

1. DISCUSS AND REVIEW THE FINAL REPORT AND RECOMMENDATIONS OF THE 2024 AD HOC HISTORIC PRESERVATION ORDINANCE ADVISORY REVIEW COMMITTEE.

Applicable Area:

**PRIORITY ITEMS 1**

# MIAMI BEACH

**COMMITTEE MEMORANDUM**

TO: Land Use and Sustainability Committee Members  
FROM: Eric Carpenter, City Manager  
DATE: March 11, 2025  
TITLE: DISCUSS AND REVIEW THE FINAL REPORT AND RECOMMENDATIONS OF THE 2024 AD HOC HISTORIC PRESERVATION ORDINANCE ADVISORY REVIEW COMMITTEE.

**RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the recommendations identified in the Final Report of the Ad Hoc Historic Preservation Ordinance Review Advisory Committee (Ad Hoc Committee), and send the item back to the City Commission for policy direction.

**BACKGROUND/HISTORY**

On January 31, 2024, at the request of Commissioner Alex Fernandez, the Mayor and City Commission (City Commission) referred a discussion (C4 H) regarding the establishment of an Ad Hoc Committee to the LUSC. On February 26, 2024, the LUSC discussed this proposal and recommended that the City Commission establish an Ad Hoc Committee for the purpose of reviewing current historic preservation regulations and making recommendations to the Mayor and City Commission.

On March 13, 2024, the Mayor and City Commission adopted Resolution No. 2024-32964 (and as subsequently amended by Resolution No. 2024-33193), creating the "Ad Hoc Historic Preservation Ordinance Review Advisory Committee".

On December 11, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion to review the final report and recommendations of the Ad Hoc Committee (C4 F) to the LUSC.

**ANALYSIS**

The Ad Hoc Committee was tasked with a comprehensive review of the City's historic preservation regulations including the possible expansion of the certificate of appropriateness (COA) review criteria, as well as providing recommendations to improve and/or streamline the review process for projects located in historic districts or on individual historic sites. The Ad Hoc Committee held five (5) public meetings between June 27, 2024 and October 15, 2024. All meetings were noticed on the City's website and the meetings were in the evening, commencing at 5:00 p.m., to allow interested parties to attend or participate without interfering with regular work hours.

During its meetings, the Ad Hoc Committee heard extensive comments from City staff. The attached Final Report of the Ad Hoc Committee, which was unanimously approved by the Ad Hoc Committee at its regular meeting on October 15, 2024, sets forth the Ad Hoc Committee's recommendations to the City Commission concerning proposed amendments to the City's Historic Preservation Ordinance and processes.

The Committee's specific recommendations are set forth in Part B of the Report. The Administration recommends that the LUSC discuss these recommendations and provide feedback to the City Commission.

**FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected.

**Does this Ordinance require a Business Impact Estimate?**  
(FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**FINANCIAL INFORMATION**

Not Applicable.

**CONCLUSION**

The Administration recommends that the LUSC endorse the recommendations identified in the Final Report of the Ad Hoc Committee, and send the item back to the City Commission for policy direction.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

**Condensed Title**

Discuss And Review The Final Report And Recommendations Of The 2024 Ad Hoc Historic Preservation Ordinance Advisory Review Committee.

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Alex Fernandez  
DATE: December 11, 2024  
TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS/REVIEW THE FINAL REPORT AND RECOMMENDATIONS OF THE 2024 AD HOC HISTORIC PRESERVATION ORDINANCE ADVISORY REVIEW COMMITTEE.

### **RECOMMENDATION**

### **BACKGROUND/HISTORY**

Please place the above item on the December 11, 2024 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee (“LUSC”).

On January 31, 2024, and at my request, the City Commission referred a discussion regarding the establishment of an Ad Hoc Historic Preservation Ordinance Review Advisory Committee (C4 H) to the LUSC. On February 26, 2024, the LUSC discussed this proposal and recommended that the City Commission establish an Ad Hoc Committee for the purpose of reviewing current historic preservation regulations and making recommendations to the Mayor and City Commission.

