

MIAMI BEACH

PLANNING DEPARTMENT

Memorandum Historic Preservation Board/Design Review Board

TO: Chairperson and Members
 Historic Preservation Board &
 Design Review Board

DATE: November 9, 2021

FROM: Thomas R. Mooney, AICP
 Planning Director

SUBJECT: Discussion: Review of single-family home demolition procedures.

HISTORY

On September 13, 2021, the Historic Preservation Board (HPB) passed a motion (7-0) recommending that the Planning Department explore organizing a joint meeting of the Design Review Board (DRB) and HPB to discuss the review of single-family home demolition.

At the same meeting, the HPB passed a motion (6-0) issuing a recommendation to the Design Review Board recommending that homes that are proposed for total demolition or alteration by more than 20% and were constructed prior to 1951 be documented consistent with HABS (Historic American Buildings Survey) standards.

On September 17, 2021, at the request of Commissioner Michael Gongora, the City Commission referred a discussion item regarding preservation options for existing single-family homes in Miami Beach to the Land Use and Sustainability Committee (LUSC), as amended to remove any consideration of involuntary designation.

On October 19, 2021, the LUSC discussed the matter and requested that the Historic Preservation Board and Design Review Board provide input on the following at the joint meeting/workshop:

1. The creation of a demolition fee.
2. Additional incentives to encourage the retention of homes, including unit size and rooftop activation.

BACKGROUND

On April 10, 2002, the City Commission adopted an Ordinance amending the single-family home development regulations, providing incentives for property owners to retain and rehabilitate, rather than demolish, architecturally significant single-family homes constructed prior to 1942. This ordinance established criteria for the Planning Director or designee to determine whether a single-family home constructed before 1942 is architecturally significant and provided a clearly defined process for replacement homes where full demolition was proposed and included the creation of a Single-Family Residential Review Panel (SFRRP). The panel's authority was later replaced by the Design Review Board (DRB).

On June 11, 2003, the City Commission adopted revisions to the Land Development regulations of the City Code, amending Chapter 118, Article X, "Historic Preservation," Division 4, "Designation," to establish requirements and procedures specific to the individual, voluntary designation of single-family homes. Specifically, this Ordinance was intended to reduce the burden and expense on an individual property owner who desired to historically designate a qualifying single-family home. This simplification has enabled the Historic Preservation Board (HPB) to designate single family homes historic in one public hearing with no application fee for the homeowner. This amendment to the City Code has resulted in 31 single family homes being voluntarily designated by their owners since 2003.

To further incentivize the preservation and renovation of historic single-family homes, on December 8, 2004, the City enacted legislation authorizing an exemption for its portion of ad valorem taxes for improvements to historically designated homes. This legislation allows for the City's portion of property taxes to be "frozen" at the rate they were assessed prior to improvements, including the construction of new additions, for a period of ten years.

On December 8, 2004, the City Commission adopted additional amendments to the single-family development regulations pertaining to demolition procedures for non-historically designated architecturally significant pre-1942 homes. Specifically, the Ordinance was modified to require DRB review for all new construction proposed to replace an architecturally significant pre-1942 proposed for total demolition.

In 2007 and in 2014, the City Commission adopted separate Ordinances providing incentives to property owners choosing to retain and add onto architecturally significant homes constructed prior to 1966, rather than demolish the structures. The incentives include expanded authority of staff to review and approve new additions, increases in allowable lot coverage, increases in allowable unit size and the ability to retain non-conforming setbacks of at least 5'-0" for additions.

These current incentives for the retention of architecturally significant home constructed prior to 1966 are outlined in Section 142-108(g)(2) of the City Code, attached to this memo.

RECOMMENDATION

Discuss the matter and provide input to the LUSC on the following:

1. The creation of a demolition fee.
2. Additional incentives to encourage the retention of homes, including unit size and rooftop activation.

Sec. 142-108. Provisions for the demolition of single-family homes located outside of historic districts.

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(g) *New construction requirements for properties containing a single-family home constructed prior to 1942.*

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- (2) *Regulations for additions to architecturally significant homes which are substantially retained and preserved.* In addition to the development regulations and area requirements of section 142-105, of the land development regulations of the City Code, the following shall apply in the event an architecturally significant single-family home constructed prior to 1942 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105, 142-106 and section 118-252, and the regulations below, the provisions herein shall control:
- a. *Review criteria.* The proposed addition and modifications to the existing structure may be reviewed at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee. The design of any addition to the existing structure shall take into consideration the scale, massing, building orientation and siting of the original structure on the subject site.
 - b. *Lot coverage.* The total lot coverage may be increased to, but shall not exceed 40 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee. In the event the lot coverage of the existing structure exceeds 40 percent, no variance shall be required to retain and preserve the existing lot coverage and a second level addition shall be permitted, provided it does not exceed 60 percent of the footprint of the existing structure; no lot coverage variance shall be required for such addition.
 - c. *Unit size.* The total unit size may be increased to, but shall not exceed 60 percent, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
 - d. *Heights for RS-3 and RS-4.* For lots zoned RS-4 with a minimum lot width of 60 feet, or lots zoned RS-3, the height for ground level additions not to exceed 50 percent of the lot coverage proposed, may be increased up to 26 feet for a flat roofed structure and 29 feet for a sloped roof structure (as measured to the mid-point of the slope) above the minimum required flood elevation, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
 - e. *Heights for RS-1 and RS-2.* For lots zoned RS-1 or RS-2, the height for ground level additions not to exceed 50 percent of the lot coverage proposed may be increased up to 30 feet for a flat roofed structure and 33 feet for a sloped roof structure (as measured to the mid-point of the slope) above the minimum required flood elevation, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
 - f. *Courtyards.* The minimum courtyard requirements specified in subsection 142-106(2)d. may be waived at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
 - g. *Front setback.* Two-story structures or the second floor may encroach forward to the 20-foot front setback line, and may be approved at the administrative level, provided that the review

criteria in section 142-105 have been satisfied, as determined by the planning director or designee.

- h. *Second floor requirements.* The maximum second floor area of 70 percent specified in subsection 142-105(b)(3)c may be waived at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
- i. *Two-story ground level additions.* The construction of a ground floor addition of more than one story shall be allowed to follow the existing interior building lines, provided a minimum side setback of five feet is met, and may be approved at the administrative level, provided that the review criteria in section 142-105 have been satisfied, as determined by the planning director or designee.
- j. *Projections.* Habitable additions to, as well as the relocation of, architecturally significant structures, may project into a required rear or side yard for a distance not to exceed 25 percent of the required yard, up to the following maximum projections:
 - 1. Interior side yard: Five feet.
 - 2. Street side yard: Seven feet six inches.
 - 3. Rear yard: Fifteen feet.
- k. *Fees.* The property owner shall not be required to pay any city planning or public works department fees associated with the renovation and restoration of the existing single-family home; except that any and all non-city impact fees and other fees shall still be required.
- l. *[Applicability.]* The above regulations shall also be applicable to:
 - 1. Any single-family home designated as an historic structure by the historic preservation board, and not located within a locally designated historic district.
 - 2. Any single-family home constructed prior to 1966, if the owner voluntarily seeks a determination of architectural significance and if such home has been determined to be architecturally significant in accordance with section 142-108(a).