

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: July 25, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB23-0615. Administrative Review of ADUs in Single Family Historic Districts.**

RECOMMENDATION

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

HISTORY

On February 22, 2023, at the request of Commissioner Ricky Arriola, the City Commission referred a discussion item regarding accessory dwelling units (ADUs) in the Palm View area (C4 D) to the Land Use and Sustainability Committee (LUSC). On April 19, 2023, the item was deferred to the May 10, 2023, LUSC meeting, with no discussion.

On May 10, 2023, the LUSC recommended that the City Commission refer an ordinance regarding ADU's in the Palm View area to the Planning Board with the following additional amendments:

1. The size of an accessory dwelling unit (ADU) be increased from 400 square feet to 600 square feet, to better accommodate smaller lots.
2. The requirements for property ownership shall not be limited to homesteaded properties.
3. Entrance visibility on corner lots shall be further studied.

NOTE: The City Commission referred the proposed ordinance regarding ADU's in the Palm View area to the Planning Board.

The LUSC also recommended that the City Commission refer a separate ordinance to the Planning Board to allow for administrative review of ADUs in local historic districts. On June 28, 2023, the City Commission referred the proposed ordinance to the Planning Board (Item C4 K).

REVIEW CRITERIA

Pursuant to Section 2.4.2 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.

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 facilitate the development of attainable housing 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.

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

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

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 7.1.2.4 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 providing additional income to homeowners to make enhancements to their properties.

(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.

ANALYSIS

The attached draft ordinance would allow for administrative review of ADU’s in single family historic districts. Specifically, Section 2.13.7.c is proposed to be amended to include the following additional applications for a certificate of appropriateness to be reviewed by the staff of the historic preservation board:

Accessory Dwelling Units (ADU) within single family districts, provided the proposed ADU does not require the demolition or alteration of architecturally significant portions of a building or structure.

The proposal will facilitate homeowner’s ability to create ADU’s in historic districts where they are authorized. Currently there is a separate proposal to authorize the lease of ADU’s within owner-occupied homes in the Palm View Historic District, consistent with the 2020 Palm View Neighborhood Study. This proposed ordinance would facilitate carrying out the recommendation in that the Study.

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.

Administrative Review of Accessory Dwelling Units in Historic Districts

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, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION AND REVIEW PROCEDURES," ARTICLE XIII, ENTITLED "HISTORIC PRESERVATION," SECTION 2.13.7, ENTITLED "ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS/CERTIFICATE TO DIG/CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION", BY AMENDING SUB-SECTION 2.13.7C., ENTITLED "REVIEW PROCEDURE" TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCESS FOR ACCESSORY DWELLING UNITS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Land Use and Housing Elements of the Miami Beach Comprehensive Plan include policies to incentivize the development and retention of workforce and affordable housing; and

WHEREAS, the City of Miami Beach (the "City") finds that there is a shortage of affordable rentals within the City limits; and

WHEREAS, an "accessory dwelling unit" is an independent living quarter that is accessory to a single-family detached dwelling; and

WHEREAS, the City of Miami Beach finds that allowing accessory dwelling units in single-family residential areas, subject to certain specified conditions, provides additional housing opportunities, including workforce and affordable housing, while providing an extra source of income to homeowners; 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. Chapter 2 of the Miami Beach Resiliency Code, entitled "Administration and Review Procedures," Article XIII, entitled "Historic Preservation", Section 2.13.7, entitled "Issuance of a Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition," at subsection c. entitled "Review Procedures" is hereby amended as follows:

c. Review procedure.

* * *

- iv. Notwithstanding subsections 2.13.7(c)(i) through (iii) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by

the board in consultation with the planning director) shall be reviewed by the staff of the board. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. For purposes of this paragraph, the application requirement of certificate of appropriateness review shall be satisfied by the submission of a corresponding building permit application, or such other permit application form required by the planning department. Such minor repairs, alterations and improvements include the following:

1. Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way (excluding rear alleys), any waterfront or public parks, provided such ground level additions do not require the demolition or alteration of architecturally significant portions of a building or structure. For those lots under 5,000 square feet, the floor area of the proposed addition may not exceed 30 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 1,500 square feet. For those lots between 5,000 square feet and 10,000 square feet, the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 2,000 square feet. For those lots greater than 10,000 square feet, the floor area of the proposed addition may not exceed 10 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet.
2. Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
3. Facade and building restorations, recommended by staff, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
4. Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
5. Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
6. Accessory Dwelling Units (ADU) within single family zoning districts, provided the proposed ADU does not require the demolition or alteration of architecturally significant portions of a building or structure.

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 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
& FOR EXECUTION

City Attorney _____
Date

First Reading:
Second Reading:

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