

R5 S AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE III, ENTITLED "PROPERTY MAINTENANCE STANDARDS," BY AMENDING SECTION 58-298 THEREOF TO REQUIRE PROPERTY OWNERS OF COMMERCIAL, HISTORICALLY DESIGNATED BUILDINGS IN THE ART DECO CULTURAL DISTRICT TO MAINTAIN THE HISTORIC CHARACTER BY PROMPTLY ADDRESSING EXTERIOR MAINTENANCE, UNAPPROVED SIGNAGE OR AWNINGS, AND OTHER VISUAL BLIGHT VIOLATIONS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.
Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: City Attorney Ricardo J. Dopico

DATE: December 11, 2024 10:45 a.m. Second Reading Public Hearing

TITLE: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE III, ENTITLED "PROPERTY MAINTENANCE STANDARDS," BY AMENDING SECTION 58-298 THEREOF TO REQUIRE PROPERTY OWNERS OF COMMERCIAL, HISTORICALLY DESIGNATED BUILDINGS IN THE ART DECO CULTURAL DISTRICT TO MAINTAIN THE HISTORIC CHARACTER BY PROMPTLY ADDRESSING EXTERIOR MAINTENANCE, UNAPPROVED SIGNAGE OR AWNINGS, AND OTHER VISUAL BLIGHT VIOLATIONS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

RECOMMENDATION

BACKGROUND/HISTORY

The attached Ordinance was prepared at the request of Commissioner Kristen Rosen Gonzalez and passed at first reading at the November 20, 2024 City Commission meeting.

The Ordinance has been revised for second reading to include the definition of the boundaries for the Art Deco Cultural District as "properties between 5th Street and 15th Street that front Ocean Drive, Collins Avenue or Washington Avenue" and to clarify the intended meaning of the term "historically designated" as a building within a local historic district designated pursuant to Section 2.13.9 of the Resiliency Code.

ANALYSIS

The Art Deco Cultural District (ADCD) is one of Miami Beach's most iconic and internationally recognized neighborhoods, drawing visitors worldwide and contributing significantly to the City's cultural identity and tourism economy. Home to a unique collection of historic buildings, the ADCD embodies the distinctive architectural styles that have made Miami Beach a global landmark in Art Deco design.

The visual appeal and historic integrity of buildings within the ADCD are essential to preserving the District's charm, vibrancy, and allure as a cultural and tourism destination. Chapter 58 of the Miami Beach City Code currently outlines minimum maintenance standards for buildings within the City, including provisions that ensure the preservation of a building's aesthetic appeal and prevent visual blight.

However, exterior degradation, neglect, and unsightly conditions detract from the visual cohesion of the ADCD and reduce the quality of experience for both residents and visitors. Prioritizing the upkeep of historical features within the ADCD and enforcing penalties for visual blight violations

will enhance the area's aesthetic appeal and support the long-term preservation of the District's unique character.

To meet these objectives, the sponsor of this Ordinance proposes amending Chapter 58 to require property owners of commercial, historically designated buildings in the ADCD to maintain the historic character of their buildings. This includes promptly addressing issues related to exterior maintenance, unauthorized signage or awnings, and other visual blight violations. Properties currently undergoing a recertification process will be exempt from these requirements.

A first violation of the Ordinance will result in an automatic \$500 fine, with 30 days allowed for correction. Failure to correct will lead to the enforcement procedures before the special magistrate as set forth in chapter 30 of the City Code, who will set a deadline for compliance. If the violation continues past this deadline, a daily penalty of \$1,000 will apply.

FISCAL IMPACT STATEMENT

N/A

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

If applicable, the Business Impact Estimate (BIE) was published on: 11/27/2024
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?

