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NORTH BEACH TOWN CENTER – CENTRAL CORE LAND DEVELOPMENT REGULATIONS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE
CITY OF MIAMI BEACH, FLORIDA, AMENDING

CHAPTER 114, “DEFINITIONS” _____

CHAPTER 130, “OFF-STREET PARKING” _____

CHAPTER 142, “ZONING DISTRICTS AND REGULATIONS,” ARTICLE II,
“DISTRICT REGULATIONS,” _____

APPENDIX A, “FEE SCHEDULE” _____

**PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND
AN EFFECTIVE DATE.**

WHEREAS, in September 2015, at the recommendation of the Mayor’s Blue Ribbon Panel on North Beach and after an appropriate Request for Qualifications had been issued, the City Commission entered into an agreement with Dover, Kohl and Partners, Inc. to prepare a master plan for the North Beach district of the City; and

WHEREAS, on October 19, 2016, and pursuant to City Resolution No. 2016-29608, the Mayor and City Commission adopted the North Beach Master Plan developed by Dover, Kohl and Partners Inc. after significant public input; and

WHEREAS, the North Beach Master Plan identifies the Town Center area as being in need of redevelopment and revitalization; and

WHEREAS, the North Beach Master Plan recommended increasing the FAR to 3.5 for the Town Center zoning districts (TC-1, TC-2, and TC-3) within the Town Center district areas; and

WHEREAS, the goal of the recommendation is to enable the design and construction of larger buildings within the Town Center, and to encourage the development of 71st Street as a “main street” for the North Beach area; and

WHEREAS, City Charter Section 1.03(c), requires that any increase in zoned FAR for any property in the City must be approved by a majority vote of the electors of the City of Miami Beach; and

WHEREAS, on November 7, 2017, and pursuant to Resolution No. 2016-29608, the following ballot question was submitted to the City’s voters:

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FAR Increase For TC-1, TC-2 and TC-3 to 3.5 FAR –

Floor area ratio (FAR) is the measure the City utilizes to regulate the overall size of a building. Should the City adopt an ordinance increasing FAR in the Town Center (TC) zoning districts (Collins and Dickens Avenues to Indian Creek Drive between 69 and 72 Streets) to 3.5 FAR from current FAR of 2.25 to 2.75 for the TC-1 district; from 2.0 for the TC-2 district; and from 1.25 for the TC-3 district; and

WHEREAS, the ballot question was approved by 58.64 percent of the City’s voters; and

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,

WHEREAS, the amendments set forth below are necessary to accomplish the above objectives and consistent with the vote of the electorate.

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

SECTION 1. Chapter 114, “General Provisions,” Section 114-1, “Definitions,” is hereby amended as follows:

Chapter 114 - GENERAL PROVISIONS

Sec. 114-1. Definitions.

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

Artisanal Retail for On-Site Sales Only shall mean a retail establishment where consumer-oriented goods, services, or foodstuffs are produced; including but not limited to works of art, clothing, personal care items, dry-cleaning, walk-in repairs, and alcoholic beverages production, for sale to a consumer for their personal use or for consumption on the premises only. Such facilities use moderate amounts of partially processed materials and generate minimal noise and pollution.

Artisanal Retail with Off-Site Sales shall mean a retail establishment where consumer-oriented goods, services, or foodstuffs are produced; including but not limited to works of art, clothing, personal care items, dry-cleaning, walk-in repairs, and alcoholic beverages production, for sale to a consumer for their personal use or for consumption on the premises and concurrently for sale to vendors and retailers off the premises. Such facilities use moderate amounts of partially processed materials and generate minimal noise and pollution.

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Co-Living shall mean a small multi-family residential dwelling unit that includes sanitary facilities and kitchen facilities; however, such facilities may be shared by multiple units. Additionally, co-living buildings shall contain amenities that are shared by all users.

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Neighborhood Fulfillment Center shall mean a retail establishment where clients collect goods that are sold off-site, such as with an internet retailer. Additionally, the establishment provides a hub where goods can be collected and delivered to clients' homes or places of business by delivery persons that do not use cars, vans, or trucks. Such facilities are limited to 35,000 square feet.

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Live-Work shall mean residential dwelling unit that contains a commercial or office component which is limited to a maximum of fifty percent (50%) of the dwelling unit area.

SECTION 2. Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," is hereby amended to establish Division 21, "Town Center – Central Core (TC-C) District as follows:

DIVISION 21. TOWN CENTER – CENTRAL CORE (TC-C) DISTRICT

Sec. 142-740. – Purpose and Intent.

The overall purpose of the Town Center – Central Core (TC-C) District is to:

- (a) Encourage the redevelopment and revitalization of the North Beach Town Center.
- (b) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, mixed-use areas, and residential living environments with compatible office uses and neighborhood-oriented commercial services;
- (c) Promote a diverse mix of residential, educational, commercial, and cultural and entertainment activities for workers, visitors and residents;
- (d) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;
- (e) Provide opportunities for live/work lifestyles and increase the availability of affordable office and commercial space in the North Beach area.
- (f) Promote the health and well-being of residents by encouraging physical activity, waterfront access, alternative transportation, and greater social interaction;
- (g) Create a place that represents a unique, attractive and memorable destination for residents and visitors;

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- (h) Enhance the community's character through the promotion of high-quality urban design;
- (i) Promote high-intensity compact development that will support the town center's role as the hub of community-wide importance for business, office, retail, governmental services, culture and entertainment;
- (j) Encourage the development of workforce and affordable housing; and
- (k) Improve the resiliency and sustainability of North Beach.

