



# City of Miami

## Legislation

### Ordinance: 13929

City Hall  
3500 Pan American Drive  
Miami, FL 33133  
www.miamigov.com

**File Number: 7553**

**Final Action Date: 10/8/2020**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "BUILDINGS;" MORE PARTICULARLY BY CREATING A NEW ARTICLE XI, TITLED "CITYWIDE ILLUMINATION STANDARDS", TO EXTEND THE PROVISIONS OF SECTION 8C-3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("COUNTY CODE"), APPLICABLE WITHIN MUNICIPALITIES AND RELATED TO PROVIDING LIGHTING OF OPEN PARKING LOTS, AREAS UNDERNEATH BUILDINGS, AND ALLEYS TO PUBLIC RIGHTS-OF-WAY IN THE CITY OF MIAMI AS DEFINED HEREIN; PROVIDING FOR THE BUILDING OFFICIAL'S ENFORCEMENT OF THIS ARTICLE AS REQUIRED BY THE COUNTY CODE TO BE ACCOMPLISHED BY THE BUILDING OFFICIAL'S DESIGNEE, INCLUDING BUT NOT LIMITED TO CODE COMPLIANCE INSPECTORS; PROVIDING FOR PENALTIES FOR VIOLATION AND WAIVER OF APPLICABLE PERMIT FEES FOR CERTAIN EXISTING STRUCTURES AND EXPEDITED REVIEW IN CONNECTION WITH COMPLIANCE WITH THESE REQUIREMENTS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**SPONSOR(S): Commissioner Joe Carollo, Commissioner Manolo Reyes**

WHEREAS, Sections 8C-2 and 8C-3 of the Code of Miami-Dade County, Florida, as amended ("County Code"), provide for illumination standards, applicable within incorporated and unincorporated Miami-Dade County, for non-enclosed spaces beneath buildings, adjacent alleys, and open parking lots dependent upon Florida Building Code occupancy classification; and

WHEREAS, the County Code provides that responsibility for such enforcement is by a municipalities' Building Officials; and

WHEREAS, the County Code permits municipalities to enact regulations related to the same illumination standards that are more restrictive; and

WHEREAS, the City Commission wishes to ensure adequate lighting on the public right-of-way is provided for the safety of residents, workers, and others by extending the provisions of the County Code to encompass all properties within certain transect zones provided for by Ordinance No. 13114, the Zoning Ordinance of the City of Miami, Florida, as amended, in the City while ensuring compatible lighting levels for properties in the Civic Space ("CS") and Civic Institutional ("CI") transect zones adjacent to residential properties; and

WHEREAS, the City Commission wishes to utilize existing Code Compliance procedures to enforce these provisions in addition to enforcement by the City of Miami's Building Official and to ensure that arcades, awnings, canopies, and other projections attached to buildings do not cause noncompliance with these illumination requirements; and

WHEREAS, the City Commission wishes to waive permit fees or the portion thereof attributable with coming into compliance with these requirements for existing structures;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. Chapter 10 of the Code of the City of Miami, Florida, as amended, is further amended in the following particulars:<sup>1</sup>

“CHAPTER 10  
BUILDINGS

\* \* \*

Section 10-4 - Building permit fee schedule.

\* \* \*

(b)

\* \* \*

(5) *Waiver of permitting fees.* All city building permit fees related to the installation of solar panels are hereby waived for residential and commercial properties. The building department will process all building permit applications for solar panels within three business days. That portion of City building permit fees attributable to compliance with Chapter 10, Article XI of the City Code are hereby waived for structures existing on or before October 8, 2020. ~~This~~ These waivers does not include any surcharges, fees, or costs required by federal, state, or county governments.

\* \* \*

ARTICLE XI. CITYWIDE ILLUMINATION STANDARDS

Section 10-143. Application and Incorporation by Reference of the County Code.

Chapter 8C of the Code of Miami-Dade County, Florida, as amended (“County Code”), is hereby incorporated by reference. Unless otherwise stated in this Article, terms provided for in Chapter 8C of the County Code shall apply. The additional provisions provided herein are intended to be more restrictive as allowed by the County Code. The provisions of this Article apply to Transect Zones T5-L and higher as well as CS, CI, CI-HD, D1, D2, and D3.

Section 10-144. Right-of-Way Illumination Standard.

In addition to the lighting required by Section 8C-3 of the County Code and irrespective of Florida Building Code occupancy type, as a condition precedent to the issuance of a building permit (with the exception of a demolition permit) for all applicable properties subject to this Article, all rights-of-way that are not alleys shall be provided with a maintained minimum of one (1) foot-candle or the minimum found in the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways, whichever is greater, on the right-of-way surface from dusk until dawn; provided, however, the lighting level may be reduced by fifty percent (50%) on non-business days and commencing thirty (30) minutes after the termination of business on each operating day.

Properties in CI or CS Transect Zones that abut a T3 or T4 Transect Zone shall provide a maintained minimum of six-tenths (0.6) foot-candles; provided, however, that those properties in CS Transect Zone of one (1) acre or more (regardless of abutting Transect Zone) are exempt from these requirements.

The uniformity ratio shall not exceed a ten to one ratio (10:1) maximum to minimum foot-candles. This provision shall also apply to governmental facilities regardless of whether they are generally open to the public. In addition to failing to provide the illumination as described herein, it shall also be a violation of this Article for any property owner to maintain any awning, canopy, arcade, overhang, or other projection that prevents the lighting of the right-of-way as required herein.

#### Section 10-145. Enforcement.

Enforcement of this Article shall be as prescribed by Chapter 2, Article X of the City Code and any other remedies as provided by law, which use of one remedy shall not preclude the use of another, solely against the owner of the property in violation. A violation of this Article shall be punishable by a fine of \$250.00 for a first offense and \$500.00 for each offense thereafter. The Building Official may fulfill the responsibility for enforcement of this Article and Section 8C-3 of the County Code by referral to any other City department, including but not limited to Code Compliance.

#### Section 10-146 – Expedited review of permits

Any such permit required by this Article shall be processed by the City on an expedited basis.

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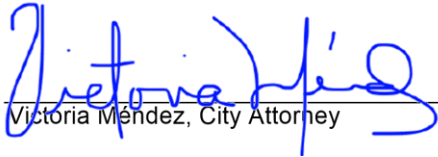
Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. The City Manager is directed to work with the Departments of Code Compliance, Resilience and Public Works, Building, and any other applicable departments to educate and train inspectors and other staff responsible for enforcement of this Article on its requirements.

Section 5. The City shall prepare and upload to the City's website educational materials describing the requirements of this Ordinance and shall make such materials available to the Downtown Development Authority and the City's Business Improvement Districts.

Section 6. This Ordinance shall become effective thirty days after its adoption.<sup>1</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
Victoria Méndez, City Attorney 10/22/2020

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<sup>1</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.