

CITY OF MIAMI BEACH

PLANNING DEPARTMENT

REQUENTLY ASKED QUESTIONS

Board of Adjustment / Variances

What is a zoning variance?

A zoning variance is a modification of the specific requirements of the Land Development Regulations. Generally, variances are considered for changes to building setbacks or other dimensional / measurable restrictions. In order to authorize any variance, the Board of Adjustment, Design Review Board or Historic Preservation Board (as applicable) must find that there are certain hardship criteria or that there is a practical difficulty, such as a small lot or oddly shaped parcel, which may prevent the proposed project in complying with the requirements.

Are use variances allowed?

No, use variances are prohibited.

What other types of variances are prohibited?

An application for a variance for the following items is prohibited:

- Floor area ratio
- Required parking except as provided for in the Land Development Regulations.
- Requests pertaining to the reduction of an impact fee
- Lot area when determining floor area ratios
- Any maximum building height variance greater than three feet.

I am designing a home with an understory and I am also requesting one or more variances. Do I have to make an application to both the Design Review Board (or Historic Preservation Board) and the Board of Adjustment?

No, if your application includes an understory, any design waiver, or variance, the entire application, including the variance is reviewed by the Design Review Board (or Historic Preservation Board if the home is in a Historic District or individually designated Historic). The Board of Adjustment reviews applications for variances if the property is not located in a Historic District and if the application does not include waivers.

How many affirmative votes are required for Board Approval of an application for variance?

The BOA consists of seven (7) members each. The approval of any variance requires five (5) affirmative votes.

Am I eligible for a refund if my application is denied?

No. Once an application is publicly noticed and placed on an agenda for review, refunds may not be issued, regardless of the outcome of the application or if the application is withdrawn. An application may be eligible for a full or partial refund if withdrawn prior to any public notice of the application.

The Planning Department's webpage provides significant resources regarding Land Use Board applications, Planning's review of building permits, checklists of Planning required documents, Zoning and Historic Districts maps, and links to the city's zoning ordinance and other regulations. Please visit our page at miamibeachfl.gov. If you have any questions regarding this process or any other service provided by the Planning Department, please inquire at our reception for further guidance [305 673-7550](tel:305-673-7550) or email Planninginfo@miamibeachfl.gov.

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Design Review Board (Single Family Homes)

I want to build a new single-family home. Do I have to apply for Design Review Board approval?

Not Necessarily. If the new home complies with all zoning and design requirements necessary for administrative approval, review and approval of the Design Review Board is not required. If any design waivers or variances are requested, or if the home includes an understory, review and approval of the Design Review Board is required.

What is the maximum size home I can build on my property?

In single family zoning districts, the maximum unit size is 50% of the lot area and the maximum lot coverage is 30% for a 2-story home. There are some exceptions to these requirements; for instance, lots created via a lot split application, which may have additional restrictions.

How long does it take for my application to be considered by the Design Review Board?

Applications are generally scheduled for hearing between three to four months depending in part on the date the application is submitted, as well as the completeness of the application package. Applications that include all necessary information and documents can be processed faster, resulting in earlier scheduling. As part of this process staff must ensure that proposed lots comply with all the requirements in the land development regulations. The first step is requesting a pre-application meeting with staff. After the pre-application meeting you will obtain a checklist with the submittal requirements.

Design professionals are encouraged to become familiar with the applicable sections of the City's Land Development Regulations prior to designing the project to ensure a quick and efficient application process. You can apply for a Pre-Application meeting [here](#). Enter Pre-App DRB in the search bar.

[After I receive approval from the Design Review Board, how long do I have to obtain the full building permit?](#)

Board approvals are valid for 18 months. To extend a board order please email Boardorderextensionrequest@miamibeachfl.gov

[Can board approvals be extended beyond the initial 18 months?](#)

An application can be made to the board to extend the approval for up to one year. The property owner may also avail themselves of extensions automatically granted due to a declaration of a State of Emergency issued by the State of Florida, if any. **Requests must be filed with the Planning Department before the order expires.** The time frame of the state of emergency or emergencies will dictate the maximum duration that a DRB approval may be extended. To submit a request to extend a board order please email Boardorderextensionrequest@miamibeachfl.gov

[I received a mail notice regarding a public hearing for a new home near me. Where can I find information on the application?](#)

Information on such applications can be found [here](#) . Please enter the plan-case number or address in the search bar for information.

[How many affirmative votes are required to obtain approval from the Design Review Board?](#)

The Design Review Board consists of seven (7) members. The Design Review Approval, including any design waivers, requires four (4) affirmative votes. Any variances associated with the Design Review approval requires five (5) affirmative votes.