Sec. 142-741. - Main permitted uses, accessory uses, exception uses, special exception uses, conditional uses, and prohibited uses and supplemental use regulations.

Land Uses in the TC-C district shall be regulated as follows:

- (a) The main permitted, accessory, exception, special exception, conditional, and prohibited uses are as follows:

<u>General Use Category</u>	
<u>Residential Uses</u>	
<u>Apartments & Townhomes</u>	<u>P</u>
<u>Co-Living</u>	<u>P</u>
<u>Live-Work</u>	<u>P</u>
<u>Single Family Detached Dwelling</u>	<u>P</u>
<u>Hotel Uses</u>	
<u>Hotel</u>	<u>P</u>
<u>Micro-Hotel</u>	<u>P</u>
<u>Commercial Uses</u>	
<u>Alcoholic Beverage Establishments</u>	<u>P</u>
<u>Artisanal Retail for On-Site Sales Only</u>	<u>P</u>
<u>Grocery Store</u>	<u>P</u>
<u>Indoor Entertainment Establishment</u>	<u>P</u>
<u>Neighborhood Fulfillment Center</u>	<u>P</u>
<u>Offices</u>	<u>P</u>
<u>Restaurants</u>	<u>P</u>
<u>Retail</u>	<u>P</u>
<u>Outdoor Cafe</u>	<u>A</u>
<u>Outdoor Bar Counter</u>	<u>A</u>
<u>Sidewalk Café</u>	<u>A</u>
<u>Artisanal Retail with Off-Site Sales</u>	<u>C</u>
<u>Day Care Facility</u>	<u>C</u>
<u>Public and Private Institutions</u>	<u>C</u>

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<u>Religious Institution</u>	<u>C</u>
<u>Schools</u>	<u>C</u>
<u>Commercial Establishment over 25,000 SF</u>	<u>C</u>
<u>Retail Establishment over 25,000 SF</u>	<u>C</u>
<u>Neighborhood Impact Establishment</u>	<u>C</u>
<u>Outdoor and Open Air Entertainment Establishment</u>	<u>C</u>
<u>Pawnshop</u>	<u>N</u>

P = Main Permitted Use, C = Conditional Use, N = Not Permitted, A = Accessory only

(b) The following supplemental regulations shall apply to specific uses in the TC-C district:

- (1) There shall be no variances regarding the regulations for permitted, prohibited, accessory, exception, special exception, and conditional uses in subsection 147-741(a); and the supplemental regulations of such uses and subsection 147-741(b).
- (2) There shall be a limit of 1,800 hotel rooms within the TC-C district. Credits for hotel rooms shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the hotel rooms are not built or cease operations, the credits shall become available to new applicants. Any hotel rooms permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- (3) There shall be a limit of 500 apartment units built within the TC-C district. Credits for such housing units shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or certificate of occupancy, whichever comes first. If said approval, permit, or certificate expire and the apartment units are not built or cease to be housing units, the credits shall become available to new applicants. Any apartment units permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- (4) There shall be a combined limit of 500 workforce housing, affordable housing, or co-living units built within the TC-C district. Credits for such units shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or certificate of occupancy, whichever comes first. If said approval, permit, or certificate expire and the units are not built or cease to be residential units, the credits shall become available to new applicants. Any workforce housing, affordable housing, or co-living units permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- (5) There shall be a limit of two (2) retail establishments over 25,000 square feet within the TC-C district. Credits for such retail establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the establishment is not built or ceases operations, the credits shall become available to new applicants. Any such establishment permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.

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- (6) There shall be a limit of two (2) Neighborhood Fulfillment Centers within the TC-C district. Credits for such establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the establishment is not built or ceases operations, the credits shall become available to new applicants. Any such establishment permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.
- (7) For the purposes of the TC-C district, the definition for a neighborhood impact establishments established in section 142-1361 is modified as follows:
- A neighborhood impact establishment means:
- a. An alcoholic beverage establishment or restaurant, not also operating as an entertainment establishment or dance hall (as defined in section 114-1) with an area of 10,000 square feet or greater of areas accessible by patrons; or
 - b. An alcoholic beverage establishment or restaurant, which is also operating as an entertainment establishment or dance hall (as defined in section 114-1), with an area of 5,000 square feet or greater of areas accessible by patrons.
- (8) The primary means of pedestrian ingress and egress for alcoholic beverage establishments, entertainment establishments, neighborhood impact establishments, commercial establishment over 25,000 SF, retail establishment over 25,000, or artisanal retail uses in the TC-C district shall not be permitted within 200 feet of an RM-1 district boundary. This shall not apply to emergency egress.
- (9) The following requirements shall apply to Indoor Entertainment Establishments and Outdoor and Open Air Entertainment Establishments:
- a. Indoor Entertainment Establishments shall be required to install a double door vestibule at all access points, except for emergency exits.
 - b. Indoor entertainment establishments shall cease operations no later than 5 am and commence entertainment no earlier than 9 am.
 - c. Open Air Entertainment shall cease operations no later than 11 pm on Sunday through Thursday, and 12 am on Friday and Saturday; operations shall commence no earlier than 9 am on weekdays and 10 am on weekends; however, the Planning Board may establish stricter requirements.
 - d. There shall be a maximum of ten (10) Entertainment Establishments (Inclusive of Indoor, Outdoor, and Open Air Entertainment) permitted within this zoning district. Credits for entertainment establishments shall be allocated on a first-come, first serve basis as part of an application for land use board approval, building permit, or business tax receipt, whichever comes first. If said approval, permit, or receipt expires and the entertainment establishment is not built or ceases operations, the credits shall become available to new applicants. Any entertainment establishment permitted in the area of the TC-C district, after November 7, 2017 shall be counted towards the maximum limit established herein.

