



BERCOW RADELL FERNANDEZ & LARKIN

ZONING, LAND USE AND ENVIRONMENTAL LAW

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VIA ELECTRONIC SUBMITTAL & HAND DELIVERY

March 9, 2020

Thomas Mooney, Director
Planning Department
City of Miami Beach
1700 Convention Center Drive, 2nd Floor
Miami Beach, Florida 33139

Re: Letter of Intent for Certificate of Appropriateness and related variances for the Property located at 3120 Collins Avenue, Miami Beach, Florida

Dear Tom:

This law firm represents G3120 Collins LLC (the "Applicant"), in connection with the property located at 3120 Collins Avenue (the "Property") within the City of Miami Beach ("City"). Please allow the following serve as the required letter of intent for a Certificate of Appropriateness and related variances for the redevelopment of the Property, including the addition of new units.

Description of the Property. The Property which is identified by Miami-Dade County Property Appraiser Folio No. 02-3226-001-1370, is situated on the south side of 32 Street, located between Collins Avenue and Indian Creek Drive. The Property is located within the RM-2, Residential Multifamily, Medium Intensity District. The Property is also located within the Collins Historic District and the Collins Waterfront Architectural District. The Property includes 4 existing buildings.

The western portion of the Property was developed first with a single-family residence, Schmidheiser Residence, at the northwest corner of the Property ("Historic Residence Structure"). The Historic Residence Structure was designed in 1926 by Edwin L. Robertson and Lawrence R. Patterson and is an example of the Mediterranean architectural style with Moorish elements. In the late 1940s, the Historic Residence Structure was modified to accommodate a rooming house use.

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The eastern portion of the Property was developed with an eight (8) story hotel initially constructed as the Rendale, and later known as the Atlantic Princess Condominium ("Historic Hotel Structure"). The Historic Hotel Structure was developed approximately fourteen years after the Historic Residence Structure, in 1940, and designed by architect Edwin L. Robertson, on his own. The Historic Hotel Structure is an example of Art Deco architecture.

Over time, both the Historic Residence Structure and the Historic Hotel Structure were converted to condominium use and ownership.

The remaining structures on the Property are the 2-story building in the center of the property, originally the accessory garage for the Historic Home Structure, and the 1-story utility building.

In 2016, the HPB approved an application for COA for the partial demolition, restoration, and renovation of the existing 8-story and two-story structures. As part of the approval, the existing structures were converted to hotel units with the accessory garage structure being converted to an accessory restaurant /bar use.

FPL Pad. The existing FPL pad located at an eight (8) foot setback was approved under HPB Filo No. 7602. At the time, the setback requirements were "5 feet or 5% lot width, whichever is greater." In 2017, pursuant to Ordinance 2017-4121, the RM-2 setbacks were increased to the current size. As such, the FPL Pad is legally non-conforming. Moreover, permit plans dated September 2, 2016, and stamped approved by the City of Miami Beach Fire Department, show FPL pad located and approved at the existing eight (8) foot setback. See Exhibit A, FPL Pad Approvals.

Description of the Development Program. The Applicant proposes to demolish the accessory garage building to construct a 5-story structure designed tastefully to bridge the gap, in both height and architectural styles, between the existing historical structures. In addition, the proposal includes picking up on the preservation work started in 2016, by restoring key features of the historic design, including the windows, pole sign, and flag poles.

Requests. To accomplish the Applicant's goals for the Property requires a Certificate of Appropriateness for partial demolition of the historic hotel structure, a Certificate of Appropriateness for the demotion of the accessory garage structure, and a Certificate of Appropriateness for design of the Project with four (4) variances for side-yard setback, smaller unit sizes, and signage.

COA for Historic Hotel Structure. The Applicant proposes a partial demolition of the existing 8-story Historic Hotel Structure in order to remove all the existing single-hung windows on floors 2-8 on the east-facing façade, Collins Avenue, and replace them with, with new casement windows to match the original historic design. In addition, the Applicant proposes to reconstruct the historic pole sign on the corner of Collins Avenue and 32 Street as well as reconstructing the historic wall mounted flag poles.

Demolition: Garage Structure. In accordance with the criteria of Section 118-564(f)(4) of the City Code, the existing Accessory Garage structure in the center of the Property has been extensively modified over time. The Historic Resources Report notes that the structure was not included in the original plans but built around the same time. Other than a few photographs showing a two-story, clay tile roofed structure with entire for two cars on the north elevation, there is limited information on the Accessory Garage.

Over time, the original design by architects Edwin. L. Robertson and Lawrence R. Patterson has disappeared, and it is now a “stripped down” version of Mediterranean architecture. The original garage doors and the first and second floor windows have been replaced, including two windows on the north facade that have been completely closed up. The structure itself has been transformed from an accessory garage into a bar and café area. The garage doors have been changed it glass doors that open to the outdoor seating area. The second floor was converted into a single-unit hotel room. The north façade was renovated to include a trellis and retractable awning to serve the outdoor seating area. Additional changes are unknown as the structure is not located on the plans or in the majority of historical documents.

Pursuant to Section 118-564(f)(4)(g) of the City Code, the Applicant is proposing definite plans for the reuse of the Property that is compatible with preserved hotel and historic home structure and the surrounding neighborhood. The proposed design of the 5-story hotel is both consistent and sensitive to the variety of uses in the immediate area. The design of the new structure purposefully addresses this dynamic, preserves the existing character of the property, which has been maintained over time, and sets back the new structure to provide additional public spaces along 32nd Street and to highlight the historic hotel and home on the Property.

Design. The design concept for the Project pulls inspiration from the existing hotel building and historic architecture throughout the Collins Waterfront Historic District. It is the perfect architectural bridge between the two historic structures. As noted in the Collins Waterfront Historic District

Designation Report, the district is identified by six (6) distinct Miami Beach architectural styles, including the Art Deco/Streamline Modern style that serves as inspiration for the project. The Property is unique as it will contain 3 different periods architectural periods within Miami Beach - Medieval Revival, Art Deco and Contemporary. All three styles are compatible and seamlessly fit together to incorporate to true character of the Collins Waterfront Historic District.

