

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 21, 2022

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **PB22-0524. Roof Top Additions in CD3 District Ordinance.**

RECOMMENDATION

Transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On May 4, 2022 at the request of Commissioner Ricky Arriola, the City Commission referred the proposed ordinance to the Land Use and Sustainability Committee (LUSC) and Planning Board for review and recommendation (item C4 S).

On June 6, 2022, the LUSC recommended that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

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 create an isolated district unrelated to adjacent or nearby districts.

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

Consistent - The proposed ordinance does modify the scale of development as rooftop

additions are not allowed to exceed the maximum height of a building, as such the amendment is not out of scale with the needs of the neighborhood or the city.

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 as the maximum floor area ratio (FAR) is not modified.

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 incentivize the preservation and improvement of historic structures makes passage of the proposed change necessary.

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, as the FAR is not being modified by this ordinance.

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

Partially Consistent – The proposed change may affect light and air to adjacent areas by facilitating rooftop additions. However, any negative impacts will be addressed as part of the Certificate of Appropriateness process for each development.

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

Consistent – The proposed change will 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 will 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.**

Partially 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 should increase the resiliency of the City with respect to sea level rise by encouraging the rehabilitation of existing buildings in a manner 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 the City's sea level rise mitigation and resiliency efforts.

BACKGROUND

The Gale Hotel, which is a contributing structure and located in the Museum Local Historic District, is seeking to add a rooftop addition. The hotel has an existing roof-top addition, which was approved a few years ago.

ANALYSIS

Currently, existing structures located within the Museum Local Historic District are permitted to have a single story, habitable rooftop addition. The proposed Ordinance amends Section 142-1161 of the LDR's, pertaining to height regulation exceptions, to allow existing structures on sites zoned CD-3 in the area bounded by Collins Avenue on the east, Drexel Avenue on the west, 16th Street on the south, and 17th Street on the north may be permitted to have multistory habitable rooftop additions not to exceed the maximum permitted building height.

Any proposed rooftop addition to a building located within the Museum Historic District, whether a single story or multistory addition, requires a certificate of appropriateness from the historic preservation board. As such, the historic preservation board will have full discretion regarding the height, placement and design of any proposed rooftop addition that consists of multiple levels. Considering the requirement for a certificate of appropriateness from the historic preservation board, staff is supportive of the proposed Ordinance, as it will provide more flexibility for additions to existing buildings.

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.

Rooftop Additions in the CD-3 District

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 5, "HEIGHT REGULATIONS," BY AMENDING SECTION 142-1161, ENTITLED "HEIGHT REGULATION EXCEPTIONS," TO MODIFY THE REGULATIONS GOVERNING ROOFTOP ADDITIONS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to encourage innovative and compatible redevelopment of existing historic structures in the area zoned CD-3 that is bounded by Collins Avenue on the east, Drexel Avenue on the west, 16 Street on the south, and 17 Street on the north; and

WHEREAS, thoughtfully designed additions to historic structures in this area will contribute to the economic vitality of the Lincoln Road pedestrian mall and the Miami Beach Convention Center; and

WHEREAS, the Mayor and City Commission desire to incentivize the preservation of, and improvements to, historic structures in this area of the City.

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

SECTION 1. Chapter 142, "Zoning Districts and Regulations," Article IV, "Supplementary District Regulations," Division 5, "Height Regulations," Section 142-1161 is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS

* * *

DIVISION 5. – HEIGHT REGULATIONS

Sec. 142-1161. – Height regulation exceptions.

* * *

(d) Rooftop additions.

* * *

(7) CD-3 zoned parcels in the area bounded by Collins Avenue on the east, Drexel Avenue on the west, 16 Street on the south, and 17 Street on the north. Notwithstanding the provisions of subsection (d)(2), the following shall be permitted for existing structures on sites zoned CD-3 in the area bounded by

Collins Avenue on the east, Drexel Avenue on the west, 16th Street on the south, and 17th Street on the north: multistory habitable rooftop additions (whether attached or detached) not to exceed the maximum permitted building height.

- (7) (8) *Design and appropriateness guidelines.* In determining if existing structures are eligible for rooftop additions, the historic preservation board, in addition to any and all other applicable criteria and guidelines contained in these land development regulations, shall consider whether:

* * *

SECTION 2. REPEALER.

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

SECTION 3. 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 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: June 22, 2022

Second Reading: July 20, 2022

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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