Formal Determination of Architectural Significance

[What is a Formal Determination of Architectural Significance?](#)

A Formal Determination of Architectural Significance is an application filed by the owner of a single-family home typically filed when a homeowner wishes to substantially keep the current home and expand it with new additions. The City Code offers numerous zoning incentives for such instances, including increased allowance for the maximum square footage that can be built, increases to the maximum lot coverage, reduced building setbacks, and reduced setbacks for pools and decks. It also allows certain design waivers that would otherwise require review by the Design Review Board.

[Are there any disadvantages or restrictions if a homeowner requests a formal determination of architectural significance to take advantage of applicable zoning incentives?](#)

The City code provides incentives to encourage homeowners to substantially retain an existing home that is classified as architecturally significant. This includes increased unit size up to 60% and increased lot coverage up to 40%, as well as reduced setbacks. Modification and new construction are reviewed administratively for compliance with the incentives and Design Review Criteria. You can submit an application for determination of architectural significance [here](#). Enter Determination of Architectural Significance in the search bar.

[Is a formal determination of architectural significance the same as historic designation?](#)

No, they are not the same. Homes that are formally classified as Architecturally Significant are not historically designated and are not subject to the review and approval of the Historic Preservation Board.

[Is my home eligible for Determination of Architectural Significance?](#)

If your home was constructed prior to 1966, it may satisfy the criteria required to be classified as architecturally significant. The home must be a recognized example of an architectural style, and must have most of its original exterior architectural details and features. If later additions consumed or significantly altered the design of the original home, it would not be classified as architecturally significant.

[If my home is formally classified as architecturally significant are there any restrictions on total demolition in the future?](#)

Based upon current requirements, a home that is classified as Architecturally Significant is not treated any differently than a home that does not have this classification. The same requirements for demolition permits apply, and review by the Design Review Board or Historic Preservation Board is not required.

[Can I construct a modern addition onto my home that has a formal classification of architectural significance or do I have to match the design of the current home?](#)

New construction does not have to match the style of the current home. Modern additions may be constructed on to homes that are classified as architecturally significant, provided the design is compatible and complies with the Design Review Criteria, as determined by Planning Staff.

[Can I have my home formally classified as architecturally significant and then completely change the design and character of the home?](#)

No. If a homeowner is taking advantage of the incentives -provided via the Formal Determination the architectural style and character of the existing home must be maintained. New Construction is reviewed as noted above.

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Historic Preservation

Is my property located within a Historic District?

The City has 14 local historic districts. The City's historic districts are identified on the Historic District Map available [here](#).

Is my property considered historic?

Properties located within a local historic district are classified as Contributing or Non-Contributing. If your property is located within a historic district, you can find the property classification through the City's Historic Property Viewer available [here](#).

Can I demolish my building?

If the building is located within a local historic district or an individually designated historic site, all requests for total demolition require the review and approval of the Historic Preservation Board at a public hearing, regardless of building classification.

What is a Certificate of Appropriateness?

A Certificate of Appropriateness is an approval issued by the Historic Preservation Board or by staff of the Planning Department indicating that new construction, alteration or demolition of a historic structure or an improvement within a historic district is in accordance with the review criteria outlined in Chapter 118, Article X, Division 3 of the City Code which can be accessed [here](#).

Can I change the appearance of my building?

Yes, modifications to historic structures including Contributing and Non-Contributing buildings are permitted. All proposed modifications are reviewed in accordance with the Certificate of Appropriateness Criteria and may require approval from the Historic Preservation Board

If my home was determined to be architecturally significant does that mean it is historic?

No, if you received a determination that your single-family home is architecturally significant, that does not mean that your home has any type of historic designation.

[What is the difference between a Contributing and a Non-Contributing building?](#)

A Contributing building is one which by location, scale, design, setting, materials, workmanship, feeling or association adds to a historic district's sense of time and place and historical development. A building may be contributing even if it has been altered if the alterations are reversible and the most significant architectural elements are intact and repairable.

A Non-Contributing building is one which does not add to a historic district's sense of time and place and historical development or one where the location, scale, design, setting, materials, workmanship, feeling or association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.

[Are alterations or demolition to Contributing buildings reviewed differently than Non-Contributing buildings?](#)

No, all buildings that are located within any local historic district are reviewed in accordance with the Certificate of Appropriateness Criteria regardless of building classification.

