

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: October 24, 2023

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **Discussion on Lot Split Unit Size Criteria.**

HISTORY

On September 26, 2023, the Planning Board scheduled a discussion on the Lot Split Unit Size Criteria for the October 24, 2023 meeting.

DISCUSSION

For the purposes of this discussion, staff is providing the lot split criteria from the Land Development Regulations, which may be helpful for the board's discussion. Pursuant to Section 2.5.4.2 of the Resiliency Code, in reviewing an application for the division of lot and lot split, the Planning Board shall apply the following criteria:

1. Whether the lots that would be created are divided in such a manner that they are in compliance with the regulations of these land development regulations.
2. Whether the building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.
3. Whether the scale of any proposed new construction is compatible with the as-built character of the surrounding area, or creates adverse impacts on the surrounding area; and if so, how the adverse impacts will be mitigated. To determine whether this criterion is satisfied, the applicant shall submit massing and scale studies reflecting structures and uses that would be permitted under the land development regulations as a result of the proposed lot split, even if the applicant presently has no specific plans for construction.
4. Whether the building site that would be created would result in existing structures becoming nonconforming as they relate to setbacks and other applicable regulations of these land development regulations, and how the resulting nonconformities will be mitigated.
5. Whether the building site that would be created would be free of encroachments from abutting buildable sites.

6. Whether the proposed lot split adversely affects architecturally significant or historic homes, and if so, how the adverse effects will be mitigated. The board shall have the authority to require the full or partial retention of structures constructed prior to 1942 and determined by the planning director or designee to be architecturally significant under subsection 7.2.7.4.a.
7. The structure and site comply with the sea level rise and resiliency review criteria in Chapter 7, Article I, as applicable.

Staff analyzes average lot sizes within the vicinity of proposed lot splits due to criterion no. 2. This criterion looks at whether the “building site that would be created would be equal to or larger than the majority of the existing building sites, or the most common existing lot size, and of the same character as the surrounding area.”

Staff analyzes average unit sizes within the vicinity of proposed lot splits as a result of criterion no. 3. This criterion encourages “the scale of any proposed new construction is compatible with the as-built character of the surrounding area.” Unit size is the best metric that is readily available to determine if proposed homes are compatible with the as-built character of the surrounding area. In the analysis, staff provides a 20% allowance for a reasonable accommodation for future renovations and additions for existing homes.