

MIAMI BEACH

COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: April 15, 2025

TITLE: DISCUSS REMOVING THE PERMIT REQUIREMENTS FOR PAINTING RESIDENTIAL, MULTI-FAMILY AND COMMERCIAL PROPERTIES.

RECOMMENDATION

The Administration recommends that the Land Use and Sustainability Committee (LUSC) discuss and conclude the item with no further action, as the current requirements for the review and approval of exterior surface colors is well suited, city wide, and no changes are necessary.

BACKGROUND/HISTORY

On February 3, 2025, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred a discussion item pertaining to paint permits for buildings in multi-family and commercial districts (C4 X) to the LUSC.

ANALYSIS

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss encouraging the painting of residential, multifamily, and commercial properties by removing the permit requirement(s). The sponsor has further indicated that this change would reduce administrative requirements for property owners, making it easier to maintain and beautify their properties, as well as allow property owners more flexibility in choosing paint colors.

Exterior surface colors are regulated pursuant to Section 7.1.7 of the Land Development Regulations of the City Code (LDRs) as follows:

7.1.7 COLOR OF EXTERIOR SURFACES

7.1.7.1 Purpose

The purpose of this section is to enhance the unique architectural environment of the city by establishing guidelines for the choice of primary colors for the exterior surfaces of buildings and structures, including courtyards accessible to the public.

7.1.7.2 Applicability

- a. *The painting of all public and private development, including, but not limited to, new buildings, structures, additions or alterations and the repainting of existing buildings and structures, shall be subject to these regulations and shall be reviewed under the certificate of appropriateness or design review procedures as set forth in chapter 2.*
- b. *The reflectance, tinting and coloration of glass on the elevations of a building or structure shall be subject to these regulations and shall be reviewed under the certificate of appropriateness or design review procedures as set forth in chapter 2.*
- c. *The color of unpainted natural or manufactured materials applied to the exterior facade of buildings or structures shall be subject to these regulations and shall be reviewed under the*

certificate of appropriateness or design review procedures as set forth in chapter 2.

- d. The color of roof tiles or roof finishes shall be subject to these regulations and shall be reviewed under the certificate of appropriateness or design review procedures as set forth in chapter 2.*

7.1.7.3 Color selection procedures and review criteria

a. The city exterior color review chart (color chart).

- 1. A pre-approved color chart shall be available in the planning department. An applicant for a building permit for paint or the application of a building surface material shall select a color of equal or lesser intensity than a color intensity from the color chart.*
- 2. The city exterior color review chart shall consist of the following components:*
 - A. City-wide color intensities. These intensities shall be applicable to all structures, except for contributing structures, buildings, improvements in locally designated historic districts and historic sites.*
 - B. Historic district color intensities. These intensities shall be applicable to contributing structures, buildings and improvements in locally designated historic districts and to historic sites.*
 - C. Mediterranean revival architecture colors. These colors are applicable only to Mediterranean revival architecture buildings and structures and are limited to natural earth tones as represented by examples on the color chart. For purposes of this section 7.1.7.3.a.2.C, Mediterranean revival architecture shall be defined as those structures built between 1915 through 1940. This style is generally characterized by, but not limited to, stucco walls, low pitch terra cotta or historic Cuban tile roofs, arches, scrolled or tile capped parapet walls and articulated door surrounds, or Spanish baroque decorative motifs and classical elements.*
- 3. Colors commonly described with terms such as neon, fluorescent, day-glo, iridescent and similar terms shall not be permitted to be applied to the exterior surface of any structure unless such color has been approved by the design review board or joint design review board/historic preservation board, as applicable.*

b. Permit required.

- 1. A building or structure shall not be painted or have applied a natural or manufactured material as an exterior facade without first receiving a building permit or paint permit pursuant to the applicable requirements of the Florida Building Code and the city's land development regulations. No building or structure shall be painted or have a material applied to the exterior facade, except in a paint color or material approved pursuant to the provisions of this section 7.1.7.3.b.*
- 2. Permits for repainting of existing structures or painting of new structures, or applying a natural or manufactured material to an exterior facade, shall not be issued until either: (a) the applicant selects a color from the approved color chart for approval of paint permit application, or (b) has a specific color, not represented in the color chart, or a specific color which may require approval of the design review board or historic preservation board as applicable. This provision does not apply to single family homes unless designated historic or located in a historic district.*
- 3. If the building or structure to be painted, or surfaced with a natural or manufactured material, requires a permit or approval in addition to a paint or material approval from a board or the planning, design and historic preservation division, the applicant may submit an application for a building permit or board approval simultaneously with an application for paint or material color approval. However, a certificate of occupancy, certificate of completion, or certificate of use, whichever is requested earlier, shall not be issued until the planning, design and historic preservation division or design review or historic preservation board, as applicable. The planning director shall have the authority to approve or deny the color selection based upon the criteria as set forth in section 7.1.7.3.c. The criteria listed in section 7.1.7.3.c may be utilized for projects being reviewed by the design review or historic preservation board, as applicable.*

c. Review criteria.

