

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: October 24, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0134. North Beach National Register Conservation District Overlay**

REQUEST

PB 17-0134. NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3 "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," BY AMENDING SECTION 142-155 TO REFERENCE THE REQUIREMENTS FOR THE NORTH BEACH NATIONAL REGISTER CONSERVATION OVERLAY; BY AMENDING ARTICLE III, "OVERLAY DISTRICTS," BY CREATING DIVISION 12, ENTITLED THE "NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY," WHICH DIVISION WOULD CREATE SPECIFIC DEVELOPMENT REGULATIONS FOR THE OVERLAY, INCLUDING DEMOLITION REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, REDUCTIONS IN UNIT SIZE, MODIFICATIONS TO THE SETBACK AND HEIGHT REQUIREMENTS, ADDITIONAL REQUIREMENTS FOR ROOFTOP ADDITIONS AND ALLOWABLE HEIGHT EXCEPTIONS, AND INCLUSION OF DESIGN, RESILIENCY, AND PARKING STANDARDS; AND BY AMENDING CHAPTER 130, "OFF-STREET PARKING," DIVISION II, "DISTRICTS; REQUIREMENTS," AT SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," BY REDUCING THE PARKING REQUIREMENTS FOR APARTMENT AND APARTMENT HOTEL BUILDINGS LOCATED IN THE NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

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

HISTORY

On October 11, 2016, the Historic Preservation Board (HPB) reviewed preliminary evaluation reports for the proposed North Shore and Normandy Isles Local Historic Districts. The HPB

recommended Historic Designation Reports be prepared in accordance with the boundaries recommended in the North Beach Master Plan.

On December 9, 2016, the Mayor and City Commission held a Special City Commission meeting and modified the boundaries of the proposed Local Historic Districts recommended by the Historic Preservation Board. Additionally, at the request of Commissioner John Elizabeth Alemán, the City Commission referred a discussion regarding a zoning overlay and conservation districts for the North Shore and Normandy Isles National Register Districts to the Land Use and Development Committee (Item R9A).

On January 18, 2017, the Land Use and Development Committee (LUDC) discussed the first draft of the ordinance prepared by staff. The item was continued to a date certain of February 15, 2017. On February 15, 2017, the item was continued to a date certain of March 8, 2017. The LUDC also referred the item to the North Beach Master Plan Steering Committee for further discussion and a recommendation.

The North Beach Master Plan Steering Committee discussed the proposed overlay ordinance on February 24, 2017. On March 8, 2017, an update on the discussion at the Steering Committee was provided to the LUDC, and the item was continued to the April 19, 2017 LUDC meeting. On April 19, 2017, the item was continued to the May 10, 2017 LUDC meeting.

On March 10, 2017, the North Beach Master Plan Steering Committee discussed the proposal and continued the discussion to their April 6, 2017 meeting. On April 3, 2017, at the invitation of the North Beach Alliance, the Planning Director made a presentation regarding the proposed ordinance and participated in a question and answer session. On April 6, 2017, the Steering Committee discussed the conservation district briefly and, due to time limits, continued the discussion to April 27, 2017.

On April 27, 2017, the North Beach Master Plan Steering Committee recommended approval of the Conservation District Overlay, as revised. On May 10, 2017, the LUDC approved by acclamation a recommendation that the City Commission refer the proposed North Beach National Register Conservation District Overlay Ordinance to the Planning Board, as recommended by the Steering Committee, including additional recommendations on parking requirement and standards.

On June 27, 2017, the Planning Board reviewed the Ordinance and continued the item to a date certain of July 25, 2017. On July 25, 2017, the Board reviewed the Ordinance and continued the item to a date certain of September 26, 2017. On September 26, 2017 the Board reviewed the Ordinance and continued the item to a date certain of October 24, 2017

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed modifications are 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 conservation district is comprised of the areas that are included in the Normandy Isles National Register District and the North Shore National Register District.

