

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: August 23, 2016

FROM: Thomas R. Mooney, AICP
Planning Director

SUBJECT: **Ordinance Amendment
Single Family Home – Non Architecturally Significant - Demolition
Procedures**

REQUEST

PB0716-0043. SINGLE FAMILY HOME – NON ARCHITECTURALLY SIGNIFICANT - DEMOLITION PROCEDURES. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR's) OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," SECTION 142-108, "PROVISIONS FOR THE DEMOLITION OF SINGLE-FAMILY HOMES LOCATED OUTSIDE OF HISTORIC DISTRICTS;" BY AMENDING THE REQUIREMENTS AND PROCEDURES FOR THE ISSUANCE OF A DEMOLITION PERMIT FOR SINGLE FAMILY HOMES THAT ARE NOT ARCHITECTURALLY SIGNIFICANT; CREATING SUBSECTION (j), ENTITLED ISSUANCE OF DEMOLITION PERMITS FOR SINGLE FAMILY HOMES THAT ARE NOT ARCHITECTURALLY SIGNIFICANT; PROVIDING FOR FINES , APPEALS AND ENFORCEMENT; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION

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

HISTORY/ BACKGROUND

On February 10, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred this item to the Land Use and Development Committee (Item C4J). On February 17, 2016, the Land Use Committee discussed procedures for the issuance of demolition permits for single family homes, and continued the matter to March 30, 2016.

On March 30, 2016, the Land Use and Development Committee recommended approval of the proposed ordinance, including a modification that would also allow plans for proposed site improvements to satisfy the demolition review criteria for construction plans, when such improvements are part of an aggregated lot with an existing single family home. This ordinance does not require the review of a new replacement home by the Design Review Board when a post-1942 home is demolished.

On April 19, 2016, the Planning Board (by a 5-2 vote) transmitted the proposed Ordinance to the City Commission with an unfavorable recommendation. Additionally, the Planning Board recommended that the City Commission study expanding the definition and year of eligibility for architecturally significant homes, to include review and eligibility criteria beyond the current date of 1942.

On May 11, 2016, the City Commission considered the proposed ordinance and referred the matter back to the Land Use Committee for further discussion. Specifically, the City Commission requested that an alternative standard for minimum property maintenance standards be developed as part of the legislation.

On May 18, 2016 the Land Use Committee continued the item to June 15, 2016. On June 15, 2016, the Land Use Committee discussed the revised draft ordinance and recommended that the City Commission refer the item to the Planning Board, with a modification that drought tolerant and environmentally sensitive landscape material be used for vacant lots instead of St. Augustine sod.

On July 13, 2016, at the request of Commissioner Joy Malakoff, the City Commission referred the subject Ordinance amendment (Item C4E) to the Planning Board.

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 amendment does not modify the permitted uses in the affected area and 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.**

Not applicable – The proposed amendment does not modify district boundaries.

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

Consistent – The proposed Ordinance does not modify the scale of development.

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

Consistent – The proposed ordinance does not modify the permitted level of intensity of development and will not affect the load on public facilities.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed change does not modify existing district boundaries.

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

Consistent – The potential negative impacts to a neighborhood created from unkept lots where homes were demolished make passage of the proposed change necessary.

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

Consistent – The proposed change 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.

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

Consistent – The proposed change will not reduce 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 ensure that lots that are vacant as a result of a demolition are well maintained and 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 proposed change should 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.

ANALYSIS

Currently, the Land Development Regulations (LDRs) in the City Code do not provide a process

for the review of a demolition permit for a single family home, with the exception of the following:

- Homes located within the boundaries of a Local Historic District;
- Homes individually designated as a Historic Site or Historic Structure;
- Homes constructed prior to 1942 and determined to be 'Architecturally Significant'.

Section 142-108(f) of the City Code currently requires that the following benchmarks be met, prior to the issuance of a demolition permit for a pre-1942, Architecturally Significant home:

1. The issuance of a building permit process number for new construction;
2. The building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
3. 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;
4. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Urban Forestry in the Environment & Sustainability Department;

The subject ordinance proposes to modify Sec. 142-108(f) of the City Code by extending the current demolition approval procedures for pre-1942 homes to all single family homes. This proposal does not mandate a different level of review for new construction, but requires that the issuance of a demolition permit be predicated upon meeting the same benchmarks currently required for pre-1942, architecturally significant single family homes. An additional modification to Sec 142-108(f)(2)d is also proposed, to clarify the regulatory responsibility for required tree surveys and mitigation. In this regard, Urban Forestry in the Environment & Sustainability Department has replaced the Green Space Management as the regulatory authority.

Pursuant to the direction of the City Commission on May 11, 2016, a second option for landscaping and improving the appearance of vacant lots created by the demolition of single family homes has been drafted. In this regard, for homes constructed after 1942, a property owner would have the option of complying with the following, in lieu of the building permit benchmarks:

1. Raise the entire property to sidewalk grade, or the crown of the road, with approved base material;
2. Install sod on the entire site and hedge material along the entire perimeter of the property;
3. Fencing for the property, if any, shall consist of aluminum picket along the entire perimeter.

Additionally, the failure to maintain the landscaping and sod on the property shall be deemed a violation of this section of the code and the following civil fines are proposed in the event of a violation of this section:

- a. First violation within a 12-month period: \$2,500.00;
- b. Second violation within a 12-month period: \$5,000.00;
- c. Third violation within a 12-month period: \$7,500.00;
- d. Fourth or subsequent violation within a 12-month period: \$10,000.00.

The attached draft ordinance includes the above noted revised language, as well as the following, to address the recommendation of the Land Use Committee:

The demolition permit shall indicate that drought and salt tolerant sod, such as bahia sod or seashore paspalum sod shall be installed on the entire site.

The Administration is recommending the aforementioned sod material in lieu of the standard st. augustine sod. While falling within the 'sod' family, both bahia and seashore paspalum sod have proven to be drought and salt tolerant, and are very durable materials for vacant land.

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.

TRM/MAB/RAM