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e. Entertainment Establishments shall also be restaurants with full kitchens. Such restaurants shall be open and able to serve food at a minimum between the hours of 10 am and 2 pm on days in which the Entertainment Establishment will be open and additionally during hours in which entertainment occurs and/or alcohol is sold.

(10) Restaurants with sidewalk cafe permits or outdoor cafes shall only serve alcoholic beverages at sidewalk cafes and outdoor cafes during hours when food is served in the restaurant, shall cease sidewalk cafe operations at 12:00 am and commence no earlier than 7 am.

Sec. 142-743. – General Development Regulations.

(a) The maximum floor area ratio (FAR) shall be 3.5.

(b) The maximum building height shall be follows:

(1) 125 feet (Base Maximum Height);

(2) 200 feet maximum height with participation in the Public Benefits Program as outlined in Sec. 142-746 (Public Benefit Maximum Height).

(c) Minimum Unit Sizes:

(1) Residential Unit Sizes. The minimum unit sizes for residential uses shall be as follows:

c. Apartment – 550 SF

d. Workforce Housing – 400 SF

e. Affordable Housing – 400 SF

f. Co-Living Units – 375 SF with a minimum of 20 percent of the gross floor area of the building consisting of amenity space that is physically connected to and directly accessed from the co-living units without the need to exit the parcel. Amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; kitchens; club rooms; business center; retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses whether operated by the condo or another operator. Bars and restaurants shall count no more than 50 percent of the total co-living amenity space requirements. These amenities may be combined with the amenities for Micro-Hotels, provided residents and hotel guests have access.

(2) Minimum Hotel Room Sizes. The minimum hotel room size shall be:

a. Hotel – 300 SF

b. Micro-Hotel – 175 SF provided that a minimum of 20 percent of the gross floor area of the building consists of amenity space that is physically connected to and directly accessed from the micro-hotel units without the need to exit the parcel. Amenity

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space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel uses whether operated by the hotel or another operator. Bars and restaurants shall count no more than 50 percent of the total amenity space requirements. These amenities may be combined with the amenities for Co-Living Units, provided residents and hotel guests have access.

(d) The maximum residential density shall be 150 units per acre.

(1) The maximum residential density of may be increased by up to 80 percent beyond the maximum residential density if the development incorporates certified workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units.

(e) The following floor to ceiling height limits shall apply to floors located above 55 feet in height:

(1) Residential and Hotel Uses – 12 feet

(2) Commercial Uses – 14 feet

Sec. 142-744. - Setbacks and Encroachments.

Setbacks and Allowable Encroachments into Setbacks shall be as per Table A below. For the purposes of new construction in this zoning district, heights shall be measured from the City of Miami Beach Freeboard of five (5) feet, unless otherwise noted.

Table A

<u>Street Class</u>	<u>Property line abutting</u>	<u>Building Height at which Setback occurs</u>	<u>Minimum Setback from property line</u>	<u>Allowable Habitable Encroachments into setback</u>
<u>Class B</u>	<u>69th Street Between Collins Avenue and Harding Avenue</u>	<u>Grade to 135 feet</u>	<u>10 feet</u>	<u>5 feet</u>
		<u>135 feet to max height</u>	<u>35 feet</u>	<u>5 feet</u>
<u>Class B</u>	<u>69th Street Between Harding Avenue and Indian Creek Drive</u>	<u>Grade to 55 feet</u>	<u>10 feet</u>	<u>5 feet</u>
		<u>55 feet to 135 feet</u>	<u>50 feet</u>	<u>0 feet</u>
		<u>135 feet to max height</u>	<u>85 feet</u>	<u>0 feet</u>
<u>Class D</u>	<u>70th Street Alley Line</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>3 feet</u>
<u>Class A</u>	<u>71st Street</u>	<u>Grade to 55 feet</u>	<u>10 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>25 feet</u>	<u>5 feet</u>
<u>Class A</u>	<u>72nd Street</u>	<u>Grade to max height</u>	<u>20 feet from back of curb</u>	<u>5 feet</u>

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			<u>line; curb line location shall be at the time of permitting; however, it shall be no less than 5 feet from the property line</u>	
<u>Class A</u>	<u>Collins Avenue</u>	<u>Grade to 55 feet</u>	<u>10 feet</u>	<u>5 feet</u>
		<u>55 feet to 135 feet</u>	<u>20 feet</u>	<u>5 feet</u>
		<u>135 feet to max height</u>	<u>35 feet</u>	<u>5 feet</u>
<u>Class A</u>	<u>Indian Creek Drive</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>5 feet</u>
<u>Class B</u>	<u>Abbott Avenue and Dickens Avenue</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>5 feet</u>
<u>Class C</u>	<u>Byron Avenue, Carlyle Avenue, and Harding Avenue</u>	<u>Grade to max height</u>	<u>10 feet</u>	<u>5 feet</u>
<u>N/A</u>	<u>Interior Side</u>	<u>Grade to 55 feet</u>	<u>0 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>30 feet</u>	<u>10 feet</u>
<u>N/A</u>	<u>Rear abutting an alley (Except 70th Street Alley)</u>	<u>Grade to 55 feet</u>	<u>5 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>20 feet</u>	<u>10 feet</u>
<u>N/A</u>	<u>Rear abutting a parcel</u>	<u>Grade to 55 feet</u>	<u>0 feet</u>	<u>0 feet</u>
		<u>55 feet to max height</u>	<u>30 feet</u>	<u>10 feet</u>

Sec. 142-745. –Street Frontage, Design, and Operations Requirements.