The Project satisfies many of the criteria of Section 118-564(a) of the City Code. Specifically, the Project directly enhances the appearance of the surrounding properties with a lushly landscaped public space that provides room for an outdoor café, and setbacks the five-story structure from the street to provide pedestrians with a view of the Historic Hotel Structure and the Historic Residence Structure. The façade design of the new structure ensures that the orientation and massing is sensitive to and compatible with the uses to the north and the existing historic structures. The Applicant has increased the proposed setback of the new building by four (4) feet in order to match that of the existing house structure, thereby minimizing the potential impact on the house structure. It is the most efficient arrangement possible on the site, with active uses internal to the Property, and passive uses on 32 Street.

Variance requests. The Project substantially complies with the City Code. The requested Variances are necessary to preserve the existing historical character of the Property, provide a public space, and provide an urbanistic design.

- 1) A variance of City Code Section 142-217, to waive the minimum required hotel unit size for new construction in the RM-2 District ("Variance 1");
- 2) A variance of City Code Section 142-218, to permit the proposed deck to encroach into the side yard setback ("Variance 2");
- 3) A variance from City Code Section 138-13(2), to permit a sign not facing a street ("Variance 3");
- 4) A variance from City Code Section 138-16, to permit a sign to exceed the maximum sign area ("Variance 4").

Practical Difficulty. Pursuant to Article 1, Section 2 of the Related Special Acts, where there are practical difficulties, the HPB has the power to vary or modify regulations or provisions relating to the use so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The Applicant adjusting to the regulations while preserving the historic nature of the Property represents a practical difficulty.

Unit Size Variance - Practical Difficulty. The Applicant requests a variance of Section 142-217, to waive the minimum required hotel unit size for new

construction in the RM-2 district. A practical difficulty exists as it pertains to the Project and complying with the room size requirements. The existing historic structures, pool and mechanical equipment layout within the Property is not a result of the action of the Applicant, but rather something that the Applicant is seeking to preserve in the construction of the building. As part of that, the Applicant is seeking to maintain the historical character and similar architecture present throughout the site. In doing so, the resulting units mimic the existing units, and are smaller than required for new construction within the district.

Preserving the characteristics of the existing buildings and Property is essential to the Applicant. The proposed addition is designed with preserving the existing historical characteristics of the entire site in mind. The proposed addition utilizes the same historical architecture and style designed to maintain the same historical character as the existing structures. It is important to note that in the Washington Avenue, Lincoln Road and Collins Park districts, the City Commission has recognized the issue presented while merging new construction and preserving the historical nature of a site and acted to reduce the minimum unit sizes to 175 square feet or 200 square feet.

By focusing on maintaining the character of the existing structures throughout the Property and minimizing the potential impact of the new construction, the Applicant faces practical difficulties in trying to meet the unit sizes required by the code. The current unit sizes in the existing structures are substandard, and the proposed structure would maintain the same unit size. Constructing a building to fit in the developable space without substandard unit sizes creates a great burden on the Applicant. The existing conditions of the site are not designed to accommodate changes without great effort. As such, the Applicant requests a variance from the minimum required hotel unit sizes.

Sign Variances - Practical Difficulty. The above-described development program will require multiple requests of the same variance. As such, the Applicant will add the total number of anticipated variances in each category, although it remains possible that your Department will prefer to reflect the requests in a different manner.

- Variance 3 - Sign on South Elevation
- Variance 4 - Sign on South Elevation

The layout and character of the existing historic structures and providing a design that removes active uses from 32 Street presents a practical difficulty for the Applicant. If it weren't for the design of the existing historic structures and the

desire to keep the staircases and elevator shaft away from the street, the Applicant would be able to properly provide for a wall sign on the Property that would be facing a street. This would allow the Applicant to provide signage consistent with the international corporations standardized signage program. However, due to the unique design of the building, historical character and layout of the Property, in seeking to implement Generator's standardized signage, the Applicant cannot provide a wall sign under the strict definition of the Code. The interior courtyard façade of the proposed structure is the logical signage location and the unique conditions of the Property presents an opportunity for the Applicant to provide a sign that will be within the envelope of the building.

The existing historical structures feature minimal signage, and the Applicant seeks to maintain the historical value by keeping the signage on the historical structures to the current amount. By incorporating signage on the proposed building, the Applicant is providing signage in the same manner as a sign that would be provided on the existing structures but without impacting the historic structure itself. As such, the Applicant's proposal satisfied the intent and purpose of the Code to provide wall signage of a reasonable location and size.

Deck Variance - Hardship Standard. Pursuant to Section 142-218, the setback for a side yard facing a street in the RM-2 district must be 10 feet. The Applicant seeks a variance of this section of the City Code to permit a small deck area with public outdoor seating to extend into the side yard setback. As previously indicated, the Applicant seeks to create an outdoor seating area open to the public that will contribute positively to the neighborhood. The Applicant would face significant practical difficulty incorporating new construction around the existing and historic structures. Moreover, in order to have a smooth operation of the establishment, it is vitally important to have an area that allows for public seating. Encroaching into the side setback will allow for the Applicant to provide extensive landscape buffering while providing for outdoor seating for patrons.

The variance for the location of the deck within the side yard setback is requested due to the historic location of the pool on the Property, the unique property line characteristics, and the location of the mechanical equipment on the Property. Due to the Property's historic nature, the requested variance is necessary in order for the Applicant to restore the historic characteristics of the Property while allowing for the development the new structure in a manner that does not interrupt the existing pool amenity and allows for an outdoor café and public space for its guests to ensure the project's viability. The pool, pool deck and mechanical equipment and FPL pad are currently existing. However, the

Applicant seeks to improve the condition through the use of permeable pavers, landscaping, and outdoor seating.

