



MIAMIBEACH

MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager *JLM for JLM*

DATE: June 12, 2013

SUBJECT: **PROPOSED ORDINANCE PERTAINING TO THE REGULATION OF SINGLE FAMILY HOMES CONSTRUCTED PRIOR TO THE YEAR 1966.**

HISTORY

On July 25, 2012 the Land Use and Development Committee discussed the review procedures for the demolition of architecturally significant single family homes located outside of historic districts. The Committee passed a motion (3-0) directing staff to draft an ordinance amendment revising the date for the review of architectural significance for single family homes from those constructed prior to 1942 to those homes constructed prior to 1966.

On November 5, 2012 the Land Use and Development Committee discussed the proposed Ordinance Amendment and referred the Ordinance to the Planning Board for consideration.

On January 22, 2013, the Planning Board transmitted the proposed Ordinance to the City Commission with a favorable recommendation. However, due to an error in the title, the proposed Ordinance was re-noticed for the April 3, 2013 Planning Board, for re-consideration.

On March 13, 2013, the City Commission removed the proposed Ordinance from the April 3, 2013 Planning Board agenda, and referred the matter back to the land Use and Development Committee for further review and discussion.

The issue was scheduled to be considered by the Land Use Committee on May 22, 2013. Due to the cancellation of the May 22, 2013 Land Use Committee meeting, the matter was continued to June 12, 2013.

BACKGROUND

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. Such ordinance established criteria for the Planning Director or designee to make a determination 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 total demolition to 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 a remarkable 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 tangible incentives for retaining, renovating and expanding architecturally significant homes.

Historic Preservation Board Resolution

On May 10, 2011, the Historic Preservation Board approved a Resolution urging the City Commission to initiate an amendment to the applicable sections of the City Code pertaining to architecturally significant single family homes. The recommendation contained in the Board's Resolution was the following:

1. Replace the 'Pre-1942' standard in section 142-108 (Design Review Board) of the City Code with a sliding scale that would pertain to all structures (single family homes) 30 years of age and older.

In drafting this Resolution, the Historic Preservation Board expressed two serious concerns, one being that non-historically designated, architecturally significant homes built after 1942, which includes the City's unique collection of Post War Modern, or MiMo, period houses, are being lost to demolition. Secondly, when a post 1942 single family home is demolished the new replacement construction does not benefit from the Design Review Board approval process. It has been clearly demonstrated that the review of new construction by the Design Review Board has resulted in a significant improvement in the quality and character of the City's single family home neighborhoods. As Post-War Modern buildings become widely recognized across the country for their architectural significance, a strong need has arisen to incentivize the retention and appropriate renovation of Miami Beach's Post-War Modern style homes, now celebrated as the MiMo style of architecture.

On July 25, 2012 the Land Use and Development Committee discussed the Historic Preservation Board Resolution and 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.

ANALYSIS

Although the date of Architectural Significance is proposed to be moved to 1966, not all pre-1966 homes would be determined to be architecturally significant. Further, this additional review would insure that when an architecturally significant home that was constructed prior to 1966 is proposed for demolition, any new replacement construction would be reviewed by the Design Review Board.

The Land Use and Development Committee concluded that the 30 year sliding rule proposed by the Historic Preservation Board was too encompassing for the determination of architecturally significant homes, and recommended that the standard for the review of architectural significance for all single family homes be modified to those constructed prior to 1966, and directed staff to draft an ordinance amendment accordingly. The proposed Ordinance would ensure that the majority of single family homes constructed in the MiMo style of architecture, which has been widely recognized and celebrated, are reviewed for their architectural significance. Additionally, the proposed Ordinance would provide an incentive to homeowners to retain and protect the City's inventory of MiMo houses, while at the same time, being able to greatly expand and renovate these homes to meet their family needs.

While drafting the recommended amendments, it came to the attention of staff that the provision provided in Sec.142-108 (g)2.e., which states that a property owner who retains and renovates an architecturally significant single family home shall not be required to pay any City building permit fees, was in conflict with the Florida Building Code, which mandates that a fee be paid before any building permit can be issued. On May 29, 2012, the City Attorney issued a legal opinion regarding whether building permit fees can be waived or reduced. It was determined that the City does not have the legal authority to waive or reduce building permit fees. Previously, the Administration recommended that this provision be deleted from the ordinance. The Administration still recommends this modification, but has placed the proposed revision within the text of a different Ordinance, pertaining to expanded incentives for the retention of Architecturally Significant single family homes, which is before the Land Use Committee as a separate item.

