

# MIAMI BEACH

## PLANNING DEPARTMENT

### MEMORANDUM

Planning Board

TO: Chairperson and Members  
Planning Board

DATE: November 15, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **Discussion – North Beach Conservation Districts**

#### **BACKGROUND**

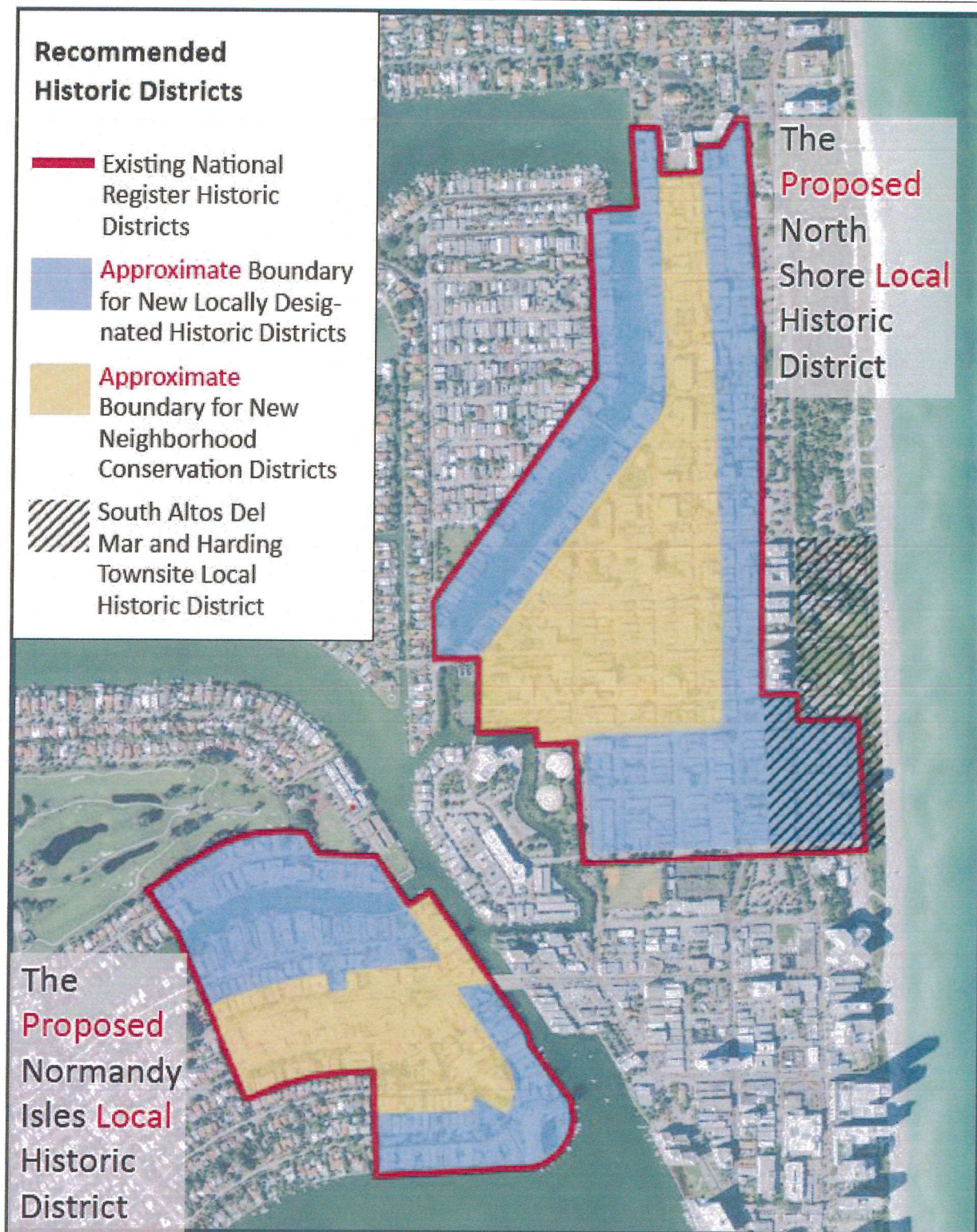
On October 19, 2016, the City Commission referred a discussion item to the Planning Board regarding Conservation Districts in North Beach.

#### **ANALYSIS**

Attached is a map showing the proposed boundaries of the Conservation Districts, as recommended by the North Beach Master Plan, as well as the applicable sections of the City Code regarding the creation and administration of Neighborhood Conservation Districts within the City.

