the enforcement of these land development regulations. The planning director's decision shall be published within 30 days on the city's website for at least 30 days. An eligible party, as defined in this code, shall have 30 days, from posting on the web page to appeal the administrative determination.~~

(1) The board of adjustment shall have the exclusive authority to hear and decide the following administrative appeals:

A. All appeals pertaining to section 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," section 118-609, "Completion of work" and section 142-108, "Provisions for the demolition of single-family homes located outside of historic districts" An eligible party, as defined in this section, shall have 30 days from the date of the decision to appeal the administrative decision pertaining to the aforementioned subsections.

B. Appeals when it is alleged that there is an error in any written determination made by the planning director in the enforcement of these land development regulations. The planning director's written determination shall be published within 30 days of the determination on the city's website for at least 30 days. An eligible party, as defined in this code, shall have 30 days, from the posting of the decision on the city website, to appeal the administrative determination.

C. Appeals pursuant to section 118-260. The applicant and/or property owner shall have 15 days from the issuance of the approval or denial pursuant to section 118-260, to file an appeal.

D. Appeals pursuant to subsections 118-563(d)(1) and 118-563(d)(3). With the exception of properties located within an RS district, an eligible party, as defined in this section, shall have 15 days from the issuance of a certificate of appropriateness pursuant to subsections 118-563(d)(1) and 118-563(d)(3) to file an appeal. For purposes of this subsection the issuance of the certificate of appropriateness shall be the date of the issuance of the corresponding building permit.



- (2) Eligible administrative appeals shall be filed in accordance with the process as outlined in subsections A through D below:
- A. *Timeframe to file:* A petition for an administrative appeal, by an eligible party, as defined in this section code, shall be submitted to the planning director in accordance with the timeframes noted in subsection 118-8(b)(1) above ~~on or before the 30th day after the date of the publication.~~
  - B. *Eligible parties.* Parties eligible to file an application for an administrative appeal are limited to the following:
    - (i) Original applicant/property owner.
    - (ii) The city manager on behalf of the city administration, except for administrative appeals pursuant to sections 118-260, "Special review procedure," 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-609, "Completion of work" and 142-108, "Provisions for the demolition of single-family homes located outside of historic districts".
    - (iii) An affected person, which for purposes of this section shall mean a person owning property within 375 feet of the site or application which is the subject of the administrative appeal, except for administrative appeals pursuant to sections 118-260, "Special review procedure" 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-609, "Completion of work," and 118-260, "Special review procedure."
    - (iv) Miami Design Preservation League, except for administrative appeals pursuant to sections 118-260, "Special review procedure," 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-260, "Special review procedure," 118-609, "Completion of work," and 142-108, "Provisions for the demolition of single-family homes located outside of historic districts."
    - (v) Dade Heritage Trust, except for administrative appeals pursuant to sections 118-260, "Special review procedure," 118-395, "Repair and/or rehabilitation of nonconforming buildings and uses," 118-260, "Special review procedure," 118-609, "Completion of work," and 142-108, "Provisions for the demolition of single-family homes located outside of historic districts."
  - C. *Application requirements.* The following shall be required for all applications for administrative appeals:
    - (i) The petition to the board shall be in writing; and
    - (ii) Shall be submitted by or on behalf of an eligible party; and
    - (iii) Shall set forth the factual, technical, architectural, historic and legal bases for the appeal; and
    - (iv) The party filing the appeal shall be responsible for providing all plans and exhibits, subject to planning department procedures, as well as the duplication of all pertinent plans and exhibits.
  - D. *Notice requirements.* All administrative appeal applications are subject to the same noticing requirements as an application for a public hearing, in accordance with section 118-8, "Notice Procedures for Quasi-Judicial Land Use Board Actions and for Administrative Decisions Requiring Notice." The hearing applicant shall be responsible for all associated costs and fees.
  - E. *Standard of review.* The appeal shall be "de novo," meaning that the party appealing the administrative decision bears burden of going forward with evidence and of persuasion at the board of adjustment administrative appeal

proceeding, and to that end, the board shall have all the powers of the officer from whom the appeal is taken. Witnesses and testimony may be considered during the hearing. The hearing is considered quasi-judicial in nature, and a public hearing is required.

- (3) *Outside counsel to the planning department.* In the event of an administrative appeal to the board of adjustment, the planning director may engage the services of an attorney, or utilize a separate, independent, attorney from the city attorney's office, for the purpose of representing the planning director who made the decision that is the subject of the appeal.
- (4) *Board of adjustment decisions on administrative appeals.* The board of adjustment may, upon appeal, reverse or affirm, wholly or partly, the order, requirement, decision, or determination. The concurring vote of five members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the planning director or to decide in favor of the applicant on any matter upon which the board of adjustment is required to pass under these land development regulations.