Since the pre-1942 Single Family Home regulations were adopted, the DRB has reviewed major work proposed, as well as new construction where architecturally significant pre-1942 homes were demolished. This has been an invaluable tool in maintaining the character and scale of single family residential neighborhoods. As this process has been managed effectively and efficiently by the DRB, Planning Staff believes that this amendment to move the year of review for architecturally significant homes to those constructed prior to 1966 will afford considerable benefit to the residential neighborhoods of Miami Beach by preserving, as well as enhancing, the character, quality and value of the City's single family residential architecture.

CONCLUSION

The Administration is confident that proposed ordinance amendments address the issues and concerns identified by the Historic Preservation Board, and would result in higher quality design within the City's single family residential neighborhoods. Notwithstanding, there is an Ordinance Amendment under a separate item before the Land Use Committee that proposes to modify the incentives for retaining Architecturally Significant single family homes. One of the proposals in this Ordinance is to incentivize the voluntary recognition of Architecturally Significant homes

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built before 1966. The Land Use Committee may wish to take this proposal into consideration, as part of its overall deliberations regarding Architecturally Significant homes.

RECOMMENDATION

The Administration is seeking further guidance from the Committee. Should the Land Use and Development Committee wish to proceed with the proposed modifications to Chapter 142 of the City Code, the proposed Ordinance would need to be re-transmitted to the Planning Board (and re-noticed) for consideration.

JLM/JGG/RGL/TRM

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PRE-1966 SINGLE FAMILY DEMOLITION PROCEDURES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY REVISING THE YEAR OF REVIEW FOR ARCHITECTURAL SIGNIFICANCE OF SINGLE FAMILY HOMES FROM THE CURRENT 1942 TO THE YEAR 1966 AND BY MODIFYING THE PROCEDURES FOR THE REVIEW AND APPROVAL OF DEMOLITION REQUESTS FOR SINGLE FAMILY HOMES DETERMINED TO BE ARCHITECTURALLY SIGNIFICANT AND NOT LOCATED WITHIN A DESIGNATED HISTORIC DISTRICT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the retention and preservation of existing, architecturally significant single family homes; and

WHEREAS, the Mayor and City Commission have deemed it in the best interest and welfare of the City to adopt revised procedures for the review and issuance of demolition permits for all single family homes constructed prior to 1966 and located outside of a designated historic district; and

WHEREAS, the Mayor and City Commission deem it appropriate to protect the significant architectural history, existing building scale, and unique character of the single family residential neighborhoods in Miami Beach; and

WHEREAS, the City of Miami Beach Historic Preservation, Design Review and Planning Boards strongly endorse the proposed amendments to the Single Family Residential Districts Section of the Code; 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. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "Single Family Residential Districts," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

DIVISION 2. RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS

* * *

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

- (a) *Criteria.* Pursuant to a request for a permit for partial or total demolition of a home constructed prior to ~~1942~~ 1966, the planning director, or designee, shall, or independently may, make a determination whether the home is architecturally significant according to the following criteria:
- (1) The subject structure is characteristic of a specific architectural style constructed in the city prior to ~~1942~~ 1966, including, but not limited to Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, Postwar Modern, Miami Modern (MiMo) or variations thereof;
 - (2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.
 - (3) Significant exterior architectural characteristics, features, or details of the subject structure remain intact.
 - (4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

The date of construction shall be the date on which the original building permit was issued, according to the City of Miami Beach Building Permit Records. If no City Building Permit Record exists, the date of construction shall be determined by the date of construction as determined by the Miami-Dade County Property Appraiser.

All requests for a determination as to the architectural significance of any single-family home constructed prior to ~~1942~~ 1966 shall be in writing, signed by the property owner, stating specifically the reasons asserted for the requested determination and shall include a copy of the building card, current color photos of the home, and any microfilm on record, and two sets of mailing labels, with the names and addresses of all property owners of land located within 375 feet of the exterior boundary of the subject property, and an original certified letter stating that the ownership list and mailing labels are a complete and accurate representation of the real property and property owners within 375 feet of the subject property; such letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page and state the source for this information. Within five days of the receipt of a request, the planning department shall post a notice on the subject site and notice shall be given by mail to the owners of record of land lying within 375 feet of the property; the mail notification requirement shall be the responsibility of the applicant and must be completed within three days of the receipt of the notice. Within ten days of posting the notice, interested persons may submit information to the planning director to take into consideration in evaluating the request. The director shall file the decision with the city clerk.

