

Administrative review of balconies for life safety modifications

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 PROVIDE AN EXCEPTION FOR ADMINISTRATIVE REVIEW OF BALCONIES; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, properties constructed prior to 2015 may have balconies that are shorter than 42 inches, and may contain gaps, spacing of more than four (4) inches, which have been determined under the Life Safety Code to be a risk for minor children and for persons to fall from the balcony railings; and

WHEREAS, to ensure compliance with the State life safety codes, and to assist property owners so that they do not have to reconstruct their balconies, the City desires to amend the administrative review procedures for the structures under the jurisdiction of the Design Review Board to authorize the planning department to administratively review balcony modifications that do not materially modify the design of existing balconies; and

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

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 VI, "Design Review Procedures," at Section 118-260, " is hereby amended, as follows:

Sec. 118-260. - Administrative review procedures.

(a) The planning director or 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) Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements.
- (5) Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage.
- (6) Minor work associated with the public interiors of buildings and those interior portions of commercial structures which front a street or sidewalk.
- (7) Minor work involving public improvements upon public rights-of-way and easements.
- (8) 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) Applications related to exterior balcony, terrace, porch and stairway safety rails on existing buildings, which have been issued a violation by an agency or city department responsible for the enforcement of Florida Statutes associated with life and safety codes.

The director's decision shall be based upon the criteria listed in this article. The applicant may appeal a decision of the planning director to the design review board, 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 be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2018.

Mayor Dan Gelber

ATTEST:

Rafael E. Granado, City Clerk

APPROVED TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:
(Sponsor: Vice Mayor John Aleman)

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

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