On March 13, 2024, the Mayor and City Commission adopted Resolution No. 2024-32964 (as subsequently amended by Resolution No. 2024-33193), creating the Ad Hoc Historic Preservation Ordinance Review Advisory Committee (the “Ad Hoc Committee”).

### **ANALYSIS**

The Ad Hoc Committee was tasked with a comprehensive review of the City's historic preservation regulations including the possible expansion of the certificate of appropriateness (COA) review criteria, as well as providing recommendations to improve and/or streamline the review process for projects located in historic districts or on individual historic sites. The Ad Hoc Committee also discussed adopting new incentives for historic preservation. After a series of highly productive public meetings, the Ad Hoc Committee voted unanimously on October 15, 2024, to approve its Final Report and Recommendations, which are set forth in Exhibit “A” to this Memorandum.

I would like the LUSC to review the Ad Hoc Committee's report and discuss which recommendations should be adopted by the City Commission. Given the significance and breath of the Ad Hoc Committee's recommendations, I intend to call a special LUSC meeting. Following review and recommendations by the LUSC, I intend to sponsor a subsequent referral to the Planning Board to adopt corresponding amendments to the Land Development Regulations.

### **FISCAL IMPACT STATEMENT**

**Does this Ordinance require a Business Impact Estimate?**  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

**FINANCIAL INFORMATION**

**CONCLUSION**

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Office of Commissioner Alex Fernandez

**Sponsor(s)**

Commissioner Alex Fernandez

**Co-sponsor(s)**

**Condensed Title**

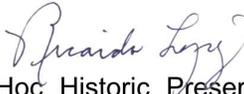
Ref: LUSC - Final Report of Ad Hoc Historic Preservation Committee. (Fernandez)

# MIAMIBEACH

Ad Hoc Historic Preservation Ordinance Review Advisory Committee

## LETTER TO COMMISSION

TO: Honorable Mayor Steven Meiner and Members of the City Commission

FROM: Ricardo Lopez, Chair   
Members of the Ad Hoc Historic Preservation Ordinance Review  
Advisory Committee

DATE: October 23, 2024

SUBJECT: **FINAL REPORT AND RECOMMENDATIONS OF THE 2024 AD HOC  
HISTORIC PRESERVATION ORDINANCE ADVISORY REVIEW COMMITTEE**

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### **PART A. INTRODUCTION/BACKGROUND**

The City's first Historic Preservation Ordinance was adopted in 1982 and has been amended multiple times over the past four (4) decades. The current Historic Preservation Ordinance is contained within Chapter 2, Article XIII of the Resiliency Code, and includes regulations specific to the review of projects by the Historic Preservation Board (HPB), maintenance of designated properties and demolition by neglect, issuance of certificates of appropriateness, and historic designation procedures.

Between 1983 and 2022, the City designated fourteen (14) historic districts, seventeen (17) individually designated historic sites, and thirty-one (31) individually designated historic single-family homes, which are all subject to the regulations contained in the Historic Preservation Ordinance.

On January 31, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion regarding the establishment of an Ad Hoc Historic Preservation Ordinance Review Advisory Committee (C4 H) to the Land Use and Sustainability Committee (LUSC). On February 26, 2024, the LUSC discussed this proposal and recommended that the City Commission establish an Ad Hoc Committee for the purpose of reviewing current historic preservation regulations and making recommendations to the Mayor and City Commission.

On March 13, 2024, the Mayor and City Commission adopted Resolution No. 2024-32964 (and as subsequently amended by Resolution No. 2024-33193), creating the "Ad Hoc Historic Preservation Ordinance Review Advisory Committee".

