

ITEM PZ 13 FIRST READING ORDINANCE - (J-99-930)

REQUEST: To amend Ordinance No. 11000, in order to add the Historic Preservation Overlay District

LOCATION: Approximately 2167 South Bayshore Drive

APPLICANT(S): Coconut Grove Park, Inc.

APPLICANT(S) AGENT: Gilberto Pastoriza, Esquire

APPELLANT(S): N/A

APPELLANT(S) AGENT: N/A

RECOMMENDATIONS:

- Planning and Zoning Department:** Approval
- Building Department:** N/A
- Public Works Department:** N/A
- Plat & Street Committee:** N/A
- Historic Preservation Board:** Approval
- Planning Advisory Board:** N/A
- Zoning Board:** Recommended approval to City Commission. Vote of 6-0.

Change of Zoning as listed in Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Article 4, Section 401, Schedule of District Regulations, R-1 Single-Family Residential in order to add the Historic Preservation Overlay District for the property located at approximately 2167 South Bayshore Drive.

This will provide a public benefit by preserving the heritage of the City.

Approved
5-0

ANALYSIS FOR ZONING CHANGE

2167 SOUTH BAYSHORE DRIVE

proposal to apply
HP overlay to Villa
Woodbine
intent of HP overlay
is to allow
adaptive uses for
certain properties
that require less
uses to ensure
their preservation

Pursuant to Article 4, Section 401 and Article 7, Section 701 of Ordinance No. 11000, as amended, the Zoning Ordinance of the City of Miami, Florida, the subject proposal for an amendment to the Zoning Atlas has been reviewed as follows:

The following findings have been made:

- It is found that subject property has been designated as a historic site pursuant to Section 23-4 of the Miami City Code and is therefore eligible to apply for the HP Historic Preservation Overlay District.
- It is found that one of the most significant characteristics of Villa Woodbine is its setting, which features a large estate located on top of the limestone bluff along South Bayshore Drive.
- It is found that size of the property would allow it to be subdivided into numerous single family lots, or a Planned Unit Development, thereby destroying the setting and detracting from the historic and architectural character of the entire property.
- It is found that the potential value of the property, if developed to its highest and best use, so far exceeds its value as one single family residence that it would be an undue economic hardship for a new owner to retain the historic building for its permitted use.
- It is found that the only means of assuring the preservation of the historic building and its site is to allow an adaptive use. Without such a use, the building and/or its site will likely be redeveloped.
- It is found that the proposed use of the subject property as a private club will run with the preservation of the historic building, not with the land, and that if the building is destroyed, the use will no longer be permissible. Said use is permissible only within the historic building.
- It is found that because the application of the HP overlay is tied completely to the preservation of a historic building, the approval of said overlay will in no way set a precedent for the approval of similar uses on South Bayshore Drive.
- It is found that the proposed use of the subject property for a private club will provide a public benefit by preserving the heritage of the City of Miami and will not have an adverse effect on the neighborhood.
- It is found that if the HP overlay is approved, all plans to implement the proposed use as a private club would require a public hearing before the Historic and Environmental Preservation Board and the City Commission.

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Based on these findings, the Planning Department recommends approval of the application as presented.

in order
to implement
the use as
a private
club,
an
additional
of public
hearings will
be held

ARTICLE 7. HP HISTORIC PRESERVATION OVERLAY DISTRICTS*

Sec. 700. Intent.

Chapter 23.1, Historic Preservation, of the Miami City Code has the intent of preserving and protecting the heritage of the City of Miami through the restoration, rehabilitation and adaptive use of Miami's historic and architectural resources. It is the intent of this article to further promote the adaptive use of historic sites and historic districts by relaxing certain otherwise applicable zoning regulations if the standards, procedures and conditions set forth in this article are met.

(Ord. No. 10874, § 1, 4-25-91)

Sec. 701. Application of district.

No application for an HP overlay district shall be accepted unless the historic site or historic district has been designated pursuant to section 23.1-4 of the Miami City Code. Furthermore, HP overlay districts shall be applied only to said designated historic sites and historic districts which shall require a conditional use or deviation, as defined in section 704.1 below, to encourage or assure their preservation.

