

APPLICATION FOR REVOCABLE PERMIT

FILE NO: _____

DATE: _____

1. NAME OF APPLICANT: _____

2. APPLICANT'S ADDRESS: _____

3. APPLICANT'S BUSINESS TELEPHONE: _____
RESIDENCE TELEPHONE: _____

4. ADDRESS AND LEGAL DESCRIPTION OF SUBJECT CITY PROPERTY: _____

5. ADDRESS AND LEGAL DESCRIPTION OF APPLICANT'S PROPERTY ABUTTING SUBJECT CITY PROPERTY: _____

6. HAS A PUBLIC HEARING BEEN HELD PREVIOUSLY REGARDING THIS REQUEST?
YES _____ NO _____ IF SO, WHEN: _____

FILE NO. OF PREVIOUS REQUEST: _____

7. BRIEFLY STATE REQUEST EXPLAINING THE REASON/NEED FOR THE REVOCABLE PERMIT: _____

8. DOES THE REQUEST INVOLVE THE PLACEMENT OF OBJECTS OR STRUCTURES ON THE SUBJECT PROPERTY?

YES _____ NO _____

IF SO, BRIEFLY DESCRIBE THE OBJECTS/STRUCTURES: _____

9. NAME OF CONTRACTOR: _____

ADDRESS: _____

BUSINESS TELEPHONE: _____

SEE THE ATTACHED LIST FOR ITEMS TO BE SUBMITTED WITH THIS APPLICATION (SECTION 82-92, ITEMS 1 THROUGH 9).

NO WORK SHOULD BE PERFORMED IN THE SUBJECT CITY PROPERTY UNTIL A REVOCABLE PERMIT APPROVED BY THE CITY COMMISSION IS OBTAINED.

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR THE CONTRACTOR TO OBTAIN THE REQUIRED PERMITS AND INSPECTIONS FOR ALL WORK ON THE SUBJECT CITY PROPERTY. ALL WORK MUST COMPLY WITH THE APPLICABLE CODES AND ORDINANCES.

ALL DATA SUBMITTED IN CONNECTION WITH THIS APPLICATION BECOMES A PERMANENT PART OF THE PUBLIC RECORDS OF THE PUBLIC WORKS DEPARTMENT OF THE CITY.

FILE NO. _____

THE SUBJECT PROPERTY IS AT THE FOLLOWING STREET ADDRESS: _____
_____, MIAMI BEACH, FL.

INSTRUCTIONS:
COMPLETE OWNER AFFIDAVIT OR CORPORATION AFFIDAVIT, AS APPLICABLE, ALSO, IF YOU ARE GIVING POWER OF ATTORNEY TO AN INDIVIDUAL TO REPRESENT YOU ON THIS REQUEST, COMPLETE THE LAST AFFIDAVIT.

OWNER AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the owner of the property described herein and which is the subject matter of the proposed hearing: that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

Sworn to and subscribed to before me
this _____ day of _____, 20 ____.

SIGNATURE

NOTARY PUBLIC

Commission Expires: _____

CORPORATION AFFIDAVIT

I, _____, being duly sworn, depose and say that we are the President/Vice President, and Secretary/Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner of the property described herein and which is the subject matter of the proposed hearing.

PRESIDENT'S SIGNATURE (CORP. SEAL)

ATTEST: _____
SECRETARY'S SIGNATURE

Sworn to and subscribed to before me
this _____ day of _____, 20 ____.

NOTARY PUBLIC

Commission Expires: _____

OWNER/POWER OF ATTORNEY AFFIDAVIT

I, _____, being duly sworn, depose and say that I am owner of the described real property and that I am aware of the nature and effect of the request for this revocable permit, relative to my property, which is hereby made by me or I am hereby authorized _____ to be my legal representative before the City Commission.

Sworn to and subscribed to before me
this _____ day of _____, 20 ____.

OWNER'S SIGNATURE

NOTARY PUBLIC

Commission Expires: _____

ARTICLE III. – USE OF PUBLIC PROPERTY

DIVISION 2. - REVOCABLE PERMIT

Sec. 82-91. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Property or *city property* means any land, water (including, without limitation, the city's submerged lands), or air rights owned or maintained by the city, or in which the city holds an interest.

