



# MIAMI BEACH

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## COMMITTEE MEMORANDUM

TO: Land Use and Development Committee

FROM: Jimmy L. Morales, City Manager

DATE: September 23, 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 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. On February 13, 2013, the Land Use Committee discussed this matter and concluded that an incentive based approach for retaining architecturally significant single family homes would be the best approach, and directed staff to come back to the committee with an Ordinance.

The proposed Ordinance was first scheduled to be considered by the Land Use Committee on April 23, 2013. The matter was continued to May 22, 2013. Due to the cancellation of the May 22, 2013 Land Use Committee meeting, the matter was continued to June 12, 2013. On June 12, 2013 the Ordinance was referred to the Planning Board, scheduled for September 24, 2013, and the need for public workshops and outreach was expressed.

The Planning Department arranged focus group meetings with various stakeholder groups to discuss both this Ordinance, as well as a separate Ordinance amendment addressing oversized single family homes, as summarized below:

#### Focus group meeting with architects (Aug. 21):

- Unit size should be limited to 50% and ability for the DRB to grant higher unit size should be eliminated.
- Heights should be measured from the flood elevation. 28' feet is a reasonable height limit for sloped roof structures and may be lower for a flat roof.
- The height of stairwell and elevator bulkheads should be reduced or eliminated.
- The extent of roof terraces are a problem; increased setbacks and reductions of roof top decks would help address privacy concerns of neighbors.
- Lot coverage requirements are too restrictive even in the current code and will be more burdensome as proposed. 30% lot coverage should be allowed regardless of lot size or the existence of an architecturally significant home.
- Allowances should be made for a higher lot coverage for a predominately single story home. The second floor could be limited to a small percentage of the first floor.

Focus group meeting with Attorneys/Developers (Aug. 28<sup>th</sup>):

- The cost of flood insurance is a burden to maintain homes below flood elevation.
- DRB should have the authority to waive flood plain requirements.
- Requiring new homes to take into account the established building context is too vague and needs to be further evaluated and defined.
- Removing stairwell exceptions above the maximum height is reasonable, and allowing a small elevator for accessibility issues to access a roof deck, and located at the center of the home should be allowed, but may be something that is reviewed under the variance process.
- Additional requirements to break up the mass of side elevations may be warranted.
- The City needs to address the desired built context.
- Limiting unit size to 50% of the lot area is reasonable with no ability for the DRB to grant a greater unit size.
- Rather than a one size fits all approach, RS-1 and RS-2 (larger lot sizes), may warrant different regulations compared to RS-4 and RS-4 zoning (smaller lot sizes).

Focus group meeting with Homeowners and Realtors (Sept. 3<sup>rd</sup> and 4<sup>th</sup>)

- Additional setbacks at second floor needed (on front as well as side elevations).
- The same rules should apply to all houses.
- Many of the larger offensive homes are from the 80s, and there have been horrific additions to pre-1942 homes.
- Lot coverage restrictions are too strict.
- Disincentives should be removed and only incentives should be offered.
- Articulation is critical.
- Flood elevation should be the base level for height measurements.
- Knowing the rules is the most important and ambiguous rules are a problem.
- 26'-28' is an acceptable height for a flat roof structure (above flood).
- Roof terraces are not used and should be eliminated or greatly reduced. They are a source of noise problems and parties and should be banned. The ability of a roof deck should only be allowed for a homeowner that is renovating an existing home as an incentive. Additional setbacks for roof decks are needed.
- Highest height could be limited to a certain percentage in the center.
- Create a maximum height and average height limitation – with limits on side elevations
- The issue of contextual zoning needs to be clarified and better defined.
- Accessory structures and their setbacks are a problem
- Elevations of sideyards and rear yards need to be addressed (people want to have their pool deck at the same elevated height as their interior and should be allowed to have this).
- An architectural survey of all homes is needed in order to clarify whether or not a homes are architecturally significant.