HP overlay districts may hereafter be established pursuant to the provisions of article 22, Amendments, except that all applications for amendments shall be submitted to the historic and environmental preservation board, as established pursuant to section 62-70 of the Miami City Code, for review and recommendation prior to any public hearing on such application by the planning advisory board or zoning board. Applications for amendments to existing HP overlay districts shall be processed likewise. Applications for HP overlay districts shall be exempt from the size limit requirement on the rezoning of property as established in section 2214.1.

(Ord. No. 10874, § 1, 4-25-91)

Sec. 702. Effect of district.

HP overlay districts shall have the effect of modifying requirements, regulations and procedures applying in existing zoning districts indicated in the official zoning atlas, or zoning districts hereafter created and remaining after the HP overlay district is superimposed, to the extent provided herein. All zoning requirements, regulations and procedures not specifically modified by the HP overlay shall remain in full force and effect.

(Ord. No. 10874, § 1, 4-25-91)

*Editor's note—Ord. No. 10874, § 1, adopted Apr. 25, 1991, repealed former Art. 7 of the zoning ordinance, §§ 700—711, relative to heritage conservation overlay districts, and enacted new provisions as Art. 7, §§ 700—705. Formerly, Art. 7 derived from Ord. No. 11000, the base zoning ordinance, adopted Mar. 8, 1990.

Sec. 703. Historic and environmental preservation board; preservation officer.

The historic and environmental preservation board (hereinafter referred to as the "board") and the preservation officer as established pursuant to sections 62-70 and 62-75 of the Miami City Code shall carry out the duties as assigned by this article.
(Ord. No. 10874, § 1, 4-25-91)

Sec. 704. Conditional uses and deviations.

704.1. Types of conditional uses and deviations permissible.

704.1.1. Conditional uses. Professional offices, tourist and guest homes, museums, and private clubs or lodges may be permissible as conditional uses. Such uses shall be permissible only within existing structures that contribute to the historic character of the historic site or district, as identified in the designation report prepared pursuant to section 23.1-4(B)(2) of Code of the City of Miami; and shall not be permissible in any case where the structure(s) of principal historic significance has (have) been destroyed or damaged beyond repair, unless such structure(s) is (are) reconstructed in accordance with a certificate of appropriateness approved by the board pursuant to the provisions of section 23-5 of the Code of the City of Miami. For the purpose of this section, reconstruction shall be defined as the act or process of reproducing by new construction the exact form and detail of a vanished structure as it appeared at a specific period of time. Any use authorized pursuant to this section shall comply with all regulations applicable to the same or similar use in the most restrictive zoning classification permitting such use, to the extent such regulations have not been modified pursuant to this section.

704.1.2. Deviations concerning historic structures. The board may vary the provisions of article 11, Nonconformities, to the extent indicated herein. Any structure that contributes to the historic character of a historic site or historic district, as identified in the aforementioned designation report, shall be permitted to be repaired, restored, structurally altered, or reconstructed, notwithstanding any conflicts with provisions of the underlying zoning district pertaining to minimum lot size, setbacks, minimum lot width, maximum height, building footprint, green space, offstreet parking or loading requirements. New structures or additions to existing structures may also be authorized by the board when necessary to encourage the preservation of historic sites and historic districts. Historic signs shall be permitted to remain and to be repaired, restored, structurally altered, or reconstructed.

704.1.3. Deviations concerning additions and new buildings. In cases where the configuration of an HP district precludes reasonable and appropriate use of the property within the underlying zoning district envelope, a deviation of up to twenty (20) percent from the underlying zoning district requirements for maximum height, building footprint, and green space may be authorized by the board.

704.1.4. Deviations concerning offstreet parking. In cases where the size or configuration of an HP district is such that compliance with offstreet parking requirements would destroy the historic character of the property, the board may authorize a reduction of up to one-third (1/3) of the number of parking spaces that would ordinarily be required for a new structure of equivalent use and floor area. For private clubs or lodges, up to seventy-five (75) percent of the required off-street parking spaces may be provided by valet parking, provided that an attendant shall remain on duty during business hours and that all valet activities shall be conducted on private property.

