

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: August 25, 2020

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB20-0386. Single Family Simplification.**

AN ORDINANCE of the Mayor and City Commission of the City of Miami Beach, Florida, amending the code of the City of Miami beach, Subpart B, entitled “Land Development Regulations,” by amending Chapter 114, entitled “General Provisions,” Section 114-1, entitled “Definitions,” to modify the definition of lot coverage; by amending Chapter 118, entitled “Administrative and Review procedures,” Article VI, entitled “design review procedures,” section 118-260, entitled “administrative review procedures,” to amend Administrative Review Procedures applicable to the design review board; by amending Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” Division 2, entitled “RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts,” Section 142-105, entitled “Development Regulations and Area Requirements,” to simplify the city’s single-family development regulations, including the calculation of lot coverage and unit size, and to modify allowable height exceptions; by amending Section 142-106, entitled “Setback Requirements for a Single-Family Detached Dwelling,” to modify single-family setback regulations; by amending Article V, entitled “Specialized Use Regulations,” Division 8, entitled “Home Based Business Office,” Section 142-1411, entitled “Home Based Business Office,” to eliminate the fee associated with a home based business office; and providing for Repealer, Codification, Severability, and an Effective Date.

RECOMMENDATION

Transmit the proposed ordinance to the City Commission with a favorable recommendation.

HISTORY

In order to ensure that the City’s regulations and processes relating to private development projects are fair, balanced and efficient, the City solicited proposals from qualified firms to provide data-driven regulatory and process reviews, peer and best practice recommendations and recommendations for process improvement (both administrative and legislative). The goal of this comprehensive effort was to ensure that the regulations and processes affecting private development are efficient and streamlined and to:

- Attract sustainable and resilient development;
- Safeguard quality of life within neighborhoods;
- Promote historic preservation;
- Improve both the customer experience and staff process.

The Matrix Consulting Group, LLC was chosen to review the City’s regulations and processes

related to private development.

On May 22, 2019, the Land Use Development Committee (LUDC) reviewed the report of the Matrix Group and recommended that the City Commission accept the recommendations of the administration and requested that the administration provide a timeline for the recommendations moving forward. On June 5, 2019 the City Commission adopted Resolution No. 2019-30863 endorsing the administrations recommendations based on the Matrix study.

The adoption of this resolution included a referral of the work plan to the LUDC. Additionally, required amendments to the LDR's were referred to the LUDC and Planning Board. One of these amendments was the simplification of the single-family development regulations. On July 24, 2019, the LUDC discussed this amendment and recommend that the Planning Board endorse the Ordinance. On

September 24, 2019, the Planning Board transmitted the ordinance to the City Commission with a favorable recommendation. On October 16, 2019, the City Commission discussed the proposed ordinance amendment and rereferred the item back to the LUDC to start the amendment process with the new City Commission from the beginning. Commissioner Ricky Arriola agreed to become the new sponsor for the proposal.

The December 2019 LUDC was cancelled, and the subject ordinance was placed on the January 21, 2020 agenda of the Land Use and Sustainability Committee. The item was deferred to the February 18, 2020 LUSC meeting. On February 18, 2020 the item was deferred to March 17, 2020. The March 17, 2020 LUSC meeting was postponed, and the item was placed on the June 30, 2020 LUSC agenda.

Commissioner Mark Samuelian became the sponsor for the item on June 30, 2020. Additionally, the LUSC discussed the item on June 30, 2020 and continued the matter to July 21, 2020. On July 21, 2020, the LUSC discussed the ordinance and recommended that the City Commission refer the subject ordinance to the Planning Board. On July 29, 2020 the City Commission referred the subject ordinance to the Planning Board (item C4 H).

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not change the boundaries of the existing Faena District.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed changes are not out of scale with the needs of the

neighborhood.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to simplify the development regulations for single family homes, while ensuring that limits on lot coverage, unit size, and overall massing of new construction and modifications to existing homes is resilient and compatible with the future development of the City.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed change will not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change should not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change should not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in**

accordance with existing zoning.

Not applicable

- 13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal may improve the resiliency of the City with respect to sea level rise by allowing for new development that is more resilient.

- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with and supports the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

The Matrix study contained 33 initial recommendations, five of which staff recommended not move forward. 11 of the initial recommendations have already been implemented by staff. Several of the recommendations required amendments to the Land Development Regulations. The subject ordinance is related to the recommendation that single-family home development regulations be simplified.

Additionally, a clean-up amendment for home based offices is included, as well as a minor change to the square footage threshold for staff review of non-single family properties. In this regard, staff can currently review additions to commercial and multi-family projects (not exceeding 30 feet in height) that are less than 5,000 square feet and not substantially visible from the public right-of-way. The proposed amendment would increase the square foot threshold to 10,000 square feet for an addition.

The simplification of the single-family home development regulations will accomplish three main objectives:

1. The regulations will be easier for lay-persons to understand;
2. The regulations will be easier for design professionals to understand and meet code requirements; and

3. They will help to simplify and expedite permit review.

It is very important to note that the modifications proposed herein will continue to regulate the overall lot coverage, unit size, and massing of new homes as well as additions to existing homes. The recommendations are based upon the experience of staff in working with and applying the current regulations to hundreds of applications processed for the Design Review, as well as an even greater number of applications for building permits. The current regulations are overly complex, and difficult for homeowners as well as architects to understand and apply in practice.

For example, some of the current regulations have become dated, such as counting the covered portion of an outdoor terrace that is more than ten (10') feet in depth as unit size, which is generally understood to be enclosed area. The proposed changes include removing this inclusion for unit size, and further restricting that which is included as lot coverage, where the limitation is more logical. To this point, currently only the covered portions of terraces over ten (10') feet count as lot coverage. As proposed, all portions of covered areas projecting over five (5') feet will now count as lot coverage. Allowing five (5') feet of overhang is reasonable for shade and energy conservation without a lot coverage 'penalty'.

The ordinance also proposes staff review for homes utilizing the understory regulations in all circumstances. The reason for this recommendation is that the understory regulations, which were amended a few years ago, are extremely comprehensive in the requirements, especially in terms of resiliency. If a homeowner could not comply with every single requirement and requested a variance from a requirement, then design review board review and approval would still be required. Also, any proposed new home which replaces an architecturally significant home would still require review and approval by the DRB, regardless of whether or not the new home proposed has an understory.

The attached chart (Exhibit A) is a summary of the proposed amendments, as refined and modified based on the discussion at the City Commission meeting of October 16, 2019 and further analysis by staff. Graphic illustrations of existing and proposed regulations are also attached (Exhibit B).

Additionally, staff has met with practicing architects who frequently use the single-family regulations, as well as representatives of MDPL and MBU for their input. These discussions have also informed the proposed revisions to the ordinance.

At the June 30, 2020 LUSC meeting, additional information was requested regarding understory homes that have been reviewed by the DRB. Of the eleven (11) understory homes reviewed by the DRB since 2017, only two did not include the replacement of pre-1942 architecturally significant home, waiver or variance request.

Finally, the subject ordinance contains an exceptions provision. Specifically, this ordinance shall not apply to:

1. Any applicant who has filed an application for a Land Use Board Approval with the Planning Department on or before August 25, 2020.

2. Any applicant who has obtained a Building Permit Process Number from the Building Department on or before August 25, 2020.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.