Focus group meeting with Preservationists (Sept. 9<sup>th</sup>):

- New home construction, regardless of the age or significance of the existing home should follow the same guidelines for lot coverage and new construction.
- New construction should fit within the existing neighborhood.
- Lot coverage for new construction should be reduced, with a sliding scale based upon the size of the lot (ranging from 30% for the smaller lots to 15% for larger lots).
- Unit sizes should also be reduced and proportional based on the size of the lot (ranging from 36 % for smaller lots to 30% for larger lots). These numbers are based on a review of existing home sizes, whereby the above numbers were calculated as exceeding 75% of the existing home unit sizes.
- Higher allowances for lot coverage and unit size should be allowed as an incentive to retain an architecturally significant home.
- Heights should be measured from flood elevation. 23 feet for lots less than 60' in width for a flat roof and 26 feet for a sloped roof, and should not be increased by the DRB.
- Roof decks should be eliminated where the width of the front property line is less than 150 feet wide.
- Roof decks could be offered as an incentive to retain a home when the lot size is greater than 50 feet, with a limitation of 250 square feet, with limitations on structures allowed above the roof line.

In addition to these focus group meetings, public meetings were held on September 3, 2013 with the Design Review Board and on September 10, 2013 with the Historic Preservation Board.

Design Review Board Discussion (including Board and public comment- Sept. 3rd):

- We are a young city and need to preserve our history.
- Concerns were expressed with the size and placement of homes.
- New Construction should be compatible with existing homes.
- Lot coverage is punitive and DRB should be able to grant more lot coverage.
- Historic Preservation should be balanced by individual property rights.
- Garages and roof decks should be counted in the unit size.
- Need to identify how a home gets to the point where it is no longer repairable.
- Need better incentives to restore a property.
- Guidelines are not tight enough and too vague.
- Tax breaks are too minimal and need to give homeowners a reason to improve.
- Larger lots should have a smaller house
- Incentives are great but need more regulations on the sides and rear of homes.
- Second floor should be a percentage of the first floor.
- Roof-top decks are a problem

Historic Preservation Board Discussion (incl. Board and public comment – Sept. 10th):

- New regulations should be compared to existing homes that are considered overbuilt to see if there would be any change vs. the new regulations. The new regulations may not be good enough.

- Possible demolition of significant homes should be in the hands of the HPB and not the DRB.
- Incentives are not great, but there is no real substance.
- Need to understand the dynamic that is causing demolition.
- Just because a building was built in the 20's or 30's does not mean it needs to be preserved.
- The HPB does not have the legal power to legislate on these items. Tax incentives do not belong before the HPB.
- Demolition has increased because there has been a pent-up demand in the real estate market and it should not be a cause for alarm.
- Older homes were part-time vacation homes and don't satisfy current needs.
- Should look to the Coral Gables model to preserve significant homes.

While many expressed concerns with the existing penalties to lot coverage associated with the demolition of an architecturally significant home, most agreed that incentives for the retention of architecturally significant homes are warranted, as long the additions are not so large that they overwhelm the original home.

#### **ANALYSIS**

The DRB review of new construction where architecturally significant homes are proposed to be demolished has been highly successful in ensuring the successful integration of new construction within the established scale, character and context of existing 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. This year alone, demolition requests for 25 pre-1942 architecturally significant homes have been submitted to the Design Review Board (through October). 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:	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>	<u>2008</u>	<u>2007</u>	<u>2006</u>	<u>2005</u>
Total Demolition proposed:	25*	20	3	4	0	5	1	4	4

\* 25 including pending applications through October 2013.

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. Further, as indicated previously, 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 new construction on properties containing architecturally significant homes, provides some limited incentives for retaining such homes. Through 2011, these incentives seemed to be adequate; however, as has been evidenced by the spike in demolition requests for architecturally

significant homes in 2012 and 2013, more is needed in order to encourage the retention of these homes.

In this regard, staff has drafted revisions to Section 142-108(g) of the code, in order to create more substantial and tangible incentives for the retention of architecturally significant single family homes. The following is a summary of the proposed additions and modifications in the Ordinance:

- **DRB Review of New Construction:** The DRB would be required to not only consider the established building context within the immediate area of a home proposed for demolition, but would now require that the scale, massing, building orientation and siting of the original structure on the subject site be substantially reintroduced into the proposed new construction.
- **Lot Coverage:** Currently, the Code allows up to 35% lot coverage for new construction and additions associated with the retention of architecturally significant homes, and sets limits on the overall lot coverage of proposed new buildings or structures in those instances where an architecturally significant home is substantially demolished. The proposed Ordinance would increase the allowable lot coverage to 40% on those sites where an Architecturally Significant home is substantially retained, and slightly reduce the current allowable lot coverage in those instances where the home is substantially demolished to 25% for lots 10,000 square feet or less and 20% for lots between 10,000 and 25,000 square feet. Additionally, the ability of the DRB to forgo the lot coverage restrictions has been deleted.
- **Unit Size:** The total unit size may be increased to 60% at the administrative level when an Architecturally Significant home is retained. The unit size would be limited to 50% if the home were to be demolished and the DRB would not have the authority to increase the unit size beyond 50%.
- **Height:** Concurrent with this incentive Ordinance, an Ordinance amendment addressing oversize homes is also pending, which redefines height from 'grade' to the minimum flood elevation with the following limitations:

RS-1 and RS-2: 28 feet for flat roofs and 31 feet for sloped roofs (measured to the center of the slope)

RS-3 and RS-4: 24 feet for flat roofs and 27 feet for sloped roofs (measured to the center of the slope)

Staff has proposed slight reductions to these height limitations, which could not be exceeded by the DRB if the Architecturally Significant home were to be demolished. However, when an architecturally significant home is retained, ground level additions (not roof-top additions), zoned RS-4 with a minimum lot width of 60 feet, or zoned RS-3, may be increased up to 26 feet for a flat roof structure and 29 feet for a sloped roof structure for up to 10% of the property's lot coverage, administratively. Properties zoned RS-1 and RS-2 may be increased up to 30 feet for a flat roofed structure and 33 feet for a sloped roof structure for up to 10 % of the property's lot coverage, administratively. Limiting the additional height to ground level additions, and for only 10 % of the lot coverage, will help

ensure that such larger additions do not overwhelm an existing architecturally significant home, while offering an additional height incentive for its retention.

- **Setbacks:** When an Architecturally Significant home is retained, two-story structures, or the second floor, may encroach forward to the 20-foot front setback line, subject to staff approval, and 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 5' is met, subject to staff approval. Additionally, habitable additions to, as well as the relocation of, architecturally significant homes, may project into a required rear or side yard for a distance not to exceed 25 percent of the required yard, up to defined maximum projections. In those instances where an Architecturally Significant home is demolished, new two-story structures, or the second floor, must be setback ten additional feet from both the required front and rear yard setback lines. Only 50 percent of the developable width of the second floor may encroach forward to the minimum front and/or rear setback lines, at the discretion of the DRB.
- **Interior Side Courtyards:** The minimum courtyard requirements specified in Section 142-106(2).c may be waived at the administrative level when an Architecturally Significant home is retained. These minimum courtyard requirements could not be waived, even by the DRB, if the home were to be demolished.
- **Permit Fees:** It has been determined that the City does not have the legal authority to waive or reduce building permit fees. Therefore, the Administration is recommending that this provision be modified to only be applicable to planning and public works department fees associated with the retention of an architecturally significant home.

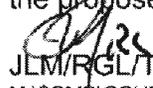
In addition to the aforementioned incentives, staff has also included clean-up text changes to section 142-108, pertaining to how the date of construction is determined, and exemptions for non-architecturally significant accessory structures.

Finally, in order to incentivize the voluntary recognition of Architecturally Significant homes built before 1966, language has been proposed that would extend the applicability of the above noted proposals to single family home constructed prior to 1966. This would occur only when the owner of a home constructed between 1942 and 1966 voluntarily seeks a determination of Architectural Significance and where such home is determined to be Architecturally Significant in accordance with the applicable criteria in Section 142-108(a).

While the proposed Ordinance would not prohibit an application for total demolition, it does create tangible incentives for the retention of existing Architecturally Significant single family homes. Additionally, should a demolition request for an Architecturally Significant home move forward, the proposed Ordinance would foster replacement construction that is substantially more compatible in terms of scale, massing and overall size, 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 refer the proposed Ordinance to the Planning Board for formal consideration.



JLM/RGL/TRM/MB

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**ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOME RETENTION INCENTIVES**

**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 STANDARDS AND REVIEW REQUIREMENTS FOR NEW CONSTRUCTION, ADDITIONS AND MODIFICATIONS TO PROPERTIES THAT CONTAIN AN ARCHITECTURALLY SIGNIFICANT SINGLE FAMILY HOME 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 requirements, standards and procedures for the review of new construction, additions and modifications to Architecturally Significant single family homes located outside of a designated historic district; and

**WHEREAS**, the Mayor and City Commission deem it appropriate to incentivize the retention of Architecturally Significant single family homes, in order to acknowledge, protect and preserve 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, 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 including, but not limited to Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, 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.

