

## SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

ORDINANCE NO. 2017-4123

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," AT ARTICLE III, "AMENDMENT PROCEDURE," ARTICLE IV, "CONDITIONAL USE PROCEDURE," ARTICLE VI, "DESIGN REVIEW PROCEDURES," ARTICLE VII, "DIVISION OF LAND/LOT SPLIT," ARTICLE VIII, "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS," AND ARTICLE X, "HISTORIC PRESERVATION," TO PROVIDE REFERENCES TO SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA FOR CONSIDERATION BY LAND USE BOARDS WHEN DECIDING ISSUES WITHIN THEIR JURISDICTION; BY AMENDING CHAPTER 133, "SUSTAINABILITY AND RESILIENCY," TO ESTABLISH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, Comprehensive Plan Future Land Use Element Policy 3.6 requires that the City "Maximize unpaved landscape to allow for more stormwater infiltration. Encourage planting of vegetation that is highly water absorbent, can withstand the marine environment, and the impacts of tropical storm winds. Encourage development measures that include innovative climate adaption and mitigation designs with creative co-benefits where possible;" and

**WHEREAS**, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 2.12 provides that "Salt tolerant landscaping and highly water-absorbent, native or Florida friendly plants shall continue to be given preference over other planting materials in the plant materials list used in the administration of the landscape section of the Land Development Regulations and the design review process;" and

**WHEREAS**, Comprehensive Plan Conservation/Coastal Zone Management Element Objective 13 provides policies to "Increase the City's resiliency to the impacts of climate change and rising sea levels by developing and implementing adaptation strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property;" and

**WHEREAS**, the Miami Beach Comprehensive Plan designates the entire City as an Adaptation Action Area (AAA) containing one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning; and

**WHEREAS**, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 13.4 states that "the City will develop and implement adaptation strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise, with the intent to increase the community's comprehensive adaptability and resiliency capacities;" and

**WHEREAS**, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 13.8 states that the "City shall integrate AAAs into existing and future City processes and city-wide plans and documents which may include:...Land Development Regulations;" 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 118, "Administration and Review Procedures," Article III, "Amendment Procedure," Section 118-163, "Review by Planning Board," is amended as follows:

\* \* \*

**Sec 118-163. Review by Planning Board**

Before the city commission takes any action on a proposed amendment to the actual list of permitted, conditional or prohibited uses in zoning categories or to the actual zoning map designation of a parcel or parcels of land or to other regulations of these land development regulations or to the city's comprehensive plan, the planning board shall review the request and provide the city commission with a recommendation as to whether the proposed amendment should be approved or denied. In reviewing the application, the planning board may propose an alternative ordinance on the same subject for consideration by the city commission. The following procedures shall apply to the board's consideration of the request:

\* \* \*

- (1) In reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

\* \* \*

- n. Whether the proposed change is consistent with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 2.** Chapter 118, "Administration and Review Procedures," Article IV, "Conditional Use Procedure," Section 118-192, "Review Guidelines," is amended as follows:

\* \* \*

**Sec. 118-192. Review Guidelines**

- (a) Conditional uses may be approved in accordance with the procedures and standards of this article provided that:

\* \* \*

- (8) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 3.** Chapter 118, "Administration and Review Procedures," Article VI, "Design Review Procedures," Section 118-251, "Design Review Criteria," is amended as follows:

\* \* \*

**Sec. 118-251. Design Review Criteria**

(a) Design review encompasses the examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure and physical attributes of the project in relation to the site, adjacent structures and surrounding community. The board and the planning department shall review plans based upon the below stated criteria, criteria listed in neighborhood plans, if applicable, and design guidelines adopted and amended periodically by the design review board and/or historic preservation board. Recommendations of the planning department may include, but not be limited to, comments from the building department and the public works department. If the board determines that an application is not consistent with the criteria, it shall set forth in writing the reasons substantiating its finding. The criteria referenced above are as follows:

\* \* \*

- (19) The structure and site complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 4.** Chapter 118, "Administration and Review Procedures," Article VII, "Division of Land/Lot Split," Section 118-321, "Purpose, standards and procedure," is amended as follows:

\* \* \*

**Sec. 118-321. Purpose, standards and procedure**

- B. *Review criteria.* In reviewing an application for the division of lot and lot split, the planning board shall apply the following criteria:

\* \* \*

- (7) The structures and sites will comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 5.** Chapter 118, "Administration and Review Procedures," Article VIII, "Procedure for Variances and Administrative Appeals," Section 118-353, "Variance Applications," is amended as follows:

**Sec. 118-353. Variance Applications**

\* \* \*

- (d) In order to authorize any variance from the terms of these land development regulations and sections 6-4 and 6-41(a) and (b), the applicable board shall find that:

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- (8) The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

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**SECTION 6.** Chapter 118, "Administration and Review Procedures," Article X, "Historic Preservation," Division 3, "Issuance of Certificate of Appropriateness/Certificate to Dig/Certificate of Appropriateness for Demolition," Section 118-564, "Decisions on certificates of appropriateness," is amended as follows:

**Sec. 118-564. Decisions on certificates of appropriateness**

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\*

\*

- (3) The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The historic preservation board and planning department shall review plans based upon the below stated criteria and recommendations of the planning department may include, but not be limited to, comments from the building department. The criteria referenced above are as follows:

\*

\*

\*

- q. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 7.** Chapter 118, "Administration and Review Procedures," Article X, "Historic Preservation," Division 4, "Designation," Section 118-592, "Criteria for Designation," is amended as follows:

\*

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**Sec. 118-592 . Criteria for Designation**

- (c) The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, or historic districts comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable.

**SECTION 8.** Chapter 133, "Sustainability and Resiliency," is amended as follows:

**ARTICLE I. – GREEN BUILDINGS**

**ARTICLE DIVISION I. – IN GENERAL**

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**ARTICLE DIVISION II. – GREEN BUILDING REQUIREMENTS**

\* \* \*

**ARTICLE DIVISION III. – SUSTAINABILITY FEE PROGRAM**

**Sec. 133-5. - Generally.**

A Sustainability Fee will be assessed for all eligible participants. The calculation of the fee, provisions for refunding all or portions of the fee, its purpose, and eligible uses are detailed within this ~~article~~ division.

\* \* \*

**ARTICLE II. – SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

**Sec. 133-50. – Criteria**

The City's Land Use Boards shall consider the following when making decisions within their jurisdiction, as applicable:

(a) Criteria for development orders:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.
- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.
- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.
- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet and ~~and~~ or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

(10) Where feasible and appropriate, water retention systems shall be provided.

(b) Criteria for ordinances, resolutions, or recommendations:

- (1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.
- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.
- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

**SECTION 9. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

**SECTION 10. CODIFICATION.**

It is the intention of the City Commission, 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, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 11. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 12. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this 26 day of July, 2017.

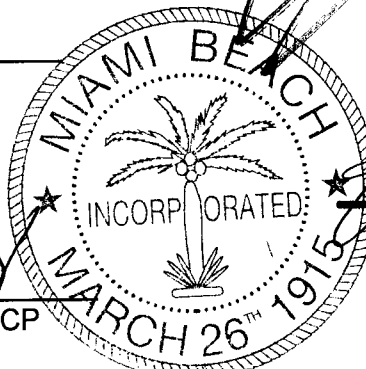
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Philip Levine  
Mayor

ATTEST:

TH 8/7/17  
Rafael E. Granado  
City Clerk

First Reading: May 17, 2017  
Second Reading: June 7, 2017

Verified By: Thomas R. Mooney, AICP  
Planning Director



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

Debra A. ...  
City Attorney

5/23/17  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: July 26, 2017

**10:50 a.m. Second Reading Public Hearing**

SUBJECT: SEALEVEL RISE AND RESILIENCY REVIEW CRITERIA:  
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," AT ARTICLE III, "AMENDMENT PROCEDURE," ARTICLE IV, "CONDITIONAL USE PROCEDURE," ARTICLE VI, "DESIGN REVIEW PROCEDURES," ARTICLE VII, "DIVISION OF LAND/LOT SPLIT," ARTICLE VIII, "PROCEDURE FOR VARIANCES AND ADMINISTRATIVE APPEALS," AND ARTICLE X, "HISTORIC PRESERVATION," TO PROVIDE REFERENCES TO SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA FOR CONSIDERATION BY LAND USE BOARDS WHEN DECIDING ISSUES WITHIN THEIR JURISDICTION; BY AMENDING CHAPTER 133, "SUSTAINABILITY AND RESILIENCY," TO ESTABLISH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

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### **RECOMMENDATION**

The Administration recommends that the City Commission adopt the Ordinance.

### **ANALYSIS**

#### **BACKGROUND**

On December 14, 2016, the City Commission, at the request of Commissioner John Elizabeth Alemán, referred this item (R9F) to the Land Use and Development Committee (LUDC) and the Planning Board.

On January 18, 2017, the LUDC recommend that the Planning Board transmit the proposal to the City Commission with a favorable recommendation.

