An aerial photograph of Harbor & Treasure Islands, showing a dense cluster of high-rise multifamily buildings along the waterfront. The water is a deep blue-green, and the sky is clear. The buildings are modern, with balconies and large windows. The overall scene is a vibrant, urban waterfront development.

Zoning Code Update  
for High-Density  
Multifamily Buildings in  
Harbor & Treasure  
Islands

**LISTENING SESSION**

January 17, 2023



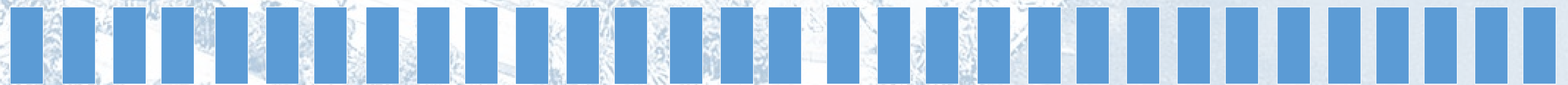




# PURPOSE

To ensure that the RM-70 zoning district helps meet our long-term vision and goals, as expressed in the Comprehensive Plan and the NBV100 Master Plan (livability, resilience, prosperity), and that the character of future high-density development enhances our multifamily residential neighborhoods.

# PROCESS



Public Engagement



# DESIRED MEETING OUTCOMES

- Collect range of perspectives
- Understand the strengths and weaknesses of the RM-70 zoning and related regulations
- Identify opportunities for improvement and areas of agreement as the basis for direction on necessary changes



