

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: April 25, 2023

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **PB23-0581. Architectural District RM-3 Single Story Rooftop Additions.**

#### **RECOMMENDATION**

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

#### **HISTORY**

On February 22, 2023, at the request of Commissioner Alex Fernandez, the City Commission referred the proposed ordinance amendment (C4 H) to the Land Use and Sustainability Committee (LUSC), the Planning Board and the Historic Preservation Board.

The item is scheduled to be considered by the LUSC at the April 19, 2023, meeting. Staff will update the Planning Board on the LUSC's recommendations.

#### **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 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 there is no impact to the maximum floor area ratio (FAR).

**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 retention and restoration of historic buildings 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 should 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 there is no impact to the overall development capacity.

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

**Consistent** – The proposed change will minimally affect light and air to adjacent areas. Any specific impacts will be considered by the Historic Preservation Board as part of any application to build a rooftop addition.

**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 improve the resiliency of the City with respect to sea level rise by encouraging 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 the City’s sea level rise mitigation and resiliency efforts.

**BACKGROUND**

Representatives of the Ritz Carlton and Sagamore Hotels, located at 1 Lincoln Road and 1671 Collins Avenue, respectively, are proposing a redevelopment project including the renovation of the existing contributing buildings, the construction of a new ground level tower addition and single-story rooftop addition, and overall site improvements. As part of this effort, the developer has proposed amendments to the Land Development Regulations of the City Code (LDRs) pertaining to height regulation exceptions.

Tangentially, on November 8, 2022, the Historic Preservation Board (HPB) held a discussion regarding the current regulations governing rooftop additions within historic districts. As part of this discussion the HPB unanimously approved the following motion with five (5) members present:

*To further incentivize the retention and restoration of contributing buildings, the Board recommends that the Mayor and City Commission consider amending the Land*

*Development Regulations to give the HPB greater latitude in the review and approval of rooftop additions, not to exceed the maximum permitted height for the underlying zoning district, within historic districts.*

### **ANALYSIS**

Rooftop additions are currently prohibited on oceanfront properties located within the Architectural District, except for properties with no frontage on Collins Avenue. The proposed amendment will allow for the construction of a single-story rooftop addition, not to exceed the maximum permitted height in the underlying zoning district, on oceanfront properties greater than 115,000 square feet in size that are located between Lincoln Road and 18<sup>th</sup> Street.

The amendment also requires that a rooftop addition not be visible from Collins Avenue, and that the addition be set back a minimum of 150 feet from both the rear property line and Lincoln Road. Also, any rooftop addition would have a maximum floor to ceiling height of 15 feet, which is consistent with rooftop additions allowed within the Morris Lapidus/Mid-20<sup>th</sup> Century Historic District and for properties within the Architectural District that do not have frontage on Collins Avenue. Finally, the amendment will allow for the introduction of a roof deck above a mechanical room.

Any rooftop addition proposed for a building located within a historic district requires certificate of appropriateness approval from the HPB. As such, the HPB will have full discretion regarding the height, placement, and design of any proposed rooftop addition. Considering the requirement for a certificate of appropriateness from the HPB, as well as the additional setback requirements, the Administration is supportive of the proposed ordinance.

Further, as noted in the background section of this memo, the proposed amendment is consistent with a recommendation made by the HPB at their November 8, 2022, meeting and will allow for 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.

**ARCHITECTURAL DISTRICT RM-3 SINGLE STORY ROOFTOP ADDITIONS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE 5, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," AT SECTION 7.5.2.1 ENTITLED "HEIGHT REGULATION EXCEPTIONS AND ROOFTOP ADDITIONS" TO GOVERN SINGLE STORY ROOFTOP ADDITIONS ON PROPERTIES LARGER THAN 115,000 SQUARE FEET IN THE RM-3 ZONING DISTRICT LOCATED BETWEEN LINCOLN ROAD AND 18 STREET; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach's (City) Resiliency Code promotes the protection, enhancement, and retention of the established architectural scale, character, and context of the City's multifamily zoning districts; and

**WHEREAS**, the City Commission has deemed it in the best interest and welfare of the City to adopt regulations that preserve, enhance and protect the unique architectural character and context of oceanfront lots within the Architectural District in Miami Beach; and

**WHEREAS**, the Planning Board has reviewed and endorsed the proposed amendment to the Code set forth herein; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

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

**SECTION 1.** That Section 7.5.2.1, "Height regulation exceptions and rooftop additions" is hereby amended as follows:

**7.5.2.1 Height regulation exceptions and rooftop additions.**

- d      Rooftop additions.
- \*      \*      \*
- \*      \*      \*

(ix) Notwithstanding the foregoing, a (1) one-story rooftop addition, with a maximum floor to ceiling height of 15 feet, may be permitted for properties exceeding a lot size of 115,000 square feet in the RM-3 zoning district, which are located between Lincoln Road and 18<sup>th</sup> Street, provided that such rooftop addition shall not be visible from Collins Avenue and is set back at least 150 feet from both the rear property line and Lincoln Road. Notwithstanding anything in these regulations to

the contrary, an accessible deck may be constructed on top of a mechanical room that is part of a rooftop addition permitted under this subsection.

- ~~ix.x~~ *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. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading: May 17, 2023

Second Reading: June 28, 2023

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director