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

Consistent – The proposed Ordinance is not out of scale with needs of the neighborhood.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Partially Consistent – The proposed increase in potential density may tax the existing 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 boundaries of the conservation district are consistent with the existing boundaries of the north beach National Register Districts.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – In order to further encourage the retention of ‘contributing’ buildings in North Beach, the proposed changes are necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed change 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 should not substantially impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal will potentially increase light and air to adjacent properties compared to the current zoning regulations.

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

Consistent – The proposed change should 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 proposal should not be a deterrent to the improvement or development of adjacent property.

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.

Satisfied

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Satisfied

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Satisfied

BACKGROUND

The “Normandy Isles National Register District” was listed on the National Register of Historic Place on November 12, 2008. This district is generally bounded by Biscayne Bay to the south, Ray Street, Rue Notre Dame and Rue Versailles to the west, Normandy Shores Golf Course to the north, and the western bulkhead of Indian Creek to the east.

The “North Shore National Register District” was listed on the National Register of Historic Places on November 18, 2009. This district is generally bounded by 73rd Street to the south, Dickens Avenue, Hawthorne Avenue and Crespi Boulevard to the west, 87th Street to the north, and Collins Court and the eastern bulkhead of the Atlantic Ocean to the east.

Each of these National Register Districts has a designation report, which contains detailed information and data on the history, architecture and building types in the district. Additionally, Planning Department staff is preparing a comprehensive local historic district designation report, for the local district boundaries authorized by the City Commission.

As a point of clarification, a portion of the North Shore National Register District is already designated a local historic district (Harding Townsite Historic District.) Also, a map is provided at the end of the staff report showing the locations of all the districts and subdivisions mentioned in the ordinance.

ANALYSIS

The proposed ordinance would create an overlay for the RM-1 zoning district within the North Beach National Register Districts. The proposed North Beach National Register Conservation District Overlay is comprised of area specific regulations that are intended to incentivize the retention of existing ‘Contributing’ buildings, as well as ensure that new infill buildings are compatible with their surroundings. The proposed draft ordinance includes specific development regulations related to the following:

- Demolition standards;
- Lot area and width;
- Platted lot aggregation;
- Unit size requirements;
- Off-street parking requirements;
- Building heights and roof-top additions;
- Setbacks;
- Design and resiliency standards;
- Parking design standard.

The proposal varies slightly from a traditional ‘Neighborhood Conservation District’ (NCD), as the same development regulations and standards that would be part of an NCD would be implemented in the form of a zoning overlay. This overlay would be applicable to the entire boundary of each National Register District that is in a RM-1 zoning district, regardless of whether the property is located inside or outside of a locally designated historic district.

The reason for this approach is to apply consistent standards for new construction within the

entirety of the National Register District boundaries, including the areas being considered for local historic designation. This will ensure cohesion of future development within the larger National Register areas.

Additionally, demolition standards, as well as incentives for the retention of 'Contributing' buildings, are proposed. The following is a summary of such demolition standards and incentive proposals, which were contained within the ordinance:

- Demolition of contributing structures within the overlay district shall not be permitted for purposes of creating a vacant lot or a surface parking lot.
- For the demolition of a 'Contributing Building', a demolition permit shall not be issued prior to the review and approval for the new construction or site improvements by the Design Review Board (DRB) or Historic Preservation Board (HPB) as applicable, and until certain minimum criteria are satisfied.
- The minimum and average unit size is reduced for sites containing a 'Contributing' buildings as well as additions to 'Contributing' buildings which are substantially retained and restored.
- For existing apartment, apartment-hotel and hotel buildings, which are classified as 'Contributing' and which are being substantially retained, preserved and restored, there is not a parking requirement for the existing structure, and any new additions, whether attached or detached, regardless of the lot width and number of units.
- For properties that contain at least one 'Contributing' building, the maximum building height can be up to five stories and 60 feet for the lot depth in excess of 30 feet from the front setback, provided that at least 33% of all the existing 'Contributing' buildings, as measured from the front elevation, are substantially retained and restored.
- For rooftop additions located on 'Contributing' buildings, any non-conforming interior side or rear setback may be extended to the new construction.
- For properties that contain at least one 'Contributing' building, the aggregation of 3 lots may be proposed, provided that at least 33% of all existing 'Contributing' buildings, as measured from the front elevation, are substantially retained and restored.

