

**Common Variances - Rooftop Additions, Setbacks (Including For Mixed-
Use Development), Room Sizes**

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 3, ENTITLED "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTIONS 142-155 AND 142-156, SUBDIVISION IV, ENTITLED "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AT SECTIONS 142-217 AND 142-218, AND SUBDIVISION V, ENTITLED "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," AT SECTIONS 142-246 AND 142-247, TO MODIFY SETBACK AND UNIT SIZE REQUIREMENTS FOR ROOFTOP ADDITIONS TO CONTRIBUTING STRUCTURES IN HISTORIC DISTRICTS AND INDIVIDUALLY DESIGNATED HISTORIC BUILDINGS; DIVISION 4, ENTITLED "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," AT SECTIONS 142-276 AND 142-277, DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTIONS 142-306 AND 142-307, AND DIVISION 6, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SECTIONS 142-337 AND 142-338, TO MODIFY SETBACK AND UNIT SIZE REQUIREMENTS FOR RESIDENTIAL USES AND ROOFTOP ADDITIONS TO CONTRIBUTING STRUCTURES IN HISTORIC DISTRICTS AND INDIVIDUALLY DESIGNATED HISTORIC BUILDINGS, AND TO MODIFY THE MAXIMUM ALLOWABLE HEIGHT FOR ALL USES; DIVISION 13, ENTITLED "MXE MIXED USE ENTERTAINMENT DISTRICT," AT SECTION 142-545, TO MODIFY THE UNIT SIZE REQUIREMENTS FOR NEW HOTEL UNITS FOR ROOFTOP ADDITIONS TO CONTRIBUTING STRUCTURES IN HISTORIC DISTRICTS AND INDIVIDUALLY DESIGNATED HISTORIC BUILDINGS, AND TO MODIFY THE MAXIMUM ALLOWABLE HEIGHT FOR ALL USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the "City") has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the City has observed that a large number of variances from certain Code sections are routinely sought in connection with land development applications; and

WHEREAS, the City has analyzed these variance applications, which are frequently sought and granted; and

WHEREAS, the approval of such variances has no negative impact on surrounding areas; and

WHEREAS, the City has determined that amendments to the land development regulations to reduce the need for such variances are warranted; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

Section 1. Chapter 142, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," at Division 3, entitled "Residential Multifamily Districts," is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

ARTICLE II. - DISTRICT REGULATIONS

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICTS

Subdivision II. - RM-1 Residential Multifamily Low Intensity

Sec. 142-155. - Development regulations and area requirements.

(a) The development regulations in the RM-1 residential multifamily, low density district are as follows:

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
5,600	50	New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with	New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550. <u>The number of units may not exceed the maximum density</u>	Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50 For properties outside a local historic district with a ground level consisting of non-

		<p>the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p> <p><u>Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings— 200.</u></p>	<p><u>set forth in the comprehensive plan.</u></p>	<p>habitable parking and/or amenity uses—55</p>
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Sec. 142-156. - Setback requirements.

- (a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	5 feet abutting an alley, otherwise 10% of the lot depth
Subterranean and pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of	Single lots less than 65 feet in width: 7.5 feet. Lots equal or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater,	Single lots less than 65 feet in width: 7.5 feet. Lots equal or greater than 65 feet in width:	10% of lot depth. <u>Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and</u>

	the Amended Plat of First Ocean Front Subdivision—50 feet	and sum of the side yards shall equal 16% of lot width, <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming side, interior pedestal setbacks.</u>	Minimum 10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width	<u>individually designated historic buildings may follow existing non-conforming rear pedestal setbacks.</u>
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet, <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming side, interior pedestal setbacks.</u>	Sum of the side yards shall equal 16% of the lot width Minimum—10 feet or 8% of lot width, whichever is greater	15% of lot depth, <u>Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming rear pedestal setbacks.</u>

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Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

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Sec. 142-217. - Area requirements.