With the exception of appeals filed pursuant to subsections 118-563(d)(1) and 118-563(d)(3), nNo permit shall be issued for work prior to expiration of the appeal period or final disposition of any appeal.

- (5) *Stay of work and proceedings on appeal.* An administrative appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless one of the exceptions below applies:
  - A. The planning director shall certify to the board of adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such a case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the board or by a court of competent jurisdiction, upon application, with notice to the officer from whom the appeal is taken and for good cause shown; or
  - B. Associated land use board hearings, may proceed to a final order, provided, however, (i) no building permit, or certificate of occupancy, or business tax receipt, dependent upon such hearing approval, shall be issued until the final resolution of all administrative and court proceedings as certified by the city attorney; and (ii) the applicant for such land use board hearing shall hold the city harmless and agree to indemnify the city from any liability or loss resulting from such proceedings.

**SECTION 2.** That Chapter 118, Section 118-563, entitled "Review Procedure," Article X "Historic Preservation", is hereby amended as follows:

**DIVISION 3. - ISSUANCE OF CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION**

\* \* \*

**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 for historic preservation board review 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:

\* \* \*

**Sec. 118-563. Review procedure.**

Any applicant requesting a public hearing on any application pursuant to this section shall pay, upon submission, the applicable fees in section 118-7. No application shall be considered complete until all requested information has been submitted and all applicable fees paid.

\* \* \*

- (d) Notwithstanding subsections 118-563(a) through (c) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director or designee) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. For purposes of this subsection the application form for certificate of appropriateness review shall be the corresponding building permit application, or such other permit application form provided by the planning department.

Such minor repairs, alterations and improvements include 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 (excluding rear alleys), any waterfront or public parks, provided such ground level additions do not require the demolition or alteration of architecturally significant portions of a building or structure. For those lots under 5,000 square feet, the floor area of the proposed addition may not exceed 30 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 1,500 square feet. For those lots between 5,000 square feet and 10,000 square feet, the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 2,000 square feet. For those lots greater than 10,000 square feet, the floor area of the proposed addition may not exceed 10 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 restorations, recommended by staff, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- (4) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition

- proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- (5) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- (e) Any ~~decision of the planning director regarding~~ certificate of appropriateness issued pursuant to subsections 118-563(d)(1) and 118-563(d)(3), may be appealed to the board of adjustment pursuant to the requirements of section 118-9.

**SECTION 3. Repealer.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 relettered 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 6. Effective Date.**

This Ordinance shall take effect ten days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