SUMMARY

The initial draft of the overlay ordinance presented to the Land Use and Development Committee (LUDC) on January 18, 2017 was the first step in a comprehensive process for creating tangible development regulations for the larger North Beach National Register areas. As indicated previously, and reiterated on multiple occasions, staff believes that through stakeholder input, including the North Beach Master Plan Steering Committee, residents, property owners and businesses, these regulations have been continually refined.

On January 18, 2017, the item was discussed in detail at the LUDC and substantial public input

was provided. Pursuant to this discussion, and the feedback from the LUDC, the following updates were incorporated into the draft ordinance:

- The lot aggregation regulations have been further tightened to only permit the aggregation of a third lot when a contributing building is substantially retained;
- Latitude has been provided for the DRB/HPB to waive roof encroachments of stair and elevator bulkheads.

After the initial discussions at the LUDC, on February 8, 2017, the City Commission authorized the Administration to engage the North Beach Master Planner (Dover-Kohl) in a review and assistance capacity for the conservation overlay district ordinance. Staff engaged Dover-Kohl in this regard, and as part of the evaluation by the North Beach Master Plan Steering Committee. Dover-Kohl participated in staff discussions regarding the ordinance, attended meetings of the North Beach Master Plan Steering Committee, and put together a series of drawings and renderings illustrating existing conditions and the impact of the proposed conservation district regulations. These drawings and illustrations are attached.

On February 24, 2017, the North Beach Master Plan Steering Committee convened and discussed the ordinance proposal and recommended that the following issues be further addressed:

- Further study of the proposal to reduce minimum unit size requirements, particularly the allowance of 300 square feet within contributing buildings;
- Identifying different setback requirements for the various subdivisions and including view corridors for waterfront properties.

On May 10, 2017, the LUDC approved by acclamation a recommendation that the City Commission refer the proposed North Beach Conservation Overlay District Ordinance to the Planning Board, including the following recommendation on parking:

- All parking shall be located at grade; no ramps or parking above the first floor shall be permitted. However, mechanical lifts may be proposed at the first level, provided all lifts are fully screened from view and not visible from adjacent properties, the public ROW or any waterfront;
- All parking and driveway surface areas shall be composed of pervious material such as concrete or grass pavers, set in sand;
- Required wheel stops shall be low profile and not exceed 5 feet in width;
- All parking areas shall meet minimum front and rear yard setback requirements for buildings;
- A maximum of one driveway curb cut per development site may be permitted, and the

maximum width of such driveway curb cut shall not exceed 10 feet;

- On waterfront lots, parking areas shall only be secured by substantially open, picket fencing within required front yards and rear waterfront yards;
- Landscaping within view corridors, with the exception of canopy trees, shall be maintained at a height not to exceed 3 feet from sidewalk elevation.

The above noted parking standards would apply regardless of whether parking is required or not.

UPDATE

On June 27, 2017 the Planning Board discussed the proposal, provided feedback and continued the item to July 25, 2017. Since the June 27, 2017 meeting, the Ordinance title has been updated (and re-noticed) to be more descriptive, and the proposed modifications to the parking requirements have been moved from the overlay district to chapter 130, "Offstreet parking requirements". Also, the following minor adjustments were made to the legislation, in accordance with the discussion at the June 27, 2017 meeting:

1. The setbacks for rooftop additions located on 'Contributing' buildings have been clarified. In this regard, such additions may follow any existing non-conforming interior side or rear setbacks. Additionally, any new ground level addition, whether attached or detached, may also follow an existing non-conforming interior side or rear setbacks, provided at least 33 percent of an existing 'contributing' building, as measured from the front elevation, is substantially retained and restored.
2. The requirement for a non-emergency, convenience stair has been clarified and is now required to access, at a minimum, the first three residential floors.
3. The proposed limitations on curb cuts have been modified to allow more than one curb cut, if approved by the design review board or historic preservation board, as applicable, on a thru-lot, when such lot is accessible from 2 different roadways, or a corner lot.