The area requirements in the RM-2 residential multifamily, medium intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
7,000	50	New construction—550 Non-elderly and elderly low and	New construction—800	Historic district—50 (except as

	<p>moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p> <p><u>Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings— 200.</u></p>	<p>Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A. <u>The number of units may not exceed the maximum density set forth in the comprehensive plan.</u></p>	<p>provided in section 142-1161) Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75 Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75 Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85 Otherwise—60 For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses—65 Lots fronting Biscayne Bay less than 45,000 sq. ft.—100 Lots fronting Biscayne Bay over 45,000 sq. ft.—140 Lots fronting Atlantic Ocean over 100,000 sq. ft.—140 Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200</p>
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Sec. 142-218. - Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	Single lots less than 65 feet in width: 5 feet, otherwise 10 feet, or 8% of lot width, whichever is greater	Abutting an alley—5 feet Oceanfront lots—50 feet from bulkhead line
Subterranean and pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Single lots less than 65 feet: 7.5 feet Lots equal or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width. <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming side, interior pedestal setbacks.</u>	Lots equal or greater than 65 feet in width: Minimum 10 feet or 8% of lot width, whichever is greater, and sum of the side yards shall equal 16% of lot width	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater. <u>Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming rear pedestal setbacks.</u>
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet. <u>Notwithstanding the</u>	Sum of the side yards shall equal 16% of the lot width Minimum—10 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater. <u>Notwithstanding the foregoing, rooftop additions to non-oceanfront</u>

	Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	<u>foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non- conforming side, interior pedestal setbacks.</u>		<u>contributing structures in a historic district and individually designated historic buildings may follow existing non- conforming rear pedestal setbacks.</u>
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Subdivision V. - RM-3 Residential Multifamily, High Intensity

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Sec. 142-246. - Development regulations and area requirements.

(a) The development regulations in the RM-3 residential multifamily, high intensity district are as follows:

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(b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
7,000	50	New construction—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall	New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A. <u>The number of units may not exceed the maximum density set forth in the comprehensive plan.</u>	150 Oceanfront lots—200 Architectural dist.: New construction— 120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots— 50 (except as provided in section 142-1161)

		be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. <u>Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings— 200.</u>		
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Sec. 142-247. - Setback requirements.

- (a) The setback requirements for the RM-3 residential multifamily, high intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—5 feet Oceanfront lots—50 feet from bulkhead line
Subterranean and pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater. <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming side, interior pedestal setbacks.</u>	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater. <u>Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing non-</u>

				<u>conforming rear pedestal setbacks.</u>
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet. <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non- conforming side, interior pedestal setbacks.</u>	Sum of the side yards shall equal 16% of the lot width Minimum— 7.5 feet or 8% of lot width, whichever is greater	Non-oceanfront lots— 15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater. <u>Notwithstanding the foregoing, rooftop additions to non- oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing non- conforming rear pedestal setbacks.</u>

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Section 2. Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” at Division 4, entitled “CD-1 Commercial, Low Intensity District,” is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. - DISTRICT REGULATIONS

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DIVISION 4. - CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

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Sec. 142-276. - Development regulations.

The development regulations in the CD-1 commercial, low intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)
1.0	Commercial— None Residential— 5,600	Commercial— None Residential— 50	Commercial— N/A New construction— 550 Rehabilitated buildings—400	Commercial— N/A New construction— 800 Rehabilitated buildings—550	40 (except as provided in section 142-1161) Notwithstanding the above, the design review board or historic

			<p>Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 15%: 300—335 85%: 335+ <u>Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings— 200.</u></p>	<p>Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/. <u>The number of units may not exceed the maximum density set forth in the comprehensive plan.</u></p>	<p>preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017</p>
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Sec. 142-277. - Setback requirements.

(a) The setback requirements for the CD-1 commercial, low intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	5 feet	5 feet	5 feet	5 feet If abutting an alley— 0 feet
Subterranean, pedestal and tower (non-oceanfront)	0 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	10 feet when abutting a residential district, otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	5 feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be 0 feet. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)
Pedestal and tower (oceanfront)	Pedestal—15 feet Tower—20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)

- (b) The tower setback shall not be less than the pedestal setback.
- (c) Parking lots and garages: If located on the same lot as the main structure the above setbacks shall apply. If primary use the setbacks are listed in subsection 142-1132(n).
- (d) Mixed use buildings: Calculation of ~~setbacks and floor area ratio~~:
- (1) ~~Setbacks. When more than 25 percent of the total area of a building is used for residential or hotel units, any floor containing such units shall follow the RM-1, 2, 3 setback regulations:~~
- (2) ~~Floor area ratio. When more than 25 percent of the total area of a building is used for residential or hotel units, the floor area ratio range shall be as set forth in the RM-1 district.~~

Section 3. Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” at Division 5, entitled “CD-2 Commercial, Medium Intensity District,” is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

ARTICLE II. - DISTRICT REGULATIONS

DIVISION 5. - CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

Sec. 142-306. - Development regulations.