The Committee members are:

- Ricardo Lopez, Chair

- Michael Goldberg, Vice Chair
- Alex Witkoff
- Andrew Halloran
- Scott Needelman
- Daniel Ciraldo
- Javier Granda

The committee was tasked with a comprehensive review of the City's historic preservation regulations including the possible expansion of the certificate of appropriateness (COA) review criteria, as well as providing recommendations to improve and/or streamline the review process for projects located in historic districts or on individual historic sites. The Committee held five (5) public meetings between June 27, 2024 and October 15, 2024. All meetings were noticed on the City's website and the meetings were held in the evening, commencing at 5:00 p.m., to allow interested parties to attend or participate without interfering with regular work hours.

During the course of its meetings, the Committee heard extensive comments from City staff. This Final Report, which was unanimously approved by the Committee at its regular meeting on October 15, 2024, sets forth the Committee's recommendations to the Mayor and City Commission concerning proposed amendments to the City's Historic Preservation Ordinance and processes. The Committee's recommendations are set forth in Part B of this Report for the City Commission's consideration. Draft amendments for certain recommendations are set forth in the attached Appendix.

The Committee would like to recognize the City's strong commitment to preserving its historic architecture. The Committee wishes to extend its appreciation to Historic Preservation & Architecture Officer Debbie Tackett, Principal Planner Jake Seiberling, and Chief Deputy City Attorney Nick Kallergis for their dedication and support as we performed our work. Lastly, we wish to thank the City Commission for appointing us to the Ad Hoc Historic Preservation Ordinance Advisory Review Committee and giving us the opportunity and resources to conduct this important task.

Thank you for your consideration.

## **PART B. SUMMARY OF HISTORIC PRESERVATION ORDINANCE ADVISORY REVIEW COMMITTEE'S RECOMMENDATIONS**

Below is a summary of each major topic of discussion and corresponding Committee recommendations. The text of amendments recommended by the Committee are attached in Appendix A.

### **Certificate of Appropriateness Criteria**

At its July 2024 meeting, the Committee reviewed the City's certificate of appropriateness (COA) criteria along with the COA criteria of other cities with comparable historic preservation programs. A certificate of appropriateness is required prior to the issuance of any permit for new construction, demolition, alteration, rehabilitation, renovation, restoration, signage or any other physical modification affecting any building, structure, improvement, landscape feature, or public interior within a local historic district or site.

The Committee remarked on the sheer number of review criteria required in Miami Beach (over 50) compared to other municipalities, most of which included only the ten (10) criteria listed in the Secretary of Interior's Standards for Rehabilitation. The Committee also noted that many of the City's criteria were redundant, out of date and/or erroneous. In an attempt to enhance public perception of the COA review process, streamline the review process, and reduce repetition, the Committee recommends that the Mayor and City Commission amend Section 2.13.7(d)(2) & (6)(D) of the Resiliency Code, as drafted in the Appendix.

Further, the Committee noted that the reference to the Secretary of Interior's Standards Guidelines within the City's criteria could be misinterpreted and recommended unanimously that the following clarifying language be added:

*The Secretary of Interior's Guidelines for Rehabilitation are intended as an aid to assist in applying the Secretary of Interior's Standards but are not meant to give case-specific advice or address exceptions or unusual conditions.*

### **Historic Preservation Review Process**

The City's historic preservation review process is primarily focused on the review of applications for COA in accordance with the review criteria. While certain minor improvements such as window replacement, signage, repairs and exterior painting may be reviewed at the administratively level, all major physical alterations require an application to the HPB.

At its August 2024 meeting, the Committee discussed possible ways to streamline the COA process for applicants while maintaining public transparency. After extensive discussion, the Committee made several recommendations as outlined below and drafted in the Appendix.

#### **1. Expansion of Administrative Authority for COA Review**

The Committee recommends that administrative review of COA applications be expanded to include the following:

- Sustainable roofing
- Property walls, fences & gates
- Minor public interior modifications
- Minor work involving improvements upon public rights-of-way and easements

- Demolition and reconstruction in accordance with historical documentation of architectural features
- Railing replacement that closely replicates the original design in an alternate material

Additionally, the Committee recommends that design guidelines be developed to allow staff to approve alternate railing designs for non-contributing buildings.