The development regulations and street frontage requirements for the TC-C district are as follows:

(a) The following regulations shall apply to all frontages:

- (1) **Tower Regulations.** The tower shall be considered the portion of a building located above 55 feet, excluding allowable height exceptions as defined in section 142-1161. Towers shall comply with the following:
 - a. That portion of a tower located within 50 feet of a public right-of-way shall not exceed 165 feet in length between the two furthest points of the exterior face of the tower.
 - b. The minimum horizontal separation between multiple towers located on the same site, including balconies, shall be 60 feet.

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- (2) **Setback Design.** The minimum setback shall be designed to function as an extension of the adjacent public sidewalk unless otherwise noted in the regulations of this zoning district.
- (3) **Clear Pedestrian Path.** A minimum ten (10) foot wide “Clear Pedestrian Path,” free from obstructions, including but not limited outdoor cafes, sidewalk cafes, landscaping, signage, utilities, and lighting, shall be maintained along all frontages as follows:
- a. The Clear Pedestrian Path may only utilize public sidewalk and setback areas.
 - b. Pedestrians shall have 24-hour access to the Clear Pedestrian Path.
 - c. The Clear Pedestrian Paths shall be well lit.
 - d. The Clear Pedestrian Paths shall be designed as an extension of the adjacent public sidewalk.
 - e. The Clear Pedestrian Path shall be delineated by differing pavement tones, pavement type, or other method to be approved by the Planning Director or designee.
 - f. An easement to the City providing for perpetual public access shall be provided for portions of the Clear Pedestrian Path that fall within the setback area.
- (4) **Balconies.** Balconies may encroach into required setbacks above a height of 15 feet up to the applicable distance indicated for allowable habitable encroachments in Table A.
- (5) **Articulation.** Facades with a length of 240 feet or greater shall be articulated so as to not appear as one continuous façade, subject to design review criteria.
- (6) **Windows.** All windows shall be a minimum of double-pane hurricane impact glass.
- (7) **Street trees.** In addition the requirements of Chapter 126, street trees shall require the installation of an advanced structural soil cells system (Silva Cells or approved equal) and other amenities (irrigation, uplighting, porous aggregate tree place finish) in tree pits. Additionally, street trees shall be of a species typically grown in Miami Beach and shall comply with ADA clearance requirements.
- (8) **Commercial, Hotel, and Access to Upper Level Frontages.** In addition to other requirements for specific frontage types and other requirements in the City Code, frontages for commercial, hotel, and access to upper level frontage shall be developed as follows:
- a. The habitable space shall be directly accessible from the Clear Pedestrian Path.
 - b. Such frontages shall contain a minimum of 70 percent clear glass windows with views into the habitable space.
 - c. A shade structure that projects for a minimum depth of 5 feet into the setback beyond the building facade, shall be provided at a height between 15 feet and 25 feet. Said shade structure may consist of an eyebrow or similar structure.

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Additionally, an allowable habitable encroachment such as balconies or parking deck may take the place of the shade structure.

- d. No more than 35 percent of the required habitable space along the ground floor of a building frontage shall be for Access to Upper Levels, unless waived by the Design Review Board.

(9) **Residential Frontages.** In addition to other requirements for specific frontage types and other requirements in the City Code, residential frontages shall be developed as follows:

- a. Ground floor residential units shall have private entrances from the Clear Pedestrian Path.
- b. Live-work units shall only be permitted where there are private entrances from the Clear Pedestrian Path.
- c. Where there are ground floor residential units, the building may be recessed from the setback line up to an additional to five (5) feet in order to provide private gardens or porches that are visible and accessible from the street.
- d. A shade structure over the private garden or porch may be provided.
- e. Private access stairs, ramps, and lifts to the ground floor units may be located within the area of the private garden or porches.
- f. Fencing and walls for such private gardens or porches may encroach into the required setback up to the applicable distance indicated for allowable encroachments in Table A at grade; however, it shall not result in a Clear Pedestrian Path of less than ten (10) feet. Such fencing and walls shall not be higher than four (4) feet from grade.

(10) **Off-Street Parking Facilities.** In addition to requirements for specific frontage types and other requirements in the City Code, off-street parking facilities shall be built as follows:

- a. Parking facilities shall be entirely screened from view from public rights of way and Clear Pedestrian Paths. Parking garages shall be architecturally screened or lined with habitable space.
- b. Parking garages may only encroach into the required setback between a height 25 feet and 55 feet up to the applicable distance indicated for allowable habitable encroachments in Table A.
 - 1. Habitable space for residential, commercial, or hotel uses may be placed within the allowable habitable encroachment in order to screen the parking garage from view of the public right-of-way.
- c. Portions of parking decks that encroach into the required setback or that are located in levels directly below habitable space shall have a minimum floor to ceiling height of nine (9) feet.

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- d. Portions of parking decks that encroach into the required setback or that are located in levels directly below habitable space shall have horizontal floor plates.
- e. Rooftop and surface parking shall be screened from view from surrounding towers through the use of solar carports or landscaping.

