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COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Kathie G. Brooks, Interim City Manager

DATE: February 13, 2013

SUBJECT: **DISCUSSION REGARDING AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS THAT WILL CREATE PROTECTION FROM TOTAL DEMOLITION OF ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOMES BUILT PRIOR TO 1942.**

BACKGROUND

On November 5, 2012 the Land Use and Development Committee discussed and referred a proposed Ordinance pertaining to the year of review for architecturally significant single family homes to the Planning Board for consideration. Such Ordinance, which was recommended for approval by the Planning Board on January 22, 2013, and is scheduled to go before the City Commission on March 13, 2013, would move the date for the review of architecturally significant homes from the current 1942 to 1966.

On December 12, 2012, the City Commission referred a discussion item to the Land Use and Development Committee, pertaining to amendments that would create additional protections from total demolition of architecturally significant single family homes.

Non-Historically Designated Single Family Homes

In recognition of Miami Beach's extraordinary inventory of architecturally significant single family homes, the City Commission adopted amendments to the City Code on April 10, 2002, intended to provide 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 Planning Staff to make a determination as to whether a single-family home constructed before 1942 is architecturally significant, and provided a clearly defined process for the review of any demolition requests for architecturally significant single-family homes. A Single Family Residential Review Panel (SFRRP) was created in 2002 to review requests for demolition and alterations of architecturally significant pre-1942 homes. The Panels review and recommendations were non-binding. In part, these amendments to the City Code were designed to reduce a growing trend of architecturally significant homes being demolished for speculation, or to be replaced by large 'McMansion' type structures that were highly incompatible with the unique character of Miami Beach's single family residential neighborhoods.

On December 8, 2004, the City Commission adopted revisions to the single family development regulations in the City Code, pertaining to demolition procedures for architecturally significant single-family homes constructed prior to 1942 and located outside of local historic districts and sites. This Ordinance included specific criteria for

applications involving total and partial demolition. Specifically, any requests for the total demolition of an architecturally significant pre-1942 home would require Design Review Board approval for the proposed new construction. In addition, the extent of administrative level approval was modified to be consistent with the criteria in the Design Review and Historic Preservation sections of the City Code. As a result of these amendments the City has seen improvement in the quality, character and design of new replacement construction, as well as additions to existing architecturally significant pre-1942 single family homes. While there is no prohibition of the total demolition of architecturally significant homes, the ordinance does provide some limited incentives for retaining, renovating and expanding architecturally significant homes.

On July 25, 2012 the Land Use and Development Committee discussed a Historic Preservation Board Resolution regarding the review procedures for the demolition of architecturally significant single family homes located outside of historic districts. The Land Use Committee directed staff to draft an ordinance amendment revising the date for the review of architectural significance for homes from those constructed prior to 1942 to those homes constructed prior to 1966, which is generally the acknowledged cutoff date for Miami Beach homes designed and constructed in the Miami Modern or 'MiMo' style.

Since the original ordinance was adopted in 2002, approximately 160 architecturally significant pre-1942 homes have been reviewed by either the SFRRP or the DRB. On average, applications for major alterations or new construction are normally approved by the Board in a single public hearing.

Voluntary Historic Designation of Single Family Homes

On June 11, 2003, the City Commission adopted revisions to the Land Development regulations of the City Code, which established requirements and procedures specific to the voluntary individual designation of Single Family Homes. This Ordinance substantially reduced the burden and expense on an individual property owner who would like to historically designate a qualifying single family home by allowing the Historic Preservation Board (HPB) to consider and approve a request for the voluntary designation of a single family home as an 'historic structure' in one public hearing with no application fee for the home owner. The simplification of the designation process was critical in making individual designations of homes possible and has resulted in 26 unique structures being voluntarily historically designated by their owners since 2003. Such designations range from the most modest of historically significant homes to the most grandiose waterfront estates.

To further incentivize the preservation and appropriate renovation of historically significant single family homes, the City of Miami Beach enacted legislation authorizing an exemption for its portion of ad valorem taxes for improvements to historically designated single-family homes on December 8, 2004 (Sections 118-600 to 118-612 of the Miami Beach City Code). This legislation allows for the City's portion of property taxes to be "frozen" at the rate they were assessed before qualifying improvements, including the construction of new additions, are made to an historic single-family home for a period of ten (10) years.