# PRELIMINARY ANALYSIS (HARBOR ISLAND)

Folio(s)	Address	Project Name	Owner	Sq. Ft.	Acres	Current Use	Tenancy	Year Built	Existing Units	Height (stories)	As-Built Density (upa)	Total Max Units @70 upa	Additional Unit Capacity @70 upa	Legally non-conforming density?	Rezoned as PRD?
<b>WEST DRIVE</b>															
23-3209-001-0040	8000 West Drive	Moda Apts	8000 WEST DRIVE GROUND OWNER LLC C/O SAFEHOLD INC	196,456	4.51	MFR	R	2015	285	8	63	315	30	N/A	N
23-3209-022-0001 (ref)	7939-7941 West Drive	Chateau Isle	MULTIPLE	22,400	0.51	MFR	O	1956	12	3	23	21	9	N/A	N
23-3209-001-0420	7938-7940 West Drive	N/A	7940 NBV PARTNERS LLC	33,600	0.77	Vacant	N/A	N/A	0	0	N/A	54	54	N/A	N/A
23-3209-001-0500	7937 West Drive	West Bay Villas	JACOB WATERFRONT PROPERTIES LLC	11,200	0.26	MFR	R	1954	6	2	23	6	0	N/A	N
23-3209-038-0001 (ref)	7935 West Drive	West Bay Condo	MULTIPLE	11,200	0.26	MFR	O	1956	8	2	31	6	-2	Y	N
23-3209-048-0001 (ref)	7934 West Drive	Space 01	MULTIPLE	33,600	0.77	MFR	O	2006	54	15	70	54	0	N/A	N
23-3209-027-0001 (ref)	7933 West Drive	Magaluf Towers	MULTIPLE	22,400	0.51	MFR	O	1979	40	11	78	21	-19	Y	N
23-3209-043-0001 (ref)	7929 West Drive	Blue Bay Tower Condo	MULTIPLE	22,400	0.51	MFR	O	2005	36	15	70	21	-15	N/A	?
23-3209-036-0001 (ref)	7928 West Drive	Islander Club	MULTIPLE	44,800	1.03	MFR	O	1969	87	10	85	72	-15	Y	N
23-3209-001-0620	7925 West Drive	7925 West Drive	VALLEYVIEW REIT LLC	22,400	0.51	MFR	R	1958	24	2	47	21	-3	N/A	N
23-3209-001-0660	7921 West Drive	7921 West Drive	AZURE USA LLC	11,200	0.26	MFR	R	1947	8	2	31	6	-2	Y	N
23-3209-001-0220	7920 West Drive	Vogel Park	NORTH BAY VILLAGE	22,400	0.51	Park	P	N/A	0	0	0	35.7**	0	N/A	N/A
23-3209-001-0160	7918 West Drive	7918 West Drive	P&O PROPERTIES LLC	33,600	0.77	Under construction	O	2024	54	21	70	54	0	N/A	N/A
23-3209-001-0680	7917 West Drive	7917 West Drive	CORAL USA LLC	22,400	0.51	MFR	R	1963	30	2	58	21	-9	Y	N
23-3209-001-0013	7913 West Drive	Former Coletta lot	S2 NBV LLC	43,901	1.01	Vacant	N/A	N/A	0	0	0	71	71	N/A	N/A
23-3209-001-0110	7910 West Drive	Harbor West Apts.	GATOR HARBOR WEST LTD	42,324	0.97	MFR	R	1958	44	3	45	68	24	N/A	N
23-3209-026-0001 (ref)	7904 West Drive	Bayshore Yacht and Tennis Club	MULTIPLE	60,300	1.38	MFR	O	1963	174	12	126	97	-77	Y	?
<b>HARBOR ISLAND DRIVE</b>															
23-3209-052-0001 (ref)	7900 Harbor Island Drive	360 Condominium (A, B and C)	MULTIPLE	298,480	6.85	MFR	O	2007	336	15 max	49	480	144	N/A	N
<b>EAST DRIVE</b>															
23-3209-021-0001 (ref)															
23-3209-001-0023															
23-3209-001-0021	8000 East Drive	Biscayne Sea Club	MULTIPLE	133,619	3.07	MFR	O	1955	52	3	17	215	163	N/A	N
23-3209-030-0001 (ref)	7946 East Drive	Majestic Isle Condo	MULTIPLE	40,000	0.92	MFR	O	1960	36	3	39	64	28	N/A	N
23-3209-032-0001 (ref)	7945 East Drive	Bays Water Condo	MULTIPLE	28,800	0.66	MFR	O	1958	24	3	36	46	22	N/A	N
23-3209-001-0430	7941 East Drive	Mon Plaisir	ROBMAR MIAMI LLC	11,200	0.26	MFR	R	1953	4	2	16	6	2	N/A	N
23-3209-056-0001 (ref)	7939 East Drive	The Current by Extant	NBV TOWER LLC	11,200	0.26	MFR	R	2008	16	15	62	6	-10	N/A	?
23-3209-059-0001 (ref)	7935 East Drive	Cielo on the Bay	MULTIPLE	22,400	0.51	MFR	O	2009	36	15	70	21	-15	N/A	?
23-3209-001-0330	7931 East Drive	7931 East Drive	7927/7931 EAST DRIVE	22,400	0.51	MFR	R	1958	24	2	47	21	-3	Y	N
23-3209-060-0001 (ref)	7928 East Drive	Eloquence on the Bay	PROPERTY HOLDINGS LLC	125,197	2.87	MFR	O	2009	120	17	42	201	81	N/A	N
23-3209-001-0290	7927 East Drive	7927 East Drive	7927/7931 EAST DRIVE	22,400	0.51	MFR	R	1961	20	2	39	21	1	N/A	N
23-3209-001-0610	7926 East Drive	Miami White House	7926 EAST LLC	11,200	0.26	MFR	R	1946	8	2	31	6	-2	Y	N
23-3209-001-0630	7924 East Drive	7924 East Drive	NORTH BAY INVESTORS INC	11,200	0.26	MFR	R	1968	19	5	74	6	-13	Y	N
23-3209-001-0270	7925 East Drive	N/A	RENE CARABALLO	11,200	0.26	Vacant	N/A	N/A	0	0	0	6	6	N/A	N/A
23-3209-001-0250	7923 East Drive	N/A	RENE CARABALLO	11,200	0.26	Vacant	N/A	N/A	0	0	0	6	6	N/A	N/A
23-3209-001-0650	7922 East Drive	N/A	MBM DEVELOPMENTS LLC	11,200	0.26	Vacant	N/A	N/A	0	0	0	6	6	N/A	N/A
23-3209-029-0001	7921 East Drive	Lido Condo	MULTIPLE	21,700	0.50	MFR	O	1959	20	2	40	20	0	N/A	N
23-3209-033-0001 (ref)	7920 East Drive	Belle Isle Condo	MULTIPLE	22,400	0.51	MFR	O	1958	24	2	47	21	-3	Y	N
23-3209-001-0151	7915 East Drive	7915 East Drive	C & D BAY VILLAGE LLC	33,600	0.77	MFR	R	1959	41	3	53	54	13	N/A	N
23-3209-034-0001 (ref)	7909-7911 East Drive	Harbor Condo	MULTIPLE	24,000	0.55	MFR	O	1951	8	2	15	23	15	N/A	N
23-3209-001-0090	7905 East Drive	Royal Isle	ROYAL ISLE APARTMENTS L C	46,990	1.08	MFR	R	1964	45	3	42	76	31	N/A	N
<b>Totals</b>									<b>1,695</b>			<b>2,212</b>	<b>517</b>		