No

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

City Attorney

Sponsor(s)

Commissioner Kristen Rosen Gonzalez

Co-sponsor(s)

Condensed Title

10:45 a.m. 2nd Rdg, Owners of Historic Bldgs in ADCD Maintain Historic Character. (KRG) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 58 OF THE MIAMI BEACH CITY CODE, ENTITLED "HOUSING," BY AMENDING ARTICLE III, ENTITLED "PROPERTY MAINTENANCE STANDARDS," BY AMENDING SECTION 58-298 THEREOF TO REQUIRE PROPERTY OWNERS OF COMMERCIAL, HISTORICALLY DESIGNATED BUILDINGS IN THE ART DECO CULTURAL DISTRICT TO MAINTAIN THE HISTORIC CHARACTER BY PROMPTLY ADDRESSING EXTERIOR MAINTENANCE, UNAPPROVED SIGNAGE OR AWNINGS, AND OTHER VISUAL BLIGHT VIOLATIONS; AND, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Art Deco Cultural District (the "ADCD" or the "District") is one of Miami Beach's most iconic and internationally recognized neighborhoods, attracting visitors from around the world and playing a vital role in the City's cultural identity and tourism economy; and

WHEREAS, the ADCD is home to a unique collection of historic buildings, many of which embody the distinctive architectural styles that have made Miami Beach a global landmark in art deco design; and

WHEREAS, the visual appeal and historic integrity of the buildings within the ADCD are central to maintaining the District's charm, vibrancy, and overall allure as a cultural and tourism destination; and

WHEREAS, Chapter 58 of the Miami Beach City Code outlines the minimum maintenance standards for buildings within the City, which includes requirements that ensure the preservation of a building's aesthetic appeal and prevent visual blight; and

WHEREAS, the Mayor and City Commission recognize that exterior degradation, neglect, or unsightly conditions, detract from the visual cohesion of the Art Deco Cultural District and ultimately diminish the experience for residents and visitors alike; and

WHEREAS, the Mayor and City Commission believe that prioritizing the upkeep of historical features of the ADCD, and the enforcement, and prosecution of violations that create visual blight in the ADCD will improve the area's aesthetic appeal and contribute to the long-term preservation of the District's charm and beauty; and

WHEREAS, with these objectives in mind, the Mayor and City Commission wish to amend Chapter 58 to require property owners of commercial, historically designated buildings in the Art Deco Cultural District to maintain the historic character by promptly addressing exterior maintenance, unapproved signage or awnings, and other visual blight violations, with the exception of properties undergoing a recertification process.

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

SECTION 1. Article III of Chapter 58 of the City Code, entitled "Property Maintenance Standards" is hereby amended as follows:

Chapter 58

HOUSING

* * *

ARTICLE III. PROPERTY MAINTENANCE STANDARDS

* * *

DIVISION 2. ADMINISTRATION

Subdivision I. Generally

Sec. 58-201. Penalty for violation of article; remedial enforcement procedures.

- (a) It shall be unlawful for any person to fail to comply with the minimum standards established by this article, or to fail or refuse to comply with the requirements of any final order issued in accordance with the provisions of this article. If any person shall knowingly fail or refuse to obey or comply with or willfully violates any of the provisions of this article, or any lawful final order issued under this article, such person shall be subject to enforcement procedures before the special magistrate and to penalties as set forth in chapter 30 of this Code.
- (b) As a cumulative and supplemental method of enforcing the remedial purposes of this article, the code inspector is authorized, empowered and directed, in the event of a willful and intentional failure or refusal to obey or comply with the requirements of any final order issued in accordance with the provisions of this article ten days after date of receipt of such notice, to carry out or cause to be carried out the provisions of such final order. Bids may be requested for the work and material as a whole or for any part thereof, separately. The code inspector shall have the right to reject any or all bids; and if all bids are rejected, the code inspector may readvertise for all or part of such work and materials, or may determine to do all or a part of the work by city forces. After a contract shall have been entered into for any work or materials required for compliance, or if the work or materials are performed or furnished by city forces, the code inspector shall prepare an appropriate claim of lien which shall set forth the following:
 - (1) A description of the lots and parcels of land involved;
 - (2) The name of the owner of each lot or parcel where such can be ascertained from the city records;
 - (3) The total cost of the work and materials which, if made by contract, shall be the price named in the contract; or the price computed from unit prices named in the contract, taking into consideration minor changes and alterations found necessary; but if city forces shall do the work or furnish the material, the actual cost of such work or material; and
 - (4) The amount of incidental expenses, estimated or actual.

