

## Flamingo Park Neighborhood Association Resolution

The **6<sup>th</sup> Street Historic District Buffer Overlay** addresses the failure to include the south side of 6<sup>th</sup> Street in the original Flamingo Park Local Historic District. On the south side of 6<sup>th</sup> Street, which is part of the Ocean Beach Historic District, we call for an overlay to prevent new infill development from overwhelming the historic pattern of development in that area and the historical and residential character of the north side of 6<sup>th</sup> Street.

The changes below are adapted from the **Alton Road Historic District Buffer Overlay** (Sec. 142-864) and the **Flamingo Park Local Historic District infill regulations** (Sec. 142-155(4)) of the Miami Beach Code, including a restriction on new transient hotel or short-term rental uses. We are not proposing new restrictions for the north side of 5<sup>th</sup> Street, but the City administration has recommended that the north side of 5<sup>th</sup> Street be included in the proposed Overlay district for purposes of establishing clear boundaries to the district. We do not propose any changes except for properties within 200 feet of 6<sup>th</sup> Street. We are firmly opposed to any changes to zoning that would relax current development rules, including height and FAR.



## Proposed 6<sup>th</sup> Street Historic District Buffer Overlay

### Sec. 142- ###. - Development regulations.

The following overlay regulations shall apply within the 6<sup>th</sup> Street - Historic District Buffer Overlay District, bounded by the south side of 6<sup>th</sup> Street and the north side of 5<sup>th</sup> Street, between Washington Avenue and Lenox Avenue. All development regulations applicable to and/or in the underlying zoning district shall apply, except as follows within 200 feet from the southern boundary of the 6<sup>th</sup> Street right of way:

**(a) Maximum building height.** The maximum building height in this district shall be 50 feet, except that building height shall be limited to (1) 28 feet within 100 feet from the southern boundary of the 6<sup>th</sup> Street right of way and (2) beyond such 100-foot distance, 28 feet for an additional 40 feet from the southern property line of any lot with a contributing building . There shall be no variances for building height.

**(b) Minimum setbacks.**

- (1) Front: Five feet.
- (2) Side facing a street: Five feet.
- (3) Interior side: Zero feet.
- (4) Rear: Zero feet.
- (5) There shall be no variances for building setbacks, except for triangular lots.

**(c) Building separation and aggregation**

(1) Alleys shall not be vacated or developed, except as open public space; this provision applies to the full length of the alley from 6<sup>th</sup> to 5<sup>th</sup> Street.

(2) No more than two contiguous lots may be aggregated for development purposes.

(3) For any new construction or additions, whether attached or detached, on multiple or aggregated lots, a minimum building separation of ten feet at the center of the aggregated lots shall be required. The historic preservation board may, on a case-by-case basis, allow for a connection in the rear of the property, provided the depth of such connection does not exceed 25 percent of the lot depth and that the connection does not contain any parking spaces.

**(d) [Contributing buildings.]** The following regulations shall apply to lots containing contributing buildings in the Ocean Beach Historic District within the 6<sup>th</sup> Street - Historic District Buffer Overlay.

(1) Only those portions of a contributing building that were not part of the original structure on the site, or that have not acquired any type of architectural significance, as determined by staff or the historic preservation board, may be issued a Certificate of Appropriateness for demolition.

(2) For contributing buildings or properties, no building or substantially enclosed structure shall be permitted within an existing historic courtyard. For purposes of this subsection, an historic courtyard shall be defined as a grade level space, open to the sky, which is enclosed on at least two sides by an existing building or structure on the same property and is an established architectural or historic component of the site or building design by virtue of significant features and/or finishes, including, but not limited to, paving patterns, fountains, terraces, walkways or landscaping.

(3) Notwithstanding the provisions of section 142-1161 of these land development regulations, roof-top additions shall not be permitted on any contributing building and any stairwell or elevator bulkhead shall meet the line-of-sight requirements of section 142-1161, but not to exceed allowable building heights. The historic preservation board reserves the right to re-classify the contributing status of any structure in the district, prior to rendering a decision on any application that may contemplate a rooftop addition.

(4) Ground level additions shall be detached and separated from the main structure(s) on the site by a distance of at least ten feet. The historic preservation board may, on a case-by-case basis, allow a ground level addition to attach to the rear of an existing structure that has a flat roof and parapet, provided such addition does not exceed the height of the existing structure and that the attachment does not result in the demolition, obscuring or removal of any significant architectural features and/or finishes from the existing structure.

(5) The height of any ground level addition to an existing structure, whether attached or detached, shall be limited to one story, not to exceed 12 feet above the height of the main roof of the existing structure. In the event the existing structure is two stories in height or higher, the proposed addition shall not exceed a total of three stories and 35 feet.

(6) Ground level additions, whether attached or detached, shall follow the established lines of the interior side setbacks of the main existing structure on the site. For the first two floors of the addition, any non-conforming interior side setback may be extended, provided the minimum interior and/or street side setback is five feet; the third floor of the addition, if permitted, shall meet the minimum side yard requirements. Notwithstanding the foregoing, the historic preservation board may, on a case-by-case basis, allow ground level additions to exceed one side of the established interior side setbacks of the main existing structure on the site, provided the sum of the interior side setbacks is a minimum of 15 feet.

**(e) Land use.** Main permitted uses, conditional uses and accessory uses shall be permissible as set forth in the CPS-2 district regulations, with the following exceptions:

(1) Transient rentals including but not limited to hotels, suite hotels, apartment hotels, or short-term rentals are not permitted [except legally grandfathered existing uses].