# PRELIMINARY ANALYSIS (Cont'd)

- Existing units: 1,695
- Density range: 23 upa (Chateau Isle) to 126 upa (Bayshore)
- Average density: 43 upa
- Building age range: 0 (new constr.) to 76 years
- Building age average: 50 years
- Tenancy: 68% ownership (condos) v. 32% rental
- Building height range: 2 to 21 stories (new constr.)
- Building height average: 6 stories
- Undersized parcels: 51%
- Vacant acreage: 2.55 acres





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# PRELIMINARY ANALYSIS (Cont'd)

- Potential add'l units @70 upa (base density): 517
- Other factors to consider:
  - Lot assembly/redevelopment opportunities
  - Planned Residential Overlay option (uses FAR, not density)
  - Transfer of development rights (up to 30% from the available pool) on an individual basis (but does not change the overall island density)
  - Cost of TDRs:
    - \$65,000 per unit for a project comprised entirely of non-waterfront property
    - \$75,000 for a project with any frontage on a water body



# DISCUSSION TOPICS

1. District purpose and permitted uses
2. Site development standards
3. Density and building height
4. Transfer of development rights
5. Alternative regulations
6. Open space
7. Parking
8. Other relevant requirements





# ZONING DISTRICT PURPOSE (SEC. 8.10.D.1)

“The purpose of this district is to provide for high-density multi-family residential structures together with other principal uses as may be approved as use exceptions and such accessory uses as may be necessary and compatible.”

## PERMITTED USES (SEC. 8.10.D.2)

1. Multi-family residential dwellings, including duly licensed home occupation.
2. Management offices, but only if the structure contains eight (8) or more dwellings units or guest rooms.
3. Ancillary office retail and service commercial facilities, if the structure contains 100 or more dwelling units or guest rooms and subject to the following conditions:
  - Access to such nonresidential facilities shall be only inside the building.
  - There shall be no external advertising signs, display windows or entrances, provided, however, that within a building containing 400 or more dwelling units, entrances, external signs and display windows are permitted if the signs do not face a public right-of-way and cannot be read from the public right-of-way; are affixed flat against the facade or awning canopy of the commercial facility; do not exceed 10% of the area of the building facade; are compatible as to materials, background and style with all adjacent and contiguous commercial facilities, and are not self-illuminated, "activated", "animated", "flashing", or "beacon light" signs as defined in Section 11.2 of the ULDC.



# ACCESSORY USES (SEC. 8.16.A)

## 1) In all residential districts:

### 1) Private garages or carports provided:

- a) No solid wall exterior facades or enclosures are allowed;
- b) Enclosures must create window facades proportional to the existing windows at the front of the home;
- c) A landscaped area is created in front of the enclosed garage to a depth of 24" inches and covering the width of the original garage opening; and
- d) Such greenspace shall be cut out from any existing driveway material that may run up to the new enclosure, or enclosure may maintain a garage door facade.

### 2) Private swimming pools, cabanas, whirlpools, saunas, spas and hot tubs.

### 3) Private tennis, basketball or volleyball courts or other similar outdoor recreational uses.

### 4) Storage structures provided no structure exceeds 150 square feet in gross floor area and is not more than 12 feet high from grade.

## 2) In all zoning districts

### 1) Television and radio antenna structures, except for those of a microwave relay or transmission nature, subject to the provisions of Section 8.13(N).

### 2) Caretaker or watchman quarters when such quarters are associated with an active construction project.

### 3) Storage areas within structures containing multifamily residential dwelling units, provided the storage is reserved for residents of the subject property and provided the storage area does not exceed 5% of the gross floor area of the structure.

### 4) Doghouse, pens, and other similar structures for the keeping of commonly accepted household pets, provided, however, the requirements of Sections 91.03 and 91.10 through 91.12 of the Village Code of Ordinances are complied with.