Finally, a corresponding Comprehensive Plan amendment, to address the proposed reductions in minimum unit size, has also been drafted as a separate ordinance for review (PB 17-0140).

On September 26, 2017, the Planning Board discussed the proposed ordinance. At the request of the housing authority, the Planning Board endorsed minor tweaks to the Ordinance, clarifying that the maximum lot area, maximum lot width and no variance provisions would not be applicable to developments containing workforce or affordable housing. Additionally, the ability for the DRB or HPB to waive view corridor requirements for developments containing workforce or affordable housing was endorsed by the Planning Board. These minor text changes, which are consistent with previous City Commission direction regarding lot aggregation for applicable developments containing workforce or affordable housing, have been incorporated into the revised Ordinance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the Ordinance to the City Commission with a favorable recommendation.

TRM/MAB/TUI

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**NORTH BEACH NATIONAL REGISTER CONSERVATION
DISTRICT OVERLAY**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3 "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," BY AMENDING SECTION 142-155 TO REFERENCE THE REQUIREMENTS FOR THE NORTH BEACH NATIONAL REGISTER CONSERVATION OVERLAY; BY AMENDING ARTICLE III, "OVERLAY DISTRICTS," BY CREATING DIVISION 12, ENTITLED THE "NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY," WHICH DIVISION WOULD CREATE SPECIFIC DEVELOPMENT REGULATIONS FOR THE OVERLAY, INCLUDING DEMOLITION REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, REDUCTIONS IN UNIT SIZE, MODIFICATIONS TO THE SETBACK AND HEIGHT REQUIREMENTS, ADDITIONAL REQUIREMENTS FOR ROOFTOP ADDITIONS AND ALLOWABLE HEIGHT EXCEPTIONS, AND INCLUSION OF DESIGN, RESILIENCY, AND PARKING STANDARDS; AND BY AMENDING CHAPTER 130, "OFF-STREET PARKING," DIVISION II, "DISTRICTS; REQUIREMENTS," AT SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," BY REDUCING THE PARKING REQUIREMENTS FOR APARTMENT AND APARTMENT HOTEL BUILDINGS LOCATED IN THE NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the North Beach multifamily neighborhoods were largely developed between 1935 and 1963 with low scale, Mid Century Modern buildings on 50 feet lots, giving the area a cohesive and distinctive character; and

WHEREAS, on November 12, 2008, the Normandy Isles National Register District was placed on the National Register of Historic places by the United States Department of the Interior; and

WHEREAS, on November 18, 2009, the North Shore National Register District was placed on the National Register of Historic places by the United States Department of the Interior; and

WHEREAS, in order to ensure that new development is compatible with the as-built character of National Register Districts, amendments to the RM-1 development regulations, through the creation of a Conservation District Overlay are warranted; and

WHEREAS, the City desires to encourage the retention and preservation of existing 'Contributing' buildings in the National Register Districts, reduce parking requirements and promote walking, bicycling and public transit modes of transportation,

as well as reduce the scale and massing of new development in the residential neighborhoods.

WHEREAS, on February 8, 2017, the City Commission engaged the North Beach Master Planner, Dover-Kohl, in a review and assistance capacity for this ordinance; 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 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," is hereby amended as follows:

Sec. 142-155. - Development regulations and area requirements.

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

* * *

(4) For properties located in the North Shore and Normandy Isles National Register Historic Districts, see Chapter 142, Article III, Division 12.

SECTION 2. Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Division 12, "North Beach National Register Overlay" is hereby created as follows:

DIVISION 12. NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY

Sec. 142-880. Location and purpose.

(a) The overlay regulations of this division shall apply to all new and existing properties located in the RM-1 Residential Multifamily Low Intensity zoning district, which are located within the boundaries of either the North Shore National Register Historic District or the Normandy Isles National Register Historic District.

(b) In the event of a conflict with the regulations of the underlying RM-1 zoning district, the provisions herein shall control.

