

- E. Minor demolition and alterations to rear and secondary facades to accommodate utilities, refuse disposal and storage, provided the degree of demolition proposed is not substantial or significant and does not require the demolition or alteration of architecturally significant portions of a building or structure.
- F. Accessory Dwelling Units (ADU) within single family zoning districts; provided the proposed ADU does not require the demolition or alteration of architecturally significant portions of a building or structure.
- G. New construction, including attached or detached additions, of eligible educational facilities pursuant to section 7.2.12 that do not exceed 25,000 square feet of floor area and do not exceed 50'-0" in height.

**SECTION 3.** Chapter 2, entitled "Administration and Review Procedures", Article VII, entitled "Commission Warrant", is hereby amended as follows:

**CHAPTER 2. ADMINISTRATION AND REVIEW PROCEDURES**

\* \* \*

**ARTICLE VII. Commission Warrant**

\* \* \*

**2.7.1 Procedures.**

The city commission may grant a warrant from the application of these land development regulations to a specific development project, where the warrant improves the design of the project but does not (i) increase its floor area ratio or density from that allowed by these land development regulations, except as provided for in Section 2.7.1(c); (ii) allow a use not otherwise allowed by these land development regulations; or (iii) modify by more than 25 percent the building bulk requirements of the land development regulations, except as provided for in Section 2.7.1(c).

\* \* \*

c. Eligible educational facilities pursuant to section 7.1.12, may request a commission warrant in accordance with 2.7.1(a) and (b) to exceed the maximum allowable FAR within the underlying zoning district or overlay district by 10 percent, not to exceed a total of 5,000 additional square feet and to reduce the minimum required setbacks, open space and lot coverage requirements within the underlying zoning district or overlay district by 50 percent.

**SECTION 4.** Chapter 7, entitled "Zoning Districts and Regulations", Article I, entitled "General to All Zoning Districts", is hereby amended as follows:

**CHAPTER 7  
ZONING DISTRICTS AND REGULATIONS**

**ARTICLE I. GENERAL TO ALL ZONING DISTRICTS**

\* \* \*

**7.1.12 SCHOOL USE INCENTIVES**

Where authorized in the underlying zoning district or overlay district, the below voluntary incentives shall be applicable to school developments including college, elementary school, high school, kindergarten school, middle school, pre-school, or university that are public schools or designated by the Internal Revenue Service as tax exempt pursuant to section 501(c)(3) of the Internal Revenue Code.

- a. Eligible educational facilities shall have no minimum off-street parking requirement. Such facilities may provide required parking on site as specified in parking tier 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 1 of these land development regulations.
- b. Eligible educational facilities may request a Commission Warrant pursuant to section 2.7.1 to exceed the maximum allowable FAR within the underlying zoning district or overlay district by 10 percent, not to exceed a total of 5,000 additional square feet.
- c. Eligible educational facilities may request a Commission Warrant pursuant to section 2.7.1 to reduce the required setbacks, open space and lot coverage requirements within the underlying zoning district or overlay district by 50 percent.
- d. Eligible educational facilities located within commercial and high intensity zoning districts that do not exceed 50,000 square feet of gross floor area shall not require a conditional use permit.
- e. The following shall apply to eligible educational facilities that do not exceed 25,000 square feet of new floor area or the maximum allowable floor area within the underlying zoning or overlay district, whichever is less, and do not exceed 50'-0" in height or the maximum allowable height within the underlying zoning or overlay district, whichever is less:
  1. For properties not located within any local historic district, mandatory Design Review Board approval for the design of eligible educational facilities shall not be required.
  2. For properties located within a local historic district, mandatory Historic Preservation Board approval for the design of the new construction of eligible educational facilities shall not be required. This provision shall not apply to the proposed demolition of an existing structure.

#### **SECTION 5. 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 6. 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 renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

#### **SECTION 7. SEVERABILITY.**