### 5) Disaster Shelters

### 6) Green building features.



# PROHIBITED USES (SEC. 8.10.D.3)

All other uses not specifically or provisionally permitted herein.

# USE EXCEPTIONS (SEC. 8.11)

The Village Commission may permit the following buildings and uses as use exceptions, provided there are clear indications that such exceptions will not substantially affect adversely the uses permitted in these regulations of adjacent property.

1. Structural alterations to special uses, after these uses are approved by the Village Commission.
2. Other special uses as may be enumerated in specific zoning districts.
3. Assisted living facility or nursing facility.
4. Temporary sales/marketing office approval for no more than 12 months.
5. Farmers' market
6. Uses that provide a public benefit (parks, open space and other public amenities) that will not adversely affect the existing adjacent uses, the uses permitted in the zoning district of the subject property, or the uses permitted in the zoning district of the adjacent properties.



# SITE DEVELOPMENT STANDARDS (SEC. 8.10.D.4)

Minimum lot size\*:

Area—27,000 square feet

Frontage—75 feet

Minimum yard setbacks:

<b>Location</b>	<b>Distance (Feet)</b>
NE 79 <sup>th</sup> Street (north side)	40
Kennedy Causeway (south side)	60
Other street frontages	25
Rear	25
Adjacent single-family district	100
One side (interior)	15
Second side (interior)	20% of the lot width
Total side setback area free of structures at ground level	60

Minimum unit floor area:

<b>Unit Type</b>	<b>Floor area (Sq. Ft.)</b>
Efficiency	600
One-bedroom	900
Two-bedroom	1,200
Three-bedroom or larger	1,350

BUT if the lot is undersized, Sec. 8.10.D.6, Special exceptions for certain undersized parcels, apply.



# OPEN SPACE (SEC. 8.10.D.4.g.)

Minimum pervious area: Twenty percent (20%) of the total parcel must be retained as pervious area and shall be landscaped.

# DENSITY (SEC. 8.10.D.4.c., as amended)

Maximum density.

Pursuant to the Village's Comprehensive Plan, the maximum base density permitted in RM-70 properties shall be seventy (70) units to the acre, except for properties receiving transferred development rights pursuant to Section 8.13, which shall be permitted to exceed the maximum base density by no more than thirty percent (30%). Receiver sites may be developed as otherwise permitted by this Unified Land Development Code, as may be amended from time to time, in combination with the development rights available to the site, provided that the overall density is consistent with, and does not exceed, the overall density allowable by the Village's Comprehensive Plan.



# BUILDING HEIGHT (SEC. 8.10.D.3.c, as amended)

Maximum base building height: 150 feet.

Maximum bonus building height: Bonus height may be approved according to Section 8.12.

# BONUS AND ADDITIONAL HEIGHT (SEC. 8.12, as amended)

Properties in the RM-70 district may request to purchase additional height from North Bay Village as follows:

## A. Approval of bonus height

Requests for bonus height shall be made concurrent with site plan review and shall be reviewed pursuant to the same criteria as site plans, provided in Section 5.8 ULDC. The Village Planning and Zoning Board shall review the request and provide a recommendation to the Village Commission. The Village Commission shall have the authority to approve or deny any bonus height request at a site plan review public hearing.

## B. Maximum bonus height

1. The maximum building height (with bonus) that may be approved according to this section is 240 feet.
2. Properties in the RM-70 District receiving transferred development rights pursuant to Section 8.13 shall be entitled to receive approval from the Village Commission for additional building height of up to thirty percent (30%) above the maximum permitted height (up to 312 feet with the application of all bonuses) to accommodate the transferred density.



# TRANSFER OF DEVELOPMENT RIGHTS (SEC. 8.13, as amended)

Properties in the RM-70 district may request to purchase additional dwelling units, allowing for increased density and height from North Bay Village as follows:

## A. Sending Sites

The sending sites shall be land currently owned by the Village. Any and all Village-owned property shall be considered as an eligible TDR sending or donor site. Total transferred density allocation within the Village shall not exceed the total developable potential of the sending sites. Total transferred density allocation on Harbor Island shall not exceed the total developable potential of the sending sites located on Harbor Island. The Planning and Zoning Official shall track and keep an official tally of the development rights available for transfer, which shall be updated with each transaction. A copy of each update shall be filed by the Village Clerk. Upon issuance of a building permit for a project on an eligible receiving site that utilizes approved transferred units, the Village shall record a declaration of restriction on its property, recognizing the transfer of units and the remaining number of transferrable units on the sending site.