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

\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: March 9, 2022

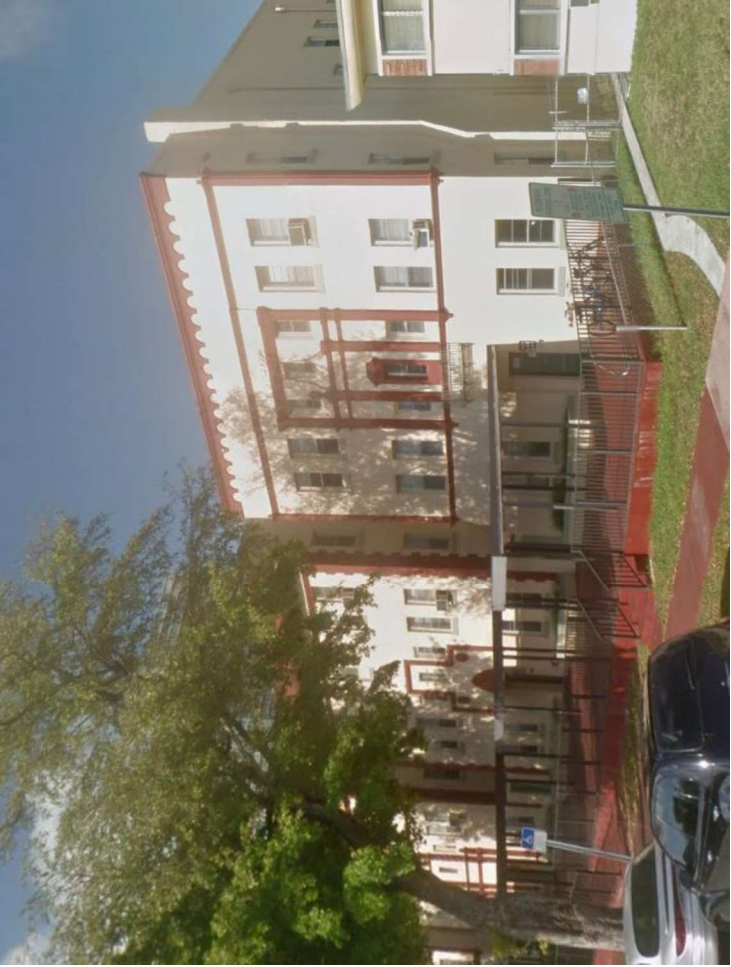
Second Reading: April 6, 2022

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

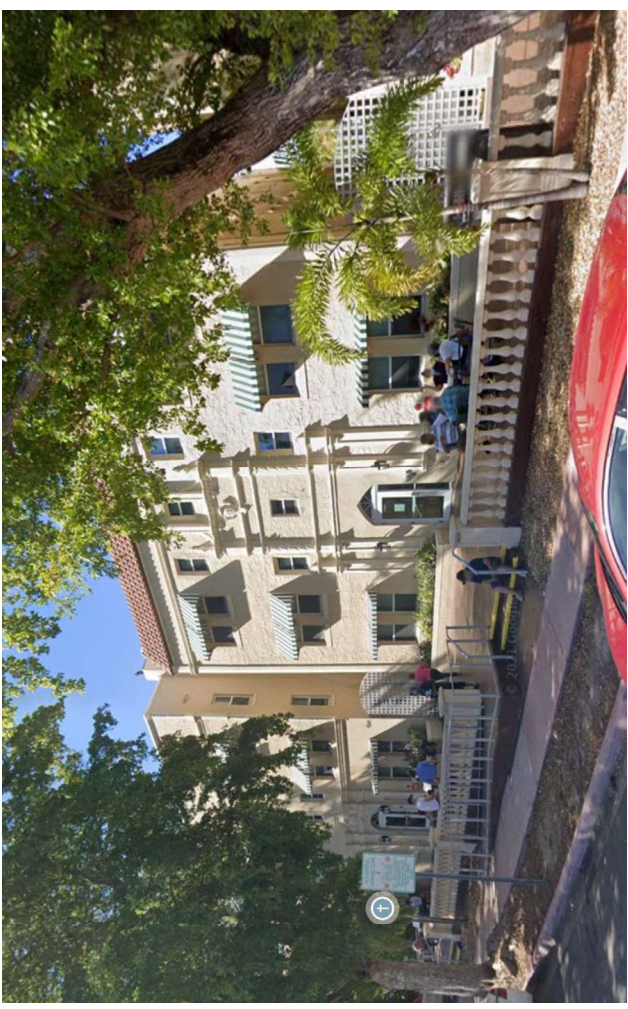


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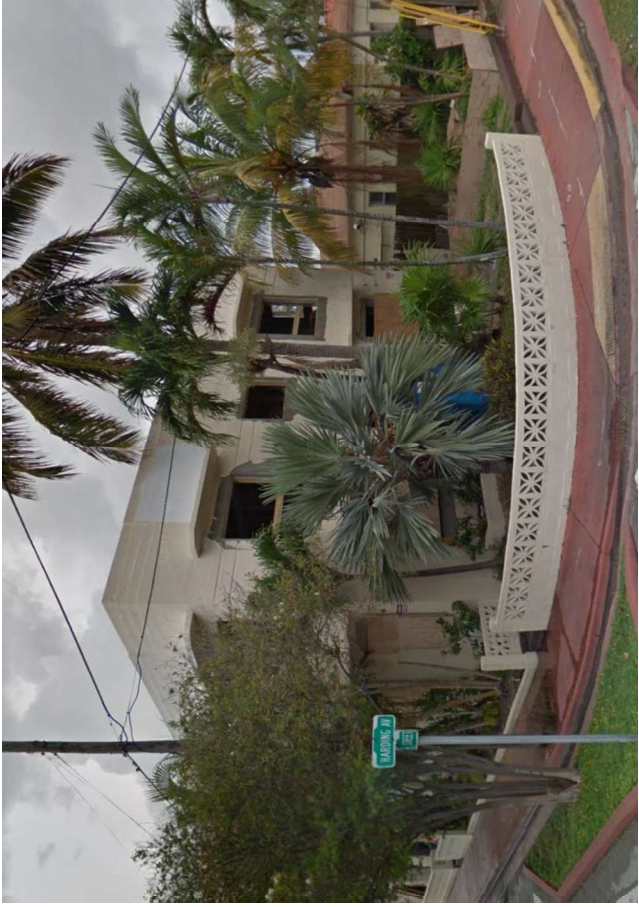