(c) The purpose of this overlay district is to:

1. Provide land-use regulations that encourage the retention and preservation of existing 'Contributing' buildings within the National Register Districts.
2. To promote walking, bicycling and public transit modes of transportation.
3. To ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods and

maintains the low-scale, as-built character of the surrounding neighborhoods.

Sec. 142-881. Compliance with regulations.

(a) Applications for a building permit shall be reviewed and approved in accordance with all applicable development procedures specified in chapter 118.

(b) Existing structures shall be rehabilitated in general accordance with the Post-War Modern/MiMo Design Guidelines as adopted by the design review board and historic preservation board.

(c) The demolition of buildings within the North Beach National Register Overlay, not located within a local historic district or site, shall comply with the following:

1. The demolition of a 'contributing' building shall not be permitted for purposes of creating a vacant lot or a surface parking lot.
2. No demolition permit for a 'contributing' building shall be issued prior to the review and approval for the new construction or site improvements by the design review board and until all of the following criteria are satisfied:
 - i. The issuance of a building permit process number for the new construction;
 - ii. The building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
 - iii. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
 - iv. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;
 - v. All debris associated with the demolition of the structure shall be recycled, in accordance with the applicable requirements of the Florida Building Code.
3. The aforementioned demolition requirements shall not supersede the regulations and requirements set forth in Chapter 118, Article X. In the event of a conflict, the regulations in Chapter 118, Article X shall control.

Sec. 142-882. Development regulations and area requirements.

The following overlay regulations shall apply to the North Beach National Register Overlay. All development regulations in the underlying RM-1 regulations shall apply, except as follows:

(a) The lot area, lot width, and lot aggregation requirements for properties zoned RM-1 within the North Beach National Register Overlay district are as follows:

<u>Minimum Developable Lot Area (Square Feet)</u>	<u>Minimum Developable Lot Width (Feet)</u>	<u>Maximum Developable Lot Area (Square Feet)</u>	<u>Maximum Developable Lot Width (Feet)</u>	<u>Maximum Developable Aggregation (Platted Lots)</u>
<u>5,000 SF</u>	<u>50 feet</u>	<u>15,000 SF Developments where all residential units consist of workforce or affordable housing shall have no maximum lot area restriction.</u>	<u>150 feet Developments where all residential units consist of workforce or affordable housing shall have no maximum lot width restriction.</u>	<u>Subject to Sec. 142-883, two (2) lot maximum aggregation; three (3) lot maximum lot aggregation may be permitted if either all residential units consist of workforce or affordable housing; or if there is at least one 'Contributing' building on the aggregated site and all 'contributing' buildings on the aggregated site are substantially retained and restored. There shall be no variances from these maximum lot aggregation restrictions, except for developments where all residential units consist of workforce or affordable housing.</u>

(b) The unit size requirements for the North Beach National Register Overlay district are as follows:

<u>Minimum Unit Size (Square Feet)</u>	<u>Average Unit Size (Square Feet)</u>
<u>New construction—400</u>	<u>New construction—500</u>
<u>Non-elderly and elderly low and moderate income housing: See section 142-1183</u>	<u>Non-elderly and elderly low and moderate income housing: See section 142-1183</u>
<u>'Contributing' buildings which are substantially retained and restored—300</u>	<u>'Contributing' buildings which are substantially retained and restored —400</u>
<u>Additions to 'contributing' buildings which are substantially retained and restored - 300.</u>	<u>Additions to 'contributing' buildings which are substantially retained and restored - 400.</u>

(c) The height requirements for RM-1 properties within the North Beach National Register Overlay district are as follows:

1. For properties with a lot depth of 126 feet or greater, the maximum building height for new construction shall be three (3) stories / 30 feet for the first 30 feet of building depth, as measured from the minimum required front setback and a maximum of four (4) stories / 40 feet for the remainder of the lot depth. For properties that contain at least one 'contributing' building, and provided that at least 50 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored, the following shall apply for the remainder of the building depth beyond 30 feet:
 - a. A maximum of five (5) stories and 50 feet may be permitted on *non-waterfront* lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.
 - b. A maximum of five (5) stories and 60 feet may be permitted on *waterfront* lots by the design review or historic preservation board, as applicable, for the remainder of the lot depth.
2. For properties with a lot depth of 125 feet or less, the maximum building height for new construction shall be three (3) stories / 30 feet for the first 25 feet of building depth, as measured from the minimum required front setback and a maximum of four (4) stories / 40 feet for the remainder of the

lot depth. For properties that contain at least one 'contributing' building, and provided that at least 50 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored, the following shall apply for the remainder of the building depth beyond 25 feet:

- a. A maximum of five (5) stories and 50 feet may be permitted on *non-waterfront* lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.
 - b. A maximum of five (5) stories and 60 feet may be permitted on *waterfront* lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.
3. In the event that the existing building exceeds 30 feet in height, that existing height shall control.
4. Rooftop additions to existing 'contributing' buildings may be reviewed and approved at the administrative level, in accordance with the following:
 - a. The roof-top addition shall not exceed one story, with a maximum floor-to-ceiling height of 10 feet.
 - b. There shall be no demolition of original significant architectural features, as determined by the Planning Director or designee.
 - c. The roof-top addition shall be setback a minimum of 20 feet from the front façade.
 - d. A minimum of 75 percent of the front and street side building elevations shall be retained.
 - e. In the event of a conflict with the requirements of chapter 118, article X, the requirements of chapter 118, article X shall control.
5. Elevator and stairwell bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161 herein and such line-of-sight requirement, unless waived by either the historic preservation board or design review board, as may be applicable.
6. Shade structures, including awnings, trellises and canopies may be permitted as an allowable height exception, provided they do not exceed 10 feet in height above the associated roof deck, and shall be subject to the review and approval of the historic preservation board or design review board, as applicable.

(d) The setback requirements for the pedestal portions of all buildings located in the

	<u>Front</u>	<u>Interior Side</u>	<u>Street Side</u>	<u>Rear</u>
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RM-1 district within the North Beach National Register Overlay district are as follows:

<u>North Shore</u>	<u>10 feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>Non waterfront lots – five (5) feet</u> <u>Waterfront lots – 10 percent of lot depth</u>
<u>Biscayne Beach</u>	<u>10 feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or 8% of lot width, whichever is greater.</u> <u>Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>10 percent of lot depth</u>
<u>Normandy Isle and Normandy Shores</u>	<u>20 feet</u> <u>Waterfront:</u> <u>25 Feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or eight (8) feet of lot width, whichever is greater.</u> <u>Additionally, regardless of lot width, at least one (1) interior side shall be 10 feet or 10 percent of lot</u>	<u>Five (5) feet</u>	<u>Five (5) feet</u> <u>Waterfront:</u> <u>10 percent of lot depth,</u> <u>maximum 20 feet</u>

		<u>width, whichever is greater.</u>		
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- (1) Setbacks for at-grade parking and subterranean levels, if permitted, shall be the same as set forth in Section 142-156.
- (2) Notwithstanding the above, for rooftop additions located on 'Contributing' buildings, such additions may follow any existing non-conforming interior side or rear setbacks. Provided at least 33 percent of an existing 'contributing' building, as measured from the front elevation, is substantially retained and restored, any new ground level addition, whether attached or detached, may also follow any existing non-conforming interior side or rear setbacks.

Sec. 142-883. Lot Aggregation Guidelines.

- (a) Where a development is proposed on two (2) lots, new construction shall acknowledge the original platting of the assembled parcels through architectural treatment within the building's façade.
- (b) Where a development is proposed on three (3) lots, there shall be at least one (1) 'contributing' structure. Additionally, the following shall be required:
 1. At least 33 percent of all existing 'contributing' buildings, as measured from the front elevation, shall be substantially retained and restored.
 2. New construction shall acknowledge the original platting of the assembled parcels through architectural treatment within the building's façade.
 3. A view corridor though the parcel, open to the sky, shall be required above the second floor of the building. The Design Review or Historic Preservation Board, as applicable, may waive this view corridor requirement for developments where all residential units consist of workforce or affordable housing.
 4. The width of any new building shall not exceed 85 feet.
 5. A courtyard or semi-public outdoor area, comprised of at least 500 square feet, shall be required. Private terraces at the ground level may be included within this 500 square feet, provided individual units can be accessed directly from the exterior of the terrace.