2. **Modifications to the Two-Step Process**

Section 2.13.7(c)(7) of the Resiliency Code currently provides for a two-step approval process for a certificate of appropriateness. The first step consists of first, a binding preliminary concept approval on the issues of urbanism, massing and siting and second, approval of the project details. Committee members noted that this process, as currently written, is unclear, which is likely the reason it has not been utilized by applicants. All Committee members agreed that this could be an extremely useful tool for larger more complex projects, if there were more detailed requirements and guidance. After a thoughtful discussion, the Committee recommended that the two-step process be amended to include specific application requirements for each step and clarification of eligibility. The specific language recommended by the Committee may be found in the Appendix.

3. **Transportation Analysis and Mitigation Plan Requirements**

Currently, Section 2.13.7(b)(l) of the Resiliency Code requires commercial and mixed-use developments over 5,000 gross square feet and multi-family projects with more than four (4) new units or 15,000 gross square feet to submit a transportation analysis and mitigation plan, prepared by a professional traffic engineer, licensed and registered in the State of Florida.

While the Committee agreed that this requirement is important for larger projects, several members expressed concern that it may be burdensome for smaller projects. Consequently, the Committee recommends that Section 2.13.7(b)(l) be amended to require the transportation analysis and mitigation plan for commercial, residential or mixed-use projects that exceed 50,000 new gross square feet.

4. **Expansion of Special Review Procedure for Single-Family Homes**

Section 2.13.8 of the Resiliency Code provides for expanded administrative review of exterior improvements and additions to homes located within local historic districts. Currently however, the size of any addition is limited to 20% of the size of the existing home for lots between 5,000 and 10,000 sq. ft.

The Committee noted that the majority of existing homes located within a historic district are modest in size and, an addition that is limited to no more than 20% of additional square footage, may be limiting. After discussion, the Committee unanimously recommended that the City explore the idea of allowing for the administrative approval of larger additions to such homes, provided the additions are not substantially visible from a right-of-way or waterway and that a mail notice be provided to any immediately adjacent property owners, prior to such administrative approval. Further, the Committee stressed the importance of outreach to the two historic single-family home neighborhoods (Palm View and Flamingo Park west), prior to the adoption of any such amendment.

5. **Notice Requirements for Continued Items**

The Committee noted that out of the City's four (4) Land Use Boards, the Historic Preservation Board is the only Board that requires an additional notice in the Miami Herald for items that are continued by the Board to a date certain. The Committee commented that this may cause confusion and is redundant. Consequently, the Committee recommends an amendment to Section 2.13.2(b)(2)(C)(III) of the Resiliency Code.

6. **Inclusion of Procedures for Historic Designation Removal**

Section 16A-3.1 of the Code of Miami Dade County, Florida requires any municipality who wishes to opt out of the County's historic preservation jurisdiction by enacting its own historic preservation ordinance meet certain minimum standards. During this year's required annual reporting to the County, it was noted that the City's current historic preservation ordinance does not include a procedure for removing a historic designation. After discussion with the County's Chief of Historic Preservation, staff presented to the Committee the language recommended by the County to meet this minimum standard. After a brief discussion, the Committee unanimously recommend that the ordinance be amended to include the following language:

*Amendment or rescission. The City Commission or Historic Preservation Board, as applicable, may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.*

**Incentives for Historic Preservation**

At its September meeting, the Committee discussed possible ways in which the City could incentivize property owners to rehabilitate historically designated properties. A summary of the ideas discussed, and Committee recommendations are outlined below.

1. **Ad Valorem Tax Exemption for Historic Properties**

Currently, both the City of Miami Beach and Miami Dade County offer tax exemptions for renovations to historic properties. Both programs allow for the exemption of up to 100% of the increase in taxable building value as determined by the property appraiser, for qualifying improvements. The maximum duration of such exemption is ten (10) years. While the County's program allows for commercial and multi-family buildings to apply for the tax exemption, the City offers this incentive exclusively to owners of historic single-family homes.