Satisfaction of Hardship Criteria. Section 118-353(d) of the City's Code sets forth the hardship criteria for a variance request. The Applicant's request satisfies all hardship criteria as follows:

- (1) **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;**

The variance for the location of the deck within the side yard setback is requested due to the historic location of the pool on the Property, the unique property line characteristics, and the location of the mechanical equipment on the Property. Due to the Property's historic nature, the requested variance is necessary in order for the Applicant to restore the historic characteristics of the Property while allowing for the development the new structure in a manner that does not interrupt the existing pool amenity and allows for an outdoor café and public space for its guests to ensure the project's viability. The pool, pool deck and mechanical equipment and FPL pad are currently existing. However, the Applicant seeks to improve the condition through the use of permeable pavers, landscaping, and outdoor seating.

- (2) **The special conditions and circumstances do not result from the action of the applicant;**

The historic nature of the Property, including the Historic Residence Structure and the Historic Hotel Structure, pool and mechanical equipment are not special conditions which result from any action taken by the Applicant. Rather, the conditions on the Property are existing and the Applicant is making every effort to preserve each of the structures and improve the site with minimum impact to the Property.

- (3) **Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;**

The Code allows other similarly situated property owners to seek similar variances to accommodate forward-thinking and sensitive development. There are numerous contributing structures in the area, many of which are being renovated and preserved in a similar fashion. The Code allows other similarly situated

property owners to seek similar variances to accommodate the preservation of historic structures and updating of their facilities. Therefore, granting the variance will not confer any special privilege on the Applicant.

- (4) **Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;**

A literal interpretation of the provisions of these land development regulations would work an unnecessary and undue hardship on the Applicant. The variance is being requested in order to maintain and preserve the historic structures and effectuate the restoration of the Property in a way that maintains the historic character of the Property. The variances enable the Applicant to accommodate and improve the site while not impacting the historical structures or the mechanical equipment and FPL structures within the side yard that cannot be accommodated within the structures. The applicant seeks to update the property while disrupting the historic fabric of the Property as little as possible. Without the variance, updating the Property would require significant modifications to the existing and historic structures and present an unnecessary and undue hardship on the Applicant.

- (5) **The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;**

The side yard setback is the minimum amount that will make use of the new structure and a small deck and outdoor café for public use while providing a cover to the existing FPL and utility equipment on the north elevation. Additional setbacks would require significant modification of the existing utilities, pool area and proposed public outdoor space, which the Applicant is seeking to maintain.

- (6) **The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and**

These variances will not be injurious to the area or otherwise detrimental to the public welfare. In fact, these variances will facilitate preservation and utilization of a historic structure and the historic character of the Property while responsibly updating the Property.

- (7) **The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan. The planning and zoning director may require applicants to submit documentation to support this requirement prior to the scheduling of a public hearing or anytime prior to the board of adjustment voting on the applicant's request.**

These variances requests are consistent with the City's comprehensive plan and do not reduce the levels of service as set forth in the plan.

Sea Level Rise and Resiliency Criteria. The Project advances the sea level rise and resiliency criteria in Section 133-50(a) of the City Code as follows:

- 1. A recycling or salvage plan for partial or total demolition shall be provided.**

A recycling and salvage plan for the demolition of the one-story building will be provided at permitting.

- 2. Windows that are proposed to be replaced shall be hurricane proof impact windows.**

Hurricane proof impact windows will be provided.

- 3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.**

The Applicant will provide, where feasible, passive cooling systems.

- 4. Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.**

Resilient landscaping will be provided.

- 5. Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.**

Yes.

6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

The ground floor areas will be adaptable to potential future raising of public rights-of-way and adjacent properties.

7. Where feasible and appropriate. All critical mechanical and electrical systems are located above base flood elevation.

All mechanical and electrical systems will be located above base flood elevation.

8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

The Applicant is preserving the historic windows on building. It is not feasible to elevate them.

9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

Proper precautions will be taken to protect the Property from potential floods.

10. Where feasible and appropriate, water retention systems shall be provided.

Water retention systems will be provided as part of the resiliency goals of the Project.

11. Cool pavement materials or porous pavement materials shall be utilized.

Yes.

12. The design of each project shall minimize the potential for heat island effects on-site.

The Applicant proposes rainwater retention on site, and specific materials and landscaping to minimize any potential for heat island effects on-site.

