

## Replacement of Floor Plates in Nonconforming Contributing Buildings

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 118, "ADMINISTRATION AND REVIEW PROCEDURES," BY AMENDING ARTICLE IX, "NONCONFORMANCES," TO AUTHORIZE THE HISTORIC PRESERVATION BOARD TO ALLOW FOR THE REPLACEMENT OF INTERIOR FLOOR PLATES IN CONTRIBUTING BUILDINGS ON LOTS THAT ARE NON-CONFORMING AS TO FLOOR AREA RATIO (FAR); PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach continually seeks to update and clearly define the requirements of the Land Development Regulations of the Code of the City of Miami Beach as they pertain to nonconforming structures; and

**WHEREAS**, the City of Miami Beach has adopted regulations pertaining to the restoration and improvement of existing contributing buildings that are nonconforming; and,

**WHEREAS**, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements for improvements to existing contributing buildings that are non-conforming structures in order to ensure that a substantial portion of any such structure is retained and preserved; and,

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

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

**SECTION 1.** That Chapter 118, Entitled "Administration and Review Procedures", Article IX, Entitled "Nonconformances", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

\* \* \*

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

\* \* \*

(b) Nonconforming buildings.

\* \* \*

(3) As applicable to the restoration of a contributing building located within a designated local historic district, the historic preservation board may, at its discretion and subject to the certificate

of appropriateness procedure in chapter 118, article X, of this Code, approve the reconstruction of original internal floors in accordance with historical documentation and/or building permit records if, prior to June 4, 1997, such floors were removed, even if the underlying lot is non-conforming as to floor area ratio (FAR).

**SECTION 2. REPEALER**

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

**SECTION 3. 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 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

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

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

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney                      Date

First Reading:            July 29, 2020  
Second Reading:        November / December \_\_\_\_, 2020

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