#### **RECOMMENDATION**

The Land Use and Development Committee is scheduled to discuss the proposed Conservation Districts on November 16, 2016. Staff recommends that the Planning Board discuss the item and continue it to a future meeting, pending policy direction from the Land Use Committee and the City Commission.



TRM/MAB/AG



## ARTICLE XI. - NEIGHBORHOOD CONSERVATION DISTRICTS (NCD)

### Sec. 118-701. - Intent.

- (a) A neighborhood conservation district (NCD) is a protective land use tool that provides criteria and a mechanism to be implemented when desired for the maintenance of neighborhood characteristics. It is an umbrella land use designation overlay that will allow for the tailoring of a master plan and/or design guidelines for any specifically defined area that meets the criteria listed in section 118-704, Qualification.
- (b) The master plan and/or design guidelines can, among other things, include additional overlay zoning, site, architectural and landscape guidelines, conservation and preservation strategies, streamlining of development review processes, community development strategies, and incentive programs.
- (c) It is further intended that such districts and the regulations adopted for them shall be consistent with, and promote the policies set out in, the Miami Beach Comprehensive Plan and other officially adopted plans and regulations in accordance therewith.

(Ord. No. 2004-3457, § 1, 9-8-04)

### Sec. 118-702. - Objective.

The purpose of creating a neighborhood conservation district (NCD) is to:

- (1) Provide a land-use or zoning tool to conserve established neighborhood scale and character and to promote compatible development through the sensible regulation of new construction and major alterations/additions to existing buildings. An NCD can also serve to implement a neighborhood plan and serve as a catalyst for the rehabilitation of existing buildings.
- (2) Protect neighborhoods or districts that have significant architectural and historic merit and a distinct character but do not qualify for, or have not yet received, historic designation.
- (3) Protect structures that contribute to the urban architectural heritage of the city but may not have received historic designation. Valuable buildings in the district that meet certain criteria may be subject to further review prior to receiving a demolition permit.

(Ord. No. 2004-3457, § 1, 9-8-04)

### Sec. 118-703. - Effect of district establishment.

NCD districts may either:

- (1) Supplement underlying and overlay zoning districts or portions of such zoning districts otherwise applicable to the land included in a particular NCD district; or
- (2) Have the effect of modifying requirements, regulations, and procedures applying to the extent indicated in the particular NCD amendment.

(Ord. No. 2004-3457, § 1, 9-8-04)

### Sec. 118-704. - Qualification.

- (a) In order for a NCD to be officially designated, the area must satisfy one of the following five criteria:

- (1) A special urban scale and context, or historic or architectural character present in the defined area;
  - (2) Natural or historic landscape features such as water features, golf course and/or open space areas, public or private landscape themes prevalent in the area;
  - (3) Specialized commerce. For example, a concentration of residential office, gallery or design districts, or specific economic development objectives;
  - (4) A unique development plan that is specifically noteworthy for its design concept and because it serves the community in some qualitative way; or
  - (5) Other cultural or significant features such as monuments, notable infrastructure improvements, or special public amenities that directly contribute to the aesthetic character and quality of life of a community.
- (b) When an area is determined to meet the necessary criteria for an NCD, the objectives for the community need to be defined so a master plan and/or design guidelines can be developed.

(Ord. No. 2004-3457, § 1, 9-8-04)

Sec. 118-705. - Procedures for adoption of specific NCD overlay districts.

(a) *Requests for NCD overlay districts.*

- (1) Requests for the creation of NCD districts may be initiated by a majority of the neighborhood residents and/or property owners, the planning board, the design review board, the historic preservation board, the city manager or the city commission.
- (2) Proposals for NCD overlay districts shall include a completed application form available from the planning department. Such proposals shall include a location map showing the general boundaries of the proposed district as well as a general statement of its purpose and intent.
- (3) Fees for requests shall be as follows: A request initiated by any entity other than the city commission, a city board or other city official as set out in subsection 118-705(a)(1) for district designation shall include an application fee as provided in Appendix A.

(b) *Preliminary review.*

- (1) Upon receipt of a completed application, and fees if applicable, the planning department shall prepare a preliminary evaluation and recommendation and schedule a referral request before the city commission, unless such request is initiated by the city commission. The city commission shall hold a preliminary public hearing to consider the merits of the proposed NCD.
- (2) Notification of the preliminary public hearing shall be advertised in accordance with section 118-164(2)(b) regardless of acreage and, in addition, all property owners within the proposed district as well as within a 375-foot radius of the proposed district shall be notified by individual mail notice with a description prepared in plain English, and postmarked not less than 30 days in advance of the hearing.
- (3) If the city commission chooses to continue the NCD process, it shall direct the planning department to prepare a draft neighborhood conservation district plan and development regulations in collaboration with the property owners from the neighborhood.