ANALYSIS

The DRB review of new construction where architecturally significant homes are proposed to be demolished has been an invaluable tool in trying to address the character and scale of single family residential neighborhoods. However, over the past few years, staff has seen a very significant increase in the number of total demolition requests for architecturally significant single family homes. Specifically, in 2012 there were 20 requests for total demolition and new construction, while only 21 such requests were submitted over the 7 year period from 2005 thru 2011, as shown below:

Year:	2012	2011	2010	2009	2008	2007	2006	2005
Homes Proposed for Total Demolition:	20	3	4	0	5	1	4	4

As more and more of the homes that define very large and significant portions of the City are lost, the character, identity and brand that makes Miami Beach a very special place will, unfortunately, begin to erode.

There are different methods to address this policy issue. One is to evaluate and consider the historic designation of single family districts. This particular option, though, is highly time consuming and would require months, if not years, of study, discussion and resources, simply given the quantity of single family homes that would likely be eligible for designation.

Another alternative to address the increase in demolition requests for architecturally significant homes is through the design and development process. Currently, section 142-108 of the City Code, which governs the review procedures for architecturally significant homes, provides some limited incentives for retaining such homes, as well as disincentives for total demolition. Through 2011, these limited incentives and disincentives seemed to be adequate; however, as has been evidenced by the spike in demolition requests for architecturally significant homes in 2012, more may be needed.

In this regard, staff has developed some potential options for further incentivizing the voluntary retention of architecturally significant single family homes, as well as disincentivizing the demolition.

Proposed Incentive Measures

Currently, the Code allows for up to 35% lot coverage, for new construction and additions associated with the retention of architecturally significant homes, to be approved administratively. In addition to this, the following could also be reviewed at the administrative level, as part of the substantial retention of an architecturally significant home:

- The total unit size may be increased to, but shall not exceed 70 percent, and may be approved at the administrative level.

- For lots less than 60' in width, the overall height of any addition, including allowable roof-top additions, may be increased up to 30' above grade, and may be approved at the administrative level.

- For lots greater than 60' in width, the overall height of any addition, including allowable roof-top additions, may be increased up to 33' above grade, and may be approved at the administrative level.

- The minimum courtyard requirements specified in Section 142-106 (2).c may be waived at the administrative level, provided that the design criteria in Section 142-105 has been satisfied, subject to the approval of the Planning Director or designee.

Proposed Disincentive Measures

Currently, the Code sets limits to the overall lot coverage of proposed new buildings or structures in those instances where an architecturally significant home is substantially demolished. These existing restrictions are based upon lot size, as delineated below:

- For lots 10,000 square feet or less, the lot coverage shall not exceed 30 percent;
- For lots greater than 10,000 square feet, but less than 25,000 square feet, the lot coverage shall not exceed 25 percent;
- For lots 25,000 square feet or greater, the lot coverage shall not exceed 15 percent.

However, the DRB may, and frequently does, forgo the above noted lot coverage restrictions, if it concludes that the retention of the architecturally significant single-family home is not practical or feasible. This determination to waive the lot coverage restrictions is based upon specific criteria in the code, which is somewhat subjective.

The following are potential additional disincentives for the total demolition of architecturally significant homes:

- Further, mandatory restrictions to the lot coverage of proposed new buildings or structures in those instances where an architecturally significant home is substantially demolished AND the elimination of the DRB's ability to waive the lot coverage restrictions, based upon lot size.

- Reducing the total unit size for the new home to not exceed 50% (the DRB can approve up to 70% under the current code).

- Capping the height of any new construction at 30' above grade (The DRB can allow up to 33', depending upon the width of the lot).

While these modifications would not prohibit an application for total demolition, they do provide tangible incentives for the retention of existing homes. Additionally, should a demolition request move forward, these proposals would more substantially reduce the scale, massing and size of replacement construction, thus better addressing the original, lower scale context of single family architecture on Miami Beach.

RECOMMENDATION

The Administration recommends that the Land Use and Development Committee provide further policy direction. Upon direction from the LUDC, the Administration will draft amendments to the single family development regulations.

KGB/JGG/RGL/TRM

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OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathie Brooks, Interim City Manager
Rafael E. Granado, City Clerk

FROM: Mayor Matti Herrera Bower

DATE: December 5, 2012

SUBJECT: **Agenda Item for December 12, 2012 Commission Meeting - Referral To The Planning Board**

Please place on the December 12th City Commission Agenda a referral to the Planning Board for consideration of an amendment to the Land Development Regulations that will create protection from total demolition of architecturally significant single family homes built prior to 1942.