

MIAMI BEACH

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

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Michael Góngora

DATE: October 17, 2018

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14, ENTITLED "BUILDING REGULATIONS" OF THE CITY CODE BY AMENDING DIVISION 2, CREATING A NEW SECTION 14-421, ENTITLED "NOTICE OF DEMOLITION TO AFFECTED PERSONS;" IN ORDER TO PROVIDE FOR NOTICE TO AFFECTED PERSONS WHEN THE CITY ISSUES A DEMOLITION PERMIT FOR STRUCTURES THAT ARE THREE (3) OR MORE STORIES; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

In order to ensure that surrounding properties potentially affected by a proposed demolition are properly aware of an active demolition site, the City proposes the following amendment to Chapter 14 of the City Code.

For all structures that are three (3) or more stories and that are slated for demolition, the contractor or property owner of the property to be demolished shall be required to provide prior written notice to affected persons. For these purposes, an "affected person" is a property owner within 375 feet of the demolition permit. The notice shall be mailed to affected persons and shall be posted in a conspicuous location on the building or structure that has obtained a demolition permit. Moreover, all property owner shall be the taxpayer, as reflected in the certified real property ad valorem tax roll of Miami-Dade County; provided however, where the records of the Miami-Dade County Property Appraiser indicate that ownership has changed, the owner shall be the taxpayer as reflected in those records.

The contractor or property owner of the property to be demolished shall provide an affidavit to the Building Official, swearing or affirming, under oath, to having mailed out the required notice of demolition. The contractor or property owner would certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the property owners within a 375 feet radius of the external boundaries of the proposed property to be demolished.

Failure to comply with the noticing requirements shall result in an enforcement action. Violations by a contractor or property owner of this section shall be subject to the following fines. The special master may not waive or reduce fines set in the Code. The proposed fines are as follows:

- (1) If the violation is the first violation\$ 2,500.00;
- (2) If the violation is the second violation within the preceding 18 months\$7,500.00;
- (3) If the violation is the third violation within the preceding 18 months\$12,500.00; and
- (4) If the violation is the fourth or greater violation within the preceding 18 months\$20,000.00; and

Recommendation: Approve on second reading/public hearing.

Legislative Tracking

Office of the City Attorney

Sponsor

Commissioner Michael Góngora