(11) **Utilities.** In addition to other requirements for specific frontage types and other requirements in the City Code, facilities for public utilities shall be built as follows:

- a. For new construction, local electric distribution systems and other lines/wires shall be buried underground. They shall be placed in a manner that avoids conflicts with street tree plantings.
- b. Long-distance power transmission lines not otherwise buried shall be placed on poles for above-ground distribution pursuant to the following restrictions:
 - a. Poles shall be located in the area of Allowable Encroachments into Setbacks; however, they may not obstruct Clear Pedestrian Paths.
 - b. Poles shall be located no closer than 50 feet from the radius of the intersection of two streets.
 - c. Poles shall be separated by the longest distance possible that allows the lines to operate safely.
 - d. Poles shall be architecturally and artistically treated.

(12) **Loading.** Where loading is permitted, it shall be designed as follows, in addition to the requirements for driveways:

- a. Loading shall at a minimum be setback behind the area required to be habitable for each Street Class designation.
- b. Loading for non-residential uses that are on lots over 45,000 square feet shall provide for loading spaces that do not require vehicles to reverse into or out of the site, unless waived by the Design Review Board.
- c. Driveways for parking and loading shall be combined, unless waived by the Design Review Board.
- d. Loading areas shall be closed when not in use.
- e. Garbage rooms shall be noise-baffled, enclosed, and air-conditioned.
- f. Trash containers shall be located in loading areas.
- g. Trash containers shall utilized rubber tired wheels.
- h. Delivery trucks shall not be allowed to idle in the loading areas

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- i. Loading for commercial and hotel uses and trash pick-ups with vehicles of more than two (2) axles may only commence between the hours of 6 am and 7 am, 9 am and 3 pm, and 6 pm and 9 pm on weekdays; and 9 am and 9 pm on weekends, unless waived by the Planning Board with Conditional Use approval. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5 am instead of 6 am on weekdays.
 - j. Loading for commercial and hotel uses with vehicles of two (2) axles or less may occur between the hours of 6 am and 11 pm on weekdays and 9 am and 11 pm on weekends. Notwithstanding the foregoing, hybrid or electric vehicles may commence loading at 5 am instead of 6 am on weekdays.
 - k. Required off-street loading may be provided on another site within the TC-C district and within 1,500 feet of the site.
- (b) **70th Street Frontage.** The property line between southern boundary of Lots 6 and 7 of Blocks 11 through 14 of “Normandy Beach South” according to the plat thereof as recorded in Plat Book 21 at Page 54 and the northern boundary of Lots 1 and 12 of Blocks D, E, and H of “Atlantic Heights Corrected” according to the plat thereof as recorded in Plat Book 9 at Page 54 and of Lots 1 and 6 of Block J of “Atlantic Heights” according to the plat thereof as recorded in Plat Book 9 at Page 14, is hereby defined as the “**70th Street Frontage.**”
- (c) **Street Class Designation.** For the purposes of establishing development regulations for adjacent properties and public rights of way, streets and frontages shall be organized into classes as follows:
- (1) Class A frontages are the following:
 - a. 71st Street
 - b. 72nd Street
 - c. Collins Avenue
 - (2) Class B frontages are the following:
 - a. Abbott Avenue
 - b. Dickens Avenue
 - c. Indian Creek Drive
 - d. 69th Street
 - (3) Class C frontages are the following:
 - a. Abbott Avenue
 - b. Carlyle Avenue
 - c. Harding Avenue

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(4) Class D frontages are the following:

a. 70th Street Frontage

(d) **Hierarchy of Frontages.** For the purposes of conflicts, Class A frontages shall be the highest class frontage; Class B frontages shall be the second (2nd) highest class frontage; Class C frontages shall be the third (3rd) highest class frontage; and Class D shall be the fourth (4th) highest class frontage. Where requirements for frontages of different classes overlap and conflict, the regulations for the higher class frontage shall supersede the regulations for the lower class frontage.

(e) **Class A.** In addition to other requirements in the City Code, Class A frontages shall be developed as follows:

(1) Facades shall have a minimum of height of 35 feet.

(2) Buildings shall have a minimum of three (3) floors located along a minimum of 90 percent of the length of the setback line pursuant to the following regulations:

a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.

b. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space with a minimum depth of 50 feet from the building façade.

c. The habitable space on the ground floor shall be for commercial and hotel uses, and to provide access to uses on upper floors of the building.

d. The second (2nd) and third (3rd) floors shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 25 feet from the building façade.

e. Ground floor and surface parking shall be setback a minimum of 50 feet from the building façade and be concealed from view from the Clear Pedestrian Path.

(3) Driveways and vehicle access to off-street parking and loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted drive-ways on Class A frontages shall be limited by the following:

a. If a driveway is permitted it shall be limited to 22 feet in width and be incorporated into the façade of the building.

b. Driveways shall be spaced no closer than 60 feet apart.

c. Driveways shall consist of mountable curbs that ensure a continuation of the ten (10) foot Clear Pedestrian Paths.

(4) Off-street loading shall be prohibited on a Class A frontage, unless it is the only means of egress to the site.

(5) On-street loading shall be prohibited on Class A frontages.

