

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

Applicable Area:

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-notice/>

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.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Alex Fernandez
DATE: February 3, 2025
TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS REMOVING THE PERMIT REQUIREMENT FOR PAINTING RESIDENTIAL, MULTIFAMILY AND COMMERCIAL PROPERTIES.

RECOMMENDATION

Please place the following item on the February 3, 2025, City Commission agenda a referral to the Land Use and Sustainability Committee to discuss encouraging the painting of residential, multifamily, and commercial properties by removing the permit requirement(s).

This change would reduce administrative requirements for property owners, making it easier to maintain their properties and beautify. It would also allow property owners more flexibility in choosing paint colors.

BACKGROUND/HISTORY

ANALYSIS

FISCAL IMPACT STATEMENT

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

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

Applicable Area

Citywide

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

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

Department

Office of Commissioner Alex Fernandez

Sponsor(s)

Commissioner Alex Fernandez

Co-sponsor(s)

Condensed Title

Ref: LUSC - Remove Permit Requirement for Painting Residential/Multifamily/Commercial Properties. (Fernandez)

Previous Action (For City Clerk Use Only)

PRE-APPROVED BODY COLORS

WHITE TINT		NEUTRALS & GRAY TINT		ORANGE TINT		BLUE TINT		GREEN TINT	
SW Number	Color Name	SW Number	Color Name	SW Number	Color Name	SW Number	Color Name	SW Number	Color Name
6112	Biscuit	6001	Grayish	6057	Malted Milk	6189	Opaline	6161	Nonchalant White
6014	Quartz White	6002	Essential Gray	6078	Realist Beige	6210	Window Pane	6162	Ancient Marble
6035	Gauzy White	6071	Popular Gray	6079	Diverse Beige	6217	Topsail	6175	Sagey
6063	Nice White	6072	Versailles Gray	6099	Sand Dollar	6218	Tradewind	6176	Livable Green
6070	Heron Plum	6254	Lazy Gray	6343	Alluring White	6224	Mountain Air	6183	Conservative Gray
6077	Everyday White	7015	Repose Gray			6225	Sleepy Blue	6184	Austere Gray
6084	Modest White	7016	Mindful Gray			6232	Misty	6190	Filmy Green
6091	Reliable White	7022	Alpaca			6232	Samovar Silver	6191	Contented
6098	Pacer White	7023	Requisite Gray			6239	Upward	6197	Aloaf Gray
6105	Divine White	7029	Agreeable Gray			6246	North Star	6198	Sensible Hue
6119	Antique White	7030	Anew gray			6247	Krypton	6024	Sea Salt
6126	Navajo White	7043	Worldly Gray			6455	Fleeting Green	6205	Comfort Gray
6133	Muslin	7044	Amazing Gray			6462	Green trance	6211	Rainwashed
6140	Moderate White	7058	Magnetic Gray			6470	Waterscape	6420	Queen Anne's Lace
6147	Panda White	7036	Accessible Beige			6477	Tidewater	6421	Celery
6154	Nacre	7057	Silver Strand			6478	Watery	6427	Sprout
6168	Moderne White	7058	Magnetic Gray			6490	Timid Blue	6428	Honeydew
6182	Ethereal White	7064	Passive			6497	Blue Horizon	6429	Baize Green
6196	Frosty White	7071	Gray Screen			6498	Byte Blue	6434	Spinach White
6203	Spare White					6499	Stream	6436	Bonsai Tint
6231	Rocky Candy					6504	Sky High	6441	White Mint
6252	Ice Cube					6511	Snowdrop	6469	Dewy
6253	Olympus White					6763	Retiring Blue	6476	Glimmer
6266	Discrete White					6777	Carefree	6721	Enlightened Lime
6273	Nouvelle White					6778	Aviary Blue	6728	White Willow
6385	Dover White					6784	Bravo Blue	6742	Lighter Mint
6532	Aura White					6791	Lauren's Surprise	7127	Apple Slice
6805	Glass Bead					6798	Iceberg	7128	Green Glaze
6812	White Iris					6806	Rhythmic Blue	7131	Brooklet
7000	Ibis White					7133	Faraway Blue		
7001	Marshmallow					7134	Tibetan Sky		
7002	Downy					7135	Twinkle		
7003	Toque White					7136	Chapeau Violet		
7004	Snowbound								
7005	Pure White								
7006	Extra White								
7007	Ceiling Bright White								
7008	Alabaster								
7009	Pearly White								
7010	White Duck								
7011	Natural Choice								
7012	Creamy								
7013	Ivory Lace								
7014	Elder White								
7028	Incredible White								
7035	Aesthetic White								
7042	Shoji White								
7056	Reserved White								
7063	Nebulous White								
7070	Site White								
7100	Arcade White								
7101	Futon								
7102	White Flour								
7103	Whitetail								
7104	Cotton White								
7105	Paperwhite								
7106	Honied White								
7140	Snowberry								
6343	Alluring White								
6350	Intricate Ivory								
6357	Choice cream								
6364	Eggwhite								