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620 Lenox Avenue



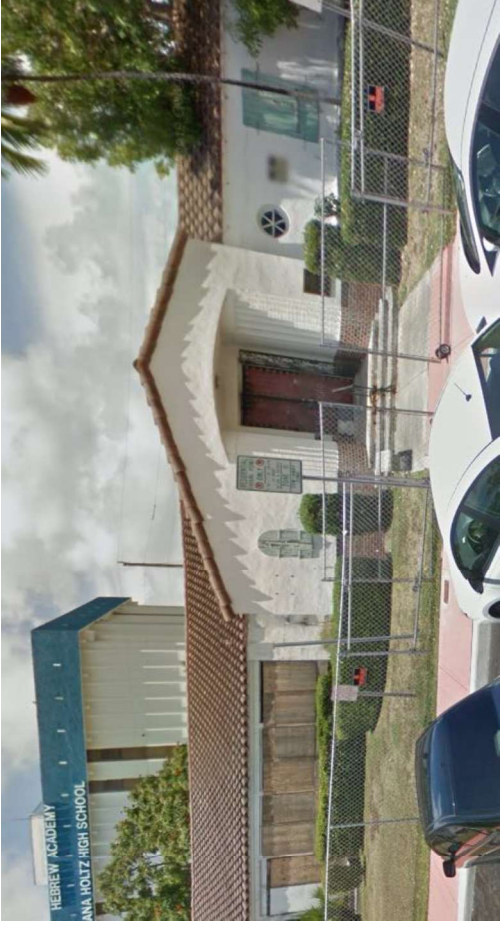


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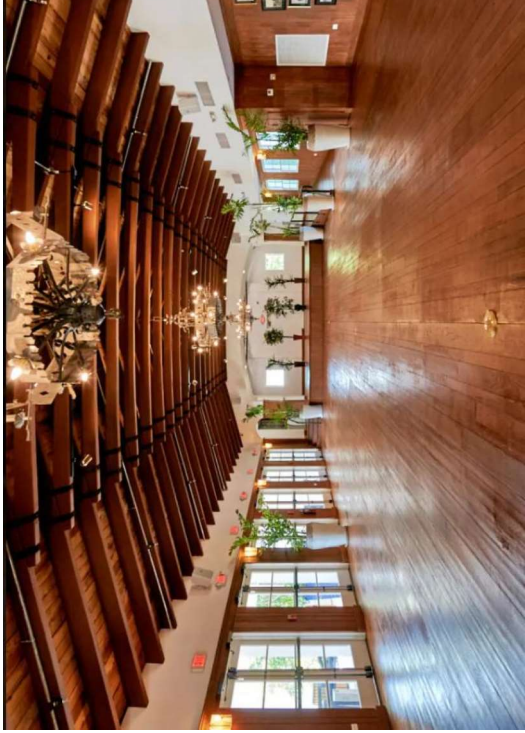


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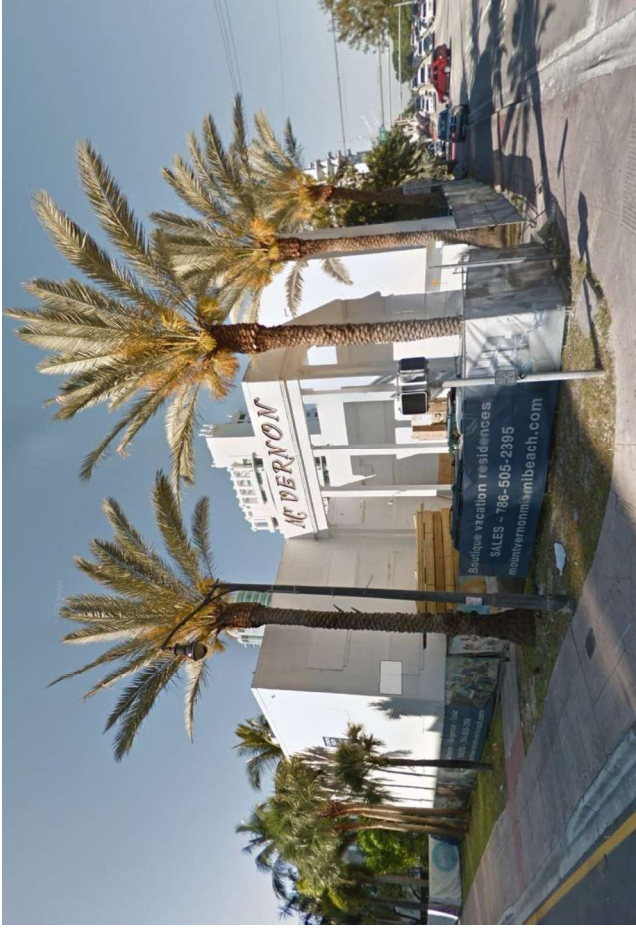