#### **PLANNING ANALYSIS**

The City has four Land Use Boards which are authorized to review and approve various types of development projects and make certain recommendations to the City Commission. These boards, with the assistance of City staff, utilize City Code mandated criteria to make their decisions and recommendations. The general duties of the four (4) Land Use Boards are as follows:

- Planning Board
  - Amendments to Comp Plan and Land Development Regulations
  - Conditional Use Permits
  - Division of Land/Lots Splits

- Design Review Board
  - Design Review Approval
- Board of Adjustment
  - Variances and Administrative Appeals
- Historic Preservation Board
  - Historic Designation Recommendations
  - Certificates of Appropriateness

As the City is facing an increase in flooding due to sea level rise, it is important that Land Use Boards incorporate criteria to address and plan for the effects of sea level rise and climate change. Additionally, the recently adopted amendment to the City's Comprehensive Plan related to "Peril of Flood," establish the City as an Adaption Action Area (AAA), which among other things, requires that the City incorporate strategies into the Land Development Regulations to improve the community's adaptability and resiliency capacities, with regards to the sea level rise and climate change.

The attached draft ordinance amendment establishes Sea Level Rise and Resiliency Review Criteria within Chapter 133, entitled "Sustainability and Resiliency," of the Land Development Regulations. It also references these criteria within the individual review criteria for each board. This criteria will facilitate the climate adaptation and mitigation discussion between the applicant and staff during the review process, and subsequently at land use board review. The following is a summary of the draft criteria for the Land Use Boards when reviewing development applications:

1. A recycling or salvage plan for partial or total demolition shall be provided.
2. Windows that are proposed to be replaced shall be hurricane proof impact windows.
3. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
4. If resilient landscaping (salt and drought tolerant, native plants species) will be provided.
5. Whether adopted Southeast Florida regional Climate Action Plan sea level rise projections, including a study of land elevation and elevation of surrounding properties were considered.
6. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.
7. Where feasible and appropriate, all critical mechanical and electrical systems will be located above base flood elevation.
8. Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.
9. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet and dry flood proofing systems will be provided in accordance with Chapter 54 of the City Code.
10. Where reasonably feasible and appropriate, water retention systems shall be provided.

When considering ordinances, adopting resolutions, or making recommendations, the following criteria would apply:

1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.
2. Whether the proposal will increase the resiliency of the City with respect to sea level rise.
3. Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

As part of the initial draft of this legislation, separate criteria pertaining to a prohibition on below



grade vehicular storage was included. At the direction of the Land Use Committee, this was relocated to Chapter 130 of the Code (Off-Street Parking).

### **PLANNING BOARD REVIEW**

On February 28, 2017, the Planning Board discussed the proposed Ordinance Amendment and requested that there be further study on the prohibition of underground parking; the Board continued the item to the April 25, 2017 meeting. On April 25, 2017, the Planning Board transmitted the proposed Ordinance Amendment to the City Commission, with a favorable recommendation. The Planning Board also recommended the following modifications:

1. Below grade parking shall not be prohibited.
2. A separate amendment to the Land Development Regulations of the City Code shall be referred to the Planning Board by the City Commission to address the following:
  - a. That there be sufficient setbacks for ramping and access to below grade levels from adjacent streets and rights-of-way, in order to ensure sufficient dimensions to accommodate the future raising of public sidewalks, streets and public right-of-way, and without ramps encroaching into the public right-of-way.
  - b. That the minimum setback requirements for all below grade structures be increased to meet the applicable pedestal setback requirements, in order to allow for permeable areas on the site and natural drainage of stormwater.
  - c. That there be sufficient pumping capacity to ensure all below grade levels remain dry without affecting surrounding properties.
  - d. For properties containing a 'contributing' building, and located within a Local Historic District or Designated Historic Site, the Historic Preservation Board shall have the ability to waive the setback requirements for below grade parking levels, in accordance with the applicable Certificate of Appropriateness criteria.

### **SUMMARY**

The proposed sea level rise and resiliency criteria has been extensively vetted at the administrative and committee levels, and should provide a tangible and appropriate set of tools for all Land Use Boards to be able to utilize. Such criteria will also be beneficial to design professionals as they put together land development projects in the early, conceptual stages.

### **UPDATE**

On May 17, 2017, the City Commission approved the subject ordinance at First Reading, but removed the proposed prohibition on below grade off-street parking. This required a modification to the ordinance title, and a new first reading. The City Commission also referred the below grade parking criteria endorsed by the Planning Board to the Land Use and Development Committee as a separate ordinance amendment.

On June 7, 2017, the subject ordinance was approved at a new first reading, with the modified Title. On July 11, 2017, Planning Department staff presented the proposed criteria to the Historic Preservation Board for review and input. The Historic Preservation Board did not have any objections to the proposed criteria in the ordinance.

Finally, at the request of the City Commission, the Administration has put together draft documents, illustrating how the proposed new review criteria will be integrated into the development review process. These include the following, all of which are attached as separate documents:

1. Sample Historic Preservation Board Staff Report.

2. Sample Historic Preservation Board Designation Report.
3. Sample Planning Board Staff Report.
4. Revised Requirements for Letters of Intent (LOI).
5. Revised Application Checklist.

### **CONCLUSION**

The Administration recommends that the City Commission adopt the Ordinance.

### **Legislative Tracking**

Planning

### **Sponsor**

Commissioner John Elizabeth Aleman

### **ATTACHMENTS:**

#### **Description**

- ▣ Ordinance
- ▣ Sample Historic Preservation Board Staff Report
- ▣ Sample Historic Preservation Board Designation Report
- ▣ Sample Planning Board Staff Report
- ▣ Revised Requirements for Letters of Intent
- ▣ Revised Application Checklist

# MIAMI BEACH

## PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: April 10, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: HPB17-0095, **1045 Pennsylvania Avenue.**

The applicant, Kaiser Cars and Real Estate, LLC, is requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the two 2-story structures on the site including variances to reduce the required side yard setback and to exceed the maximum allowed fence height.

### **STAFF RECOMENDATION**

Approval of the Certificate of Appropriateness with conditions  
**Denial** of the variances.

### **EXISTING STRUCTURES**

Local Historic District: Flamingo Park

#### **Front 2-story structure**

Classification: Contributing  
Original Architect: Henry Moloney  
Construction Date: 1929

#### **Rear 2-story structure**

Classification: Not classified  
Original Architect: N/A  
Construction Date: 1930, 1933 addition

### **ZONING / SITE DATA**

Legal Description: Lot 14, Block 36 of "Ocean Beach Addition No. 3", According to the Plat Thereof, as Recorded in Plat Book 2, at Page 81 of the Public Records of Miami-Dade County, Florida.

Zoning: RO (Residential/Office)  
Future Land Use: RO (Residential/Office)

Lot Size:	7,500 S.F. (Max FAR = 0.75)
Existing FAR:	6,765.2 S.F. / <b>0.9 FAR</b>
Proposed FAR:	No change
Existing Height:	2-stories / 19'-10" (28'-4" to highest projection)
Proposed Height:	2-stories / 21'-8" (28'-4" to highest projection)
Existing Use/Condition:	Multi-Family Residential
Proposed Use:	No Change

### **THE PROJECT**

The applicant has submitted plans entitled "1045 Pennsylvania Ave.", as prepared by The Webber Studio, dated February 27, 2017.

**The applicant is proposing the partial demolition, renovation and restoration of the two 2-story structures on the site including variances to reduce the required side yard setback and to exceed the maximum allowed fence height.**

1. A variance to reduce all minimum interior side setback of 5'-0" in order to construct a new wall at zero setback from the south property line.

- Variance requested from:

#### **Sec. 142-577. Setback requirements.**

*The setback requirements in the RO residential/office district are as follows:*

*(2) Side yard, interior: The sum of each side yard shall be at least 25 percent of the lot width, not to exceed 50 feet, any one side yard shall have a minimum of 7.5 feet. When an existing building has a minimum five-foot side yard the setback may be allowed to follow the existing building line*

The variance request is related to a new wall with an arched entry on the south side yard of the building similar to an original existing wall on the north side yard at the front façade. The building originally had a different decorative vase shape element in this location as noted on the original front façade on page A2.3. The proposed wall requires a side setback variance as it is more than 10'-0" in height as measured from grade which makes it a structure rather than a fence for zoning analysis. The new wall and gate do not contribute to the preservation of the original architecture. It is part of a new perimeter enclosure for the property that exceeds the maximum height allowed by the City code. The height of this element is not associated with the preservation of the contributing building. It is a self-imposed variance related to the design and height of the new perimeter fence. Staff finds that the variance request does not meet the practical difficulty or hardship criteria for the granting of the side setback variance. As such, staff recommends that the side setback variance be denied and that the wooden gate behind the wall not exceed the maximum height allowed of 7'-0" from grade.

2. A variance to exceed by 3'-0" the maximum height of 7'-0" for a fence located within the interior side yards in order to construct a perimeter wall along the north side yard with a height of 10'-0" as measured from grade (6.41' NGVD).