\* \* \*

(e) *Partial demolition.*

\* \* \*

- (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.
  - g. The demolition of non-architecturally significant accessory buildings.

\* \* \*

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

(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, 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 shall review of any new structure, in accordance with the requirements of chapter 118, article VI, and shall take into account the established building-single family home context within the immediate area 375 feet of the property. The DRB shall include consideration of require that within the front portion of the site, as determined by the DRB, the scale, massing, building orientation and siting of the original structure on the

subject site be substantially reintroduced into the proposed new construction, as well as the established building context within the immediate area.

- c. ~~4.~~ The overall lot coverage of proposed new buildings or structures shall not exceed the building footprint of the original existing structures on site, excluding additions constructed after 1965, 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 25 ~~30~~ percent;
  - ii. For lots greater than 10,000 square feet, but less than 25,000 square feet, the lot coverage shall not exceed 20 ~~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. The total unit size for the new home shall not exceed 50% and shall not be increased by the DRB.
- e. For lots less than 60' in width zoned RS-3 or RS-4, the height of any new construction shall not exceed 25' 24' for a flat roofed structure and 27' for a sloped roof structure above grade the minimum required flood elevation and shall not be increased by the DRB. For lots greater than 60' in width zoned RS-1 or RS-2, the height of any new construction shall not exceed 30' 28' for a flat roofed structure and 31' for a sloped roof structure above grade the minimum required flood elevation, and shall not be increased by the DRB.
- f. The minimum courtyard requirements specified in Section 142-106 (2).c shall not be waived by the DRB.
- g. Two-story structures, or the second floor, shall be set back a minimum of ten additional feet from the required front and rear yard setback lines. Up to, but not exceeding, 50 percent of the developable width of the second floor may encroach forward to the minimum front and/or rear setback lines, at the discretion of the DRB.
- h. In the event a new home does not exceed one-story in height, the lot coverage shall not exceed 35 50 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. A restrictive covenant, in a form acceptable to the City Attorney, shall be required, ensuring, in perpetuity, that a 2<sup>nd</sup> story is not added.
- i. 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.
- j. Notwithstanding the foregoing, and only in the event the Building Official has issued an Emergency Demolition Order for the subject home, the limitations set forth in subsections c-h above may be waived or modified, in accordance with the applicable limitations in Section 142-105, and at the discretion of the DRB.

(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 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 proposed addition and modifications to the existing structure may be reviewed 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. 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.
- b. The total lot coverage may be increased to, but shall not exceed 35 40 percent, and may be approved at the administrative level. 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, 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. The total unit size may be increased to, but shall not exceed, 70-60 percent, and may be approved at the administrative level.
- d. For lots less than 60' in width zoned RS-4 with a minimum lot width of 60 feet, or lots zoned RS-3, the overall height of any addition, including allowable roof-top additions, shall comply with the height regulations of the RS-3 and RS-4 zoning districts for new construction; however the height for ground level additions up to 10% of the property's lot coverage may be increased up to 30' above grade 26' for a flat roofed structure and 29' for a sloped roof structure above the minimum required flood elevation, and may be approved at the administrative level.
- e. For lots greater than 60' in width zoned RS-1 or RS-2, the overall height of any addition, including allowable roof-top additions, shall comply with the height regulations of the RS-1 and RS-2 zoning districts for new construction; however the height for ground level additions up to 10% of the property's lot coverage may be increased up to 33' above grade 30' for a flat roofed structure and 33' for a sloped roof structure above the minimum required flood elevation, and may be approved at the administrative level.
- f. 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.
- g. Two-story structures or the second floor may encroach forward to the 20-foot front setback line, subject to staff approval.
- h. 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 5' is met, subject to staff approval.
- i. 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:
  - i. Interior side yard: 5'
  - ii. Street side yard: 7'-6"
  - iii. Rear yard: 15'
- j. The property owner shall not be required to pay any city planning or public works department building permit fees associated with the renovation and restoration of the existing single-family home; any and all non-city impact fees and other fees shall still be required.
- k. The above regulations shall also be applicable to:
  - i. any single-family home designated as an historic structure by the historic preservation board.
  - ii. any single family home constructed prior to 1966, whereby the owner voluntarily seeks a determination of Architectural Significance and where such home has been determined to be Architecturally Significant in accordance with Section 142-108(a).