2401 Pine Tree Drive





2401 Pine Tree Drive

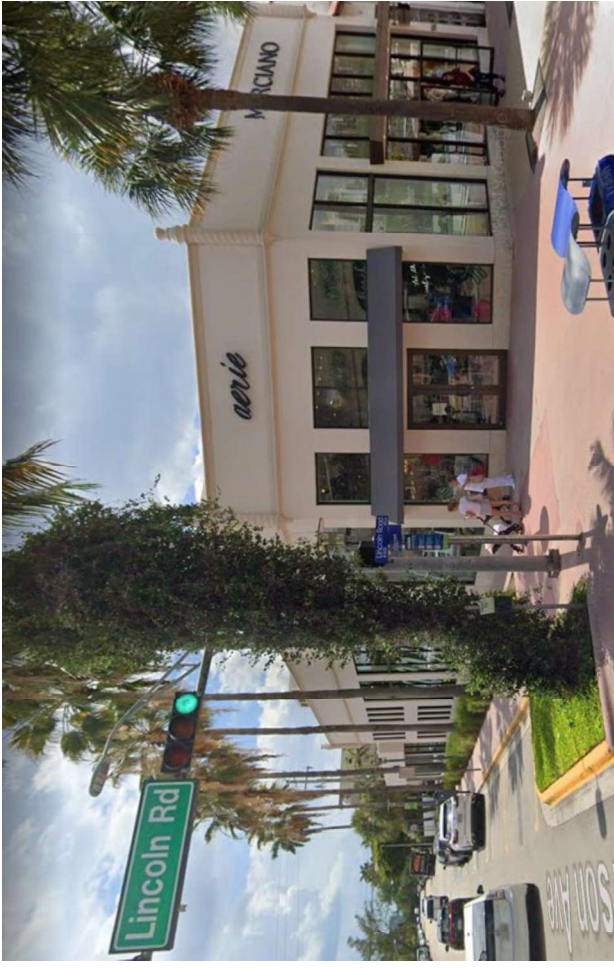
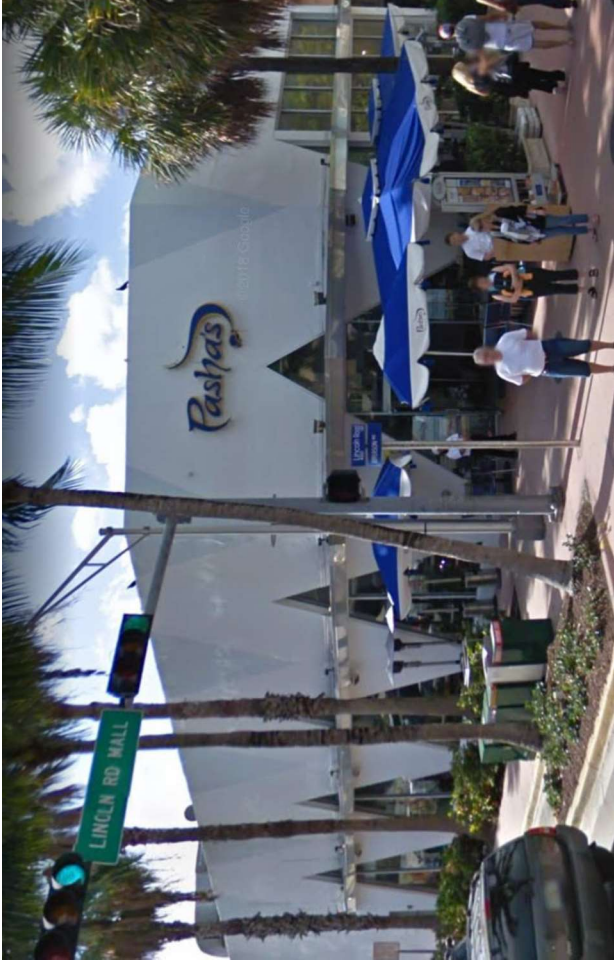


6084 Collins Avenue





210 63<sup>rd</sup> Street



900 Lincoln Road