3. A variance to exceed by 3'-0" the maximum height of 7'-0" for a fence located within the interior side yards in order to construct a perimeter wall along the south side yard with a height of 10'-0" as measured from grade (6.41' NGVD).
4. A variance to exceed by 3'-0" the maximum height of 7'-0" for a fence located within the rear yard in order to construct gates and walls with a height of 10'-0" as measured from grade (6.41' NGVD).

- Variances requested from:

**Sec. 142-1132. Allowable encroachments within required yards.**

**(h) Fences, walls, and gates. Regulations pertaining to materials and heights for fences, walls and gates are as follows:**

**(1) All districts except I-1:**

**b. Within the required rear or side yard, fences, walls and gates shall not exceed seven feet, as measured from grade, except when such yard abuts a public right-of-way, waterway or golf course, the maximum height shall not exceed five feet.**

New perimeter walls are proposed along the rear and both side property lines. The walls, as proposed are up to 10'-0" in height as measured from grade. The Code allows up to 7'-0" in height for perimeter side walls and the applicant is proposing to increase the maximum height by 3'-0", resulting in the requested variances. The proposed fence would extend up to the second floor slab of the existing buildings and substantially block the first floor side façades. The fence height proposed is not compatible with side fences in the historic district nor with the height of the existing fences in the property. Further, such tall walls will have a negative impact on the adjacent properties. Staff finds that the applicant has not satisfied the practical difficulty or hardship criteria for the granting of the requested variances. As per letter of intent submitted, the variances seek to provide privacy and security for the property. Staff has concluded the fence height allowed by the Code provides reasonable privacy and security for the property and that the granting of these variances would be completely out of character with the historic district. Staff recommends that the fences be lowered to comply with the maximum height allowed.

**PRACTICAL DIFFICULTY AND HARDSHIP CRITERIA**

The applicant has submitted plans and documents with the application that staff has concluded **DO NOT** satisfy Article 1, Section 2 of the Related Special Acts.

Additionally, staff has concluded that the plans and documents submitted with the application **DO NOT** satisfy the following hardship criteria, as they relate to the requirements of Section 118-353(d), Miami Beach City Code:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- That the special conditions and circumstances do not result from the action of the applicant;

- That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district;
- That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance and would work unnecessary and undue hardship on the applicant;
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- That the granting of the variance will be in harmony with the general intent and purpose of this Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

#### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent sections of the City Code related to fence heights, for which the noted variances are being requested.

All zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

#### **CONSISTENCY WITH 2025 COMPREHENSIVE PLAN**

A preliminary review of the project indicates that the proposed **multi-family residential** use appears to be **consistent** with the Future Land Use Map of the Comprehensive Plan.

#### **COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA**

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Not Satisfied**  
**The enlargement of the window openings and demolition of the original decorative low wall and urn at the southeast corner of the building will have an adverse impact on the architectural integrity of the original design.**

- b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
- a. Exterior architectural features.  
**Not Satisfied**  
**The enlargement of the window openings and demolition of the original decorative low wall and urn at the southeast corner of the building will have an adverse impact on the architectural integrity of the original design.**
  - b. General design, scale, massing and arrangement.  
**Satisfied**
  - c. Texture and material and color.  
**Satisfied**
  - d. The relationship of a, b, c, above, to other structures and features of the district.  
**Satisfied**
  - e. The purpose for which the district was created.  
**Satisfied**
  - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.  
**Satisfied**
  - g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.  
**Satisfied**
  - h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Satisfied**  
**The enlargement of the window openings and demolition of the original decorative low wall and urn at the southeast corner of the building will have an adverse impact on the architectural integrity of the original design.**
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above

are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Satisfied**
- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Satisfied**  
**Variances have been requested.**
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.  
**Not Satisfied**  
**The enlargement of the window openings and demolition of the original decorative low wall and urn at the southeast corner of the building will have an adverse impact on the architectural integrity of the original design.**
- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.  
**Not Applicable**
- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.  
**Not Satisfied**  
**The design of the front property wall overwhelms and distracts from the historic architecture.**
- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow



on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

**Satisfied**

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

**Satisfied**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Satisfied**

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied**

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Not Applicable**

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Satisfied**

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Satisfied**

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Not Applicable**

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

**Satisfied**

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Satisfied**

**CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA**

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

**Satisfied**

**The existing structure is located within the Flamingo Park Local Historic District.**

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

**Satisfied**

**The structure is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.**

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

**Satisfied**

**The structure is one of the last remaining examples of its kind and contributes to the character of the district.**

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

**Satisfied**

**The structure is classified as 'Contributing' in the Miami Beach Historic Properties Database.**

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

**Satisfied**

**The retention of structure is critical to developing an understanding of an important early Miami Beach architectural style.**

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

**Not Applicable**

**The demolition proposed is not for the purpose of constructing a main use parking garage.**

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

**Not Applicable**

**Total demolition is not proposed.**

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

**Not Applicable**

**The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.**

#### **COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA**

Section 133-50(a) of the Land Development establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- (1) A recycling or salvage plan for partial or total demolition shall be provided.  
**Satisfied**  
**A recycling plan will be provided as part of the submittal for a demolition permit to the building department.**
- (2) Windows that are proposed to be replaced shall be hurricane proof impact windows.  
**Satisfied**  
**All windows will be replaced with hurricane proof impact windows.**
- (3) Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.  
**Satisfied**  
**All windows will be operable.**
- (4) Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.  
**Satisfied**  
**All new landscaping will consist of Florida friendly plants.**

- (5) Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.

**Satisfied**

**Sea Level Rise projections were taken into account. The site is not in an area that will be significantly impacted by Sea Level Rise within the adopted projection timeframes.**

- (6) The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.

**Satisfied**

**The existing driveways into the existing garage are located at an elevation of 7.81' NGVD. This elevation is above anticipated future roadway elevations of 5.26' NGVD. The garage has an elevation of 9'1" from the ground level so there is sufficient clearance to raise the floor should the situation become necessary.**

- (7) Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.

**Satisfied**

**All critical mechanical and electrical systems will be located on the roof of the structure, including the air-conditioning units.**

- (8) Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.

**Satisfied**

**The first floor elevation will be located at 9.41' NGVD, which is .41' above the base flood elevation (8') plus minimum City of Miami Beach Freeboard (1').**

**However, the first floor elevation is being lowered from 10.41' to 9.41'. While the new elevation is within allowable limits for habitable space, it is not recommended that floors be lowered as this may result in higher costs to the owner in the future and has the potential to make the building less resilient in the face of sea level rise combined with major storm events.**

- (9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.

**Satisfied**

**The building will not contain any habitable space located below the base flood elevation.**

- (10) Where feasible and appropriate, water retention systems shall be provided.

**Not Satisfied**

**While the site is currently built-out, the applicant is proposing to lower the ground floor. Since the floor would be removed, should this proposal move forward, opportunities would be created to consider the installation of water retention**

**systems beneath the new floor.**

## **ANALYSIS**

The applicant is proposing to retain, restore and renovate two 2-story structures on the site.

### **Front 2-story 'Contributing' structure**

The existing building located at the front of the lot, was originally constructed in 1929 as a 4-unit apartment building and designed by architect Henry Moloney in the Mediterranean Revival style of architecture. Examination of the original plans located on microfilm #3079 indicates that the subject structure is largely intact with few alterations. The most significant modification occurred in 2005 when a building permit was issued for the construction of a new 2-story concrete terrace structure at the rear of the building.

The applicant is proposing to renovate and restore the existing building including significant interior modifications in order to combine the four existing residential units into a single residence. While staff commends the applicant for proposing to restore and reintroduce several significant architectural elements on the primary façade including the rope column details, decorative parapet and window surrounds, staff has several concerns with the regard to modifications proposed for the front façade. First, staff believes that the enlargement of the window openings has an adverse impact on the architectural integrity of the original design and would recommend that the window openings be retained and restored in their original locations and proportion. Second, staff would recommend that the original decorative low wall and urn at the southeast corner of the building be restored as this element creates a subtle asymmetry, characteristic of the Mediterranean Revival style of architecture. Finally, staff would recommend that the design of the balconette railing be further developed and simplified in a manner more consistent with the period of architecture.

Interior modifications include the demolition of the wood frame floor plates and roof structure in order to reconfigure the existing plan and introduce a new rooftop terrace. Additionally, the applicant is proposing to reconstruct the ground floor approximately 1'-0" lower than the existing floor and to reconstruct the roof approximately 2'-0" higher than the existing roof level in order to create a greater floor to ceiling height on both levels. It is important to note that the existing first finish floor level is 10.41' NGVD, approximately 2'-0" above the required base flood elevation. Further, the existing decorative parapet conceals the proposed higher roof level. The applicant has submitted a report prepared by Optimus Structural Design LLC, Consulting Engineers outlining the existing structural conditions and a recommended shoring and bracing plan demonstrating how the exterior walls will be maintained during demolition and construction. Staff would note that the amount of demolition proposed exceeds 25% of the first floor slab and the building would not be permitted to retain the existing parking credits. However, if the Board finds that the project satisfies the criteria for the retention and restoration of the 'Contributing' building, as outlined in Section 118-395 of the City Code below, a waiver can be granted.