Revocable permit means permission granted, in writing, for any use of property owned or maintained by the city, or in which the city holds an interest, by a person or entity; establishing conditions for such use; providing for revocation by the city; and establishing requirements for return of the property upon termination/revocation.

(Ord. No. 93-2855, § 1(33-1), 6-30-93; Ord. No. 2018-4220, § 1, 10-17-18)

Cross reference— Definitions generally, § 1-2.

Sec. 82-92. - Application requirements.

Applicants for revocable permits shall submit the following application requirements prior to city commission consideration of the request:

- (1) A completed application obtained from the city's public works department.
- (2) A title binder or title commitment or attorney's title opinion regarding title to the city property and to the applicant's property abutting the city property, as required by the city attorney.
- (3) A statement explaining the reason for the applicant's request and showing the need for a revocable permit in connection with use of the applicant's property.
- (4) A topographic survey by a registered surveyor showing existing conditions and a drawing done to scale depicting the city property and the improvements proposed by the applicant, and indicating the exact dimensions of the improvements and materials from which the improvements will be constructed.
- (5) A map of the subject area showing the city property highlighted and indicating all properties within a 375-foot radius of the property.
- (6) A list (on gummed labels suitable for mailing) of names and addresses of all owners of land located within 375 feet of the exterior boundary of the city property, and a list containing the legal description of land owned by each property owner of land within the 375-foot radius.
- (7) A certified letter stating that the ownership list map and mailing labels are a complete and accurate representation of the property and owners of land within a 375-foot radius of the city property and stating the source of the information.
- (8) A topographic survey of the applicant's property by a registered surveyor.
- (9) A nonrefundable application fee and a mailing fee, in the amount specified in appendix A. Additionally, the applicant shall pay all costs of advertising connected with the request. For applications involving uses of city property that have occurred or are on-going at the time of application the application fee shall be as specified in appendix A.

(Ord. No. 93-2855, § 1(33-2), 6-30-93; Ord. No. 95-2980, § 1(33-2), 3-15-95; Ord. No. 2018-4220, § 1, 10-17-18)

Sec. 82-93. - Procedures for city commission consideration of the request.

- (a) Upon receipt of a completed application for a revocable permit under the provisions of section 82-92 or section 82-97 (for permit applications for seawalls that encroach into the city's submerged lands by more than four feet), the city's public works department shall set a date for a public hearing on the request.
- (b) For public hearings on applications subject to section 82-92 and section 82-97(a)(5), the city shall provide mail notice of the public hearing, at least 15 days prior to the hearing to owners of land lying within 375 feet of the applicant's property. The notice shall indicate the date, time and place of the hearing and the nature of the request and shall invite written comments and/or participation at the hearing.
- (c) The public works department shall prepare the appropriate resolution granting the revocable permit for consideration by the city commission and, if the permit is approved, shall thereafter prepare and issue the proposed revocable permit.
- (d) The city administration shall review the request and prepare a recommendation based upon the factors set forth in section 82-94, which report shall be transmitted to the city commission prior to the public hearing on the matter.
- (e) At the close of the public hearing, the city commission may grant or deny the request. In so doing the commission may modify the proposed revocable permit.
- (f) If the request is denied, no application may be made based upon the same request for a period of six months from the date of the denial.
- (g) The applicant may withdraw the request at any time prior to the public hearing. If the request is withdrawn prior to expenditure of costs for advertising and mail notice, the mailing fee and advertising costs specified in section 82-92 or section 82-97, as applicable, shall be refunded to the applicant. If a request is withdrawn or deferred at the applicant's request after the expenditure of costs for the advertising and mailed notices, these costs will not be refunded and an additional mailing fee and advertising fee shall be assessed prior to rescheduling of the hearing. When a request is deferred at the city's request, no additional fee shall be assessed.

(Ord. No. 93-2855, § 1(33-3), 6-30-93; Ord. No. 2018-4220, § 1, 10-17-18)

Sec. 82-94. - Criteria for granting/denying revocable permits.

