

**NORTH BEACH NATIONAL REGISTER CONSERVATION  
DISTRICT OVERLAY**

*Modified for February 7, 2018 LUDC*

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3 "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," BY AMENDING SECTION 142-155 TO REFERENCE THE REQUIREMENTS FOR THE NORTH BEACH NATIONAL REGISTER CONSERVATION OVERLAY; BY AMENDING ARTICLE III, "OVERLAY DISTRICTS," BY CREATING DIVISION 12, ENTITLED THE "NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY," WHICH DIVISION WOULD CREATE SPECIFIC DEVELOPMENT REGULATIONS FOR THE OVERLAY, INCLUDING DEMOLITION REQUIREMENTS, LIMITATIONS ON LOT AGGREGATION, REDUCTIONS IN UNIT SIZE, MODIFICATIONS TO THE SETBACK AND HEIGHT REQUIREMENTS, ADDITIONAL REQUIREMENTS FOR ROOFTOP ADDITIONS AND ALLOWABLE HEIGHT EXCEPTIONS, AND INCLUSION OF DESIGN, RESILIENCY, AND PARKING STANDARDS; AND BY AMENDING CHAPTER 130, "OFF-STREET PARKING," DIVISION II, "DISTRICTS; REQUIREMENTS," AT SECTION 130-32, "OFF-STREET PARKING REQUIREMENTS FOR PARKING DISTRICT NO. 1," BY REDUCING THE PARKING REQUIREMENTS FOR APARTMENT AND APARTMENT HOTEL BUILDINGS LOCATED IN THE NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, the North Beach multifamily neighborhoods were largely developed between 1935 and 1963 with low scale, Mid Century Modern buildings on 50 feet lots, giving the area a cohesive and distinctive character; and

**WHEREAS**, on November 12, 2008, the Normandy Isles National Register District was placed on the National Register of Historic places by the United States Department of the Interior; and

**WHEREAS**, on November 18, 2009, the North Shore National Register District was placed on the National Register of Historic places by the United States Department of the Interior; and

**WHEREAS**, in order to ensure that new development is compatible with the as-built character of National Register Districts, amendments to the RM-1 development regulations, through the creation of a Conservation District Overlay are warranted; and

**WHEREAS**, the City desires to encourage the retention and preservation of existing 'Contributing' buildings in the National Register Districts, reduce parking requirements and promote walking, bicycling and public transit modes of transportation, as well as reduce the scale and massing of new development in the residential neighborhoods.

**WHEREAS**, on February 8, 2017, the City Commission engaged the North Beach Master Planner, Dover-Kohl, in a review and assistance capacity for this ordinance; 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 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision II, "RM-1 Residential Multifamily Low Intensity," is hereby amended as follows:

**Sec. 142-155. - Development regulations and area requirements.**

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

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(4) For properties located in the North Shore and Normandy Isles National Register Historic Districts, see Chapter 142, Article III, Division 12.

**SECTION 2.** Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Division 12, "North Beach National Register Overlay" is hereby created as follows:

**DIVISION 12. NORTH BEACH NATIONAL REGISTER CONSERVATION DISTRICT OVERLAY**

**Sec. 142-880. Location and purpose.**

(a) The overlay regulations of this division shall apply to all new and existing properties located in the RM-1 Residential Multifamily Low Intensity zoning district, which are located within the boundaries of either the North Shore National Register Historic District or the Normandy Isles National Register Historic District.

(b) In the event of a conflict with the regulations of the underlying RM-1 zoning district, the provisions herein shall control.

(c) The purpose of this overlay district is to:

1. Provide land-use regulations that encourage the retention and preservation of existing 'Contributing' buildings within the National Register Districts.
2. To promote walking, bicycling and public transit modes of transportation.
3. To ensure that the scale and massing of new development is consistent with the established context of the existing residential neighborhoods and maintains the low-scale, as-built character of the surrounding neighborhoods.

**Sec. 142-881. Compliance with regulations.**

(a) Applications for a building permit shall be reviewed and approved in accordance with all applicable development procedures specified in chapter 118.

(b) Existing structures shall be rehabilitated in general accordance with the Post-War Modern/MiMo Design Guidelines as adopted by the design review board and historic preservation board.