After some discussion, the Committee recommended that the City explore expanding its current program for historic single-family homes to include contributing and individually designated multi-family residential and commercial buildings.

2. **Transfer of Development Rights (TDR) / Transfer of Development Density (TDD)**

The Committee discussed the creation of a TDR or TDD program. A TDR program could allow eligible contributing buildings located in selected areas of the city to preserve their historic properties while obtaining a fair market value for their unused floor area by selling these rights to another property in a selected receiving area with the city. A TDD program could be similar but instead of or in addition to floor area, density could be transferred.

The Committee expressed an interest in exploring this type of incentive further and studying the most appropriate locations for selling and receiving area. Specifically, the

Committee recommends that the City explore the creation of such a program where low-scale residential areas such as Flamingo Park or North Beach would benefit most. Additionally, the Committee recommended that any receiving areas be located within the city's commercial corridors.

3. **Single-Family Home Zoning Incentives**

The Committee discussed the current single-family home zoning incentives for the retention of architecturally significant homes that are not located within an historic district. The Committee agreed that the incentives should apply to contributing homes within historic districts with the exception of additional unit size and recommends Section 7.2.2.4(a)(4) be amended to include contributing homes that are substantially retained and restored.

4. **Other Possible Incentives**

As referred by the Mayor and City Commission, the Committee also discussed two items currently pending discussion at the Land Use & Sustainability Committee specific to incentives to encourage owners of rental apartment buildings located in Flamingo Park and North Beach to fully renovate their properties. As part of the discussion, the Committee considered reducing or waiving City fees, creating an expedited review and permitting process, and assisting property owners with the identification of affordable housing grants.

The Committee discussed the incentives outlined in the referrals and came to consensus that these incentives alone would not be enough to encourage renovation, and additional financial incentives should be explored.

**Other Recommendations**

The Committee discussed the current volume of work performed by the City's historic preservation staff which currently includes two full-time members of the Planning Department. The Committee noted the large number of extremely complex projects occurring within the city's historic districts and remarked on the efficiency and high quality of work performed by staff. After discussion, the Committee recommended that the City consider funding one additional staff member to assist with historic preservation review and any new potential incentives program.

The Committee believes that this action would reinforce the City's continuing commitment to historic preservation excellence.

**PART C. CONCLUSION**

Should the City Commission consider implementing any of the recommendations, amendments to the land development regulations would be required. Further, the recommended incentives are expected to have fiscal implications and may require additional staff to ensure any such program is well-run, can meet demand, and complies with all anticipated audits.

**2024 AD HOC HISTORIC PRESERVATION ORDINANCE  
ADVISORY REVIEW COMMITTEE**

**APPENDIX TO FINAL REPORT AND RECOMMENDATIONS**

**CERTIFICATE OF APPROPRIATENESS (COA) CRITERIA**

**Section 2.13.7(d)(ii):**

1. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable compliance with the following:
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
  - b. The Secretary of Interior's Standards for Reconstruction as may be amended from time to time.
  - c. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.

The Secretary of Interior's Guidelines for Rehabilitation are intended as an aid to assist in applying the Secretary of Interior's Standards but are not meant to give case-specific advice or address exceptions or unusual conditions.

- ~~2. In determining whether a particular application is compatible with surrounding properties the historic preservation board shall consider the following:~~
  - ~~a. Exterior architectural features.~~
  - ~~b. General design, scale, massing and arrangement~~
  - ~~c. Texture and material and color~~
  - ~~d. The relationship of subsections a., b., c., above, to other structures and features of the district.~~
  - ~~e. The purpose for which the district was created.~~
  - ~~f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.~~
  - ~~g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.~~
  - ~~h. The original architectural design or any subsequent modifications that have acquired significance.~~