## B. Approval of Transfer of Density Rights and Additional Building Height.

Requests for transferred density shall be made concurrent with site plan review and shall be reviewed pursuant to the same criteria as site plans, provided in Section 5.8 of the UDLC. The resulting density and building height following the use of transferred units shall not exceed thirty percent (30%) of the base density and maximum building height (including all other available bonuses) of the receiving site. The Village Planning and Zoning Board shall review the request and provide a recommendation to the Village Commission. The Village Commission shall have the authority to approve or deny any additional building height at a site plan review upon a finding that the additional building height is necessary to reduce the building bulk and tower floor plate to the minimum practicable area



# REMAINING TRANSFERRABLE DEVELOPMENT RIGHTS

Any and all Village-owned property shall be considered as an eligible TDR sending or donor site...

Village-Owned Property with MFR development Rights	Area (square feet and acres)	Current Future Land Use Designation	Current Zoning	Zoned Residential Density	Previous Transfers?	Maximum Allocated Density @ 70 units/acre	Remaining TDRS
Former Village Hall Site (East Drive Park)	32,169 sf 0.738 ac	Public Buildings and Grounds	Commercial	70 du/ac	Yes**	51.7 units	0
Vogel Park	22,400 sf 0.514 ac	Recreational	RM-70	70 du/ac	Yes*	35.9	27.4
Galleon Street property	48,000 sf 1.10 ac	Public Buildings and Grounds + Recreational	RM-40	40 du/ac	No	44.2	44.2
Sakura Property	31,734 sf 0.728 ac	Commercial	T6-24MU	70 du/ac (base)	Yes**	50.9 units	0
<b>TOTAL REMAINING POOL</b>							<b>71.6</b>



# ALTERNATIVE REGULATIONS

## Undersized Parcels (Sec. 8.10.D.6.)

Minimum lot size: 10,800 square feet

Frontage: 30 feet

Density: If the lot is 10,800 square feet, a maximum of six (6) units; but on lots which exceed 10,800 square feet or 30 feet in frontage, one (1) additional unit for each whole 750 square feet of land area in excess of the minimum required lot area or frontage.

Building height: The maximum building height on minimum undersized parcels shall be three (3) stories or 36 feet above code-approved grade, whichever is less; but on lots larger than 10,800 square feet or 30 feet in frontage, one (1) floor for each whole 1,750 square feet of land area in excess of the minimum required lot area, not to exceed six (6) stories or 72 feet above code approved grade, whichever is less. Grade level (understory) parking not exceeding ten (10) feet in height is not included in the maximum height limitation.

Minimum pervious area: Twenty-five (25) percent of the total lot area must be retained as pervious area and must be landscaped.



# ALTERNATIVE REGULATIONS (Cont'd)

## Planned Residential Development (Sec. 8.10.D.7.)

Established in 2001 as an Overlay District. Process that provides certain degree of flexibility to support innovative approaches to planning and design of “community environments”

May only be approved after public hearings

The subject property must contain a minimum of one legally platted lot for the construction of no less than ten (10) residential units and twenty (20) off-street parking spaces, or two (2), but not more than three (3), platted lots contiguous, as of the effective date of this section [Jan. 22, 2002];

The subject property must be deemed one (1) parcel of land and in the event that two (2) or more platted lots shall constitute a PRD, the applicant shall submit a Unity of Title...

Density: Not applicable

Floor area ratio (FAR): No structure shall contain a FAR of greater than 3.0 for one (1) lot; 3.75 for two (2) lots; and 4.00 for three (3) lots, and no more than one-half (1/2) of a floor area used for amenities can be allocated for dwelling units.

Building height: 170 feet above BFE, all inclusive

Density and height bonus: Not applicable

Setbacks: Smaller setback requirements for projects with pedestal and tower design; stepback for tower; flex setback provisions to accommodate creative configurations and design solutions.

Special features and requirements: Parking, landscape, design features such as balconies. (No reference to public boardwalk).