(c) The demolition of buildings within the North Beach National Register Overlay, not located within a local historic district or site, shall comply with the following:

1. The demolition of a 'contributing' building shall not be permitted for purposes of creating a vacant lot or a surface parking lot.
2. No demolition permit for a 'contributing' building shall be issued prior to the review and approval for the new construction or site improvements by the design review board and until all of the following criteria are satisfied:
  - i. The issuance of a building permit process number for the new construction;
  - ii. The building permit application and all required plans for the new construction shall be reviewed and approved by the Planning Department;
  - iii. All applicable fees for the new construction shall be paid, including, but not limited to, building permit and impact fees, as well as applicable concurrency and parking impact fees;
  - iv. A tree survey, if required, shall be submitted and a replacement plan, if required, shall be reviewed and approved by the Greenspace Management Division;
  - v. All debris associated with the demolition of the structure shall be recycled, in accordance with the applicable requirements of the Florida Building Code.
3. The aforementioned demolition requirements shall not supersede the regulations and requirements set forth in Chapter 118, Article X. In the event of a conflict, the regulations in Chapter 118, Article X shall control.

**Sec. 142-882. Development regulations and area requirements.**

The following overlay regulations shall apply to the North Beach National Register Overlay. All development regulations in the underlying RM-1 regulations shall apply, except as follows:

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

<u>Minimum Developable Lot Area (Square Feet)</u>	<u>Minimum Developable Lot Width (Feet)</u>	<u>Maximum Developable Lot Area (Square Feet)</u>	<u>Maximum Developable Lot Width (Feet)</u>	<u>Maximum Developable Aggregation (Platted Lots)</u>
<u>5,000 SF</u>	<u>50 feet</u>	<u><del>15,000 SF</del> <del>Developments</del> <del>where all</del> <del>residential</del> <del>units consist of</del> <del>workforce or</del> <del>affordable</del> <del>housing shall</del> <del>have no</del> <del>maximum lot</del> <del>area restriction.</del></u>	<u><del>150 feet</del> <del>Developments</del> <del>where all</del> <del>residential</del> <del>units consist of</del> <del>workforce or</del> <del>affordable</del> <del>housing shall</del> <del>have no</del> <del>maximum lot</del> <del>width</del> <del>restriction.</del></u>	<u>Subject to Sec. 142-883, two (2) lot maximum aggregation; three (3) lot maximum lot aggregation may be permitted if either all residential units consist of workforce or affordable housing; or if there is at least one 'Contributing' building on the aggregated site and all 'contributing' buildings on the aggregated site are substantially retained and restored. There shall be no variances from these maximum lot aggregation restrictions, except for developments</u>

				where all residential units consist of workforce or affordable housing.
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(b) The unit size requirements for the North Beach National Register Overlay district are as follows:

<u>Minimum Unit Size (Square Feet)</u>	<u>Average Unit Size (Square Feet)</u>
<u>New construction—400</u> <del><b>Non-elderly and elderly low and moderate income housing: See section 142-1183</b></del> <u>'Contributing' buildings which are substantially retained and restored—300</u> <u>Additions to 'contributing' buildings which are substantially retained and restored - 300.</u>	<u>New construction—500</u> <u><b>Workforce or Affordable housing – 400</b></u> <del><b>Non-elderly and elderly low and moderate income housing: See section 142-1183</b></del> <u>'Contributing' buildings which are substantially retained and restored —400</u> <u>Additions to 'contributing' buildings which are substantially retained and restored - 400.</u>

(c) The height requirements for RM-1 properties within the North Beach National Register Overlay district are as follows:

1. ~~**For properties with a lot depth of 126 feet or greater, t**~~The maximum building height for new construction shall be three (3) stories / 30 feet for the first 30 feet of building depth, as measured from the minimum required front setback and a maximum of four (4) stories / 40 feet for the remainder of the lot depth. For properties that contain at least one 'contributing' building, and provided that at least 50 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored, **the following shall apply for the remainder of the building depth beyond 30 feet:**
  - a. ~~**A**~~a maximum of five (5) stories and 50 feet may be permitted on non-waterfront lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.

- b. A maximum of five (5) stories and 60 feet may be permitted on waterfront lots by the design review or historic preservation board, as applicable, for the remainder of the lot depth.

The Design Review or Historic Preservation Board, as applicable, may waive the aforementioned requirement for the 50 percent retention of existing 'contributing' buildings, provided at least 25 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored.

For properties with a lot depth of 125 feet or less, the maximum building height for new construction shall be three (3) stories / 30 feet for the first 25 feet of building depth, as measured from the minimum required front setback and a maximum of four (4) stories / 40 feet for the remainder of the lot depth. For properties that contain at least one 'contributing' building, and provided that at least 50 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored, the following shall apply for the remainder of the building depth beyond 25 feet:

- c. A maximum of five (5) stories and 50 feet may be permitted on non-waterfront lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.
- d. A maximum of five (5) stories and 60 feet may be permitted on waterfront lots by the design review board or historic preservation board, as applicable, for the remainder of the lot depth.