- 1. The exterior of each wall of a building or structure shall be in a color of equal or less*

- intensity than one of the colors on the city exterior color review chart.*
2. *Color intensities greater than those represented on the city exterior color review chart may be utilized only for purposes of emphasizing trim and accenting architectural features of a structure and shall be limited to the trim.*
 3. *Color intensities listed in neighborhood plans or, to the extent applicable, listed in exterior design guidelines adopted by the city commission may be used, in the neighborhoods or areas defined in such plans or guidelines, in lieu of those specified in the city exterior color review chart.*
 4. *Colors selected shall be appropriate to the architectural style, ornamentation, massing and scale of the structure.*

All requests for paint permits using either pre-approved or non-pre-approved colors are made through the Citizen Self Service (CSS) system. Attached, for informational purposes, are the pre-approved exterior colors for buildings on Miami Beach.

The following is a summary of the steps involved in obtaining approval for an exterior paint permit through the CSS portal:

Pre-Approved Colors

1. In the CSS portal, an applicant types on the search bar “paint” and chooses “Exterior Paint permit” for paint colors included in the City’s preapproved colors. Pre-approved paint colors can be accessed on the city’s website under Planning and Zoning, and the following is a direct link to the pre-approved colors: <https://www.miamibeachfl.gov/wp-content/uploads/2023/10/Pre-Approved-Paint-Pallet-6-22-23.pdf>.

2. The pre-approved paint color is chosen, and the paint permit is issued.

3. There are no fees or inspections required for pre-approved paint colors. A record of the approved color is maintained by the City, for the property.

Additionally, planning staff frequently assists any applicant who needs assistance creating a CSS account, which is also free, as well as navigating the list of colors.

Non Pre-Approved Colors

1. In the CSS portal, an applicant types on the search bar “paint” and chooses “Paint Permit Non-pre-approved Color(s).

2. The following are required to be uploaded by the applicant:

- a. Current color photographs of the building showing all sides.
- b. Building elevation drawings or color photographs indicating the location of the proposed base color and trim, as applicable.
- c. Color swatches of all proposed paint colors with the identification of the brand and paint number.

For non-pre-approved paint colors, if the proposed color is equal to or of a lesser intensity than the closest corresponding color listed on the pre-approved paint colors, the permit can be reviewed and approved administratively. There is a nominal review fee of \$102.00 and a planning inspection is required after the painting is completed, to ensure that the approved color was used. Additionally, planning staff provides assistance to any applicant who may need help creating a CSS account, which is also free, as well as uploading the required documents.

If a non-pre-approved color exceeds the intensity of the closest corresponding color on the pre-approved color list, approval from the Design Review Board (DRB) or Historic Preservation Board (HPB), as applicable, would be required.

The Administration does not recommend removing the current requirements for the review and approval of exterior surface colors, including the requirement for permits to paint the exterior of a building in any district. In this regard, exterior surface finishes can have a significant impact on the appearance and architectural integrity of a building. Additionally, a number of buildings in the City have non-stucco surface finishes and applying paint to these surfaces in a haphazard manner could have detrimental impacts that are irreversible.

Finally, if a building chose an extremely loud and vibrant color, it could lead to neighboring buildings proposing a competing color, simply to get attention. A loud, glaring color on a building is often better than a big sign, in terms of drawing attention.

Should the LUSC reach consensus on a text amendment to modify the current requirements for the approval of exterior surface colors, a draft ordinance can be prepared for review by the LUSC at a future date, or for a separate referral by the City Commission to the Planning Board.

FISCAL IMPACT STATEMENT

No Fiscal Impact

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

No Fiscal Impact

CONCLUSION

The Administration recommends that the LUSC discuss and conclude the item with no further action, as the current requirements for the review and approval of exterior surface colors is well suited, city wide, and no changes are necessary.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?

Yes

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Discuss Removing The Permit Requirements For Painting Residential, Multi-Family And Commercial Properties.