



## Frequently Asked Questions

### WHAT IS HISTORIC PRESERVATION?

Since the City's incorporation in 1896, the City of Miami has welcomed a multitude of pioneering citizens whose contributions have created the character of the city which is often reflected in buildings and neighborhoods. To protect these irreplaceable reminders of our past, the city enacted a historic preservation ordinance in 1982 which grants special status to those properties, and creates provisions for the protection and improvement of these resources.

### HOW DOES HISTORIC PRESERVATION INTEGRATE WITH THE PROPOSED MIAMI 21 ZONING CODE?

The Miami 21 Zoning Code acknowledges the importance of historic preservation as one of its key elements. It is the intent of the zoning code to preserve historic neighborhoods, resources and the natural environment through revisions to the current zoning ordinance districts and through the implementation of a transfer of development rights (TDRs) program.

### WHAT IS TRANSFER OF DEVELOPMENT RIGHTS (TDRs)?

TDRs is a vehicle that enables a historic property owner to transfer its unused development capacity to another property owner who then is allowed to add "bonus" height or intensity to its property. Owners of a locally or nationally designated historic property that is located either in a T-4 O or higher transect zone, or is a multi-family residence located in a T4-R transect zone, may permanently sell any additional potential capacity (unused development rights) to a property located in a T-6 transect zone. The purpose of the TDR for designated historic properties is to encourage the preservation of historic buildings instead of demolition or renovations that would diminish the integrity of the property's historic value. By creating a monetary value for the unused capacity, that would otherwise be lost when the owner maintains the historic building, the City hopes to save pieces of its history.

**Example:** An owner of a *designated* historic property owns a two-story building located in a T4-O transect zone. If the property were developed to its maximum intensity, the owner would be able to build a larger building. In exchange for preserving the historic property, the TDRs allow the owner to permanently sell its unused development rights to another property in a T6 transect zone. The zoning administrator calculates the unused capacity as the difference between the existing square footage in the historic building against the potential square footage that would be available to the building in a full build-out scenario.

### HOW DOES THE MIAMI 21 ZONING CODE PROTECT HISTORIC NEIGHBORHOODS AND STRUCTURES?

- The zoning code includes design requirements that require a developer to provide appropriate transitions between historic neighborhoods and adjacent development.
- TDR Program will become a reality allowing property owners to transfer unused building rights to other properties in areas of the city appropriate for higher development intensity.



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### **WHAT OTHER PROVISIONS ASSIST A PROPERTY OWNER IN PRESERVING HISTORIC PROPERTY?**

In January 2007 the Miami City Commission enacted an ordinance which grants owners of locally *designated* historic resources the opportunity to apply for ad valorem tax relief. The tax relief applies to the *value of the improvements* to these historic properties, and applies only to the property taxes levied by the City of Miami.

### **WHAT IS CHAPTER 23 OF THE CITY CODE?**

Chapter 23 of the City Code is the legislation that establishes the Historic Preservation Ordinance for the City of Miami. Chapter 23 contains the information that explains what qualifies a property for historic designation; the responsibilities of designated historic property owners, and the process when changes to a historic property are made.

#### **a. WAIVERS FOR LOCALLY DESIGNATED HISTORIC PROPERTIES**

In many historic buildings, non-conformities routinely exist, as they were built before current zoning ordinance provisions were enacted. As a result, some historic properties have never been in strict compliance with the city zoning ordinance, and may not be in strict compliance with the Miami 21 code either. As such they would remain “legally nonconforming.”

However, because owners are encouraged not only to preserve their historic buildings, but also to adapt them for other uses when the original use has become obsolete, Chapter 23 includes special provisions for legally nonconforming historic structures.

Historic and Environmental Preservation (HEP) Board Authority: A revision to Chapter 23 (currently undergoing review) will allow the HEP Board to grant a waiver of up to 20% of the code requirements for setbacks, lot size, green space, and or/loading requirements.

The HEP Board may grant a waiver of up to 100% of the off-street parking requirement, when it can be demonstrated that parking can be reasonably accommodated by some other means, for example, adjacent parking lots or shared parking.

The HEP Board may grant a waiver to allow a “historic” sign to remain.

#### **b. EXEMPTIONS FOR LOCALLY DESIGNATED HISTORIC PROPERTIES**

Exemptions in the revision to Chapter 23 address the use of the property. The revision will allow the HEP Board to grant an exemption to allow Bed and Breakfasts in residential transects T-4R, T-5R, and T-6R.

For further information, contact the Historic Preservation Section of the Planning Department at (305) 416-1418.