FAENA DISTRICT OVERLAY

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS" ARTICLE III "OVERLAY DISTRICTS", DIVISION 10 "FAENA DISTRICT OVERLAY", TO ALLOW WORKS OF ART IN THE FAENA DISTRICT OVERLAY TO ENCROACH INTO THE REQUIRED YARDS SUBJECT TO COMPLIANCE WITH MINIMUM STANDARDS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City desires to encourage and allow properties within the Faena District Overlay to install and place works of art that are accessible to the public in outdoor locations; and

WHEREAS, the City finds that it is not necessary or desirable for such works of art to be classified as a regular structure that would otherwise be subject to setback requirements applicable to structures; and

WHEREAS, the City desires to allow such works of art to encroach into the required yards for structures subject to meeting minimum placement standards;

WHEREAS, the amendment set forth below is necessary to accomplish all of the above objectives.

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

<u>**SECTION 1.**</u> That Chapter 142, Article III entitled "Overlay Districts", Division 10 "Faena District Overlay" is hereby amended as follows:

* * *

DIVISION 10. FAENA DISTRICT OVERLAY

Sec. 142-868. Definitions.
For this Division, the following definitions shall apply:

* * *

3. <u>*Works of art* means the application of skill and taste to the production of tangible objects according to aesthetic principles, including but not limited to paintings, sculptures, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs and drawings, or combinations thereof.</u>

Sec. 142-869. Compliance with regulations.
The following overlay regulations shall apply to the Faena District Overlay. All development regulations in the underlying regulations shall apply, except as follows:

*   *   *

 (f) <u>Installation of a work of art, whether temporary or permanent, may be placed within any required yard of a property located within the Faena District Overlay subject to the following:</u>

  i. <u>It shall not be placed in or overhang above the public right-of-way unless a revocable permit is obtained pursuant to Chapter 82, Article III, Division 2.</u>

  ii. <u>It shall not encroach into the safe sight triangle as depicted in the City Public Works Manual. The 15-foot sides of the safe sight triangle shall be measured from the edges of pavement of the two intersecting roadways.</u>

  iii. <u>It shall not diminish the clear width of a sidewalk to less than five (5) feet.</u>

  iv. <u>It shall not diminish landscaping to a level that would make the landscaping nonconforming.</u>

  v. <u>It shall be subject to review and approval of a Certificate of Appropriateness by the Historic Preservation Board.</u>

SECTION 2. CODIFICATION.
It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.
All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.
If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.
This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2017.

        _____
                 MAYOR

ATTEST:

_____
CITY CLERK

First Reading: _____
Second Reading: _____

Verified by: _____
              Thomas Mooney, AICP
              Planning Director

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