3. 2. The examination of architectural drawings for consistency with the criteria stated below, with regard to the aesthetics, appearances, compatibility, 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:
- 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.
  - 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.
  - 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 2.13.1(c).
  - d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and enhance the appearance of the surrounding properties, or the purposes for which the district was created.
  - 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.
  - 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.
  - 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.
  - h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

- 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.
- 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).
- 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.
- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.
- 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).~~
- 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.
- 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.
- p. ~~In addition to the foregoing criteria, the requirements of chapter 104, of the General Ordinances, shall apply to the historic preservation board's review of any proposal to place, construct, modify or maintain a wireless communications facility or other over the air radio transmission or radio reception facility in the public rights-of-way.~~
- q. ~~The structure and site comply with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.~~

**Certificate of Appropriateness for Demolition Criteria - Section 2.13.7(d)(vi)(4)**

- a. ~~The building, structure, improvement, or site is designated on either a national or state level, as part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to section 2.13.9 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.~~
- b. The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense.

- c. The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a distinctive example of an architectural or design style which 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 chapter 1 of these land development regulations or is an architecturally significant feature of a public area of the interior of a historic or contributing building.~~
- 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.
- 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, or the design review guidelines for that particular district. If the district in which the property is located lists retail uses as an allowable use, then the ground floor shall contain such uses. At-grade parking lots shall not be considered under this regulation. Parking lots or garages as main permitted uses shall not be permitted on lots which have a lot line on Ocean Drive or Espanola Way.~~
- 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.
- h. The county unsafe structures board has ordered the demolition of a structure without option.

## **CERTIFICATE OF APPROPRIATENESS (COA) APPLICATION PROCESS**

### **Current Scope of Administrative review (Section 2.13.7(c))**

- 4. Notwithstanding subsections 2.13.7(c)(1) through (3) above, all applications for certificates of appropriateness involving minor repairs, demolition, alterations and improvements (as defined below and by additional design guidelines to be adopted by the board in consultation with the planning director) shall be reviewed by the staff of the board in accordance with the certificate of appropriateness criteria. The staff shall approve, approve with conditions, or deny a certificate of appropriateness or a certificate to dig after the date of receipt of a completed application. For purposes of this paragraph, the application requirement of certificate of appropriateness review shall be satisfied by the submission of a corresponding building permit application, or such other permit application form required by the planning department. Such minor repairs, alterations and improvements include the following:

- A. Ground level additions to existing structures, not to exceed two stories in height, which are not substantially visible from the public right-of-way (excluding rear alleys), any waterfront or public parks, provided such ground level additions do not require the demolition or alteration of architecturally significant portions of a building or structure. For those lots under 5,000 square feet, the floor area of the proposed addition may not exceed 30 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 1,500 square feet. For those lots between 5,000 square feet and 10,000 square feet, the floor area of the proposed addition may not exceed 20 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 2,000 square feet. For those lots greater than 10,000 square feet, the floor area of the proposed addition may not exceed 10 percent of the floor area of the existing structure or primary lot, whichever is less, with a maximum total floor area not to exceed 5,000 square feet.
- B. Replacement of windows, doors, storefront frames and windows, or the approval of awnings, canopies, exterior surface colors, storm shutters and signs.
- C. Facade and building restorations, recommended by staff, which are consistent with historic documentation, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- D. Minor demolition and alterations to address accessibility, life safety, mechanical and other applicable code requirements, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- E. Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- F. Accessory Dwelling Units (ADU) within single family zoning districts; provided the proposed ADU does not require the demolition or alteration of architecturally significant portions of a building or structure

***Expansion of Administrative review (Section 2.13.7(c)(4))***

- G. Sustainable roofing (Section 7.5.1.5) - For structures located within historic districts, the planning director may approve a metal, glass, or sustainable roofing system if the planning director determines that the design of the roof is consistent with the certificate of appropriateness criteria in Section 2.13.7(d) and that the scale, massing, and design of the subject home can accommodate a metal, glass, or sustainable roofing system, and that such roofing system will not negatively impact the established architectural context of the immediate area.
- H. Property walls, fences, and gates.
- I. Minor public interior modifications – minor work associated with the public interiors of buildings and those interior portions of commercial structures which

front a street or sidewalk, provided the work does not require the demolition or alteration of architecturally significant portions of the public interior spaces.