- (a) Revocable permits shall be granted or denied based upon existence of the following criteria:
 - (1) That the applicant's need is substantial.
 - (2) That the applicant holds title to the abutting property.
 - (3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.
 - (4) That the grant of such permit will have no adverse effect on governmental/utility easements and uses on the city property.
 - (5) That the grant of the revocable permit will enhance the neighborhood and/or community with such amenities as, for example, but without limiting the foregoing, enhanced landscaping, improved drainage, improved lighting, improved security, and/or public benefits proffered by the applicant.
 - (6) That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district.

- (7) That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

In order to grant a revocable permit, the city commission must make an affirmative finding with respect to each of the criteria set forth above. These findings may be made by one motion addressed to all findings or, at the request of any member of the commission, a finding or findings shall be considered separately. The revocable permit application shall be considered as a whole unless any member of the city commission shall request that the application be considered in parts, in which event the application shall be considered in such parts as requested. In light of the particular circumstances involved with each separate revocable permit request, the grant of any revocable permit shall not constitute or be deemed a precedent for the grant of any other revocable permit.

- (b) In addition, to the criteria, in section 82-94(a), above, revocable permits for seawalls under section 82-97, shall require compliance with the following additional criteria:

- (1) The seawall location may not, in any circumstance, be built at a location that would interfere with navigability. Should the proposed seawall interfere with navigability of the city's property (i.e., in this case, of the canal), then the applicant will be required, at its sole cost and expense, to dredge and replace the existing seawall.
- (2) The city shall execute a perpetual easement in favor of the applicant, in a form reasonably acceptable to the city attorney, for as long as there is an encroachment into the city's submerged land. The easement will allow the applicant to use the city's land by filling in the submerged lands, and obtaining access to the canal.
- (3) The applicant shall be solely responsible for maintaining the seawall.
- (4) General liability coverage of not less than \$1,000,000.00, is required by the applicant. It shall include the City of Miami Beach as an additional insured, and shall contain a waiver of subrogation endorsement. All of the applicant/permittee's certificates shall contain endorsements providing that written notice shall be given to the city at least 30 days prior to termination, cancellation or reduction in coverage in the policy.
- (5) The applicant shall indemnify and hold the city harmless for applicant's use of the city property covered by the revocable permit.

(Ord. No. 93-2855, § 1(33-4), 6-30-93; Ord. No. 95-3028, § 1(33-4), 12-20-95; Ord. No. 2018-4220, § 1, 10-17-18)

Sec. 82-95. - Conditions, termination/revocation of revocable permits.

- (a) Each revocable permit shall state conditions for its issuance, including, but not limited to:

- (1) Use the permittee shall be permitted to make of the city property;
- (2) The nature of the improvements permitted on the city property;
- (3) Requirements for maintenance of the city property by the permittee;
- (4) Requirements for indemnification of the city by the permittee and insurance as approved by the city's risk manager, including submission annually of proof of such insurance;
- (5) Requirements for condition of the city property when it is returned to the city upon termination or revocation of the revocable permit;
- (6) Nonassignability of the permit;
- (7) City and or its authorized representatives' right of entry on the city property to repair utilities within any city easement, to inspect the property to assure that it is being used and maintained in accordance with the permit, or to remove unauthorized improvements.

- (b) As a further condition of holding a revocable permit, the permittee shall pay an annual permit fee, as specified in appendix A. The fee shall be due on October 1 of each year and shall be prorated on a monthly basis for permits granted at other times during a permit year. The fee shall be collected by the public works department or by such other department as may be designated by the city manager. Notice of the amount due and instructions for payment shall be provided to permittees at least 60 days prior to October 1 of each year. The permit fee shall be applicable to existing and future permits. If the permit is revoked or otherwise terminated prior to expiration of the year for which the annual permit fee was paid, a prorated portion of the fee will be refunded to the permittee.
- (c) Unless otherwise stated in the revocable permit, the permit shall terminate after the expiration of 20 years, unless surrendered or revoked at an earlier date.
- (d) All revocable permits shall be revocable at the sole discretion of the city commission, which revocation may be without cause and for convenience, upon ten days' prior written notice to the permittee.
- (e) The public works department, or other department as may be designated by the city manager, shall notify permittee of any violations of the permit. Any violations remaining uncorrected after ten days from receipt of such notice shall be reported to the city manager and the city commission.
- (f) Revocation shall be by resolution of the city commission. No public hearing shall be required; however, the permittee shall be heard upon request prior to a commission vote on the resolution.
- (g) When a revocable permit is granted, the permittee shall be responsible solely for recording the permit in the public records of the Miami-Dade County and shall provide a copy of the recorded permit to the city clerk and the city's public works department within 30 days of the city commission's decision to grant the permit. Failure of the permittee to record a permit shall be cause for immediate revocation of the permit.

