

**Zoning Overlay for North Beach Private and Public Schools  
District Overlay**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED "ZONING DISTRICTS AND REGULATIONS," AT ARTICLE III, ENTITLED "OVERLAY DISTRICTS," TO ESTABLISH DIVISION 14, ENTITLED "NORTH BEACH PRIVATE AND PUBLIC SCHOOL OVERLAY DISTRICT," TO PROVIDE REGULATIONS FOR RENOVATIONS AND ENHANCEMENTS TO SCHOOLS LOCATED WITHIN THE BOUNDARIES OF THE DISTRICT; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City's land development regulations include regulations for permitted, accessory, conditional, and prohibited uses in the City's RM-1 residential multifamily, low intensity districts; and

**WHEREAS**, the City Commission desires to adopt regulations permitting physical enhancements to existing schools in the RM-1 district in North Beach; and

**WHEREAS**, the City seeks to encourage the revitalization and redevelopment of existing schools in order to address current and future educational requirements and strategies, and to promote public safety; and

**WHEREAS**, the City seeks to ensure that the scale and massing of new development is consistent with the low-scale, as-built context of existing residential neighborhoods; and

**WHEREAS**, the proposed overlay is necessary in order to incentivize reasonable school development in North Beach.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** Chapter 142, "Zoning Districts and Regulations," Article III. "Overlay Districts," Division 14. "North Beach Private and Public School District Overlay," is hereby created as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS  
\* \* \*  
ARTICLE III. – OVERLAY DISTRICTS  
\* \* \***

**DIVISION 14. - NORTH BEACH PRIVATE AND PUBLIC SCHOOL OVERLAY DISTRICT**

**Sec. 142-870.20. - Location and purpose.**

- (a) The overlay regulations in this division shall apply to all new and existing schools located in that portion of the RM-1 Residential Multifamily Low Intensity zoning district which is bounded on the north by the south side of 78th Street; on the east by the west side of Carlyle Avenue; on the west by the east side of Tatum Waterway; and on the south by the north side of 75th Street.
- (b) In the event of a conflict between the overlay regulations in this division and the regulations for the underlying RM-1 zoning district and/or North Beach National Register Conservation District Overlay, these overlay regulations shall control.
- (c) The purpose of this overlay district is to:
  - (1) Provide land-use regulations that encourage the retention and preservation of existing public and private schools within the overlay;
  - (2) Promote enhancements to educational facilities for children that improve academic offerings, campus security, vehicle circulation, parking, and student access; and
  - (3) Ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods, and maintain the low-scale, as-built character of the surrounding neighborhoods.

**Sec. 142-870.21. - Development regulations and area requirements.**

The following overlay regulations shall apply to the North Beach Private and Public School District Overlay:

- (a) The lot area, lot width, and lot aggregation requirements for properties zoned RM-1 within the North Beach Private and Public School District Overlay district are as follows:

<u>Minimum Developable Lot Area (Square Feet)</u>	<u>Minimum Developable Lot Width (Feet)</u>	<u>Maximum Developable Lot Width (Feet)</u>	<u>Maximum Developable Aggregation (Platted Lots)</u>
5,000 SF	50 feet	<u>Developments for schools have no maximum lot width restriction.</u>	<u>Schools: up to nine (9) lots may be aggregated.</u>

- (b) The height requirements for RM-1 properties within the North Beach Private and Public School Overlay District are as follows:
  - (1) The maximum building height for new construction shall be 32 feet for the first 10 feet of building depth, as measured from the minimum required front setback, and a

maximum of 60 feet for the remainder of the building depth when the building includes a gymnasium; otherwise, the maximum building height shall be 45 feet.

- (2) In the event that the existing building exceeds 32 feet in height that existing height shall control.
- (3) Elevator and stairwell bulkheads extending above the main roofline of a building shall be required to meet the line-of-sight requirements set forth in section 142-1161, unless waived by either the historic preservation board or design review board, as may be applicable.

(c) Exterior building and lot standards.

- (1) There shall be no minimum or maximum yard elevation requirements or maximum lot coverage requirements within the North Beach Private and Public School District Overlay.

(d) The setback requirements for all buildings located in the RM-1 district within the North Beach Private and Public School Overlay District are as follows:

<u>Front</u>	<u>Interior Side</u>	<u>Street Side</u>	<u>Rear</u>
<u>10 feet</u>	<u>Non-waterfront: Lot width of 60 feet or less: five feet. Lot width of 61 feet or greater: 7.5 feet, or eight percent of lot width, whichever is greater.</u>	<u>Five feet</u>	<u>Non-waterfront lots: Five feet</u>

- (e) No additional setback requirements shall be imposed for landscaping.
- (f) For development of school sites consisting of nine platted lots or fewer, there shall be no specific restriction on the width of any new building.
- (g) For development of school sites consisting of nine platted lots or fewer, there shall be no minimum distance separation between buildings on a single site.
- (h) For development of school sites, a courtyard or semi-public outdoor area shall not be required.
- (i) Notwithstanding the provisions in section 142-1132, within the required front yard, rear yard, or side yards facing a street or interior, fences, walls, and gates shall not exceed eight (8) feet in height, as measured consistent with the definition of "adjusted future grade" in section 114-1.

**Sec. 142-870.22. - Additional parking standards.**

- (a) Notwithstanding the provisions of section 130-32, there shall be no minimum parking requirement associated with the redevelopment of an existing school.
- (b) All exterior parking and driveway surface areas shall be composed of semi-pervious or pervious material such as concrete or grass pavers, set in sand.
- (c) Required wheel stops shall have a low profile, and shall not exceed five feet in width.

- (d) All parking lots for schools shall meet the following minimum setback requirements, notwithstanding any other requirement in the land development regulations: 5' – front, 5' – rear, 5' – side-interior, and 5' – side facing a street.
- (e) For schools, a maximum of five (5) one-way driveway curb cuts per platted lot within a development site shall be permitted. The maximum width of each driveway curb cut shall not exceed 15 feet.
- (f) Notwithstanding the provisions of section 130-101, no new loading spaces shall be required in connection with the expansion of an existing school (including the construction of a new building or structure, or an increase to the floor area of the school).
- (g) Notwithstanding the requirements of section 126-11, as applicable to landscaped areas in permanent parking lots, when reconfiguring existing parking for a school, the minimum landscape requirements shall be subject to the review and approval of the design review board.

## **SECTION 2. Repealer.**

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

## **SECTION 3. Codification.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida, as amended. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section" or other appropriate word.

## **SECTION 4. Severability.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 5. Effective Date.**

This Ordinance shall take effect the \_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

Paul Coyne      6/12/20  
City Attorney      NK      Date

First Reading: June 24, 2020

Second Reading: July 29, 2020

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director