### **Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.**

\* \* \*

(b) *Nonconforming buildings.*

\* \* \*

- (2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

\* \* \*

- d. Development regulations for buildings located within a designated historic district or for an historic site:

1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
  - i. At least 75 percent of the front and street side facades;
  - ii. At least 75 percent of the original first floor slab;
  - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
  - iv. All architecturally significant public interiors.
2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
  - i. The structure is architecturally significant in terms of design, scale, or massing;
  - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
  - iii. The structure is associated with the life or events of significant persons in the City;
  - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
  - v. The structure has yielded or is likely to yield information important in prehistory or history; or
  - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., v. & vi, above are satisfied and recommends approval as outlined below.

While staff does not believe that the modifications to the ground floor and roof heights will have any adverse visual impact on the Contributing structure, staff does have a concern with regard to the resulting window opening modifications as noted above.

#### **Rear 2-story structure**

The applicant is proposing minor exterior and interior modifications to this structure which was originally constructed as a garage in 1930. A three car garage and residential unit are proposed

to be located on the ground floor and two residential units are proposed for the second level. Although no original plans have been located, examination of Building Department records indicates several alterations have been made over time including the construction of an addition in 1933. Staff has no objection to the requested modifications as they are consistent with the historic character of the property and will not require the demolition of any significant architectural features.

### **Site Improvements**

The applicant is proposing several site modifications including the replacement of the existing property wall, the introduction of new fencing and gate and modifications to the existing pool deck. Staff is generally supportive of the proposed site improvements, with the exception of the design for the front property wall, which as currently designed overwhelms and distracts from the historic architecture. Consequently, staff would recommend that the decorative metal fencing above the masonry wall be further developed and simplified.

### **VARIANCE ANALYSIS**

As part of the proposed improvements to the site, variances are requested for the construction of walls, fence and gates around the property. Staff does not support the variances requested as they are not the minimum variances to preserve and use the contributing buildings on site. The granting of these variances would negatively impact the character of the surrounding Flamingo Park historic district. Variance #1 for the walls setback is not associated with an original architectural feature or the retention of the structure; and the new fences, which are part of variances #2, #3 and #4 are self-imposed variances that would substantially enclose the first floor side facades of the buildings up to the second floor slab, and negatively impact the adjacent properties.

In reference to variances #2, #3 and #4, staff would note that height variances for perimeter fences have been granted before for properties where there is a substantial difference in height between the City of Miami Beach grade measured at the sidewalk in the center of the property and the natural grade at the fence location, where in most cases the grade slopes up to a height that would impede the construction of a fence at the maximum height allowed. In this case, the existing grade along the sides and rear allows for a 6' high fence, which is a reasonable height to provide privacy and at the same time allow some transparency for views and breeze corridors between properties. Staff recommends that all variances requested (#1, #2, #3, and #4) be denied due to a lack of hardship or practical difficulties in complying with the code requirements.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Certificate of Appropriateness be **approved**, and that the variance requests #1, #2, #3 and #4 be **denied**; subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Practical Difficulty and Hardship criteria, as applicable.



**SINGLE-FAMILY RESIDENCE  
2862 Fairgreen Drive  
HISTORIC STRUCTURE  
DESIGNATION REPORT**



**PREPARED BY**

**CITY OF MIAMI BEACH PLANNING DEPARTMENT**

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**CITY OF MIAMI BEACH HISTORIC PRESERVATION BOARD**

Jane Gross, Chair  
Dominique Bailleul  
Wyn Bradley  
Jack Finglass  
Scott Needelman  
Stevan Pardo  
John Stuart



**May 10, 2016**  
**Adopted on**

**(HPB File No. 7633)**

## **I. REQUEST**

The applicant, Jane Gross, is requesting that the Historic Preservation Board approve a request for the designation of an existing single-family home as an historic structure.

## **II. DESIGNATION PROCESS**

The process of designation for historic structures is delineated in Section 118-591(f) in the Land Development Regulations of the City Code. An outline of this process is provided below:

Step One: An application for the individual designation of a single-family home as an historic structure is submitted by the property owner to the Planning Department for recommendation to the Historic Preservation Board. The Board will make a determination as to whether the single-family home may be designated as an historic structure based upon the requirements and criteria of Section 118-592 in the Land Development Regulations of the City Code.

Step Two: Upon receipt of a completed application package, the Planning Department prepares a Designation Report that will be presented to the Historic Preservation Board at a regularly scheduled meeting. The Designation Report is an historical and architectural analysis of the proposed historic structure.

Step Three: The Designation Report is presented to the Historic Preservation Board at a public hearing. If the Board finds that the proposed single-family designation application meets the criteria set forth in Section 118-592 of the Land Development Regulations in the City Code, it may formally adopt the single-family home as a local historic structure. No public hearing is required before the Planning Board or City Commission. Upon the designation of a single-family home as an historic structure, the structure is subject to the Certificate of Appropriateness requirements of Article X of the Land Development Regulations in the City Code, with the exception of the interior areas of the structure (which are not be subject to such regulations).

## **III. RELATION TO ORDINANCE CRITERIA**

1. In accordance with Section 118-592 in the Land Development Regulations of the City Code, eligibility for designation is determined on the basis of compliance with the listed criteria set forth below.
  - (a) The Historic Preservation Board shall have the authority to recommend that properties be designated as historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites or historic districts if they are significant in the historical, architectural, cultural, aesthetic or archeological heritage of the city, the county, state or nation. Such properties shall possess an integrity of location, design, setting, materials, workmanship, feeling or association and meet at least one (1) of the following criteria:
    - (1) Association with events that have made a significant contribution to the history of the city, the county, state or nation;

- (2) Association with the lives of persons significant in the city's past history;
  - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;
  - (4) Possesses high artistic values;
  - (5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
  - (6) Have yielded, or are likely to yield information important in pre-history or history;
  - (7) Be listed in the National Register of Historic Places;
  - (8) Consist of a geographically definable area that possesses a significant concentration of sites, buildings or structures united by historically significant past events or aesthetically by plan or physical development, whose components may lack individual distinction.
- (b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.
2. The single-family residence at 2862 Fairgreen Drive is eligible for designation as an historic structure as it complies with the criteria as specified in Section 118-592 in the Land Development Regulations of the City Code outlined above.

**Staff finds that the proposed Historic Single Family Home located at 2862 Fairgreen Drive possesses integrity of location, design, setting, materials, workmanship, feeling, or association for the following reasons:**

**Satisfied;** *The construction of the home located at 2862 Fairgreen Drive in 1938, during the depression era of the 1930s, was clearly significant in the successful development history of the City of Miami Beach. The proposed historic home still possesses the integrity of its original location at 2862 Fairgreen Drive, despite nearly eighty years of hurricanes, storms, and economic crises. Further, the original building still retains many of its historic materials, details, and workmanship as well as the feeling of its 1930s period of construction in Miami Beach.*

- (a) Staff finds the proposed historic site to be eligible for historic designation and in conformance with the designation criteria for the following reasons:
  - (3) Embody the distinctive characteristics of an historical period, architectural or design style or method of construction;

*The single-family residence at 2862 Fairgreen Drive is a good example Colonial Revival architecture, sometimes called 'Florida Georgian' which*

*is an adaptation of the Georgian and Regency styles. The distinctive 2-story residence is characterized by a two-story front porch with decorative railings, rectangular plan, gable roof, traditional style shutters, and a classically inspired entry door surround.*

(4) Possesses high artistic values:

*The many defining features of the house add character to the neighborhood, are complimentary to each other; and are well refined design elements which embody the spirit of Colonial Revival Architecture. The carefully executed design was clearly done with the highest regard to the character of the house and the neighborhood in which it rests, as evidenced by the careful attention to detail expressed throughout the design.*

(5) Represent the work of a master, serve as an outstanding or representative work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage:

*August Geiger made a significant contribution to the character of Miami Beach's neighborhoods. As the architect for residential, religious, and civic buildings from the 1915 through 1930's, Geiger experimented with a number of architectural styles during his career in South Florida, including the Mission, Italian Renaissance, and Art Deco. Geiger is best known, however, for introducing the Spanish Colonial or Mediterranean Revival style to South Florida in 1915 with his design for the Miami City Hospital, locally known as "the Alamo."*

(b) A building, structure (including the public portions of the interior), improvement or landscape feature may be designated historic even if it has been altered if the alteration is reversible and the most significant architectural elements are intact and repairable.

*The single-family residence at 2862 Fairgreen Drive maintains high degree of architectural integrity with very limited modifications.*

3. The historic preservation board shall consider if the historic buildings, historic structures, historic improvements, historic landscape features, historic interiors (architecturally significant public portions only), historic sites, or historic districts comply with the sea level rise and resiliency review criteria in Chapter 133, Article II, as applicable, pursuant to Section 118-592.