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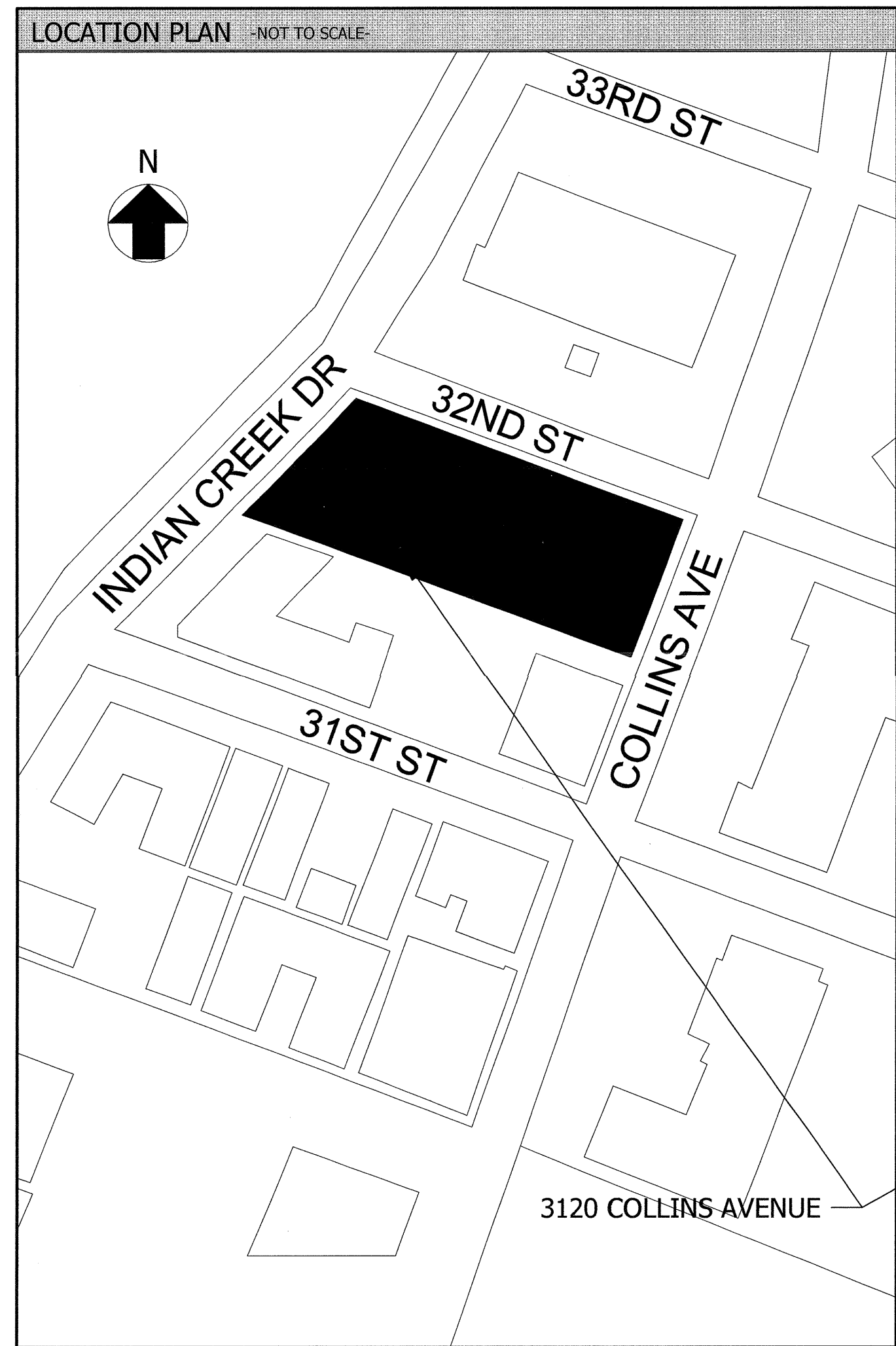
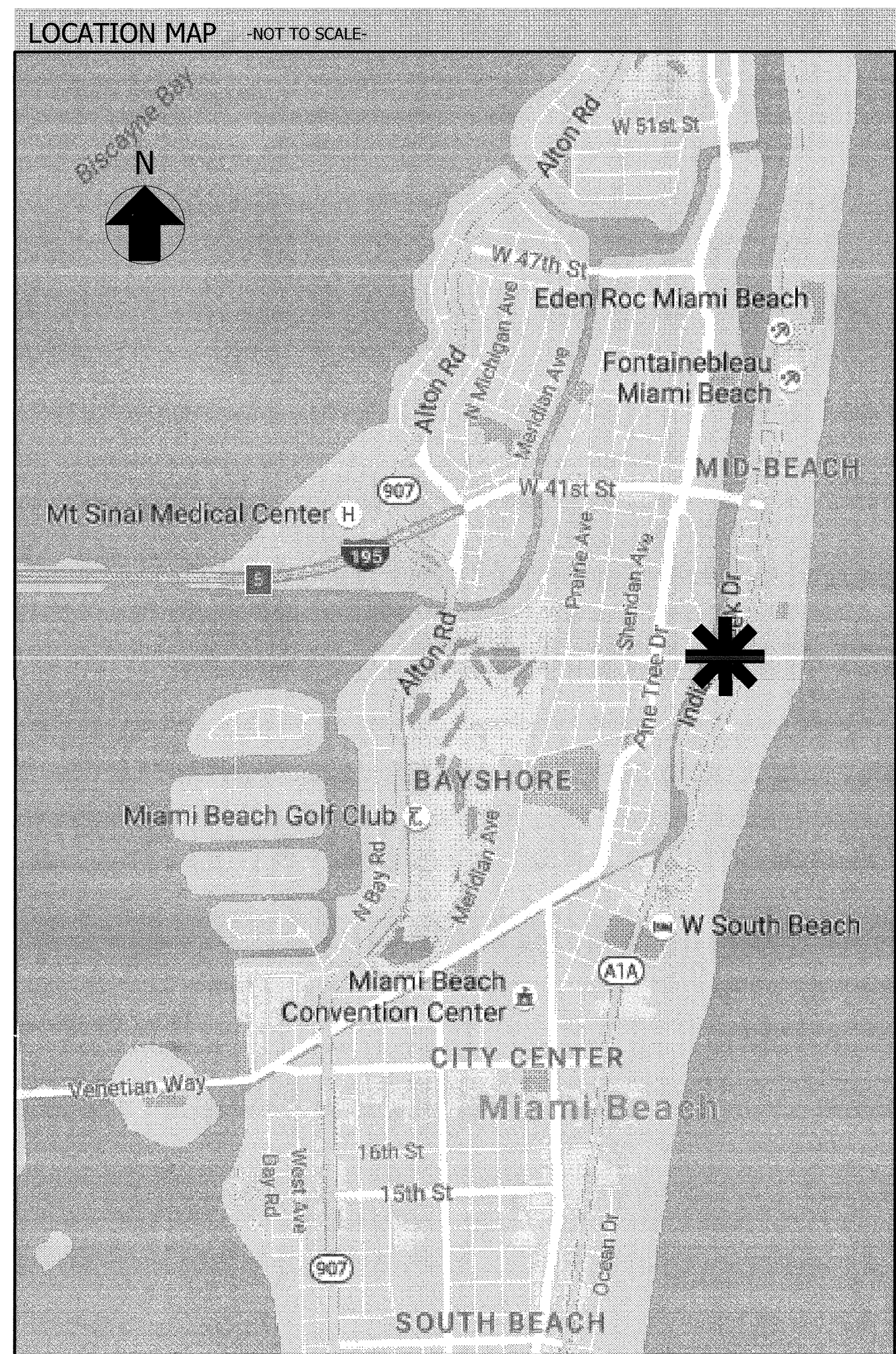
Conclusion. The Applicant seeks to revive a prime example Art Deco architecture in Miami Beach and tastefully rehabilitate the entire Property by constructing a new 5-story structure. The proposed development will not have any adverse impact on the surrounding area. We respectfully request your recommendation of approval of the Applicant's request. If you have any questions or comments with regard to the application, please give me a call at (305) 377-6231.

