Rooftop Additions In The Museum Historic District

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 5, "HEIGHT REGULATIONS," SECTION 142-1161, "HEIGHT REGULATION EXCEPTIONS," TO CREATE ADDITIONAL REGULATIONS REGARDING ROOFTOP ADDITIONS FOR PROPERTIES LOCATED IN THE MUSEUM HISTORIC DISTRICT WITH A LOT LINE ON COLLINS AVENUE; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach's ("City") Land Development Regulations promote the protection, enhancement, and retention of the established architectural scale, character, and context of the City's commercial zoning districts; and

WHEREAS, the Museum Historic District is a thriving and evolving neighborhood that is suited for numerous hotel uses due to its close proximity to the Miami Beach Convention Center; and

WHEREAS, well designed additions to non-contributing buildings with lot lines on Collins Avenue in this area will help encourage commercial success of the neighborhood and the Miami Beach Convention Center.

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" of the Land Development Regulations of the Code of the City of Miami Beach, Florida 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.

For all districts, except RS-1, 2, 3 and 4 (single-family residential districts).

* * *

(d) Rooftop additions.

(1) *Restrictions.* There shall be no rooftop additions to existing structures in the following areas: oceanfront lots with frontage on Collins Avenue in the Miami Beach Architectural District in the RM-3 zoning district; and non-oceanfront lots fronting Ocean Drive in the MXE zoning district. No variance from this provision shall be granted.

(2) *Additional regulations.* Existing structures within an historic district shall only be permitted to have habitable one-story rooftop additions (whether attached or detached), with a maximum floor to ceiling height of 12 feet except as hereinafter provided. No variance from this provision shall be granted. The additions shall not be visible when viewed at eye level (five feet, six inches from grade) from the opposite side of the adjacent right-of-way; for corner properties, said additions shall also not be visible when viewed at eye level from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way. Notwithstanding the foregoing, the line-of-sight requirement may be modified as deemed appropriate by the historic preservation board based upon the following criteria:

a. The addition enhances the architectural contextual balance of the surrounding area;

b. The addition is appropriate to the scale and architecture of the existing building;

c. The addition maintains the architectural character of the existing building in an appropriate manner; and

d. The addition minimizes the impact of existing mechanical equipment or other rooftop elements.

(3) *Lincoln Road hotel additions.* Notwithstanding the foregoing, a multistory rooftop addition, for hotel uses only, may be permitted for properties on Lincoln Road, located between Pennsylvania Avenue and Lenox Avenue, in accordance with the following provisions:

a. For properties on the north side of Lincoln Road, a multistory rooftop addition shall be set back at least 75 feet from Lincoln Road and at least 25 feet from any adjacent side street. Additionally, the multistory addition may be cantilevered over a contributing building.

b. For properties located on the south side of Lincoln Road, a multistory rooftop addition shall be set back at least 65 feet from Lincoln Road.

c. The portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block-end to block-end, shall be fully improved subject to the review and approval of the public works department.

d. Participation in the public benefits program, pursuant to subsection 142-337(d), shall be required in order for a hotel project to avail itself of a multistory rooftop addition.

e. There shall be a limit of 500 hotel units for hotel projects including a multistory rooftop addition that are constructed between Pennsylvania Avenue and Lenox Avenue.

(4) *Placement and manner of attachment.* The placement and manner of attachment of all additions (including those which are adjacent to existing structures) are subject to historic preservation board approval.

(5) *Collins Waterfront Historic District, Morris Lapidus/Mid-20th Century Historic District, and oceanfront lots with no frontage on Collins Avenue within the Miami Beach Architectural District in the RM-3 zoning district.* Notwithstanding the foregoing provisions of subsection 142-1161(d)(2), certain types of existing structures located within the Collins Waterfront Historic District and Morris Lapidus/Mid-20th Century Historic District and oceanfront lots with no frontage on Collins Avenue within the Miami Beach Architectural District may be permitted to have habitable rooftop additions (whether attached or detached) according to the following requirements:

a. Height of rooftop additions permitted for structures of five stories or less:

1. Existing buildings of five or less stories may not have more than a one-story rooftop addition, in accordance with the provisions of subsection 142-1161(d)(2). Additionally, at the discretion of the historic preservation board, pursuant to certificate of appropriateness criteria, the maximum floor to ceiling height may be increased to 15 feet within the Morris Lapidus/Mid-20th Century Historic District.