(b) Criteria for ordinances, resolutions, or recommendations:

(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

*[ESTIMATED from LIDAR and 1995 Partial Building Records] The building is located on a site that is at an elevation of approximately 4.76' NGVD. The ground floor is at an elevation of approximately 6.51' NGVD.*

*At Mean High Water, Sea Level Rise is projected to be (NGVD Elevations):*

- 2.31 to 2.64 by 2030 (near-term)
- 2.98 to 3.98 by 2060 (mid-term)
- 4.39 to 6.89 by 2100 (long-term)

- (2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

*The proposal complements near and mid-term efforts to increase the resiliency of the City with respect to sea-level rise. Reevaluation may be necessary in the future for long-term effects (year 2100 and beyond).*

- (3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

*The proposal is compatible with the City's near and mid-term efforts to increase the resiliency of the City with respect to sea-level rise.*

#### **IV. DESCRIPTION OF BOUNDARIES**

The subject property is located at 2862 Fairgreen Drive on Lot 18 less south 20 feet and Lot 19, Block A-B of FAIRGREEN 2<sup>nd</sup> Amended Plant," according to the Plat thereof, as recorded in Plat Book 31 at Page 82, of the Public Records of Miami-Dade County, Florida.

#### **V. PRESENT OWNER**

The present owner of the subject property is Jane Gross.

#### **VI. PRESENT USE**

The original and current use of the subject property is single-family residential.

#### **VII. PRESENT ZONING DISTRICT**

The subject property is located in the RS-4 or Residential Single-Family Zoning District.

#### **VIII. ARCHITECTURAL BACKGROUND**

##### **Colonial Revival** (1880 to 1955)

The Colonial Revival style dominated domestic building throughout the country during the first half of the 20<sup>th</sup> century. Identifying features of this architectural movement include the following: accentuated front door, normally with a decorative pediment supported by pilasters, or extended forward and supported by slender columns to form an entry porch; doors commonly have overhead fanlights or sidelights; façade normally shows symmetrically balanced windows and center door (less commonly with door-off center); windows with double-hung sashes, usually with multi-pane glazing in one or both sashes; and windows frequently in pairs. Both 1 and 2-story plans of the Colonial

Revival style are common. These were built throughout the Colonial Revival movement but were most common in the 1920s and 1940s. The economic depression of the 1930s, World War II, and changing post-war fashions led to a simplification of the style in the 1940s and 1950s. These later examples generally have simple stylized door surrounds, cornices, or other details that merely suggest their colonial precedents rather than closely replicating them.<sup>1</sup>

### **Architect Biography**

August Geiger was born in New Haven, Connecticut, in September 1887. Geiger grew up in New Haven and began vacationing in the Miami area with his family around 1899. After completing his formal education at Boardman's Manual Training School, Geiger decided to study architecture and secured a position with a New Haven firm. In 1905, Geiger moved his permanent residence to Miami, working for a local architectural firm for six years before opening his own practice. Geiger opened a second office in Palm Beach in 1915; at that time, he and Addison Mizner were the only architects with offices in the growing resort city.

Geiger experimented with a number of architectural styles during his career in South Florida, including the Mission, Italian Renaissance, and Art Deco. Geiger is best known, however, for introducing the Spanish Colonial or Mediterranean Revival style to the area in 1915 with his design for the Miami City Hospital, locally known as "the Alamo."

Geiger's designs were popular with the wealthy industrial class that vacationed in South Florida, and his firm built many of their winter homes in Miami Beach and elsewhere. Geiger also served as the architect of the Dade County School Board and designed several schools in the county. The Geiger firm additionally designed churches, commercial buildings, and hotels, including Carl Fisher's first hotel on Miami Beach, the Lincoln.

Notable examples of Geiger's works include:

- **Neva Cooper School**  
Built as the Homestead Public School (1914), 520 NW 1st Avenue in Homestead. Geiger described this building as being in the Mission style, although it lacks some of the important characteristics of that style as defined today. The school is listed on the National Register.
- **The Lincoln Hotel**  
Carl Fisher's first hotel on Miami Beach which was constructed in 1914 or 1916 at the southwest corner of present Washington Avenue and Lincoln Road. The 32-room building was intended to be an apartment house. The hotel was modeled after Italian Renaissance buildings. The "first luxury accommodations on the Beach" opened its doors on January 20, 1917, but by 1921 was considered "too rustic" to meet Fisher's needs. The hotel was subsequently demolished.
- **Miami Beach Municipal Golf Course**

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<sup>1</sup> Virginia and Lee McAlester, A Field Guide to American Houses (New York: Alfred A. Knopf, 1994), pp. 321-326.

Located at 2100 Washington Avenue and constructed in 1915. More recent names for the structure are the Miami Beach Community Center, the Washington Avenue Community Center, and the Carl Fisher Clubhouse. This is the oldest building remaining on within the Miami Beach Architectural District listed on the National Register of Historic Places. This is believed to be the first use of Mediterranean style architecture on the Beach and one of the first in the Miami area.

- **The Alamo**

Constructed between 1915 and 1918, the building is located at 1611 NW 12th Avenue in Miami. This is the original building of the Miami City Hospital (Jackson Memorial Hospital) and, along with the Miami Beach Municipal Golf Course Clubhouse, the first use of the Mediterranean style in the Miami area. Geiger won a competition to design the hospital. The building is listed on the National Register.

- **Carl Fisher Residence**

Constructed in 1925 as Fisher's second house on Miami Beach located in the 5000 block of North Bay Road. The house was constructed in the Neo-Classical style, reportedly modeled after Italian villas of the Renaissance. The house originally included a large rectangular tower from which Fisher and his prospective customers could look out over Miami Beach.

- **Miami Women's Club (originally the Flagler Library)**

Constructed in 1925 the structure is located at 1737 North Bayshore Drive in Miami. Geiger won a competition judged by the AIA to design this building. The building is listed on the National Register.

- **Dade County Courthouse**

Geiger acted as associate architect with A. Ten Eyck Brown, of Atlanta, on the 1925 courthouse building located at 73 W. Flagler Street. The 27-story, Neo-Classical style building is listed on the National Register.

- **Ida M. Fisher Junior High School**

Located at 1424 Drexel Avenue in Miami Beach, the school was constructed in 1936 as the Miami Beach Senior High School. The Mediterranean style building was constructed by the Public Works Administration (PWA).

### **2862 Fairgreen Drive**

The 2-story single family home located at 2862 Fairgreen Drive was constructed in 1938 and designed by prominent local architect August Geiger in the Colonial Revival style of architecture. This 2-story residence was constructed in the middle of the Great Depression and cost \$8,000. Although no original plans have been located, the applicant has provided a copy of the original Building Permit Card and early photographs. Review of documents indicates that very few alterations have been made to the property since its original date of construction. According to the building permit history, a rear porch was enclosed in 1964, windows replaced in 1965 and a 1-story, 278 square foot addition was constructed attached to the rear of the property in 1995.

In addition to satisfying the criteria for evaluation as noted above, the building has retained its strong integrity over the years. The property is complemented by its setting and relationship with numerous other single-family homes of similar scale in various design styles. Its distinctive character contributes greatly to the streetscape of its residential neighborhood. The Colonial Revival design is carefully executed, in harmony with the surrounding landscape. The building's proportion, scale, massing and use of materials are reflective of 1930s period architecture.

#### **X. PLANNING DEPARTMENT RECOMMENDATIONS**

1. **Criteria for Designation:** Based upon the evidence presented and the historical and architectural significance of the single-family residence located at 2862 Fairgreen Drive, and in accordance with Chapter 118, Article X, Division 4, of the Land Development Regulations of the City Code, the staff of the City of Miami Beach Planning Department recommends that the Historic Preservation Board adopt the subject property as a local historic structure.
2. **Site Boundaries:** The Planning Department recommends that the boundaries of the historic site consist of the entire property located on Lot 18 less south 20 feet and Lot 19, Block A-B of FAIRGREEN 2<sup>nd</sup> Amended Plant," according to the Plat thereof, as recorded in Plat Book 31 at Page 82, of the Public Records of Miami-Dade County, Florida.
3. **Areas Subject to Review:** The Planning Department recommends that the proposed historic site shall be subject to Section 118-591 (f) of the Land Development Regulations of the City Code.
4. **Review Guidelines:** The Planning Department recommends that a decision on an application for a Certificate of Appropriateness shall be based upon Section 118-591 (f) of the Land Development Regulations of the City Code.



# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### Planning Board

TO: Chairperson and Members  
Planning Board

DATE: July 25, 2017

FROM: Thomas R. Mooney, AICP  
Planning Director

SUBJECT: **PB 17-0131. Alternative Parking Requirements.**

#### **REQUESTS**

**PB 17-0131. ALTERNATIVE PARKING REQUIREMENTS. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 114, "GENERAL PROVISION," BY AMENDING SECTION 114-1, "DEFINITIONS," AND ESTABLISHING SECTION 130-40 "ALTERNATIVE PARKING INCENTIVES" TO CREATE INCENTIVES AND ACTIONS THAT COULD REDUCE MINIMUM OFF STREET PARKING REQUIREMENTS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

#### **RECOMMENDATION:**

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

#### **HISTORY**

On May 16, 2017, the Mayor's Blue Ribbon Panel on Sea Level Rise discussed the attached Ordinance amendment and recommended that the City Commission refer it to the Land Use and Development Committee and Planning Board.