Sincerely,



Michael W. Larkin

cc: Robert Behar



SITE LEGEND

- PROPERTY LINE
- - - SETBACK LINE
- RAMP
- ▨ CONCRETE FLOOR
- ▩ GRAVEL/ CRUSHED SHELL
- ▧ OLD CHICAGO BRICK
- ▦ CONCRETE PAVER
- ▬ PLANTING
- ⊞ CHILD BARRIER GATES
- ADA ACCESSIBILITY ROUTE
- PROPERTY LINE

CITY OF MIAMI BEACH PUBLIC WORKS NOTES

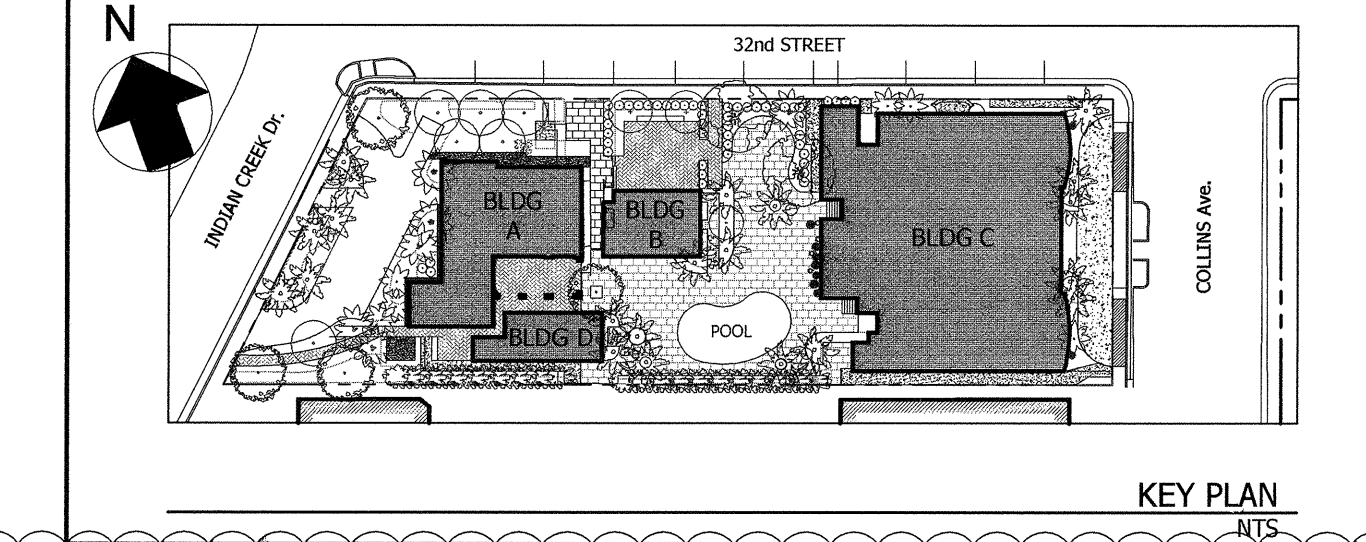
THE CITY'S INSPECTOR WILL DETERMINE THE MAGNITUDE OF THE REPLACEMENT.

A - REMOVE AND REPLACE SIDEWALK ALONG THE ENTIRE PROPERTY.
 B - RECONSTRUCT SWALE/SOD ALONG THE ENTIRE PROPERTY.
 C - MILL AND RESURFACE 2 INCHES AVERAGE USING TYPE S-III ASPHALT MIX DESIGN ON THE DRIVING LANE (10 FOOT WIDE) ALONG THE ENTIRE PROPERTY.
 D - ANY WORK AND/OR IMPROVEMENTS FROM/TWO THE RIGHT-OF-WAY INCLUDING LANDSCAPING AND IRRIGATION REQUIRE A SEPARATE CMB PUBLIC WORKS DEPARTMENT RIGHT-OF-WAY CONSTRUCTION PERMIT.
 E - ALL CONSTRUCTION AND/OR USE OF EQUIPMENT IN THE RIGHT-OF-WAY WILL REQUIRE A SEPARATE CITY OF MIAMI BEACH PUBLIC WORKS DEPARTMENT RIGHT-OF-WAY CONSTRUCTION PERMIT PRIOR TO START OF CONSTRUCTION.

CITY OF MIAMI BEACH PLANNING & ZONING NOTES

ALL FDC'S SHALL BE POLISHED CHROME.

KEY PLAN - NOT TO SCALE



FLOOD MANAGEMENT

TOP OF GROUND FLOOR SLAB (BLDG 'D')	+4.95' (NGVD)
TOP OF FINISHED GROUND FLOOR (BLDG 'D')	+5.00' (NGVD)
LOWEST FINISHED FLOOR ELEVATION OF HABITABLE SPACE:	+5.00' (NGVD)
LOWEST GRADE ELEVATION ADJACENT TO BUILDING 'D':	+3.75' (NGVD)
HIGHEST GRADE ELEVATION ADJACENT TO BUILDING 'D':	+4.95' (NGVD)
LOWEST ELEVATION OF EQUIPMENT SERVICING BUILDING 'D':	+9.00' (NGVD)
CROWN OF ROAD ELEVATION (INDIAN CREEK DR):	+3.61' (NGVD)

REFER TO SHEETS FL 1 & FL 2 FOR FLOOD BARRIER PLANS & DETAILS.

FLOOD DATA

FLOOD ZONE:	AE
BASE FLOOD ELEVATION (BFE):	+8.0' NGVD
DESIGN FLOOD ELEVATION (DFE):	BFE + 12" = +9.0' NGVD
FIRM NUMBER:	12086C0306L
ALL MATERIALS IN DRY FLOOD PROOF AREAS BELOW +9.0' NGVD SHALL BE WATER RESISTANT AND SHALL COMPLY WITH F.E.M.A. BULLETIN NO. 2 - 2008 REFER TO SHEETS FL 1 & FL 2 FOR REFERENCE.	