Sec. 142-884. Design and Resiliency Standards.

- (a) All levels of an existing structure located below Base Flood Elevation plus one (1) foot (BFE +1') may be repurposed with non-habitable uses.
- (b) Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a storm water management plan, including but not limited to storm water collection and cisterns for reuse of captured water.

(c) All dwelling units in new construction shall be designed to incorporate exposure to natural light from at least two elevations of the building volume.

(d) New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than five (5) percent of the total lot area.

(e) For new construction using common vertical circulation and access corridors, a non-emergency, convenience stair, accessing, at a minimum, the first 3 residential floors, shall be required. Such stair shall be designed in an open manner, and shall connect directly to the exterior of the building, or to the entrance lobby.

(f) For raised yards requiring a retaining wall, the exterior of such wall, on all sides, shall be designed and finished in a manner that result in a high quality appearance when seen from adjoining properties.

(g) Landscaping within view corridors, with the exception of canopy trees, shall be maintained at a height not to exceed three (3) feet from sidewalk elevation.

Sec. 142-885. Additional Parking Standards.

(a) All parking shall be located at grade; no ramps or parking above the first floor shall be permitted. However, mechanical lifts may be proposed at the first level, provided all lifts are fully screened from view and not visible from adjacent properties, the public right-of-way or any waterfront.

(b) All exterior parking and driveway surface areas shall be composed of semi-pervious or pervious material such as concrete or grass pavers, set in sand.

(c) Required wheel stops shall be low profile and shall not exceed five (5) feet in width.

(d) All parking areas shall meet minimum front and rear yard setback requirements for buildings.

(e) A maximum of one driveway curb cut per development site shall be permitted, and the maximum width of one-way driveway curb cuts shall not exceed 10 feet. Notwithstanding the foregoing, if approved by the design review board or historic preservation board, as applicable, 2 separate one-way curb cuts may be permitted on a thru-lot, when such lot is accessible from 2 different roadways, or a corner lot.

(f) On waterfront lots, parking areas shall only be secured by substantially open, picket fencing within required front yards and rear waterfront yards.

SECTION 3. Chapter 130 of the City Code, entitled "Off-Street Parking," Article II, "Districts; Requirements," is hereby amended as follows:

Sec. 130-32. - Off-street parking requirements for parking district no. 1.

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

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(6) Apartment building and apartment-hotel:

- a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.
- b. Apartment buildings on lots wider than 50 feet:
1.5 spaces per unit for units between 550 and 999 square feet;
1.75 spaces per unit for units between 1,000 and 1,200 square feet;
2.0 spaces per unit for units above 1,200 square feet.
- c. Designated guest parking: Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
- d. When located within the North Beach National Register Conservation Overlay District the following parking requirements shall apply:
 - i. Zero (0) spaces per unit for buildings on lots that are 65 feet in width or less, and for development sites with six (6) units or less, regardless of lot width.
 - ii. One (1) space per unit for buildings on lots greater than 65 feet in width. In the event that the property owner can substantiate that the proposed new construction will not need to provide off-street parking, the design review board or historic preservation board, as applicable, may waive the parking requirement.
 - iii. For existing apartment, apartment-hotel and hotel buildings, which are classified as 'contributing' and of which at least 75 percent of the front and street side elevations, and 25 percent of interior side elevations, are substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any new additions, whether attached or detached, regardless of lot width and number of units. Any proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.

~~For existing apartment and apartment hotel buildings, which are classified as "contributing" are located within the Normandy Isles National Register District or the North Shore National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any addition up to a maximum of 2,500 square feet, whether attached or detached. The proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the secretary of the interior guidelines and standards for the rehabilitation of historic buildings.~~

SECTION 4. REPEALER.

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

SECTION 5. 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 re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. SEVERABILITY.

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

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2018.

Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: _____, 2017
Second Reading: _____, 2018

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

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