On June 7, 2017, at the request of Commissioner Joy Malakoff, the City Commission referred the subject ordinance to the Land Use and Development Committee and the Planning Board.

On June 14, 2017, the Land Use and Development Committee recommended that the Planning Board transmit the ordinance to the City Commission with a favorable recommendation.

#### **REVIEW CRITERIA**

In accordance with Section 118-163 (3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

- 1. Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

**Consistent** – The proposed LDR change is consistent with the Comprehensive Plan and Transportation Master Plan, which encourage alternative modes of transportation.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

**Consistent** – The proposed amendment does not create an isolated district.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

**Consistent** – The proposed change does not modify the scale of development and has safeguards to ensure that it is in line with the needs of affected neighborhoods.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

**Consistent** – The proposed amendment will not increase in the intensity of what would otherwise be permitted in the area. The proposal will reduce reliance on private vehicles and reduce the vehicle load on roadways.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

**Consistent** – The proposal does not modify existing boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

**Consistent** – Shifts in modes of transportation from private vehicles to alternative modes of transit makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

**Consistent** – The proposed amendments are intended to reduce reliance on private vehicles and traffic congestion and will not adversely influence living conditions.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

**Consistent** – The proposed changes should not create or excessively increase traffic congestion beyond the levels of service as set forth in the Comprehensive Plan or otherwise affect public safety.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

**Consistent** – The proposed changes do not modify the scale of development and will not seriously reduce light and air to adjacent areas.

10. **Whether the proposed change will adversely affect property values in the adjacent**

area.

**Consistent** – The proposed ordinance will not affect property values in adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

**Consistent** – The proposed change would not be a deterrent to the redevelopment or improvement of any adjacent property.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

**Not Applicable.**

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

**Not Applicable.**

In accordance to section 118-163, the planning board shall consider if the proposed ordinance complies with the sea level rise and resiliency review criteria for ordinances resolutions, or recommendations in Chapter 133, Article II.

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

**Not Applicable.**

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

**Consistent** – The proposal will encourage alternative modes which reduce the use of private vehicles and greenhouse gas emissions. Reduction in greenhouse emissions will assist in reducing the effects of sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

*The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.*

### **ANALYSIS**

Currently chapter 130 of the City code establishes parking requirements for various land uses throughout the City. The requirements are generally based on a suburban single-occupancy automobile centric development pattern, which is inconsistent with the development patterns of Miami Beach, which are more urban in nature. According to mode share data provided in the Miami Beach Transportation Master Plan, only 56.5 percent of commuters use private vehicles within the City of Miami Beach, compared to 86.5 percent in Miami-Dade County as a whole. 43.5 percent of commutes in Miami Beach are made through alternative forms of transportation

(See "Existing Mode to Work Mode Share" graphs at the end of this report).

The City hopes to further reduce the use of private vehicles for commuting in order to reduce congestion and greenhouse gas emissions. The Transportation Master Plan and Comprehensive Plan incorporate a 2035 mode share vision which seeks to reduce commuting through private vehicles to 42 percent and increase the share of other modes respectively (See "Adopted 2035 Mode Share Vision" at the end of this report).

Reflecting existing conditions and the 2035 Mode Share Vision, the proposed ordinance would reduce vehicle parking requirements, provided tangible forms of alternative transportation, including bicycle facilities, are provided. The City currently provides similar reductions within Parking District 6, which is located along Alton Road between 5<sup>th</sup> Street and Dade Boulevard. Reductions to vehicle parking requirements are proposed to generally be provided as follows:

- (a) *Bicycle parking long-term:* reduced by one (1) space for every five (5) long-term bicycle parking spaces, not to exceed 15 percent of required parking spaces.
- (b) *Bicycle parking short term:* reduced by one (1) parking space for every ten (10) short-term bicycle parking spaces, not to exceed 15 percent of required parking spaces.
- (c) *Carpool/vanpool parking:* reduced by three (3) parking spaces for every one (1) parking space reserved for carpool or vanpool vehicles registered with South Florida Commuter Services, not to exceed ten (10) percent of required parking spaces.
- (d) *Drop-off and loading zones for transportation for compensation vehicles:* parking requirements may be reduced at a ratio of three (3) parking spaces for every one (1) curb side drop off stall.
  - Developments over 50,000 square feet may increase drop off area to three (3) drop-off stalls for a maximum reduction of nine (9) parking spaces.
  - Vehicles stopped in such areas shall not stop in the drop-off and loading zones for no more than the time necessary to drop-off or load passengers and their belongings.
- (e) *Scooter, moped and motorcycle parking:* reduced by one (1) parking space for every three (3) scooter, moped, or motorcycle parking space, not to exceed 15 percent of required parking spaces.
- (f) *Showers:* nonresidential use parking reduced by two (2) parking spaces for each separate shower facility up to a maximum of eight (8) parking spaces.
  - Where possible, clothes lockers should be provided for walking and biking commuters.
- (g) Each of the reductions identified above shall be calculated independently from the pre-reduction off-street parking requirement.

- The reductions shall then be added together to determine the overall required off-street parking reduction.
  - The sum of all reductions shall not exceed 50% of the pre-reduction off-street parking requirement.
- (h) All developments are encouraged to provide the aforementioned facilities to the extent possible. Any building or structure incorporating any of the aforementioned facilities may provide required off-street parking on site up to the level specified in its applicable parking district. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.

**RECOMMENDATION**

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

TRM/MAB/RAM

F:\PLAN\PLB\2017\7-25-17\PB 17-0131 - ORD - Alternative Parking req\PB17-0131 - Alternative Parking Requirements - PB Staff Report 7-25-17.docx

### Existing Mode to Work Mode Share

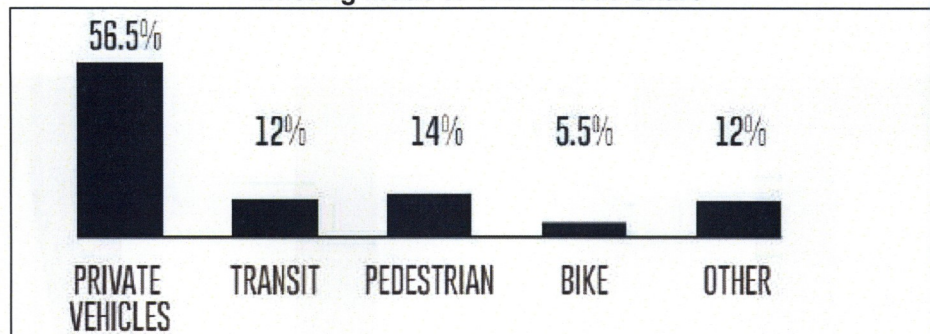


Figure 22: City of Miami Beach Residents Mode to Work

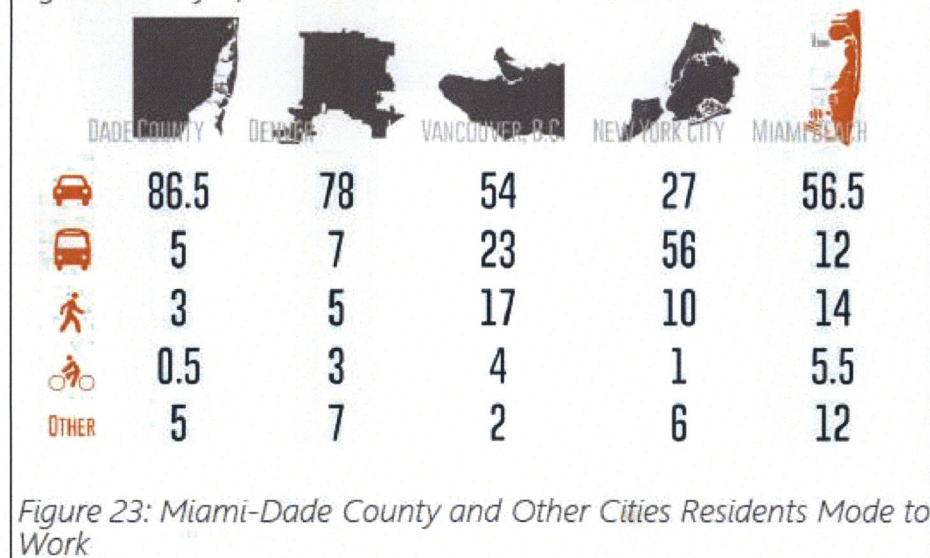
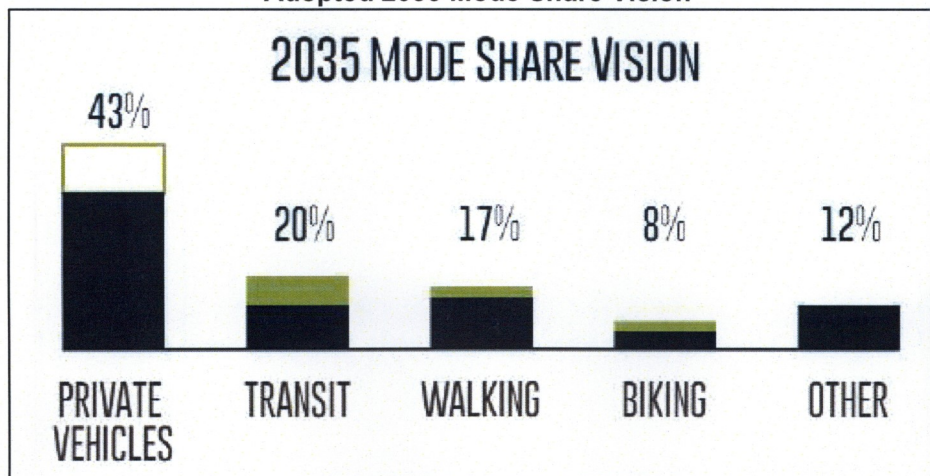