- 2. In the event that the existing building exceeds 30 feet in height, that existing height shall control.
- 3. Rooftop additions to existing 'contributing' buildings, not located within a local historic district, may be reviewed and approved at the administrative level, in accordance with the following:
  - a. The roof-top addition shall not exceed one story, with a maximum floor-to-ceiling height of 10 feet.
  - b. There shall be no demolition of original significant architectural features, as determined by the Planning Director or designee.
  - c. The roof-top addition shall be setback a minimum of 20 feet from the front façade.
  - d. A minimum of 75 percent of the front and street side building elevations shall be retained.
  - e. In the event of a conflict with the requirements of chapter 118, article X, the requirements of chapter 118, article X shall control.

4. 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 herein and such line-of-sight requirement, unless waived by either the historic preservation board or design review board, as may be applicable.
  5. Shade structures, including awnings, trellises and canopies may be permitted as an allowable height exception, provided they do not exceed 10 feet in height above the associated roof deck, and shall be subject to the review and approval of the historic preservation board or design review board, as applicable.
- (d) The setback requirements for the pedestal portions of all buildings located in the RM -1 district within the North Beach National Register Overlay district are as follows:

	<u>Front</u>	<u>Interior Side</u>	<u>Street Side</u>	<u>Rear</u>
<u>North Shore</u>	<u>10 feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>Non waterfront lots – five (5) feet</u> <u>Waterfront lots – 10 percent of lot depth</u>
<u>Biscayne Beach</u>	<u>10 feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or 8% of lot width, whichever is greater.</u> <u>Additionally, regardless of lot width, at least one interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>10 percent of lot depth</u>
<u>Normandy Isle and Normandy Shores</u>	<u>20 feet</u> <u>Waterfront:</u> <u>25 Feet</u>	<u>Non-Waterfront:</u> <u>Lot width of 60 feet or less: five (5) feet.</u> <u>Lot width of 61 feet or greater: 7.5 feet, or eight percent (8%) of lot width, whichever is greater.</u> <u>Waterfront:</u> <u>7.5 feet, or eight (8) feet of lot width, whichever is greater.</u>	<u>Five (5) feet</u>	<u>Five (5) feet</u> <u>Waterfront:</u> <u>10 percent of lot depth,</u> <u>maximum 20 feet</u>



		<u>Additionally, regardless of lot width, at least one (1) interior side shall be 10 feet or 10 percent of lot width, whichever is greater.</u>		
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- (1) Setbacks for at-grade parking and subterranean levels, if permitted, shall be the same as set forth in Section 142-156.
- (2) Notwithstanding the above, for rooftop additions located on 'Contributing' buildings, such additions may follow any existing non-conforming interior side or rear setbacks. Provided at least 33 percent of an existing 'contributing' building, as measured from the front elevation, is substantially retained and restored, any new ground level addition, whether attached or detached, may also follow any existing non-conforming interior side or rear setbacks.

**Sec. 142-883. Lot Aggregation Guidelines.**

(a) Where a development is proposed on two (2) lots, new construction shall acknowledge the original platting of the assembled parcels through architectural treatment within the building's façade.

(b) Where a development is proposed on three (3) lots, there shall be at least one (1) 'contributing' structure. Additionally, the following shall be required:

1. At least 33 percent of all existing 'contributing' buildings, as measured from the front elevation, shall be substantially retained and restored. **The Design Review or Historic Preservation Board, as applicable, may waive this building retention requirement, provided at least 25 percent of all existing 'contributing' buildings on site, as measured from the front elevation, are substantially retained and restored.**
2. New construction shall acknowledge the original platting of the assembled parcels through architectural treatment within the building's façade.
3. A view corridor through the parcel, open to the sky, shall be required above the second floor of the building. The Design Review or Historic Preservation Board, as applicable, may waive this view corridor requirement.
4. The width of any new building shall not exceed 85 feet. **The Design Review or Historic Preservation Board, as applicable, may waive this building width requirement.**
5. A courtyard or semi-public outdoor area, comprised of at least 500 square feet, shall be required. Private terraces at the ground level may be included within this 500 square feet, provided individual units can be accessed directly from the exterior of the terrace.