NOTES:

1. THE BUILDING WILL BE DESIGNED TO BE DRY FLOOD PROOFED IN ACCORDANCE WITH ASCE 24 CATEGORY 2 REFER TO FLOOD PLANS FOR LOCATION.
2. ALL CONSTRUCTION AND FINISHES OUTSIDE THE DESIGNED DRY FLOODPROOFED AREA SHALL BE FLOOD RESISTANT MATERIALS IN COMPLIANCE WITH TABLES S-1 AND 1-1 OF ASCE 24.
3. IN ACCORDANCE WITH TABLE 1-1 OF ASCE 24 THE CLASSIFICATION OF STRUCTURE FOR FLOOD RESISTANCE IS "CATEGORY 2"

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE PROCEEDING WITH WORK. IF ANY DISCREPANCIES, ERRORS OR OMISSIONS SHOULD BE ENCOUNTERED ON PLANS, CONTRACTOR SHALL NOTIFY ARCHITECT BEFORE ANY PART OF THE WORK IS STARTED, SO THAT PROPER CORRECTIONS BE MADE. IF ARCHITECT IS NOT NOTIFIED PRIOR TO COMMENCING OF THE WORK, THE CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR ANY RISKS/REPAIRS, ERRORS OR OMISSIONS.

3120 COLLINS AVENUE
 MIAMI BEACH, FL 33140

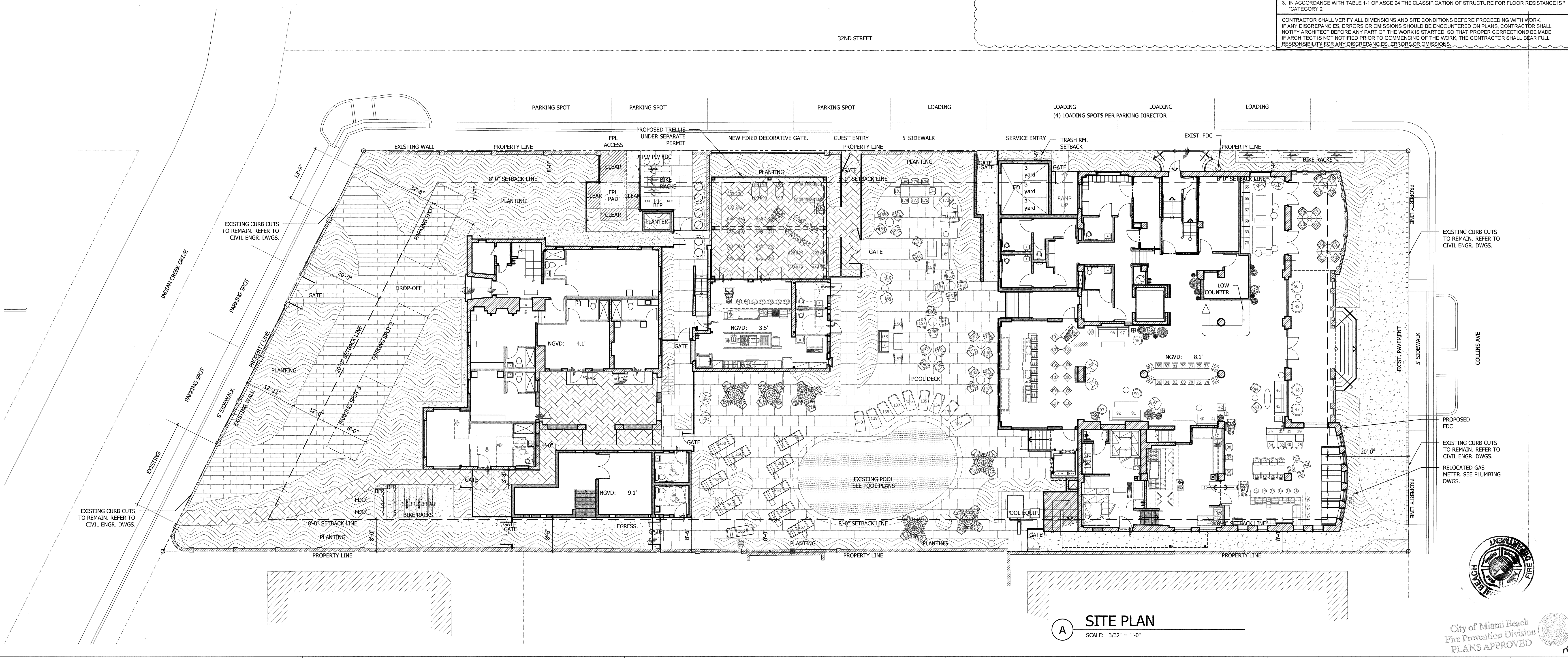
REV. NO. / DATE

1	BLDG DEPT COMMENTS	10.11.2016
2	BLDG DEPT COMMENTS	12.5.2016

DEC 23 2016
 TODD TRAGASH, A.I.A.
 FLORIDA REGISTRATION NUMBER #11053

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DRAWN BY	Initials
CHECKED BY	Initials
DATE	09.02.2016
PROJECT NO.	3426
PHASE	CONSTRUCTION DOCUMENTS
	100 %
SITE PLAN	
A.003	



SITE PLAN
 SCALE: 3/32" = 1'-0"



STA ARCHITECTURAL GROUP
 3526 NORTH MIAMI AVE. MIAMI, FL 33127
 305.571.1811 fax 305.571.1821

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RM-1 AND RM-2 DEVELOPMENT REGULATIONS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," AT SECTION 114-1, "DEFINITIONS," BY AMENDING THE DEFINITION FOR LOT COVERAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTION 142-55, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, LOT COVERAGE, GROUND FLOOR REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, AND BY INCREASING THE BUILDING HEIGHT TO 55 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT; BY AMENDING SECTION 145-56, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," AT SECTION 142-216, "DEVELOPMENT REGULATIONS," BY ESTABLISHING MINIMUM AND MAXIMUM YARD ELEVATION, STORMWATER RETENTION, YARD SLOPE, RETAINING WALL, AND GROUND FLOOR HEIGHT REQUIREMENTS; BY AMENDING SECTION 142-217, "AREA REQUIREMENTS," BY INCREASING THE BUILDING HEIGHT TO 65 FEET FOR PROPERTIES NOT LOCATED WITHIN AN HISTORIC DISTRICT, OR OTHERWISE MORE SPECIFICALLY DELINEATED WITHIN OTHER DEFINED DISTRICTS OR WITHIN HISTORIC DISTRICTS; AND BY AMENDING SECTION 145-218, "SETBACK REQUIREMENTS," BY INCREASING THE PARKING, SUBTERRANEAN, PEDESTAL, AND TOWER SETBACK REQUIREMENTS; PROVIDING CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, sea level rise and flooding is an ongoing concern of the City; and,