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- (6) Ground floor utility infrastructure as may be required by Florida Power and Light (FPL) shall be prohibited on a Class A frontage, unless it is the only means of egress to the site. Permitted utility infrastructure shall be developed as follows:
- a. Permitted utility infrastructure shall be concealed from the public view and be placed within the line of the façade if access from the street is required.
- (7) Street trees shall be provided at a maximum average spacing of 20 feet on center, have a minimum clear trunk of eight (8) feet, an overall height of 22 feet, and a minimum caliper of six (6) inches at time of planting. Additionally, the following shall apply:
- a. Street trees shall be up-lit.
 - b. If such street trees cannot be planted the applicant/property owner shall contribute double the sum required in Section 126-7(2) into the City's Tree Trust Fund.
- (f) **Class B.** In addition to other requirements in the City Code, Class B frontages shall be developed as follows:
- (1) Facades shall have a minimum of height of 35 feet.
 - (2) Buildings shall have a minimum of one (1) floor located along a minimum of 90 percent of the length of the setback line pursuant to the following regulations:
 - a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.
 - b. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 45 feet from the building façade for the minimum required length along the setback line.
 - (3) Driveways and vehicle access to off-street parking and loading shall be prohibited unless it is the only means of egress to the site or if the only other means of egress is from a Class A street. Permitted drive-ways on Class B frontages shall be limited by the following:
 - a. The prohibition on driveways may be waived by the Design Review Board on blocks that are over 260 feet in length; however, such driveways shall be limited to 12 feet in width.
 - b. Driveways shall be limited to 22 feet in width and be incorporated into the façade of the building.
 - c. Driveways shall be spaced no closer than 60 feet apart on a single parcel.
 - d. Driveways shall consist of mountable curbs that ensure a continuation of the ten (10) foot Clear Pedestrian Paths.

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- (4) Off-street loading shall be prohibited on Class B frontages, unless it is the only means of egress to the site, or if the only other means of egress is from a Class A street.
- (5) On-Street Loading shall be prohibited on Class B frontages.
- (6) Ground floor utility infrastructure as may be required by Florida Power and Light (FPL) shall be prohibited on a Class B frontage, unless it is the only means of egress to the site or if the only other means of egress is from a Class A street. Permitted utility infrastructure shall be developed as follows:
 - a. Permitted utility infrastructure shall be concealed from the public view and be placed within the line of the façade if access from the street is required.
- (7) Street trees shall be provided at a maximum average spacing of 20 feet on center, have a minimum clear trunk of six (6) feet, an overall height of 16 feet, and a minimum caliper of four (4) inches at time of planting. Additionally, the following shall apply:
 - a. Street trees shall be up-lit.
 - b. If such street trees cannot be planted the applicant/property owner shall contribute 1.5 times the sum required in Section 126-7(2) into the City's Tree Trust Fund.
- (g) **Class C.** In addition to other requirements in the City Code, Class C frontages shall be developed as follows:
 - (1) Facades shall have a minimum of height of 35 feet.
 - (2) Buildings shall have a minimum of one (1) floor located along a minimum of 85 percent of the length of the setback line pursuant to the following regulations:
 - a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.
 - b. Where there are ground floor residential units, the building may be recessed from the setback line up to five (5) feet in order to provide private gardens or porches that are visible and accessible from the street.
 - c. Except where required for driveways and utility infrastructure, the ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 20 feet from the building façade for the minimum required length along the setback line.
 - d. Ground floor and surface parking shall be setback a minimum of 20 feet from the building façade and shall be concealed from view from the Clear Pedestrian Path.
 - (3) Driveways on Class C frontages shall be limited as follows:
 - a. Driveways shall be limited to 24 feet in width and be incorporated into the façade of the building.

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- b. Driveways shall be spaced no closer than 30 feet apart, unless waived by the Design Review Board.
 - c. Driveways shall consist of mountable curbs that ensure a continuation of the ten (10) foot Clear Pedestrian Paths.
- (4) Ground floor utility infrastructure as may be required by Florida Power and Light (FPL) shall be concealed from the public view and be placed within the line of the façade if access from the street is required.
- (h) **Class D.** In addition to other requirements in the City Code, Class D frontages shall be developed as follows:
 - (1) The Class D frontage is intended to provide a comfortable pedestrian path that connects Indian Creek Drive to Collins Avenue; therefore, the minimum setback area shall contain Clear Pedestrian Path that provides access from the perpendicular Clear Pedestrian Paths which are intersected.
 - (2) Facades shall have a minimum of height of 20 feet.
 - (3) Buildings shall have a minimum of one (1) floor located along a minimum of 25 percent of length of the setback line pursuant to the following regulations:
 - a. The building may be recessed from the setback line in order to provide active public plazas that have no floor area located above the plaza.
 - b. The ground floor shall contain habitable space for residential, hotel, or commercial uses with a minimum depth of 20 feet from the building façade for the minimum required length along the setback line.
 - c. Surface Parking shall be setback a minimum of 20 feet from the building façade and shall be concealed from view from the Clear Pedestrian Path.
 - (4) Driveways shall be prohibited on Class D frontages.
 - (5) Loading shall be prohibited on Class D frontages.
 - (6) Ground floor utility infrastructure as may be required by Florida Power and Light (FPL) shall be concealed from the public view and be placed within the line of the façade if access from the street is required.
 - (7) Buildings on either side of the frontage shall be permitted to provide one elevated pedestrian walkway to connect to the building on the opposite side of the frontage pursuant to the following restrictions:
 - a. The elevated walkway shall be located between a height of 25 feet and 55 feet.
 - b. Elevated walkways shall be setback a minimum 30 feet from Class A, B, or C setbacks.
 - c. Elevated walkways may be enclosed.

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- d. Elevated walkways shall be architecturally treated.
- e. Elevated walkways shall be no wider than 20 feet, excluding architectural treatments.

Sec. 142-746. - Public Benefits Program.