# MINIMUM PARKING (SEC. 9.3.C.)

b. Multifamily in all areas except Treasure Island T6-24, t6-24MU and T6-30 transect zoned lots on the north and south side of Kennedy Causeway:

- One and one-half (1.5) space for each efficiency unit
- Two (2) parking spaces for one and two-bedroom units
- Three (3) parking spaces for three-bedroom units or larger and two-bedroom units, which contain an enclosed den or other space convertible to a bedroom
- An additional ten percent (10%) of the total number of required spaces for guest parking, which shall be identified as such.
- All of the required minimum number of parking spaces pursuant to these provisions, shall be conveyed for use by the developer to the condominium association, and then made available for use by the unit owners at no charge. Where spaces are indicated by a fraction, at least the whole number must be conveyed. This provision shall apply to development under the PRD Ordinance.



# MECHANICAL PARKING (SEC. 9.3.G.)

Mechanical parking lifts with valet parking serving legal nonconforming residential development in the RM-70 District.

- ...mechanical parking lifts may be permitted to serve development in the RM-70 district, existing as of January 1, 2017, which is nonconforming to the minimum number of parking space requirements... Parking spaces created by a mechanical parking lift may be counted towards the total number of required parking spaces. Access to both standard and mechanical parking may be provided through the use of vehicle elevators. Mechanical parking may be permitted if it meets the following standards:
  - Must be operated by an attendant or a licensed and insured valet parking company on a 24-hour/seven-days-a-week basis, to be confirmed by restrictive covenant to be recorded by the owner/applicant prior to establishment of the use...
  - Lifts must be shielded from view from adjacent properties...
  - The mechanical parking lifts, decorative fencing, and any garage structure shall be designed so that the noise or vibration from the operation of the lifts or car elevators shall not be plainly audible to, or felt by, any individual standing outside on property adjacent to the garage structure
    - \* \* \*
  - The ceiling heights of any garage parking level with parking lifts within a garage shall be a minimum of 11 feet six inches.
    - \* \* \*
  - The condominium association shall not lease or sell parking spaces and shall not charge for guest parking.



# OTHER STANDARDS AND REQUIREMENTS

## Additional required features and requirements (Sec. 8.10.D.5.)

- Public access boardwalk as required by the Miami-Dade County Shoreline Review Committee. (Developer shall dedicate an easement to the Village conveying the boardwalk and a public access corridor).
- All exterior paving surfaces, except for covered parking garages, shall be constructed of brick pavers.
- A water feature shall be provided in the front of each development.
- Developments shall comply with existing landscaping requirements, as well as changes implemented in the future to conform to contiguous developments and landscaping plans implemented for the causeway and interior island areas.
- Developments shall provide streetscape benches along the boardwalk areas.
- All parking garages shall be constructed with architectural features that hide them from public view (glass, screening, greenery etc.).
- Lighting shall be provided in all areas in the front of development where trees are planted.

## Green Building Program (Sec. 8.20)

Multi-family residential shall achieve a minimum of eighteen (18) points.



# OTHER STANDARDS AND REQUIREMENTS (Cont'd)

## Shoreline Accessibility (Sec. 8.14)

All properties in the RM-70 and CG districts contiguous to Biscayne Bay and its natural tributaries shall provide and maintain a shoreline walkway adjacent to and parallel to the riparian right-of-way. The shoreline walkway shall be provided continuously along the water for the full width of the property and shall be at least 10 feet wide... In addition, all properties in the RM-70 and CG districts contiguous to Biscayne Bay are subject to the following:

- A. Prior to, or concurrent with, site plan approval, the Village Commission shall have the authority to allow the shoreline walkway to be provided in the riparian right-of-way in lieu of providing the shoreline walkway upland on the subject property.
- B. A 5-foot-wide public access connection walkway shall be provided and maintained between the shoreline walkway and the public right-of-way.
- C. Easements for both the shoreline walkway and public access connection walkway shall be dedicated and recorded prior to issuance of a building permit. The easement for the shoreline walkway shall provide connection to the shoreline walkways of contiguous properties.
- D. The shoreline walkway and public access walkway shall be open to the public daily, during hours determined by the Village.
- E. Walkway lighting shall be provided and maintained. Lighting shall remain on during any nighttime hours that the walkways are open to the public.
- F. All shoreline accessibility facilities constructed according to this section shall be ADA compliant.



# Next Steps

- Finalize development capacity
- Conduct traffic generation analysis
- Process input received today
- Develop preliminary regulatory responses/options
- Schedule follow-up session to present initial responses/options (TENTATIVELY Feb 28, 2023 – subject to change!)





Thank you for  
participating!

Q&A

January 17, 2023