- J. Minor work involving public improvements upon public rights-of-way and easements.
- K. Railing replacement that closely replicates the design in an alternate material. *(The Committee also recommended that the city consider providing funding to the Planning Department to develop design guidelines for alternate railing designs that may be reviewed administratively for non-contributing buildings.)*
- L. Demolition and reconstruction of architectural features, regardless of the visibility of from the street, provided staff has sufficient information to ensure an accurate reconstruction.

### **Two-step process (Section 2.13.7(c)(7))**

The voluntary two-step process shall consist of, first, a binding, preliminary concept approval on the issues of urbanism, massing and siting; and second, approval of the project's design details (style, fenestration, materials, etc.). This two-step process shall be subject to the following:

- A. ~~The historic preservation board shall have the sole discretion, on an individual, case-by-case basis, to decide which d~~ Development projects shall satisfy the below criteria may qualify to be eligible for this two-step approval process for a certificate of appropriateness, as determined by the Planning Director.
  - 1. Properties that exceed one (1) acre in area (43,560 square feet) or development that exceeds 75,000 gross square feet.
  - 2. Project includes partial or total demolition.
- B. Step one. Preliminary concept approval on the issues of urbanism, massing and siting and shall include the following minimum requirements in addition to the standard application and noticing requirements:
  - 1. Fully dimensioned site plan with all setback information
  - 2. Zoning legend
  - 3. Massing studies
  - 4. Context studies
  - 5. Historic Resources Report
  - 6. Preliminary restoration plan for any contributing building on the site
  - 7. Demolition plans

The above plans, studies and models shall be to scale, and all shall be signed and sealed by an architect registered in the State of Florida.

Applications that include variances as part of step one may be required to provide additional information, as determined by the Planning Director.

- C. Step two. The applicant shall have a maximum of ~~120~~180 days from the date of preliminary concept approval on the issues of urbanism, massing and siting, to return to the board with fully developed design drawings and substantial details (style,

fenestration, materials, etc.) including all other required plans and documents for final approval, or the entire application shall become null and void. ~~The board-Planning Director, at its sole discretion for good cause,~~ may extend the time period to obtain final approval for the remainder of the project up to a maximum of one year from the date of the original submission of the application.

### **Transportation Analysis and Mitigation Plan (Section 2.13.7(b)(2)(I))**

Commercial, ~~residential~~ and mixed-use developments over ~~5,000~~ 50,000 new gross square feet ~~and multifamily projects with more than four new units or 15,000 new gross square feet~~ shall submit a transportation analysis and mitigation plan, prepared by a professional traffic engineer, licensed and registered in the State of Florida. The analysis and plan shall at a minimum provide the following:

- I. Details on the impact of projected traffic on the adjacent corridors, intersections, and areas to be determined by the city.
- II. Strategies to mitigate the impact of the proposed development on the adjacent transportation network, to the maximum extent feasible, in a manner consistent with the adopted transportation master plan and adopted mode share goals.
- III. Whenever possible, driveways shall be minimized and use common access points to reduce potential turn movements and conflict points with pedestrians.
- IV. Applicable treatments may include, without limitation, transportation demand management strategies included in the transportation element of the comprehensive plan

### **Deferrals and Continuance (Section 2.13.2(b)(2)(C)(III))**

The board may continue an application to a date certain at either the request of the applicant or at its own discretion. ~~In the event the application is so continued, not less than 15 days prior to the new public hearing date, a description of the request, and the time and place of such hearing shall be advertised in a newspaper of general circulation within the municipality at the expense of the city.~~

### **Procedure for Designation Removal (Section 2.13.9)**

11. Amendment or rescission. The City Commission or Historic Preservation Board, as applicable, may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.