Such claim of existing lien or lien imposed later shall thereupon be filed of record in the public records of the county and shall be treated as special assessment liens against the subject real property, and until fully paid and discharged, shall remain liens equal in rank and dignity with the lien of ad valorem taxes, and shall be superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. The maximum rate of interest allowable by law shall accrue to such delinquent accounts. Such liens shall be enforced by any of the methods provided in F.S. ch. 86; or, in the alternative, foreclosure proceedings may be instituted and prosecuted under the provisions applicable to practice, pleading and procedure for the foreclosure of mortgages on real estate set forth in Florida Statutes, or may be foreclosed per F.S. ch. 173, or the collection and enforcement of payment thereof may be accomplished by any other method authorized by law. The owner and/or operator shall pay all costs of collection, including reasonable attorney fees, incurred in the collection of fees, service charges, penalties and liens imposed by virtue of this article.

Sec. 58-202. When notice of violation or emergency order constitutes final order.

Any notice of violation provided for in section 58-231 shall automatically become a final order in the event that no appeal from the notice of violation is filed with the special magistrate within ten days after the date of service of the notice of violation, other than emergency orders, as set forth in section 58-232. Any emergency order provided for in section 58-232 shall automatically become a final order if no appeal from the emergency order is filed with the special magistrate within 24 hours after the date of service of the emergency order, exclusive of the date of service and intervening Saturdays, Sundays and legal holidays, if any. Orders of the special magistrate affirming or modifying any action or decision of the code inspector shall be recorded in the office of the clerk of the circuit court, so as to afford constructive notice to prospective purchasers of the real property involved, of the nature and extent of the violation involved, and the requirements for the correction thereof. Such recording shall be made following the expiration of the time given to the appellant for the correction of the violations specified, or any extension thereof granted by the special magistrate. The costs of the recording of the order and satisfaction thereof shall be borne by the legal or beneficial owner of the premises involved.

DIVISION 3. MINIMUM STANDARDS

* * *

Sec. 58-298. Responsibilities of owners and occupants.

- (a) All buildings, vacant or occupied, shall comply with the requirements of subsections (b)—(o) of this section.
- (b) Every building shall be clean, sanitary and fit for occupancy.
- (c) Every occupant of a building shall keep in a clean and sanitary condition that part of the building and premises he occupies and controls, including yards, lawns, courts and driveways.

- (d) Every owner of a building containing three or more units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the building and premises.
- (e) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora. The term "excessive" shall be interpreted as detrimental to the health, safety or welfare of the occupants or the public.
- (f) Every occupant of a building shall keep all plumbing fixtures, sanitary facilities, appliances and equipment in that building in a clean and sanitary condition and shall exercise reasonable care in the proper use and operation thereof.
- (g) Every occupant of a building shall dispose of rubbish, garbage and other waste materials in an approved sanitary manner. Garbage shall be placed in the garbage disposal facilities or storage containers required in section 58-291(g).
- (h) Every occupant of a building containing a single dwelling on any premises shall be responsible for the extermination of any insects, rodents, vermin or other pests in the building or on the premises; however, the extermination of termites, and other insects that destroy the structure of the building, shall be the sole responsibility of the owner. If there is more than one unit in a building, whether owned by individual or multiple owners, including condominiums, co-operatives, townhouses, duplexes and similar structures, the owner shall be responsible for the extermination of all insects, termites, and other insects that destroy the structure of the building, rodents or other pests in the building or on the premises, including public spaces of the building and outside premises. The exterminator shall be permitted reasonable access to any building during daylight hours, except for fumigation and like work for extermination of structural infestation, in which case access for a reasonable amount of time necessary for such work shall be permitted by the occupant and owner. The owner shall be responsible for adequate substitute sleeping facilities of all occupants during the period of extermination for termites or structural infestation.
- (i) Every owner of a building shall, before renting or subletting to another occupant, provide approved door and window screens whenever such screens are required under the provisions of this article, and shall repair or replace them when necessary.
- (j) Every owner shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water on the premises.
- (k) Animals and pets shall not be kept in any dwelling or on any premises in such manner as to create unsanitary conditions or constitute a nuisance.
- (l) Where a refrigerator, stove or air conditioner, whether individual units or central air conditioning, is supplied by the owner, it shall be the duty and responsibility of such owner to maintain each in good and proper working order. Where central air conditioning is provided and not individually controlled by thermostat, it shall be the duty and responsibility of the owner to operate the same continuously, maintaining a continual temperature range between 70 and 76 degrees based on normal outside temperature and humidity factors, on a 24-hour basis, except for minimal shutdown periods required for reasonable maintenance and repair. Where air conditioning is provided and individually controlled by thermostat, it shall be the duty and responsibility of the owner to maintain such units so as to be capable of maintaining a continual temperature range between 70 and 76 degrees on a 24-hour basis. The owner or operator of a commercial