Participation in the public benefits program shall be required for floor area that is located above 125 feet up to the Maximum Height. The following options or mix of options are available for participation in the public benefits program:

- (a) **Contribution to Public Benefits Fund.** A contribution to the Public Benefits Fund, in the amount identified in Appendix A shall be required as follows:
 - (1) Projects up to 150 feet in height: For each one (1) square foot of floor area that is located between 125 feet and 150 feet in height.
 - (2) Projects up to 175 feet in height: For each 0.75 square feet of floor area that is located between 125 feet and 175 feet in height.
 - (3) Projects up to 200 feet in height: For each 0.50 square feet of floor area that is located between 125 feet and 200 feet in height
 - (4) The payment shall be made prior to obtaining a building permit. However, such option may only be chosen within 18 months of the development obtaining approval from the design review board. If the payment is made and a building permit is not obtained within the aforementioned time-frame, the payment shall be forfeited to the City. An extension of time of issued by the design review board for the project, and any applicable State extension of time shall not extend this option.
- (b) **On-Site Workforce or Affordable Housing.** Provide On-Site Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons pursuant to the requirements of Articles V and VI of Chapter 58 of the City Code and certified by the Community Development Department. Two square feet of floor may be built above 125 feet for each square foot of Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons provided onsite. The following regulations shall apply to such units:
 - (1) There shall be no separate entrance or access for such units. Residents of such units shall be permitted to access the building from the same entrances as the market rate units, unless units are on the ground floor, in which case they shall have private entrances from the Clear Pedestrian Path.
 - (2) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this division.
 - (3) Only the square footage within the unit itself shall count for the square footage above the As of Right Height.

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- (c) **Off-Site Workforce or Affordable Housing.** Provide Off-Site Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons pursuant to the requirements of Articles V and VI of Chapter 58 of the City Code and certified by the Community Development Department within the City of Miami Beach. 1.5 square feet of floor area may be built above 125 feet for each square foot of Workforce Housing or Housing for Low and/or Moderate Income Non-Elderly and Elderly Persons provided off-site within the City of Miami Beach. The following regulations shall apply to such units:
- (1) Units shall comply with the minimum unit size requirements for affordable or workforce housing of this zoning district.
 - (2) Only the square footage within the unit itself shall count for the square footage above the As of Right Height.
 - (3) The housing shall be provided prior to the development obtaining a Certificate of Occupancy.
 - (4) If the housing cannot be provided prior to the development obtaining a Certificate of Occupancy, a contribution into the public benefits trust fund shall be made in the amount identified in Appendix A for each 0.5 square feet of floor area that is above the As of Right Height.
- (d) **LEED Platinum Certification.** Obtain LEED Platinum Certification or International Living Future Institute Living Building Challenge Certification. An additional 75 feet of height above 125 feet shall be provided for this option. This option shall be regulated per the Green Building Program in Chapter 133, Division 1; however, it requires that the participant post a sustainability fee payment bond or issue full payment of the sustainability fee in the amount of ten (10) percent of the total construction valuation of the building permit, as opposed to the five (5) percent as required in section 133-6(a) and that the following Compliance Schedule be utilized:

Certification Compliance Schedule

<u>Level of Certification Achieved</u>	<u>Sustainability Fee Reimbursement to Participant for Meeting Certain Green Building Certification Levels</u>
<u>Failure to obtain Certification</u>	<u>0% refund of bond or payment of Sustainability Fee</u>
<u>LEED Certified</u>	<u>30% refund of bond or payment of Sustainability Fee</u>
<u>LEED Silver Certified</u>	<u>40% refund of bond or payment of Sustainability Fee</u>
<u>LEED Gold Certified or International Living Future Institute Petals or Net Zero Energy Certified</u>	<u>60% refund of bond or payment of Sustainability Fee</u>
<u>LEED Platinum or International Living Future Institute Living Building Challenge Certified</u>	<u>100% refund of bond or payment of Sustainability Fee</u>

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(e) **Self-Sustaining Electrical and Surplus Stormwater Retention and Reuse.** Provide storm water retention that is over and above the minimum requirements in order to accommodate offsite storm water, including the reuse of such storm water through purple pipes throughout the building, in a manner to be reviewed and approved by Public Works. Additionally, the entire building shall be fully self contained in terms of electrical power through the use of solar panels and similar electricity generating devices. An additional 75 feet of height above 125 feet shall be provided for this option.

Sec. 142-747. - Public Benefits Fund.

- (a) The city has established a Public Benefits Fund. The revenue generated through the Public Benefits Program in section 142-748 shall be deposited in the Public Benefits Fund. Interest earned under the account shall be used solely for the purposes specified for funds of such account.
- (b) Earned fees in the Public Benefits Fund shall be utilized for the purposes outlined herein:
- (1) Sustainability and Resiliency grants for properties in North Beach Historic Districts;
 - (2) Uses identified for the Sustainability and Resiliency Fund, as identified in section 133-8(c);
 - (3) Improvements to existing parks;
 - (4) Enhancements to public transportation and alternative modes of travel, including rights of ways and roadways;
 - (5) Acquisition of new parkland and environmental and adaptation areas;
 - (6) Initiatives that improve the quality of life for residents.
- (c) All expenditures from these funds shall require City Commission approval. Prior to the approval of any expenditure of funds by the City Commission, the City Manager or designee shall provide a recommendation.