WHEREAS, the regulation of grade elevations in multifamily districts is necessary in order to ensure compatible development with the built character of the City's neighborhoods; and,

WHEREAS, the current minimal building and parking setbacks for the low and medium intensity multifamily districts result in very little pervious landscaped areas; and,

WHEREAS, in order to expand the pervious landscaped areas within the City, which are beneficial for stormwater retention, result in more attractive living environments, and help buffer the impact of new in-fill construction on neighboring properties, changes to setbacks, height and parking requirements are necessary; and

WHEREAS, the low intensity RM-1 multifamily district is predominately comprised of low scale buildings developed on single or double lots; and

WHEREAS, in order to ensure compatible new construction in the low intensity RM-1 zoning districts, limits on lot aggregation are necessary; and

WHEREAS, the proposed regulations will accomplish these goals and ensure that the

public health, safety and welfare will be preserved in the City.

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

SECTION 1. Chapter 114 of the City Code, entitled "GENERAL PROVISIONS," Section 114-1, is hereby amended as follows:

Sec. 114-1. - Definitions.

* * *

Lot coverage means the percentage of the total area of a lot that, when viewed directly from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided, however, that exterior unenclosed private balconies, and awnings and porte-cochères shall not be included in determining the building area.

* * *

SECTION 2. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-155, is hereby amended as follows:

Sec. 142-155. - Development regulations and area requirements

* * *

The development regulations in the RM-1 residential multifamily, low density district are as follows:

- (1) Max. FAR: 1.25; west side of Collins Avenue between 76th and 79th Streets—1.4.
- (2) Public and private institutions: Lot area equal to or less than 15,000 sq. ft.—1.25; lot area greater than 15,000 sq. ft.—1.4.
- (3) Exterior building and lot standards:

a. Minimum yard elevation requirements.

- 1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph c., below, the minimum elevation requirements shall still apply.
- 2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to properties designated as "contributing" within a local historic district, or a National Register Historic District.

b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. Front Yard, Side Yard Facing a Street, & Interior Side Yard. The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.
 2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
 - (A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.
 - (B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.
- c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
- d. Retaining wall and yard slope requirements.
 - (A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.
 - (B) Within the required front yard and side yard facing a street the following shall apply:
 - i. the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
 - ii. When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
 - iii. The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal: vertical).
- e. Lot Coverage. The maximum lot coverage for a lot or lots greater than 65 feet in width shall not exceed 45%. In addition to the building areas included in lot coverage, as defined in section 114-1, Impervious parking areas and impervious driveways shall also be included in the lot coverage calculations. The design review board or historic preservation board, as applicable may waive the lot coverage requirements in accordance with the design review or certificate of appropriateness criteria, as applicable.
- f. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:
 - (A) A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in

accordance with the design review or certificate of appropriateness criteria, as applicable.

- (B) All ceiling and sidewall conduits shall be internalized or designed in such a matter as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
- (C) All parking and driveways shall substantially consist of permeable materials.
- (D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
- (E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

g. Lot Aggregation. No more than two contiguous lots may be aggregated for development purposes, with the exception of projects classified as affordable and/or workforce housing.

~~(3)~~(4) In the Flamingo Park Local Historic District, the following shall apply:

* * *

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
5,600	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550</p>	<p>Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50 <u>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses -55</u></p>	<p>Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161) Otherwise—5</p>

		room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.			
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SECTION 3. Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-156, is hereby amended as follows:

Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	<p><u>Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater</u></p> <p><u>otherwise</u></p> <p><u>10 feet, or 8% of lot width, whichever is greater</u></p>	<p><u>Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater</u></p> <p><u>otherwise</u></p> <p><u>10 feet, or 8% of lot width, whichever is greater</u></p>	<p>Non-oceanfront lots—5 feet abutting an <u>alley</u>, <u>otherwise 10% of the lot depth</u></p> <p>Oceanfront lots—50 feet from bulkhead line</p>
Subterranean	20 feet	<p>5 feet, or 5% of lot width, whichever is greater (0 feet if lot</p>	<p>5 feet, or 5% of lot width, whichever is greater</p>	<p>Non-oceanfront lots—0 feet</p> <p>Oceanfront lots—50 feet</p>

		width is 50 feet or less)		from bulkhead line
Subterranean and Pedestal,	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Single lots less than 65 feet in width: 7.5 feet. Lots equal or greater than 65 feet in width: Minimum—7.5 10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width	Single lots less than 65 feet in width: 7.5 feet. Lots equal or greater than 65 feet in width: Minimum—7.5-10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater.
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 10 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

(b) In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential uses at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential uses above the first level along every facade facing a waterway.
- (3) For properties less than 60 feet in width, the total amount of residential space at the first level along a street side shall be determined by the design review or historic preservation board, as applicable. All facades above the first level, facing a street or

sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the design review or historic preservation board, as applicable, based upon their respective criteria.

(c) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

* * *

SECTION 4. Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 3, "Residential Multifamily Districts," Section 142-216, is hereby amended as follows:

Sec. 142-216. - Development regulations.

The development regulations in the RM-2 residential multifamily, medium intensity district are as follows:

(1) Max. FAR: 2.0.

(2) Exterior building and lot standards:

a. Minimum yard elevation requirements.