**The aforementioned requirements listed in Sec. 142-883(b) shall not be applicable to any development where all residential units consist of workforce or affordable housing.**

**Sec. 142-884. Design and Resiliency Standards.**

(a) All levels of an existing structure located below Base Flood Elevation plus one (1) foot (BFE +1') may be repurposed with non-habitable uses.

(b) Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a storm water management plan, including but not limited to storm water collection and cisterns for reuse of captured water.

(c) All dwelling units in new construction shall be designed to incorporate exposure to natural light from at least two elevations of the building volume.

(d) New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than five (5) percent of the total lot area.

(e) For new construction using common vertical circulation and access corridors, a non-emergency, convenience stair, accessing, at a minimum, the first 3 residential floors, shall be required. Such stair shall be designed in an open manner, and shall connect directly to the exterior of the building, or to the entrance lobby.

(f) For raised yards requiring a retaining wall, the exterior of such wall, on all sides, shall be designed and finished in a manner that result in a high quality appearance when seen from adjoining properties.

(g) Landscaping within view corridors, with the exception of canopy trees, shall be maintained at a height not to exceed three (3) feet from sidewalk elevation.

**Sec. 142-885. Additional Parking Standards.**

(a) All parking shall be located at grade; no ramps or parking above the first floor shall be permitted. However, mechanical lifts may be proposed at the first level, provided all lifts are fully screened from view and not visible from adjacent properties, the public right-of-way or any waterfront.

(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 be low profile and shall not exceed five (5) feet in width.

(d) All parking areas shall meet minimum front and rear yard setback requirements for buildings.

(e) A maximum of a **single, one-way** driveway curb cut per development site shall be permitted, and the maximum width of **one-way** driveway curb cuts shall not exceed 10 feet. Notwithstanding the foregoing, if approved by the design review board or historic preservation board, as applicable, 2 separate one-way curb cuts may be permitted on a thru-lot, when such lot is accessible from 2 different roadways, or a corner lot.

(f) On waterfront lots, parking areas shall only be secured by substantially open, picket fencing within required front yards and rear waterfront yards.

**SECTION 3.** Chapter 130 of the City Code, entitled “Off-Street Parking,” Article II, “Districts; Requirements,” is hereby amended as follows:

**Sec. 130-32. - Off-street parking requirements for parking district no. 1.**

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking district no. 1, accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows:

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(6) Apartment building and apartment-hotel:

- a. Apartment buildings on lots that are 50 feet in width or less: 1.5 spaces per unit.
- b. Apartment buildings on lots wider than 50 feet:  
1.5 spaces per unit for units between 550 and 999 square feet;  
1.75 spaces per unit for units between 1,000 and 1,200 square feet;  
2.0 spaces per unit for units above 1,200 square feet.
- c. Designated guest parking: Developments of 20 units or less shall have no designated guest parking requirements. Multi-family buildings and suites-hotels with more than 20 units shall be required to provide supplemental designated guest parking equal to ten percent of the required residential parking spaces.
- d. When located within the North Beach National Register Conservation Overlay District the following parking requirements shall apply:
  - i. Zero (0) spaces per unit for buildings on lots that are 65 feet in width or less, and for development sites with six (6) units or less, regardless of lot width.
  - ii. One (1) space per unit for buildings on lots greater than 65 feet in width. In the event that the property owner can substantiate that the proposed new construction will not need to provide off-street parking, the design review board or historic

preservation board, as applicable, may waive the parking requirement.

- iii. For existing apartment, apartment-hotel and hotel buildings, which are classified as 'contributing' and of which at least 75 percent of the front and street side elevations, and 25 percent of interior side elevations, are substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any new additions, whether attached or detached, regardless of lot width and number of units. Any proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the Secretary of the Interior Guidelines and Standards for the Rehabilitation of Historic Buildings.

~~For existing apartment and apartment-hotel buildings, which are classified as "contributing" are located within the Normandy Isles National Register District or the North Shore National Register District, and which are being substantially retained, preserved and restored, there shall be no parking requirement for the existing structure, and any addition up to a maximum of 2,500 square feet, whether attached or detached. The proposed addition to the existing structure shall be subject to the review and approval of the design review board or historic preservation board, whichever has jurisdiction, and shall include a renovation plan for the existing structure that is fully consistent with the secretary of the interior guidelines and standards for the rehabilitation of historic buildings.~~

#### **SECTION 4. REPEALER.**

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

#### **SECTION 5. 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 6. SEVERABILITY.**

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

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

**ATTEST:**

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Rafael E. Granado, City Clerk

First Reading: December 13, 2017

Second Reading: February 14, 2018

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

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