

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