Figure 23: Miami-Dade County and Other Cities Residents Mode to Work

### Adopted 2035 Mode Share Vision



June 14, 2017

Miami Beach City Hall  
1700 Convention Center Drive  
Miami Beach, FL 33139

RE: Letter of Intent: Variance Request and Certificate of Appropriateness  
HPB17-0095  
1045 Pennsylvania Ave  
Miami Beach, Florida 33139

This project consists of the restoration, renovation and modification of an existing, two story, main and secondary buildings along with associated site improvement. In an effort to ensure privacy maintaining the existing historic elements of the buildings, three (3) variances are being requested:

**1- Existing decorative detail on the southeast corner of the building to be removed and replaced with a decorative wall & gate (exceeding 7' in height at 25% projection)**

The original decorative garden wall is currently demolished due to site vegetation and the lack of maintenance. In lieu of replicating the originally designed, low garden wall, we are proposing to book match the opposite garden wall with a gate for privacy and security (Section 118-353 (d) (1, 2) of the City Code). This decision was made with the intent of preserving the original building design intent (Section 118-353 (d) (5, 6,7) of the City Code).

**2- Existing north side property fence to be removed and replaced with a 10' high horizontal wood fence**

Based on the lack of privacy in the existing site and the proximity of the multi-family neighboring structure (Section 118-353 (d) (1, 2) of the City Code), we propose a horizontal wood fence 10' above grade (Section 118-353 (d) (5,6,7) of the City Code) to provide privacy and security for the property.

**3-Existing south side property wall to be removed and replaced with a 10' high horizontal wood fence**

Based on the lack of privacy in the existing site and the proximity of the multi-family neighboring structure (Section 118-353 (d) (1, 2) of the City Code), we propose a horizontal wood fence 10' above grade (Section 118-353 (d) (5,6,7) of the City Code) to provide privacy and security for the property.

In order to ensure that the structure is resilient in light of the effects of sea level rise, the sea level rise and resiliency review criteria is addressed below:

***(a) Criteria for development orders:***

***(1) A recycling or salvage plan for partial or total demolition shall be provided.***

A recycling plan will be provided as part of the submittal for a demolition permit to the building department. It is planned to reuse as much of the material as possible.



- (2) *Windows that are proposed to be replaced shall be hurricane proof impact windows.***

All windows will be replaced with hurricane proof impact windows.

- (3) *Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.***

All windows will be operable.

- (4) *Whether resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) will be provided.***

All new landscaping will consist of Florida friendly plants.

- (5) *Whether adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact, including a study of land elevation and elevation of surrounding properties were considered.***

The Southeast Florida Regional Climate Action Plan projects that sea level will rise 6 to 10 inches by 2030, 14 to 26 inches by 2060, and 31 to 61 inches by 2100 above the 1992 mean sea level. This represents NGVD elevations of 1.10' to 1.43' by 2030, 1.77' to 2.77' by 2060, and 3.18' to 5.68' by 2100 at Mean Sea Level. At Mean High Water this represents NGVD elevations of 2.31' to 2.64' by 2030, 2.98' to 3.98' by 2060, and 4.39' to 6.89' by 2100.

According to the Elevation Certificate, the ground adjacent to the building is at an elevation of 7.26' to 7.56' NGVD. The top of the first floor of the building is proposed to be at an elevation of 9.41' NGVD. The adjacent land elevations are at similar or slightly lower elevations. The site and building are therefore not in an area anticipated to be excessively impacted by Sea Level Rise in the timeframe included in the Sea Level Rise projection.

- (6) *The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land.***

The existing driveways into the existing garage are located at an elevation of 7.81' NGVD. This elevation is above anticipated future roadway elevations of 5.26' NGVD. The garage has an elevation of 9'1" from the ground level so there is sufficient clearance to raise the floor should the situation become necessary.

- (7) *Where feasible and appropriate, all critical mechanical and electrical systems shall be located above base flood elevation.***

All critical mechanical and electrical systems will be located on the roof of the structure, including the air-conditioning units.

- (8) *Existing buildings shall be, where reasonably feasible and appropriate, elevated to the base flood elevation.***



The first floor elevation will be located at 9.41' NGVD, which is .41' above the base flood elevation (8') plus minimum City of Miami Beach Freeboard (1').

***(9) When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter of 54 of the City Code.***

The building will not contain any habitable space located below the base flood elevation.

***(10) Where feasible and appropriate, water retention systems shall be provided.***

The site is currently built-out. There are insufficient open spaces to incorporate water retention systems. Therefore such a system is not feasible nor appropriate at this time.

If you have any questions or comments, please feel free to contact me.

Sincerely,

Applicant

# MIAMI BEACH

Page 1 of 4

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

Property address:

Board:

Date:

## BOARD APPLICATION CHECK LIST

A pre-application meeting must be scheduled with the Board staff to review all submittals.

Pre-application meetings for applications that do not require a traffic study are scheduled on a first come first served basis and must occur no later than five(5) business days prior to the CAP first submittal.

Applications requiring a traffic study must meet with Planning, Transportation, and peer reviewer 60 days\* prior to first submittal deadline to determine the methodology for the traffic impact study. After pre-application meeting, the applicant must create a CAP account in order to commence submittal process and pay fees.

Thirty days before first submittal, applicant must provide the traffic study via CAP (see Transportation Department's requirements list). The Transportation Department/Peer Reviewer will submit first round of comments 15 days prior to first submittal. Applicant must address comments and submit revised traffic study/plans for CAP first submittal deadline

Incomplete, or submittals found to be insufficient will not be placed on a Board agenda.

ITEM #	FIRST SUBMITTAL (VIA CAP) To be uploaded online (CAP) by the applicant before 5:00 pm on First submittal deadline. ALL PLANS MUST BE DIMENSIONED AND LEGIBLE. INCLUDE A GRAPHIC SCALE.	Required
1	Application Fee shall be paid after pre-application meeting and before the First submittal.	X
2	Copy of signed and dated check list issued at pre-application meeting.	X
3	Completed Board Application, Affidavits & Disclosures of Interest (original signatures).	X
4	Signed and dated Letter of Intent. Letter must outline application details and identify hardships if Variaces are requested. (see also Items # 43,44 and 45).	X
5	Mailing Labels: Upload property owner's list and copy of original certified letter from provider. Hard copy / originals (see Item #53).	X
6	Copies of all current or previously active Business Tax Receipts.	
7	School Concurrency Application for projects with a net increase in residential units (no SFH). Provide Planning Department - Miami Dade - School Concurrency Application for Transmittal	
8	Survey: Electronic version of original signed & sealed, dated no more than six months from date of application. Survey must provide: lot area, grade per Section 114-1 of the City Code. (If no sidewalk exists, provide the elevation of the crown of the road) and spot elevations.	X
9	<b>Architectural Plans and Exhibits (must be 11"x 17")</b>	X
a	Cover Sheet with bullet point scope of work, clearly labeled "First Submittal" and dated with First Submittal deadline date.	X
b	Copy of the original survey included in plan package. See No. 8 above for survey requirements	X
c	All Applicable Zoning Information (Use Planning Department zoning data sheet format).	X
d	Context Location Plan, Min 8.5"x11" Color Aerial 1/2 mile radius, identifying project ans showing name of streets	X
e	Full legal description of the property if not included in survey (for lengthy legal descriptions, attach as a separate document - lable clearly).	X
f	Existing FAR Shaded Diagrams (Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams).	X
g	Proposed FAR Shaded Diagrams(Single Family Districts: Unit Size and Lot Coverage Shaded Diagrams).	X
h	Site Plan (fully dimensioned with setbacks, existing and proposed, including adjacent right-of-way widths).	X
i	Current color photographs, dated, Min 4"x 6" of project site and existing structures (no Google images)	X
j	Current, color photographs, dated, Min 4"x6" of interior space (no Google images)	X

**\* 60 day lead time for projects including traffic studies is necessary to ensure completion of review and required corrections by final submittal deadline. Applications cannot be scheduled without evaluated and corrected traffic studies.**

Indicate N/A If Not Applicable

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Initials: \_\_\_\_\_

# MIAMI BEACH

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)  
305.673.7550

## Property address:

k	Current color photographs, dated, Min 4"x 6" of context, corner to corner, across the street and surrounding properties with a key directional plan (no Google images)	X
l	Existing Conditions Drawings (Floor Plans & Elevations with dimensions). Number of seats, furniture layout if applicable	X
m	Demolition Plans (Floor Plans & Elevations with dimensions)	X
n	Proposed Floor Plans and Roof Plan, including mechanical equipment plan and section marks. Plans shall indicate location of all property lines and setbacks.	X
o	Proposed Elevations, materials & finishes noted (showing grade, base flood elevation, heights in NGVD values and free board if applicable)	X
p	Proposed Section Drawings	X
q	Color Renderings (elevations and three dimensional perspective drawings).	
10	<b>Landscape Plans and Exhibits (must be 11"x 17")</b>	
a	Landscape Plan - street and onsite - identifying existing, proposed landscape material, lighting, irrigation, raised curbs, tree survey and tree disposition plan, as well as underground and overhead utilities when street trees are required.	
b	Hardscape Plan, i.e. paving materials, pattern, etc.	