1. The minimum elevation of a required yard shall be no less than five (5) feet NAVD (6.56 feet NGVD), with the exception of driveways, walkways, transition areas, green infrastructure (e.g., vegetated swales, permeable pavement, rain gardens, and rainwater/stormwater capture and infiltration devices), and areas where existing landscaping is to be preserved, which may have a lower elevation. When in conflict with the maximum elevation requirements as outlined in paragraph b. below, the minimum elevation requirements shall still apply.
2. Exemptions. The minimum yard elevation requirements shall not apply to properties containing individually designated historic structures, or to properties designated as "contributing" within a local historic district, or a National Register Historic District.

b. Maximum yard elevation requirements. The maximum elevation of a required yard shall be in accordance with the following, however in no instance shall the elevation of a required yard, exceed the minimum flood elevation, plus freeboard:

1. *Front Yard, Side Yard Facing a Street, & Interior Side Yard.* The maximum elevation within a required front yard, side yard facing a street & interior side yard shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater. In this instance, the maximum height of any fence(s) or wall(s) in the required yard, constructed in compliance with Section 142-1132(h), "Allowable encroachments within required yards", shall be measured from existing grade.

2. Rear Yard. The maximum elevation for a required rear yard, (not including portions located within a required side yard or side yard facing the street), shall be calculated according to the following:
- (A) Waterfront. The maximum elevation shall not exceed the base flood elevation, plus freeboard.
 - (B) Non-waterfront. The maximum elevation shall not exceed 30 inches above grade, or future adjusted grade, whichever is greater.
- c. Stormwater retention. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
- d. Retaining wall and yard slope requirements.
- (A) Retaining walls shall be finished with stucco, stone, or other high quality materials, in accordance with the applicable design review or appropriateness criteria.
 - (B) Within the required front yard and side yard facing a street the following shall apply:
 - i. the first four (4) feet of the property line, the maximum height of retaining walls shall not exceed 30 inches above existing sidewalk elevation, or existing adjacent grade if no sidewalk is present.
 - ii. When setback a minimum of four (4) feet from property line, the maximum height of retaining walls shall not exceed 30 inches above adjacent grade.
 - iii. The maximum slope of the required front and side yard facing a street shall not exceed 11 percent (5:1 horizontal:vertical).
- e. Ground floor requirements. When parking or amenity areas are provided at the ground floor level below the first habitable level, the following requirements shall apply:
- (A) A minimum height of twelve (12) feet shall be provided, as measured from base flood elevation plus minimum freeboard to the underside of the first floor slab. The design review board or historic preservation board, as applicable may waive this height requirement by up to two (2) feet, in accordance with the design review or certificate of appropriateness criteria, as applicable.
 - (B) All ceiling and sidewall conduits shall be internalized or designed in such a matter as to be part of the architectural language of the building in accordance with the design review or certificate of appropriateness criteria, as applicable.
 - (C) All parking and driveways shall substantially consist of permeable materials.
 - (D) Active outdoor spaces that promote walkability, social integration, and safety shall be provided at the ground level, in accordance with the design review or certificate of appropriateness criteria, as applicable.
 - (E) At least one stair shall be visible and accessible from the building's main lobby (whether interior or exterior), shall provide access to all upper floors, shall be substantially transparent at the ground level and shall be located before access to elevators from the main building lobby along the principal

path of travel from the street. Such stair, if unable to meet minimum life-safety egress requirements, shall be in addition to all required egress stairs.

SECTION 5. Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-217, is hereby amended as follows:

Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—400</p> <p>Hotel units: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be</p>	<p>New construction—800</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—550</p> <p>Hotel units—N/A</p>	<p>Historic district—50 (except as provided in section 142-1161)</p> <p>Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75</p> <p>Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75</p> <p>Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85</p> <p>Otherwise—60</p> <p><u>For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses -</u> 65</p> <p>Lots fronting</p>	<p>Historic district—5 (except as provided in section 142-1161)</p> <p>Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8</p> <p>Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—8</p> <p>Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8</p> <p>Otherwise—6</p> <p>Lots fronting Biscayne Bay less than 45,000 sq. ft.—11</p>

		modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.		Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200	Lots fronting Biscayne Bay over 45,000 sq. ft.—15 Lots fronting Atlantic Ocean over 100,000 sq. ft.—15 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space parking Boundary—21
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SECTION 6. Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article II, “District Regulations,” Division 3, “Residential Multifamily Districts,” Section 142-218, is hereby amended as follows:

Sec. 142-218. - Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	<u>Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater</u> <u>10 feet, or 8% of lot width, whichever is greater</u>	<u>Single lots less than 65 feet in width: 5 feet, or 5% of lot width, whichever is greater</u> <u>otherwise</u> <u>10 feet, or 8% of lot width, whichever is greater</u>	<u>Non-oceanfront lots Abutting an alley—5 feet</u> <u>Oceanfront lots—50 feet from bulkhead line</u>

Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Subterranean and Pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	<u>Single lots less than 65 feet in width: 7.5 feet.</u> <u>Lots equal or greater than 65 feet in width: Minimum—7.5-10 feet or 8% of lot width, whichever is greater, and sum Sum of the side yards shall equal 16% of lot width</u>	<u>Single lots less than 65 feet in width: 7.5 feet.</u> <u>Lots equal or greater than 65 feet in width: Minimum—7.5-10 feet or 8% of lot width, whichever is greater, and sum Sum of the side yards shall equal 16% of lot width</u>	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 10 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

(b) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

SECTION 7. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 8. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 9. SEVERABILITY.

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

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this 26 day of July, 2017.

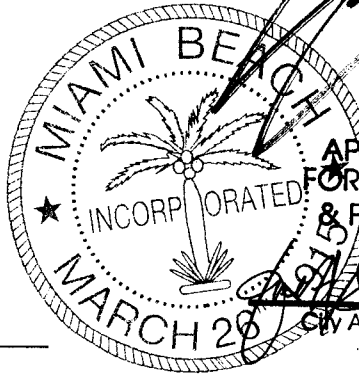
ATTEST:

[Signature] 8/2/17
Rafael E. Granado, City Clerk

Philip Levine, Mayor

First Reading: June 7, 2017
Second Reading: July 26, 2017

Verified By: [Signature]
Thomas R. Mooney, AICP
Planning Director



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] for 7/14/17
City Attorney Date