

R5 AL AN ORDINANCE OF THE MAYOR AND COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE MIAMI BEACH CITY CODE, ENTITLED "BUILDING REGULATIONS," BY AMENDING ARTICLE VII, ENTITLED "PERMITS APPLIED FOR ON OR AFTER MARCH 1, 2002," BY AMENDING DIVISION 2, ENTITLED "DEMOLITION," BY AMENDING SECTION 14-421 THEREOF, ENTITLED "NOTICE TO DEMOLITION TO AFFECTED PERSONS," BY EXPANDING THE NOTICE REQUIREMENTS AS WELL AS THE RADIUS OF THE NOTICE TO AFFECTED PERSONS SET FORTH IN SUBSECTION (B); 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: November 20, 2024 First Reading

TITLE: AN ORDINANCE OF THE MAYOR AND COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE MIAMI BEACH CITY CODE, ENTITLED "BUILDING REGULATIONS," BY AMENDING ARTICLE VII, ENTITLED "PERMITS APPLIED FOR ON OR AFTER MARCH 1, 2002," BY AMENDING DIVISION 2, ENTITLED "DEMOLITION," BY AMENDING SECTION 14-421 THEREOF, ENTITLED "NOTICE TO DEMOLITION TO AFFECTED PERSONS," BY EXPANDING THE NOTICE REQUIREMENTS AS WELL AS THE RADIUS OF THE NOTICE TO AFFECTED PERSONS SET FORTH IN SUBSECTION (B); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

BACKGROUND/HISTORY

In recent years, there has been a significant increase in the number of demolitions and often residents and businesses in the area of the proposed demolition either do not receive notice or have adequate time to prepare.

ANALYSIS

By expending the notice requirements to additional affected persons and the radius for the notification, residents and businesses will have additional time to prepare for any possible impact due to the proposed demolition.

FISCAL IMPACT STATEMENT

N/A

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?**

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

City Attorney

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

1st Rdg, Ch 14, Notice Requirements for Demolition. (Bhatt) CA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE MIAMI BEACH CITY CODE, ENTITLED "BUILDING REGULATIONS," BY AMENDING ARTICLE VII, ENTITLED "PERMITS APPLIED FOR ON OR AFTER MARCH 1, 2002," BY AMENDING DIVISION 2, ENTITLED "DEMOLITION," BY AMENDING SECTION 14-421 THEREOF, ENTITLED "NOTICE TO DEMOLITION TO AFFECTED PERSONS," BY EXPANDING THE NOTICE REQUIREMENTS AS WELL AS THE RADIUS OF THE NOTICE TO AFFECTED PERSONS SET FORTH IN SUBSECTION (B); AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, enforcement of the provisions of the Florida Building Code and the Code of the City of Miami Beach is a priority of the Mayor and City Commission; and

WHEREAS, there has been a significant increase in the number of demolitions in recent years; and

WHEREAS, the demolition of buildings, facilities and structure of three or more stories can negatively impact the quality of life of the city's residents and visitors in the affected area; and

WHEREAS, the Mayor and City Commission desire to expand the notice requirements for demolition of any building, facility or structure, consisting of three or more stories in order to provide residents and businesses in the affected area adequate preparation time for any possible negative impact due to the proposed demolition.

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

SECTION 1. That Chapter 14, "Building Regulations," Article VII, "Permits Applied for on or after March 1, 2002," Division 2, "Demolition," Section 14-421, "Notice to demolition to affected person," of the Code of the City of Miami Beach is hereby amended as follows:

Sec. 14-421. Notice to demolition to affected persons.

- (a) Prior to demolition of any building, facility or other structure, consisting of three or more stories, the contractor or property owner of the site seeking demolition shall be required to provide written notice, by regular United States mail, to all affected persons, calendar days prior to the start of work to demolish such building, facility or other ~~ten~~ninety, for which a city demolition permit is required.
- (b) For purposes of this section, an "affected person" shall be defined as any property owner, and the current occupant of any property within a ~~375~~750-foot radius of the address stated on the city demolition permit. Moreover, the affected person shall be the taxpayer as reflected in the certified real property ad valorem tax roll of Miami-Dade County no less than six months from the date of notice; provided however, where the records of the Miami-Dade County Property Appraiser indicate that ownership has changed, the owner shall be the taxpayer as reflected in those records.

- (c) The mail notice shall include the anticipated starting date and completion date of the demolition work; the address at which the demolition work will be performed; and the contact information of the contractor or other person performing the demolition work. The contractor or property owner shall be required to pay all costs associated with such notice.

In addition to the mail notice to affected persons required by this section, the contractor or property owner shall notify an authorized representative of the property management company as well as each member of the Board of Directors of any condominium association for each building, facility or other structure within the 750-foot radius by email, text messaging, or other written communication, to the ensure transparency and accountability.

- (d) At least ~~ten~~ninety days prior to the commencement of work for demolition, contractor or the property owner shall also post notice on every street frontage of the demolition site in a location visible from the public right-of-way. The posted notice shall be a minimum dimension of 11 inches by 17 inches. The contractor or property owner shall be required to pay all associated costs relating to the posted notice. The posted notice shall read substantially as follows:

Date:

DEMOLITION NOTICE for [(a) address of site to be demolished; (b) folio number; (c) legal description of the property]. The building or structure referenced above is to be DEMOLISHED ON _____ (Date).

Number of stories to be demolished:

Any affected person should contact the contractor or property owner:

Name of Contractor:

Phone number of Contractor:

Email address of Contractor:

Or

Name of Property Owner

Phone Number of Property Owner:

Email Address of Property Owner:

The beginning of work to demolish a building, facility or other structure for which a permit is required under the City of Miami Beach Code shall be on (date), and end (date).

The following roads may be closed: (list).

The following additional buildings shall be vacated for safety purposes: (list).

- (e) The contractor or property owner shall be required to pay all associated costs relating to the mail notice.
- (f) Simultaneously with issuing the mail notice required in subsection (a) hereof, the contractor or property owner shall provide an affidavit to the building official swearing or affirming, under oath, to having mailed out the notice of demolition required herein. The affidavit shall affirm, in substantial form, the following:

"This is to certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within ~~375~~ 750-foot radius of the external boundaries of the subject property to be demolished, and to all occupants of properties within the 750-foot radius. This notice reflects the most current records in the file in the Miami-Dade County Property Appraiser's office. The information utilized herein is no more than six (6) months old from the date of the notice of demolition."

- ~~(h)~~(g) Enforcement: Violations by a contractor or property owner of this section shall be subject to the following fines. The special magistrate may not waive or reduce fines set by this section.
 - (1) If the violation is the first violation: \$2,500.00;
 - (2) If the violation is the second violation within the preceding 18 months: \$7,500.00;
 - (3) If the violation is the third violation within the preceding 18 months: \$12,500.00; and
 - (4) If the violation is the fourth or greater violation within the preceding 18 months: \$20,000.00.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2024.

ATTEST:

Steven Meiner, Mayor

Rafael E. Granado, City Clerk

Underline denotes new language
~~Strikethrough~~ denotes removed language

(Sponsored by Commissioner Tanya K. Bhatt)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney *SM* 11/13/2024
Date