ITEM #	FIRST SUBMITTAL (Online via CAP) ADDITIONAL INFORMATION AS MAY BE REQUIRED AT THE PRE-APPLICATION MEETING	Required
11	Copy of original Building Permit Card, & Microfilm, if available.	
12	Copy of previously approved building permits. (provide building permit number).	
13	Copy of previously recorded Final Orders if applicable.	
14	Existing and Proposed detailed topographic survey depicting existing spot grades (NAVD) as well as all underground/overhead utilities and easements/agreements with recording data. See Part 1 / Section 1 / A. Surveying & Mapping Standards and submittal Requirements of the Public Works Manual. <a href="http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920">http://www.miamibeachfl.gov/publicworks/engineering/engineeringmanual.aspx?id=12920</a>	
15	Vacant or Unoccupied structures or sites shall provide recent photographic evidence that the site and structure are secured and maintained. The applicant shall obtain and post a No Trespassing Sign from the City's Police Department.	
16	Historic Resources Report (This report shall include, but not be limited to, copy of the original Building Permit Card and subsequent modifications, Microfilm records, existing condition analysis, photographic and written description of the history and evolution of the original building on the site, all available historic data including original plans, historic photographs and permit history of the structure and any other related information on the property.	
17	Contextual Elevation Line Drawings, corner to corner, across the street and surrounding properties (dated).	
18	Line of Sight studies.	
19	Structural Analysis of existing building including methodology for shoring and bracing.	
20	Proposed exterior and interior lighting plan, including photometric calculations.	
21	Exploded Axonometric Diagram (showing second floor in relationship to first floor).	
22	Neighborhood Context Study. (Planning will provide guidance if necessary for application.)	
23	Required yards open space calculations and shaded diagrams.	
24	Required yards section drawings.	
25	Variance and/or Waiver Diagram	
26	Schematic signage program	
27	Detailed sign(s) with dimensions and elevation drawings showing exact location.	
28	Elevation drawings showing area of building façade for sign calculation (Building ID signs).	
29	Daytime and nighttime renderings for illuminated signs.	

# MIAMI BEACH

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

## Property address:

30	Floor Plan Indicating area where alcoholic beverages will be displayed.	
31	Survey showing width of the canal (Dimension shall be certified by a surveyor)	
32	Site Plan showing total projection of structures from seawall, location and dimension of all structures inclusive of dock, mooring piles, boat lift, etc.	
33	DERM recommendation/preliminary approval. Docks or any structures shall have approval stamp from DERM or other regulatory agency before submitting for a variance. A letter from DERM or other agency, explaining specific requirements for the project is recommended.	
34	Technical specifications of the boat lift and/ or boat, ship of vessel to be docked or moored.	
35	Survey shall include spot elevations in rear yard and elevation points on the dune adjacent to the property. Provide highest elevation point on the due within the property. Erosion control line and Bulkhead line shall be indicated if present.	
36	Scaled, signed, sealed and dated specific purpose survey (Alcohol License/Distance Separation) distance shown on survey with a straight line.	
37	Proposed Operational Plan: Include deliveries and trash pickup times, hours of operations, number of employees, security and restaurant menu (if applicable).	
38	Maneuvering plan for loading within the existing/proposed conditions, delivery and garbage trucks size (length and width).	
39	Traffic Study, Site plan(s) : Revised version addressing first round of comments from Transportation Department and peer review.	
40	Sound Study report (Hard copy) with 1 CD.	
41	<b>Site Plan (Identify streets and alleys)</b>	
a	Identify: setbacks _____ Height _____ Drive aisle widths _____ Streets and sidewalks widths _____	
b	# parking spaces & dimensions _____ Loading spaces locations & dimensions _____	
c	# of bicycle parking spaces _____	
d	Interior and loading area location & dimensions _____	
e	Street level trash room location and dimensions _____	
f	Delivery route _____ Sanitation operation _____ Valet drop-off & pick-up _____ Valet route in and out _____	
g	Valet route to and from _____ auto-turn analysis for delivery and sanitation vehicles _____	
h	Indicate any backflow preventer and FPL vault if applicable	
i	Indicate location of the area included in the application if applicable	
j	Preliminary on-street loading plan	
42	<b>Floor Plan (dimensioned)</b>	
a	Total floor area	
b	Identify # seats indoors _____ outdoors _____ seating in public right of way _____ Total _____	
c	Occupancy load indoors and outdoors per venue _____ Total when applicable _____	
43	<b>The letter of Intent shall include and respond to all sea level rise and resiliency review criteria per section 133-50 of the City Code.</b>	
44	<b>The Letter of Intent for Variance shall include and respond to all review guidelines in the code as follows:</b>	
a	Section 118-53 (d) of the City Code for each Variance.	
45	<b>The Letter of Intent for Planning Board shall include and respond to all review guidelines in the code as follows:</b>	
a	For Conditional Use -Section 118-192 (a)(1)-(7)	
b	CU -Entertainment Establishments - Section 142-1362 (a)(1)-(9)	
c	CU - Mechanical Parking - Section 130-38 (3)(c )(i)(1)-(2) & (4)(a)-(k)	
d	CU - Structures over 50,000 SQ.FT. - Section 118-192 (b) (1)-(11)	
e	CU - Religious Institutions - Section 118-192 (c) (1)-(11)	

# MIAMI BEACH

Page 4 of 4

Planning Department, 1700 Convention Center Drive 2<sup>nd</sup> Floor  
Miami Beach, Florida 33139, www.miamibeachfl.gov  
305.673.7550

## Property Address:

f	For Lot Splits - Section 118-321 (B) (1)-(6). Also see application instructions	
	<i>Notes: The applicant is responsible for checking above referenced sections of the Code. If not applicable write N/A</i>	

ITEM #	<b>FINAL SUBMITTAL (via CAP)</b>	
	<b>Revised and/or supplemented documents and drawings to address staff comments. Plans should be clearly labeled "Final Submittal" and dated with Final Submittal deadline date.</b> <b>Upload documents online (via CAP) before 5:00 pm on final submittal deadline. Staff will review and issue a notice to proceed to Paper final submittal or to continue submittal to a future meeting if the application is found incomplete.</b>	
46	Traffic Study, Site plan(s): This is the final traffic study including any modifications required to address comments from the City's Transportation Department. City's required permit by FDOT should be obtained prior to Final submittal (via CAP).	

ITEM #	PAPER FINAL SUBMITTAL:	Required
47	Original application with all signed and notarized applicable affidavits and disclosures.	X
48	Original of all applicable items.	X
49	One (1) signed and sealed 11"X17" bound, collated set of all the required documents.	X
50	14 collated copies of all the above documents	X
51	One (1) CD/DVD with electronic copy of entire final application package (plans, application, Letter of Intent, traffic/sound study, etc.) see CD/DVD formatting attached, for instructions.	X
52	Traffic Study (Hard copy)	
53	Mailing Labels -2 sets of gummed labels and a CD including: Property owner's list and Original certified letter from provider.	X

## NOTES:

- A. Other information/documentation required for first submittal will be identified during pre-application meeting.
- B. It is the responsibility of the applicant to confirm that documents submitted via CAP, Paper Submittal sets (14 copies), and electronic version on CD are consistent with each other and legible.
- C. Plan revisions and supplemental documentation will not be accepted after the Final Submittal deadline
- D. All documents required for Board applications must be submitted in an electronic format (PDF) via CD in the manner prescribed herein. The CD is considered the "Formal Submission", and must include the electronic version of all hard copy documents associated with the application. A new Updated CD will be required if any modifications are made before or after hearing. Failure to comply with the aforementioned may result in a rehearing before the applicable board.
- E. Please note that the applicant will be required to submit revised plans pursuant to applicable Board Conditions no later than 60 days after Board Approval, as applicable.

\_\_\_\_\_  
Applicant's or designee's signature

\_\_\_\_\_  
Date