b. Height of rooftop additions permitted for hotel structures of greater than five stories:

1. For those structures determined to be eligible by the historic preservation board for rooftop additions of greater than one story in height according to the provisions of subsection (d)(7) below, one story is allowed per every three stories of the existing building on which the addition is to be placed, to a maximum of four additional rooftop addition stories, with a maximum floor to floor height of 12 feet, and a maximum floor to roof deck height of 12 feet at the highest new story. The additional stories shall only be placed on the underlying structure creating the eligibility for an addition. Additionally, at the discretion of the historic preservation board, pursuant to certificate of appropriateness criteria, the maximum floor to ceiling height may be increased to 15 feet within the Morris Lapidus/Mid-20th Century Historic District and on oceanfront lots with no frontage on Collins Avenue within the Miami Beach Architectural District, for up to two floors of a permitted roof-top addition.

2. Rooftop additions permitted under this subsection, which are greater than one story, shall be for the sole purpose of hotel unit development. A restrictive covenant in a form acceptable to the city attorney committing the property to such hotel use, subject to release by the historic preservation board when such board determines that the restriction is no longer necessary, shall be recorded prior to the issuance of any building permit for a rooftop addition greater than one story.

(6) *North Beach Resort Historic District.* Notwithstanding the foregoing provisions of subsection 142-1161(d)(2), existing structures located within the North Beach Resort historic district may be permitted to have habitable rooftop additions (whether attached or detached) according to the following requirements:

a. Existing buildings of five or less stories may not have more than a one story rooftop addition, in accordance with the provisions of subsection 142-1161(d)(2).

b. For those structure determined to be eligible by the historic preservation board for rooftop additions of greater than one story in height, according to the provisions of subsection (d)(7) below, existing buildings six or more stories may have a two-story rooftop addition with a maximum floor to floor height of 12 feet, and a maximum floor to roof deck height of 12 feet at the highest new story. The additional stories shall only be placed on that portion of the underlying structure creating the eligibility for an addition.

(7) *Museum Historic District.* Notwithstanding the foregoing provisions of subsection 142-1161(d)(2), existing non-contributing buildings located within the Museum Historic District, with a lot line on Collins Avenue, may be permitted to have a multi-story rooftop addition, not to exceed a maximum building height of 80 feet.

~~(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:

a. The design of an existing structure (or part thereof) to which a new rooftop addition is to be attached is of such nature or style that it does not contain any significant original architectural crown element(s) or other designed composition of significant architectural features, nor does the overall profile of the structure including its rooftop design features have a distinctive quality that contributes to the special character of the historic district, as determined by the historic preservation board. Significant rooftop or upper facade elements or features may include but shall not be limited to towers, domes, crowns, ziggurats, masts, crests, cornices, friezes, finials, clocks, lanterns, original signage and other original architectural features as may be discovered.

b. The proposed rooftop addition shall be designed, placed and attached to an existing structure in a manner that:

1. Does not obscure, detract from, or otherwise adversely impact upon other significant architectural features of the existing structure, inclusive of significant features that are to be, or should be, restored or reconstructed in the future;

2. maintains the architectural contextual balance of the surrounding area and does not adversely impact upon or detract from the surrounding historic district;

3. Is appropriate to the scale and architecture of the existing building;

4. Maintains the architectural character of the existing building in an appropriate manner;

5. Does not require major demolition and alterations to existing structural systems in such manner as would compromise the architectural character and integrity of the existing structure; and

6. Minimizes the impact of existing mechanical equipment or other rooftop elements.

c. The placement and manner of attachment of additions (including those which are adjacent to existing structures) are subject to the historic preservation board granting a certificate of appropriateness for any demolition that may be required as well as for the new construction.

d. The entire structure shall be substantially rehabilitated.

e. Notwithstanding the foregoing, the overall height of any structure located in the Collins Waterfront Historic District or the North Beach Resort Historic District may not exceed the height limitations of the underlying zoning district. No additional stories may be added under this section through height variances from the underlying zoning district regulations.

f. No variance from the provisions of subject subsection 142-1161(d) shall be granted.

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 8-16-22
City Attorney NK Date

First Reading: September 14, 2022
Second Reading: October 26, 2022

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