(Ord. No. 93-2855, § 1(33-5), 6-30-93; Ord. No. 95-3022, § 1(33-5), 12-6-95; Ord. No. 2018-4220, § 1, 10-17-18)

APPENDIX - FEE SCHEDULE

FEE SCHEDULE

Pursuant to [section 1-15](#) of this Code, this appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances. Certain specified fees and charges, as identified herein, shall be subject to annual adjustment by the city manager, pursuant to the provisions of [section 1-15](#) and this Appendix "A". A schedule of all current city fees and charges as set forth in Appendix "A" shall be maintained on the city's website.

Section of this Code	Description	Amount (Sales tax or other taxes may apply)	Annual Adjustment (References shown are defined at the end of this Appendix A)
	Application fee, involving use of city property	4,355.00	[A]
	Mailing fee, per address within 375 feet	0.55	[B]

ORDINANCE NO.

2022-4526

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE III, ENTITLED "USE OF PUBLIC PROPERTY," BY AMENDING DIVISION 2, ENTITLED, "REVOCABLE PERMIT," BY AMENDING SECTION 82-94 THEREOF, ENTITLED "CRITERIA FOR GRANTING/DENYING REVOCABLE PERMITS," BY AUTHORIZING AND SETTING FORTH ADDITIONAL CRITERIA TO BE CONSIDERED IN AN APPLICATION FOR A REVOCABLE PERMIT REGARDING AN EXISTING HEDGE ENCROACHING ON CITY PROPERTY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, certain hedges, some dating back many years (and inherited, or passed along, from property owner to property owner), have either been planted on City property, or have grown over time so as to encroach onto the City's right-of-way; and

WHEREAS, property owners often view ~~their~~ the hedges as an integral part of their property, as such hedges may provide privacy, security, and/or aesthetics for the property and its owner;

WHEREAS, in order to assist property owners with existing hedges on City property, the City is creating a revocable permit process with additional criteria so that property owners can legalize qualifying hedges which would otherwise violate the City Code; and

WHEREAS, the amendments set forth below are necessary to accomplish the objectives identified above.

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

SECTION 1. That those Sections of the City's Public Property Ordinance, as such Ordinance is codified in Sections 82-94 of the City Code, be amended as follows and hereinafter set forth below:

CHAPTER 82

PUBLIC PROPERTY

* * *

ARTICLE III. USE OF PUBLIC PROPERTY

* * *

DIVISION 2. REVOCABLE PERMIT

* * *

Sec. 82-94. - Criteria for granting/denying revocable permits.

- (a) Revocable permits shall be granted or denied based upon existence of the following criteria:
- (1) That the applicant's need is substantial.
 - (2) That the applicant holds title to the abutting property.
 - (3) That the proposed improvements comply with applicable codes, ordinances, regulations, neighborhood plans and laws.
 - (4) That the grant of such permit will have no adverse effect on governmental/utility easements and uses on the city property.
 - (5) That the grant of the revocable permit will enhance the neighborhood and/or community with such amenities as, for example, but without limiting the foregoing, enhanced landscaping, improved drainage, improved lighting, improved security, and/or public benefits proffered by the applicant.
 - (6) That granting the revocable permit requested will not confer on the applicant any special privilege that is denied by this article to other owner of land, structures or buildings subject to similar conditions located in the same zoning district.
 - (7) That granting the revocable permit will be in harmony with the general intent and purpose of this article, and that such revocable permit will not be injurious to surrounding properties, the neighborhood, or otherwise detrimental to the public welfare.