building shall be required to operate central air conditioning only during normal business hours.

- (m) Every owner or owner's agent of a building that has rental units shall post a sign in a conspicuous place, inside the vestibule or lobby of the building, indicating the names, addresses and telephone numbers, local and foreign, of the owner or manager; but this subsection shall not apply where there is a resident agent on the premises. Every owner who does not maintain his principal residence within the county shall be required to designate, in writing, to the city manager's designee some legally competent person who shall be designated as the owner's agent and who shall reside within the county. Such person shall be authorized by the owner to accept notices of violation, process and other communications relating to the enforcement of this article. The owner shall obtain the acceptance of such designation from the person so designated in writing and file it with the city manager's designee at the time the designation is filed. If the designated agent resigns, retires, is terminated or the agency relationship is otherwise terminated, the owner shall appoint another agent. The code inspector is authorized and directed to prescribe a form for the purpose of implementing this subsection. The information to be provided on the form shall include the name and residence address and telephone number of the owner and designated agent, the address of the building, and the designated agent's work address and telephone. The form shall be required to be acknowledged before a notary or other person authorized by law to take oaths.
- (n) Every owner of a building shall be responsible for removing unauthorized signs, posters and graffiti from the building's exterior; those signs authorized or exempted by the city zoning ordinance are exempted from this subsection.
- (o) Every tenant shall provide reasonable access to repairmen or other services required to rectify violations provided the landlord's representative or the tenant is on the premises.
- (p) Every owner or landlord of a dwelling shall be responsible for any violation of the occupancy level standards set forth in subsection (b).
- (q) Subsections (b), (f), (i), (j) and (o) of this section shall not apply to boarded buildings.
- (r) Every owner of a commercial, historically designated building in the city's Art Deco Cultural District, with the exception of those currently undergoing a recertification process, shall ensure that the building's historic character is properly maintained by promptly addressing: ~~(a)~~(i) exterior maintenance issues such as peeling paint, neglected facades, and dilapidated architectural features; ~~(b)~~(ii) the presence of signage, awnings, or other elements that conflict with the historic character of the District and have not been properly approved by any applicable land use board and/or the Planning Department; and ~~(c)~~(iii) any other violations of this article that contribute to visual blight. First violation of this subsection will result in an automatic fine in the amount of \$500.00. The violation shall be cured within thirty (30) days of the issuance of the violation, and failure to cure will subject the violator to the enforcement procedures before the special magistrate as set forth in chapter 30 of the City Code. The special magistrate shall determine a reasonable time period within which correction of the violation must be made, and, if correction is not made within the period set by the special magistrate, the violation will be treated as a continuing violation, and the additional penalty for each day of continued violation shall be \$1,000. For purposes of this section, (A) properties between 5th Street and 15th Street that front Ocean Drive, Collins Avenue or Washington Avenue shall be deemed to be in the "Art Deco Cultural District" and (B) a "historically designated

building” means a building within a local historic district designated pursuant to Section 2.13.9 of the Resiliency Code.

* * *

SECTION 2. REPEALER.

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

SECTION 3. 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 renumbered or relettered to accomplish such intention; and that the word “ordinance” may be changed to “section” or other appropriate word.

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.

This Ordinance shall take effect on the ____ day of _____, 2024.

PASSED AND ADOPTED this ____ day of _____, 2024.


ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

12/4/2024

Date