(c) *Preparation of NCD plan and development regulations.* The planning department draft NCD plan and development regulations shall include the following information:

- (1) A statement of intent, specifying the nature of the special district and substantial public interests involved and the objectives to be promoted by special regulations and/or procedures within the district as a whole, or within subareas of the district, if division into such subareas is reasonably necessary for achievement of regulatory purposes.

- (2) The boundaries of the NCD district and any subareas established within the district for purposes of NCD regulations.
  - (3) The proposed zoning indicated by the NCD prefix and a number identifying the particular district, as for example NCD-1, together with whatever other identification appears appropriate.
  - (4) The zoning designations of all portions of underlying districts and regulations, if any, which will remain after NCD zoning is superimposed. Where it is proposed to change the boundaries or zoning designation of remaining underlying districts affected in the same action by which NCD zoning is applied, the map shall show the nature and location of such change.
  - (5) The regulations for the NCD overlay district, shall be designed to promote the special purposes of the district and shall be appropriate to the neighborhood as set out in the statement of intent. Such regulations may include, but are not limited to, zoning, design guidelines and procedures for development review and approval.
- (d) *Discussion and recommendations by the design review board.*
- (1) Prior to the city commission's final adoption of an NCD, the design review board shall discuss and make advisory recommendations on the proposed district to the city commission.
  - (2) Notification of this public meeting shall be advertised in a newspaper of general circulation at least 30 days prior to the meeting.
- (e) *Final adoption of NCD overlay districts.* Adoption of NCD overlay districts and accompanying regulations shall be by the same procedures as for amendments to the Code generally, as set forth in article III of chapter 118 of these land development regulations including planning board review except that regardless of acreage, all property owners within the proposed district as well as within a 375-foot radius of the proposed district shall be notified by individual mail notice with a description prepared in plain English, and postmarked not less than 30 days in advance of the first public hearing. Each individual NCD overlay district shall be codified in chapter 142, article III, overlay districts, of the land development regulations of the Code.

(Ord. No. 2004-3457, § 1, 9-8-04; Ord. No. 2010-3711, § 5, 12-8-10)

**Sec. 118-706. - Administering NCD overlay districts.**

New construction, additions and alterations to existing structures within any NCD district will require that a certificate of compliance (COC) be granted in writing in advance from the design review board (DRB), or staff to the board, in accordance with COC regulations and guidelines as specified through individual NCD designation. A DRB approved COC may be required for major demolition as defined by the pertinent NCD designation. The COC must be granted before the owner applies for a building permit.

(Ord. No. 2004-3457, § 1, 9-8-04)

**Sec. 118-707. - Repeal of or modification to NCD overlay district.**

Repeal of or modification to an NCD overlay district shall be by ordinance and pursuant to City Code chapter 118, article III, amendment procedures.

(Ord. No. 2004-3457, § 1, 9-8-04)

**Sec. 118-708. - Enforcement of NCD regulations and criteria; application of equitable estoppel to permits and approvals.**

- (a) Following the preliminary review public hearing, a referral by the city commission to the planning department to pursue a proposed NCD designation shall impose the requirement that all applications and/or requests for design and/or development review approval within a proposed NCD shall be consistent with the character and intent of the proposed NCD as defined by the criteria set forth in the preliminary evaluation and recommendation prepared by the planning department.
- (b) Such requirement in (a) above shall expire upon the earlier of either the favorable recommendation of the NCD designation by the planning board, the effective date of the adopted NCD, a final vote of the city commission declining to adopt the NCD, or six months following the referral, unless the requirement in (a) is extended for an additional period of time by action of the city commission.
- (c) In the event a property owner has obtained (i) a design review approval, (ii) a certificate of appropriateness, (iii) a variance approval where no design review approval or certificate of appropriateness is required, or (iv) a full building permit as defined in section 114-1 where no design review approval, certificate of appropriateness or variance approval is required, prior to the referral in (a) above, the NCD criteria provided for in (a) above shall not be enforced against such project or application.

(Ord. No. 2004-3465, § 1, 11-10-04)

Secs. 118-709—118-800. - Reserved.