In order to grant a revocable permit, the city commission must make an affirmative finding with respect to each of the criteria set forth above. These findings may be made by one motion addressed to all findings or, at the request of any member of the commission, a finding or findings shall be considered separately. The revocable permit application shall be considered as a whole unless any member of the city commission shall request that the application be considered in parts, in which event the application shall be considered in such parts as requested. In light of the particular circumstances involved with each separate revocable permit request, the grant of any revocable permit shall not constitute or be deemed a precedent for the grant of any other revocable permit.

- (b) In addition, to the criteria, in section 82-94(a), above, revocable permits for seawalls under section 82-97, shall require compliance with the following additional criteria:
- (1) The seawall location may not, in any circumstance, be built at a location that would interfere with navigability. Should the proposed seawall interfere with navigability of the city's property (i.e., in this case, of the canal), then the applicant will be required, at its sole cost and expense, to dredge and replace the existing seawall.
 - (2) The city shall execute a perpetual easement in favor of the applicant, in a form reasonably acceptable to the city attorney, for as long as there is an encroachment

into the city's submerged land. The easement will allow the applicant to use the city's land by filling in the submerged lands, and obtaining access to the canal.

- (3) The applicant shall be solely responsible for maintaining the seawall.
 - (4) General liability coverage of not less than \$1,000,000.00, is required by the applicant. It shall include the City of Miami Beach as an additional insured, and shall contain a waiver of subrogation endorsement. All of the applicant/permittee's certificates shall contain endorsements providing that written notice shall be given to the city at least 30 days prior to termination, cancellation or reduction in coverage in the policy.
 - (5) The applicant shall indemnify and hold the city harmless for applicant's use of the city property covered by the revocable permit.
- (c) In addition to the criteria in section 82-94(a) above, revocable permits for existing hedges on city property shall require compliance with the following criteria:
- (1) The applicant must affirmatively establish that such hedge, as defined in section 46-56, has existed in its present location for a period of at least ten (10) years prior to the effective date of this subsection (c).
 - (2) The applicant must remit a completed application, including all application requirements set forth in section 82-92, to the city's public works department within six (6) months of the effective date of this subsection (c).
 - (3) The hedge must not, in any way, obstruct traffic or right-of-way visibility; corner visibility, as set forth in section 142-1135; nor the visibility required for the safe ingress and egress of any neighboring property, as may be determined in the city's sole discretion.
 - (4) The applicant shall be solely responsible for properly maintaining the hedge in a neat, evenly trimmed manner, which shall not exceed any dimension approved in the revocable permit.
 - (5) The applicant shall not be authorized to replace the hedge if the city's public works department determines, in its sole discretion, that the hedge has sustained substantial damage, or if a hedge harbors a communicable disease or pest that may spread to adjacent properties.
 - (6) The applicant may not assign or transfer the revocable permit.
 - (7) The applicant shall expressly authorize the city and/or its authorized representatives a right of entry onto the applicant's property to inspect, maintain or repair any utilities on city property, to inspect the property to assure that it is being used and maintained in accordance with the revocable permit, and/or to remove any hedge (or portion thereof) for any reason pursuant to this division. The applicant also expressly agrees that the city and its authorized representatives shall not be responsible for any damage to the hedge or the applicant's property or landscaping, made by the city and/or its authorized representatives, in order to inspect, maintain, repair or gain access to utilities located on the city property which is the subject of this revocable

permit. Additionally, any expenses incurred by the city, but not paid by the applicant, in removing the hedge or other landscaping on city property, shall become a lien upon the applicant's abutting property, which may be foreclosed upon within one (1) year of its filing.

- (8) The applicant shall obtain general liability coverage of not less than \$1,000,000.00. It shall include the City of Miami Beach as an additional insured, and shall contain a waiver of subrogation endorsement. All of the applicant's certificates shall contain endorsements providing that written notice shall be given to the city at least 30 days prior to termination, cancellation or reduction in coverage in the policy.
- (9) The applicant shall agree to indemnify, defend and hold the city harmless from any and all claims, liability, losses, damages and causes of actions which may arise out of this revocable permit.