- (b) *Appeals.* The applicant or any property owner within 375 feet of the subject single-family home may appeal the decision of the planning director, or designee, which shall bear the presumption of correctness, pertaining to the architectural significance of a single-family home, within ten days of the rendering of such decision. No demolition permit may be issued within any appeal period, and if an appeal is filed, while the appeal is pending. The appeal shall be in writing, shall set forth the factual, technical, architectural, historic and legal bases for the appeal, and shall be to the design review board (DRB).
- (c) *[Pre-application conference.]* An applicant may have a pre-application conference with the planning director, or designee, prior to the submission of a request or an application to

discuss any aspect of this section. Such pre-application conference and any statements by the planning director, or designee, shall not create any waiver of, or estoppel on, the requirements of, or any determination to be made, under this section.

(d) *Total demolition.*

- (1) A building permit for the total demolition of any single-family home constructed prior to ~~1942~~ 1966 shall only be issued following the final determination (after the expiration of time or exhaustion of all appeals) by the planning director, or designee, or the DRB, that the subject structure is not an architecturally significant home. A property owner may proceed directly to the DRB, pursuant to subsection 142-108(g); in this instance, a demolition permit shall not be issued until a full building permit for new construction has been issued.
- (2) A request for such determination by the planning director, or designee, shall be processed by the planning department within ten business days of its submission.
- (3) In the event the planning director, or designee, determines that a single-family home constructed prior to ~~1942~~ 1966 is architecturally significant, a demolition permit shall require the review of the DRB. The DRB shall explore with the property owner reasonable alternatives to demolition such as, but not limited to, reducing the cost of renovations, minimizing the impact of meeting flood elevation requirements, and designating the property as an historic structure or site. The DRB shall not have the authority to deny a request for demolition.

(e) *Partial demolition.*

- (1) A building permit for partial demolition to accommodate additions or modifications to the exterior of any architecturally significant single-family home constructed prior to ~~1942~~ 1966 shall be issued only upon the prior final approval by the planning director, or designee, unless appealed as provided in subsection (3) below. A property owner may decide to proceed directly to the DRB, pursuant to subsection 142-108(g), or agree to have the partial demolition reviewed and approved by staff, pursuant to subsection 142-108(e)(4); in either instance, a demolition permit shall not be issued until a full building permit for new construction has been issued.
- (2) An application for such approval shall be processed by the planning department, as part of the building permit process.
- (3) An appeal of any decision of the planning department on such applications shall be limited to the applicant, shall be in writing, shall set forth the factual and legal bases for the appeal, and shall be to the DRB.
- (4) Review of applications for partial demolition shall be limited to the actual portion of the structure that is proposed to be modified, demolished or altered. Repairs, demolition, alterations and improvements defined below shall be subject to the review and approval of the staff of the design review board. Such repairs, alterations and improvements include the following:
 - a. Ground level additions to existing structures, not to exceed two stories in height, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such ground level additions
 1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;

2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and
 3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.
- b. Roof-top additions to existing structures, as applicable under the maximum height requirements specified in Chapter 142 of these Land Development Regulations, which do not substantially impact the architectural scale, character and design of the existing structure, when viewed from the public right-of-way, any waterfront or public parks, and provided such roof-top additions:
1. Do not require the demolition or alteration of architecturally significant portions of a building or structure;
 2. Are designed, sited and massed in a manner that is sensitive to and compatible with the existing structure; and
 3. Are compatible with the as-built scale and character of the surrounding single-family residential neighborhood.
- c. Replacement of windows, doors, roof tiles, and similar exterior features or the approval of awnings, canopies, exterior surface colors, storm shutters and exterior surface finishes, provided the general design, scale, massing, arrangement, texture, material and color of such alterations and/or improvements are compatible with the as-built scale and character of the subject home and the surrounding single-family residential neighborhood. Demolition associated with facade and building restorations shall be permitted, consistent with historic documentation.
- d. Facade and building restorations, 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.
- e. 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.
- f. The demolition and alteration of rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed does not require the demolition or alteration of architecturally significant portions of a building or structure.
- (f) *Issuance of demolition permits.*
- (1) Emergency demolition orders. This section shall not supersede the requirements of the applicable building code with regard to unsafe structures and the issuance of emergency demolition orders, as determined by the building official.
 - (2) A demolition permit for the total demolition of an architecturally significant single-family home constructed prior to ~~1942~~ 1966, shall not be issued unless a full building permit for new construction has been issued.
- (g) *New construction requirements for properties containing a single-family home constructed*

prior to ~~1942~~ 1966.