SECTION 3. Chapter 130, "Off-Street Parking," Article II, "Districts; Requirements" of the Code of the City of Miami Beach is hereby amended as follows:

Chapter 130 - OFF-STREET PARKING

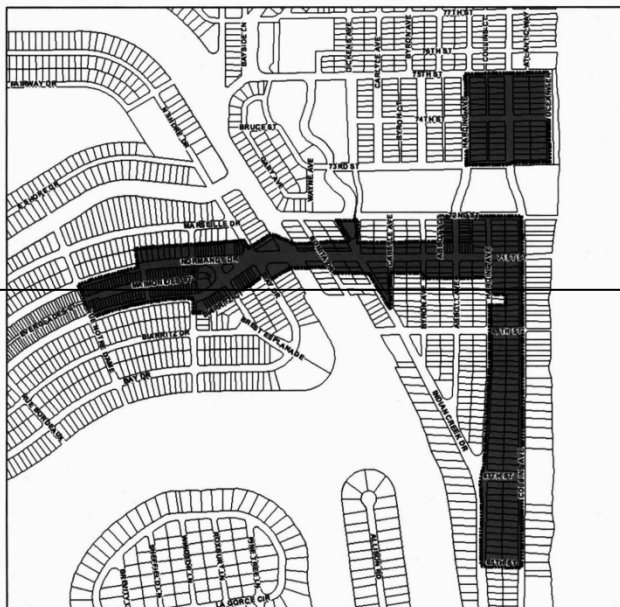
ARTICLE II. - DISTRICTS; REQUIREMENTS

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

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- (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:



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- (8) Parking district no. 8. Parking district no. 8 includes those properties within the TC-C, TC-1, TC-2, and TC-3 districts, as depicted in the map below:



Sec. 130-33. - Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, and 7, and 8.

- (d) **Parking district no. 8.** Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 8, off-street automobile parking spaces shall be provided for the building, structure or additional floor area as follows. For uses not listed below, the off-street parking requirement shall be the same as for parking district no. 4, as applicable.

(1) Apartment units and Townhomes:

1. One-half ($\frac{1}{2}$) space per unit for Units between 550 and 749 square feet;
2. Three-quarters ($\frac{3}{4}$) space per unit for Units between 750 and 1,000 square feet;
3. One (1) space per unit for Units above 1,000 square feet.

- (2) Affordable housing and workforce housing: no parking requirement.

- (3) Co-living and live-work units less than 550 square feet: no parking requirement. For co-living and live-work units greater than 550 square feet, the parking requirement shall follow the per unit requirement specified under apartment units and townhomes.

- (4) Hotel: No parking requirement. For accessory uses to a hotel, no parking requirement provided a facility with publicly accessible parking spaces is located within 1,500 feet; otherwise, as per parking district no. 4.

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- (5) Office: No parking requirement provided a facility with publicly accessible parking spaces is located within 1,500 feet; otherwise, as per parking district no. 4.
- (6) In order to encourage the use of alternative modes of transportation, the limitation for the sum of all parking reductions in Section 130-40(g) shall not apply in parking district no. 8.
- (7) In order to encourage the use of centralized parking locations, required off-street parking may be located within 2,000 feet of a development site.
- (8) Any building or structure erected in parking district no. 8 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.
- (9) New construction of any kind may satisfy their parking requirement by participation in the fee in lieu of parking program for pursuant to subsection 130-132(a) of the City Code.
- (10) Short-Term and Long-Term Bicycle Parking shall be provided for development in parking district no. 8 as follows:
 - 1. Commercial uses in parking district 8 shall provide at a minimum, bicycle parking as follows:
 - a. Short-term bicycle parking: one (1) per business, four (4) per project, or one (1) per 10,000 square feet, whichever is greater.
 - b. Long-term bicycle parking: one (1) per business or (2) per 5,000 square feet.
 - 2. Hotel uses in parking district 8 shall provide at a minimum, bicycle parking as follows:
 - a. Short-term bicycle parking: two (2) per hotel or one (1) per 10 rooms, whichever is greater.
 - b. Long-term bicycle parking: two (2) per hotel or (1) per 20 rooms, whichever is greater.
 - 3. Residential uses in parking district 8 shall provide at a minimum, bicycle parking as follows:
 - a. Short-term bicycle parking: four (4) per building or one (1) per 10 units, whichever is greater.
 - b. Long-term bicycle parking: one (1) unit.

This above noted required bicycle parking shall be permitted to apply towards vehicle parking reductions identified in section 130-40.

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SECTION 4. Appendix A - Fee Schedule of the Code of the City of Miami Beach is hereby amended as follow:

APPENDIX A – FEE SCHEDULE

FEE SCHEDULE

This appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances:

<i>Section this Code</i>	<i>Description</i>	<i>Amount</i>
	Subpart B. Land Development Regulations	
	* * *	
	Chapter 142. Zoning Districts and Regulations	
	* * *	
142-746(a)	Public benefits, per unit identified in LDRs	TBD

SECTION 5. ZONING MAP AMENDMENT The following amendment to the City's zoning map designation for the property described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

The area bounded by Indian Creek Drive and Dickens Avenue on the west, 72nd Street on the north, Collins Avenue on the east, and 69th Street on south, as depicted in Exhibit A, from the current zoning classifications of TC-1, "Town Center Core;" TC-2, "Town Center Mixed-Use;" and TC-3, "Town Center Residential Office" to the proposed zoning classification TC-C, "North Beach Town Center - Central Core."

SECTION 6. 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 7. REPEALER.

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

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SECTION 8. SEVERABILITY.

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

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: _____, 2018

Second Reading: _____, 2018

(Sponsor: Commissioner John Elizabeth Aleman)

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

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