RED TINT	
SW Number	Color Name & Tint
6029	White Truffle
6064	Reticence
6085	Simplify Beige

MAUVE TINT	
SW Number	Color Name & Tint
6000	Snowfall
6007	Smart White
6008	Individual White
6009	Imagine
6015	Vaguely mauve
6016	Chaise Mauve
6021	Dreamy White
6028	Cultured Pearl
6036	Angora
6037	Temperate Taupe
6042	Hush White
6049	Gorgeous White
6056	Polite White
6238	Icicle
6245	Quicksilver
6259	Spatial White
6260	Unique Gray
6267	Sensitive Tint
6274	Destiny
6275	Fashionable Gray
6512	Balmy
6513	Take Five
6519	Hinting Blue
6520	Honest Blue
6525	Rarified Air
6526	Icelandic
6533	Mild Blue
6534	Icy
6799	Soar
6807	Wondrous Blue
6813	Wishful Blue
7021	Simple White
7077	Original White
7078	Minute Mauve
6280	Mauve Tinge
7138	Lavender Wisp

YELLOW TINT	
SW Number	Color Name & Tint
6371	Vanillin
6378	Crisp Linen
6386	Napery
6141	Softer Tan
6148	Wool Skein
6155	Rice Grain
6169	Sedate Gray
6170	Techno Gray
6413	Restoration Ivory
6414	Rice Paddy
6672	Morning Sun
6679	Full Moon
6680	Friendly Yellow
6686	Lemon Chiffon
6687	Lantern light
6693	Lily
6694	Glad Yellow
6700	Daybreak
6707	Narcissus
6714	Citrine
7121	Corona
7122	Lemon drop
7123	Yellow Beam
7124	Crescent Moon
7125	Glittery Yellow
7126	Pearl Onion

PRE-APPROVED TRIM COLORS	
WHITES	
SW Number	Color Name
7005	Pure White
7004	Snowbound
7102	White Flour

OFF-WHITES	
SW Number	Color Name
6119	Antique White
6126	Navajo White
6371	Vanillin

NEUTRALS & GRAYS	
SW Number	Color Name
7072	Online
7065	Argos
7017	Dorian Gray
7030	Anew Gray

PLEASE NOTE THAT ANY BRAND OF PAINT CAN BE USED AS LONG AS THE COLOR IS MATCHED TO THE SHERWIN-WILLIAMS PALLET SHADES ON THIS LIST. PERMITS FOR PRE-APPROVED PAINT COLORS ARE ISSUED AUTOMATICALLY WITHOUT FEES. IF THE DESIRED COLOR FOR EITHER BODY OR TRIM DOES NOT APPEAR ON THE LIST AN APPLICATION FOR PAINT PERMIT WITH FULL REVIEW IS REQUIRED. FULL REVIEW PAINT PERMITS WILL BE ASSESSED FEES AND REVIEWED ON A FIRST APPLY - FIRST SERVED BASIS AND CAN TAKE UP TO TEN (10) DAYS TO REVIEW. PHOTOGRAPHS OF ALL FACADES AND SHERWIN-WILLIAMS PAINT COLOR NAME AND NUMBER FOR BODY AND TRIM ARE REQUIRED. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.