- (1) In addition to the development regulations and area requirements of section 142-105, as well as section 118-252, of the land development regulations of the City Code, the following regulations shall apply in the event the owner proposes to fully or substantially demolish an architecturally significant single-family home constructed prior to ~~1942~~ 1966, inclusive of those portions of a structure fronting a street or waterway. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:
 - a. The design review board (DRB) shall review and approve all new construction on the subject site, in accordance with the applicable criteria and requirements of chapter 118, article VI, section 251(a)1-12 of the land development regulations of the City Code.
 - b. The DRB review of any new structure, in accordance with the requirements of chapter 118, article VI, shall include consideration of the scale, massing, building orientation and siting of the original structure on the subject site, as well as the established building context within the immediate area.
 - c. The overall lot coverage of proposed new buildings or structures shall not exceed the building footprint of the original structure on site, or shall be limited to the following, whichever is greater, based upon the overall size of the subject lot:
 - i. For lots 10,000 square feet or less, the lot coverage shall not exceed 30 percent;
 - ii. For lots greater than 10,000 square feet, but less than 25,000 square feet, the lot coverage shall not exceed 25 percent;
 - iii. For lots 25,000 square feet or greater, the lot coverage shall not exceed 15 percent.
 2. The DRB may 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, in which case the DRB review of any request for demolition shall consider the criteria in subsection (a) herein, as well as the following criteria:
 - i. Whether good cause for the demolition of the structure has been shown.
 - ii. Whether pertinent economic and financial considerations that affect the ability of the owner to renovate, restore and add on to the structure.
 - iii. Whether the structural condition of the single-family home or other factors affect the feasibility of renovating, repairing or restoring the structure.
 - d. In the event a new home does not exceed one-story in height, the lot coverage shall not exceed 35 percent of the lot area; for purposes of this section, a one-story structure shall not exceed 12 feet in height as measured from minimum flood elevation.
 - e. The above regulations shall also be a limitation on development in all lots within

a single site that may be split into multiple lots or multiple lots that are aggregated into a single site, at a future date. When lots are aggregated, the greater of the footprint permitted by the lot coverage regulations, or the footprint of the larger home, shall apply.

(2) 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~~ 1966 is substantially retained and preserved. In the event of a conflict between the provisions of section 142-105 and section 118-252, and the regulations below, the provisions herein shall control:

- a. The total lot coverage shall not exceed 35 percent.
- b. 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, and shall be subject to the review and approval of the planning department, in accordance with the design review criteria in chapter 118, article VI, of the land development regulations of the City Code. The applicant, or any property owner within 375 feet of the subject property may appeal any decision under this subsection of the planning department to the design review board, in accordance with the requirements of chapter 118, article VI of the land development regulations of the City Code. Any such appeal shall be in writing, shall set forth the factual and legal bases for the appeal and shall be filed no later than five days from the date of approval by the planning department.
- c. In the event the lot coverage of the existing structure exceeds 35 percent, no variance shall be required to retain and preserve the existing lot coverage.
- d. In the event the lot coverage of the existing structure exceeds 35 percent, 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.
- e. The property owner shall not be required to pay any city building permit fees associated with the renovation and restoration of the existing single-family home; any and all noncity impact fees and other fees shall still be required.
- fe. The above regulations shall also be applicable to any single-family home designated as an historic structure by the historic preservation board.

(3) *Appeals.* An appeal of any decision of the DRB shall be to a special master appointed by the city commission, in accordance with the procedures set forth in subsection 118-537(b) of these land development regulations. Thereafter review shall be by certiorari to the circuit court.

(h) *[Exceptions.]* The following areas of work shall not require determinations of the planning director, or designee, under this section: interior demolitions including plumbing, electrical and mechanical systems, and renovations to the exterior of nonarchitecturally significant structures.

(i) *New construction procedures for single-family homes demolished without required approvals or permits.* For those properties where a single-family home constructed before ~~1942~~ 1966 was demolished without prior approval of the planning department, the design review board or the single-family residential review panel, and without the required permits from the building official, in addition to any other applicable law in this Code or other codes,

the following shall apply prior to the issuance of any building permit for any new construction on the subject site:

- (1) Purpose. The purpose of this subsection is to ensure that any new construction on the site where a single-family home constructed prior to ~~1942~~ 1966 was demolished without required approvals or permits is consistent with the scale, massing, density, location and height of that structure which previously existed on site prior to the unpermitted demolition. Where used in this section, the words "without all required permits", "without prior approval", "without required permits or approval" shall not be defined to include demolition as a result of forces beyond the control of the landowner such as, for example, windstorm, flood, or other natural disaster.
- (2) The design review board shall have jurisdiction to review and approve all new construction on the subject site, in accordance with the criteria listed in section 118-251 and this section.
- (3) Upon the finding that the demolition of any single-family home constructed prior to ~~1942~~ 1966 was without following the procedures of this section or without all required permits, any new construction on the same site shall be limited to the overall square footage, building footprint, height and location of that which previously existed on site prior to the unpermitted demolition, to the greatest extent possible in accordance with the applicable building and zoning codes.
- (4) In the event the design review board determines that the single-family home demolished without required approval or permits was architecturally significant, based upon the criteria in subsections 142-108(a)(1)—(3) herein, the board shall require that the new structure be designed and constructed to match the exterior design and architectural details of the original structure demolished to the greatest extent possible in the same location, in accordance with all available documentation and in accordance with the applicable building and zoning codes.
- (5) In the event the applicant endeavors to construct a new home on multiple, combined lots, and one of the lots contained the subject building demolished without required permits and approval, construction of the new home to match the exterior design and architectural details of the original home shall only occur on the lot on which the demolished home was situated. Separate new homes, which are not attached in any way to the lot on which the demolished home was situated, may be constructed on the remaining lots without approval from the design review board.
- (6) In the event the owner of a single-family home constructed prior to ~~1942~~ 1966, which has been demolished without required permits or approvals, can establish good cause, the design review board may relieve the property owner of some or all of the limitations on new construction herein. The requirement of good cause shall be satisfied where the unauthorized demolition was solely the result of intentional or negligent acts of a duly licensed contractor or other third parties, and the owner had no role in and knowledge of the unauthorized demolition.
- (7) In the event a single-family home constructed prior to ~~1942~~ 1966 is demolished without prior approval of the planning department, the design review board or the single-family residential review panel, and without the required permits from the building official, in addition to any other applicable law in this code or other codes, the city shall document such demolition, and the applicable requirements and procedures for any new construction delineated herein, for recording in the public records of Miami-Dade County, to give notice to subsequent purchasers of the property.

- (8) No variances shall be granted by the board of adjustment from the requirements of section 142-108 except those variances which may be required to reconstruct the original structure demolished without required approvals or permits.
- (9) Fees. The fee schedule below is provided to defray the costs associated with the administration of this subsection. All applications to the design review board for the review of new construction as described herein shall require the following fees, upon the submission of an application to the planning department:
 - a. Any application requiring a hearing before the board for design review approval shall require a base fee plus a fee per square feet of floor area as provided in appendix A.
 - b. If a deferment or clarification hearing is requested by the applicant, an additional fee as provided in appendix A shall be assessed.
 - c. If a determination or clarification of conditions is requested by the board, there will be no additional fee.
 - d. If the applicant removes a file from the agenda after it has been accepted by the planning department, the city shall retain 50 percent of the application fee.
 - e. Any after-the-fact application shall incur triple fees.
 1. Notwithstanding the above provision, the design review board may adjust the after-the-fact fee based on good cause shown. The request for a fee adjustment shall be in writing and shall be part of the design review board application. The adjusted after-the-fact fee shall not be less than the regular application fee.
 2. The request shall be part of the design review board application.
 - f. Revisions to plans previously approved by the board shall require a base fee as provided in appendix A plus one-half of the original fee.

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 relettered 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 effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2013.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM &
LANGUAGE & FOR EXECUTION

City Attorney

Date

First Reading: _____, 2013
Second Reading: _____, 2013

Verified by: _____
Richard G. Lorber, AICP, LEED AP
Acting Planning Director

Underscore denotes new language
06/05/2013

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Kathy Brooks, Interim-City Manager

FROM: Jonah Wolfson, Vice-Mayor

DATE: March 5th, 2013

SUBJECT: **Discussion Item for March 13th, 2013 Commission Meeting**

Please place on the March 13th, 2013, Commission Agenda a discussion to withdraw from the Planning Board's consideration the proposed Ordinance "Revising the Year of Review for Architectural Significance of Single Family Homes From the Current 1942 to the Year 1966, and by Modifying the Procedures for the Review and Approval of Demolition Requests for Single Family Homes Determined to be Architecturally Significant and not Located Within a Designated Historic District" (Planning Board File No. 2098), and to refer the matter back to the Land Use and Development Committee for further discussion and evaluation.

If you have any questions, please contact Leonor Hernandez at extension 6437.

JM/lh

JW/lh