[I want to make some minor improvements to my property, is an application to the Historic Preservation Board required?](#)

No, repairs, window and storefront replacement, awnings, canopies, exterior paint, minor demolition to address life-safety, accessibility, mechanical and other applicable code requirements, and façade and building restoration may be approved by staff, provided the scope of work satisfies the Certificate of Appropriateness criteria.

[How do I apply for approval from the Historic Preservation Board and how long does it take?](#)

Applications are generally scheduled for hearing between three to four months depending in part on the date the application is submitted, as well as the completeness of the application package. Applications that include all necessary information and documents can be processed faster, resulting in earlier scheduling. As part of this process staff must ensure that proposed projects comply with all the requirements of the land development regulations. The first step is requesting a pre-application meeting with staff. After the pre-application meeting you will obtain a checklist with the submittal requirements.

Design professionals are encouraged to become familiar with the applicable sections of the City's Land Development Regulations prior to designing the project to ensure a quick and efficient application process. You can apply for a Pre-Application meeting [here](#). Enter Pre-App HPB in the search bar.

[Can board approvals be extended beyond the initial 18 months?](#)

An application can be made to the board to extend the approval for up to one year. The property owner may also avail themselves of extensions automatically granted due to a declaration of a State of Emergency issued by the State of Florida, if any. **Requests must be filed with the Planning Department before the order expires.** The time frame of the state of emergency or emergencies will dictate the maximum duration that a HPB approval may be extended. To submit a request to extend a board order please email Boardorderextensionrequest@miamibeachfl.gov

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Planning Board

[I have a property comprised of multiple lots. Can the property be split into individual lots?](#)

Applications are generally scheduled for hearing between three to four months depending in part on the date the application is submitted, as well as the completeness of the application package. Applications that include all necessary information and documents can be processed faster, resulting in earlier scheduling. As part of this process staff must ensure that proposed lots comply with all the requirements for lots in the land development regulations. The first step is requesting a pre-application meeting with staff. After the pre-application meeting you will obtain a checklist with the submittal requirements.

Among other things, the submittal must include a survey of proposed lots and architectural massing of the proposed homes. If approved, the Planning Board can place conditions on the new construction, including limits on lot coverage and unit size, to ensure that new structures are compatible with the neighborhood.

If the proposal modifies the lots from what was originally plated, you will also have to replat through Miami-Dade County after the lot split is granted by the Planning Board. You can apply for a Pre-Application meeting [here](#). Enter Pre-App Planning Board in the search bar.

[Do I need a Conditional Use Permit?](#)

Conditional Use Permits (CUPs) are required for certain conditional uses identified in the zoning code. Generally, these uses require additional controls to minimize the impacts on surrounding properties and residents. The conditional uses vary by zoning district. Typical conditional uses generally include, but are not limited to, the following:

- Outdoor entertainment establishments
- Open air entertainment establishments
- Neighborhood Impact Establishments
 - Alcoholic Beverage Establishments with Entertainment and an Occupancy of over 199 persons; or
 - Alcoholic Beverage Establishments without Entertainment and an Occupancy of over 299 persons.
- Schools
- Religious Institutions
- New construction over 50,000 SF in commercial districts

[How do I obtain a Conditional Use Permit \(CUP\)?](#)

CUPs must be approved by the Planning Board. Applications are generally scheduled for hearing between three to four months depending in part on the date the application is submitted, as well as the completeness of the application package. Applications that include all necessary information and documents can be processed faster, resulting in earlier scheduling. After the pre-application meeting you will obtain a checklist with the submittal requirements. Depending on the use, an application may require the submittal of building plans, floor plans, operations plan, traffic study, and a sound study in addition to other application documents.

Staff will review the proposal and make a recommendation to the Planning Board, which must ultimately approve the application. The Planning Board may place conditions on the use to ensure that the impacts of the use are minimized or mitigated. The use will be subject to enforcement mechanisms of the Planning Board to ensure that the uses operate as intended. You may apply for a pre-application meeting [here](#). Enter Pre-App Planning Board in the search bar.

[After I receive approval from the Land Use Board, how long do I have to obtain the full building permit?](#)

Board approvals are valid for 18 months. An application can be made to the approving board to extend the approval for up to one year, or a property owner may avail themselves of extensions with board order approval or automatically granted due to the declaration of a State of Emergency issued by the State of Florida, if any. Such requests must be filed with the Planning Department before the order expires. The time frame of the state of emergency or emergencies will dictate the maximum duration that a Planning Board approval may be extended. To submit a request to extend a board order please email Boardorderextensionrequest@miamibeachfl.gov

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