(2) Restaurants, bars, entertainment establishments and similar uses shall not be permitted at any level above the ground floor, except that a loft or mezzanine containing these uses may be permitted within the interior of a ground floor commercial space. This subsection shall not apply to such existing and proposed uses in buildings classified as "contributing", and existing in the Ocean Beach Historic District as of the effective date of this division.

(3) Retail uses at any level above the ground or first floor shall not exceed 2,500 square feet per tenant. This subsection shall not apply to buildings classified as "contributing", and existing in the Ocean Beach Historic District as of the effective date of this division.

(4) Any individual retail, restaurant, bar, entertainment establishment or similar establishment in excess of 10,000 square feet, inclusive of outdoor seating areas, shall not be permitted. This subsection shall not apply to buildings classified as "contributing" and existing in the Ocean Beach Historic District as of the effective date of this division, provided such property has not been combined or aggregated with adjacent properties. Notwithstanding the foregoing, the regulations in Chapter 142, Article V, Division 6, Entertainment Establishments, shall continue to apply to uses in this overlay district.

(5) No alcoholic beverage establishment, entertainment establishment or restaurant may be licensed as a main permitted or accessory use in any open area above the ground floor (any area that is not included in the FAR calculations) or at ground level in any open area, except that residents of a multifamily (apartment or condominium) building or hotel guests may use these areas, which may include a pool or other recreational amenities, for their individual, personal use with appropriate buffering as determined by the Planning Department or applicable land use board with jurisdiction. This subsection shall not apply to properties containing buildings classified as "contributing" and existing in the Ocean Beach Historic District as of the effective date of this division, provided such property, has not been combined or aggregated with adjacent properties; and conditional use approval is obtained to operate between the hours of 8:00 p.m. and 8:00 a.m.

(6) No uses related to motorized vehicles may be permitted, including but not limited to gas stations, car washes, parking garages, parking garage entrances or exits, and sale, rental or repair of motorized vehicles.

(7) Stairwell bulkheads shall not be permitted to extend above the maximum building height.

(8) Elevator bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement cannot be waived by the historic preservation board.

(9) If an alley exists, no front curb cut shall be permitted. If no alley exists, any curb-cut required shall not exceed 12 feet in width.

(10) No variances from these provisions shall be granted.

**Attachment: Use of Flamingo Park infill regulations in 6<sup>th</sup> Street Overlay.**

Sec. 142-155. - Development regulations and area requirements.

(4) In the Flamingo Park Local Historic District, the following shall apply:

a. Notwithstanding the provisions of section 142-1161 of these land development regulations, roof-top additions shall not be permitted on any contributing building and any stairwell or elevator bulkhead shall meet the line-of-sight requirements of section 142-1161, but not to exceed allowable building heights. The historic preservation board reserves the right to re-classify the contributing status of any structure in the district, prior to rendering a decision on any application that may contemplate a rooftop addition.

b. Ground level additions shall be detached and separated from the main structure(s) on the site by a distance of at least ten feet. The historic preservation board may, on a case-by-case basis, allow a ground level addition to attach to the rear of an existing structure that has a flat roof and parapet, provided such addition does not exceed the height of the existing structure and that the attachment does not result in the demolition, obscuring or removal of any significant architectural features and/or finishes from the existing structure.

c. The height of any ground level addition to an existing structure, whether attached or detached, shall be limited to one story, not to exceed 12 feet above the height of the main roof of the existing structure. In the event the existing structure is two stories in height or higher, the proposed addition shall not exceed a total of three stories and 35 feet.

d. Ground level additions, whether attached or detached, shall follow the established lines of the interior side setbacks of the main existing structure on the site. For the first two floors of the addition, any non-conforming interior side setback may be extended, provided the minimum interior and/or street side setback is five feet; the third floor of the addition, if permitted, shall meet the minimum side yard requirements. Notwithstanding the foregoing, the historic preservation board may, on a case-by-case basis, allow ground level additions to exceed one side of the established interior side setbacks of the main existing structure on the site, provided the sum of the interior side setbacks is a minimum of 15 feet.

e. No more than two contiguous lots may be aggregated for development purposes.

f. For any new construction or additions, whether attached or detached, on multiple or aggregated lots, a minimum building separation of ten feet at the center of the aggregated lots shall be required. The historic preservation board may, on a case-by-case basis, allow for a connection in the rear of the property, provided the depth of such connection does not exceed 25 percent of the lot depth and that the connection does not contain any parking spaces.

g. Only those portions of a contributing building that were not part of the original structure on site, or that have not acquired any type of architectural significance, as determined by staff or the historic preservation board, may be proposed to be demolished. [Already included in Alton overlay.]

h. For contributing buildings or properties, no building or structure shall be permitted within an existing historic courtyard. For purposes of this subsection, an historic courtyard shall be defined as a grade level space, open to the sky, which is enclosed on at least two sides by an existing building or structure on the same property and is an established architectural or historic component of the site or building design by virtue of significant features and/or finishes, including, but not limited to, paving patterns, fountains, terraces, walkways or landscaping. [Already included in Alton overlay.]

~~i. Each level of new construction or additions, whether attached or detached, shall have a maximum floor to floor height of 12 feet. The historic preservation board may, on a case-by-case basis, waive the maximum floor to floor height requirement and allow for loft or mezzanine space within the allowable volume of the building, provided the total floor area of any such loft space or mezzanine does not exceed one-third the total floor area in that room or story in which the loft space or mezzanine occurs. [Excluded: Class A office use is acceptable in the Overlay within other height and re-development limits.]~~

j. Stairwell bulkheads shall not be permitted to extend above the maximum building height.

k. Elevator bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement cannot be waived by the historic preservation board.

l. If an alley exists, no front curb cut shall be permitted. If no alley exists, any curb-cut required shall not exceed 12 feet in width.

m. No variances from these provisions shall be granted.