For purposes of this subsection (c), the director of the public works department shall be authorized to approve or deny applications for revocable permits, in accordance with the criteria set forth herein. Any applicant who has been denied a revocable permit pursuant to this subsection (c) may appeal such denial, within 15 days of the serving or mailing of such determination, by filing a notice of appeal with the public works director. The public works director shall schedule such appeal to be heard by the mayor and city commission within 90 days, and shall give written notice of the hearing to appellant at their last known address. At the conclusion of such appeal, the decision of the public works director shall be upheld and the appeal denied, unless the mayor and city commission determine, by a five-sevenths (5/7th) vote, that the decision of the public works director shall be overturned and the appeal granted based upon the criteria specified herein. The determination of the mayor and city commission shall be a final decision as to the use of the city's right-of-way pursuant to this subsection, as it is a proprietary decision, at the city's sole discretion, to determine and control the manner and extent, if any, to which public property may be used by private parties.

SECTION 2. REPEALER.

All ordinances or parts of ordinances 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.

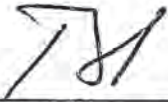
It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the 26 day of November, 2022.

PASSED AND ADOPTED this 16 day of November, 2022.

ATTEST:



Rafael E. Granado, City Clerk



Dan Gelber, Mayor

NOV 17 2022



(Sponsored by Commissioner Kristen Rosen Gonzalez)

Underline denotes additions

~~Strikethrough~~ denotes deletions

Double underline denotes additions between first and second reading

~~Double Strikethrough~~ denotes deletions between first and second reading

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

11-7-22
Date

MAF

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Alina T. Hudak, City Manager
DATE: November 16, 2022

10:20 a.m. Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE III, ENTITLED "USE OF PUBLIC PROPERTY," BY AMENDING DIVISION 2, ENTITLED, "REVOCABLE PERMIT," BY AMENDING SECTION 82-94 THEREOF, ENTITLED "CRITERIA FOR GRANTING/DENYING REVOCABLE PERMITS," BY AUTHORIZING AND SETTING FORTH ADDITIONAL CRITERIA TO BE CONSIDERED IN AN APPLICATION FOR A REVOCABLE PERMIT REGARDING AN EXISTING HEDGE ENCROACHING ON CITY PROPERTY; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends approving the Ordinance on Second Reading Public Hearing.

BACKGROUND/HISTORY

At its March 29, 2022 meeting, the Public Safety and Neighborhood Quality of Life Committee (PSNQLC) held a discussion regarding "heritage" hedges and vegetation on islands and single-family neighborhoods that have no sidewalks.

Certain hedges, some dating back many years (and inherited, or passed along from property owner to property owner,) have either been planted on City property, or have grown over time so as to encroach onto the City's right-of-way. Property owners often view these hedges as an integral part of their property, and as such, the hedges may provide a sense of privacy, security, and/or improve the aesthetics of the property.

Committee members, in order to assist property owners with their existing hedges that encroach onto City property, made a motion for the Administration to proceed to the full Commission with an Ordinance that would set forth additional criteria to be considered in an application for a Revocable Permit for these hedges, thereby permitting qualifying hedges which would otherwise violate the City Code to remain in place as long as the qualifying criteria is maintained.

The amendments set forth in the attached Ordinance, are necessary to accomplish the objectives identified above.

At its October 26, 2022 meeting, the City Commission members had the title of the "heritage" hedge Ordinance read for the record and approved the Ordinance as amended:

Adding two Whereas clauses to the Ordinance: 1) providing the Public Works Director authority to grant or deny a revocable permit, rather than having the request go to City Commission for approval; if denied 2) Appeal the request to the City Commission; and 3) to change the word "their" to "the" hedges.

SUPPORTING SURVEY DATA

Results from the 2022 Resident Survey related to perception satisfaction of the City show that 67.4% of Miami Beach residents, 44.0% Florida average and 49.7% National average rated the City of Miami Beach as a good place to live.

FINANCIAL INFORMATION

No fiscal impact.

CONCLUSION

The Administration recommends approving the Ordinance on Second Reading Public Hearing.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Prosperity - Revitalize targeted areas and increase investment.

Legislative Tracking

Public Works

Sponsor

Commissioner Kristen Rosen Gonzalez

ATTACHMENTS:

Description

- Ordinance