704.2. Procedures for granting conditional uses and deviations.

704.2.1. Application for a special certificate of appropriateness. An application for a special certificate of appropriateness shall be submitted pursuant to the provisions of section 23.1-5 of the Miami City Code. In addition, the application shall contain a written statement justifying the requested conditional use or deviation and providing evidence that the conditional use or deviation is necessary to encourage or assure the continued preservation of the designated historic structure.

704.2.2. Notice and hearings, generally. The board shall hold a public hearing with notice as set forth in section 62-55 (1 through 4) of the Miami City Code.

704.2.3. Decision of the board. The board shall make findings based upon the standards set forth in section 704.3 and shall take one (1) of the following actions:

1. Issuance of a special certificate of appropriateness for the conditional use or deviation proposed by the applicant; or
2. Issuance of a special certificate of appropriateness with specific modifications and conditions; or
3. Denial of a special certificate of appropriateness.

704.2.4. Requirement for Special Exception. A Special Exception with city commission approval shall also be required for private clubs or lodges. Said Special Exception shall not be considered by the zoning board and city commission until the historic and environmental preservation board has acted pursuant to section 704.2.3.

704.3. Standards.

In addition to guidelines for issuing certificates of appropriateness as set forth in section 23.1-5(C) of the Miami City Code, the board shall determine that the following standards have been met before reaching a decision to grant a special certificate of appropriateness:

1. The conditional use or deviation shall provide a public benefit and shall be the minimum necessary to encourage or assure the continued preservation of the historic structure; and
2. The conditional use or deviation shall be in harmony with the general intent and purpose of this article and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

3. The project shall be designed and sited in a manner that minimizes the impact on the surrounding areas in terms of vehicular ingress and egress, offstreet parking, pedestrian safety and convenience, public utilities and services, lighting, noise, or potential adverse impacts; and
4. For private clubs or lodges, the minimum lot size shall be fifteen thousand (15,000) square feet. For private clubs, hours of operation shall not extend beyond eleven o'clock (11:00) p.m.

704.4. Conditions and safeguards.

704.4.1. The board may impose conditions and safeguards. In granting any conditional use or deviation, the board may prescribe appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties, including, but not limited to, landscape materials, walls, and fences as required buffering; modifications of the orientation of any openings; modification of site arrangements; and control of manner or hours of operation.

704.4.2. Requirements for substantial rehabilitation. As a condition of granting a conditional use or substantial deviation, as determined by the board at the time of granting the special certificate of appropriateness, the board may require that the structure(s) for which the conditional use or deviation is (are) requested be substantially rehabilitated in accordance with the South Florida Building Code, the National Fire Prevention Code, the U.S. Secretary of the Interior's "Standards for Rehabilitation," and any other applicable codes and regulations.

704.4.3. Requirements concerning time limitations. In granting a special certificate of appropriateness, the board shall, as a condition or safeguard, specify a reasonable limitation of time within which an application for a building permit, if applicable, shall be made. In addition, the board may prescribe a reasonable limitation of time within which rehabilitation shall be commenced or completed, or both. Failure to meet such time limitations shall result in the cancellation of the special certificate of appropriateness unless, on application to the board and on due cause shown, the board shall extend the time limitation originally set. Such application shall be filed with the preservation officer not less than thirty (30) calendar days prior to the date of expiration of the certificate of appropriateness. If the application for an extension of time is denied by the board, it shall state in writing its reasons for the action of denial. Extensions in six-month increments may be granted, but in no case shall more than two (2) extensions be granted for a specific certificate of appropriateness.

704.4.4. Requirements concerning demolition. In cases where a property owner through his prior application has been granted a conditional use or substantial deviation, as determined by the board at the time of granting the special certificate of appropriateness, the board shall have the authority to deny a certificate of appropriateness for demolition of the subject historic structure(s) under the provisions of section 23.1-5(C)(2)(a) of the Miami City Code.

(Ord. No. 10874, § 1, 4-25-91; Ord. No. 11497, § 1, 5-22-97; Ord. No. 11519, § 2, 6-26-97)

Sec. 705. Appeals.

Appeals of any decision of the board shall follow the same procedures as set forth in section 23.1-5(B)(4)(e) of the Miami City Code.
(Ord. No. 10874, § 1, 4-25-91)