The development regulations in the CD-2 commercial, medium intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)
1.5	Commercial— None Residential— 7,000	Commercial— None Residential— 50	Commercial— N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the	Commercial— N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/A. <u>The number of units may not exceed the maximum density set forth in the comprehensive plan.</u>	50 (except as provided in section 142-1161). Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial

			<p>Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p> <p><u>Hotel units within rooftop additions to contributing structures in a historic district and individually designated</u></p>		<p>buildings immediately adjacent to residential district not separated by a street.</p> <p>However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017</p> <p>Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley</p>
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			<u>historic buildings— 200.</u>		
					Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.

Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings in section 142-307(d)(2) shall not apply to self-storage warehouse development.

Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	5 feet	5 feet	5 feet	5 feet If abutting an alley—0 feet
Subterranean, pedestal and tower (non-oceanfront)	0 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	10 feet when abutting a residential district, otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247). <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming side, interior pedestal setbacks.</u>	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	5 feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be 0 feet. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247) <u>Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing non-</u>

				<u>conforming rear pedestal setbacks.</u>
Subterranean, pedestal and tower (oceanfront)	Pedestal—15 feet Tower—20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Residential uses shall follow the RM- 1, 2, 3 setbacks (See sections 142-156, 142- 218 and 142- 247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142- 156, 142-218 and 142-247) <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non- conforming side, interior pedestal setbacks.</u>	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142- 218 and 142- 247)	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142- 156, 142-218 and 142-247)

- (b) The tower setback shall not be less than the pedestal setback.
- (c) Parking lots and garages: If located on the same lot as the main structure the above setbacks shall apply. If primary use the setbacks are listed in subsection 142-1132(n).
- (d) Mixed use buildings: Calculation of setbacks and floor area ratio:
- (1) ~~Setbacks. When more than 25 percent of the total area of a building is used for residential or hotel units, any floor containing such units shall follow the RM-1, 2, 3 setback regulations.~~
 - (2) Floor area ratio. When more than 25 percent of the total area of a building is used for residential or hotel units, the floor area ratio range shall be as set forth in the RM-2 district.
 - (23) The maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings in section 142-307(d)(2) above shall not apply to self-storage warehouse development.
- (e) Notwithstanding the above setback regulations, "self-storage warehouse" in this district shall have the following setbacks:
- (1) Front—Five feet;
 - (2) Side facing a street—Five feet;
 - (3) Interior side—Seven and one-half feet or eight percent of the lot width, whichever is greater;

- (4) Rear—For lots with a rear property line abutting a residential district the rear yard setback shall be a minimum of 25 feet; for lots with a rear property line abutting an alley the rear setback shall be a minimum of seven and one-half feet.

Section 4. Chapter 142, entitled “Zoning Districts and Regulations,” Article II, entitled “District Regulations,” at Division 6, entitled “CD-3 Commercial, High Intensity District,” is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

ARTICLE II. - DISTRICT REGULATIONS

DIVISION 6. - CD-3 COMMERCIAL, MEDIUM INTENSITY DISTRICT

Sec. 142-337. - Development regulations and area requirements.

- (a) The development regulations in the CD-3 commercial, high intensity district are as follows:
- (1) Max FAR: Lot area equal to or less than 45,000 square feet—2.25; lot area greater than 45,000 square feet—2.75; oceanfront lots with lot area greater than 45,000 square feet—3.0.
 - (2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.
 - (3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.
 - (4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.
- (b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.
- (c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
Commercial— None Residential— 7,000	Commercial— None Residential— 50	Commercial—N/A New construction— 550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—	Commercial— N/A New construction— 800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate	75 feet. Lots within the architectural district: 50 feet. Lots fronting on 17th Street: 80 feet. City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and

		<p>400 Hotel unit: 15%: 300—335 85%: 335+ For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square foot minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. <u>Hotel units within rooftop additions to contributing structures in a historic district and individually</u></p>	<p>income housing—400 Workforce housing—400 Hotel units—N/A. <u>The number of units may not exceed the maximum density set forth in the comprehensive plan.</u></p>	<p>the south property line of those lots fronting on the south side of Lincoln Road): 100 feet. Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with the foregoing within any historic district or overlay district created after 7/26/2017. Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply: The height for lots fronting on Lincoln</p>
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		<u>designated historic buildings-- 200.</u>		Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth. The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).
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Sec. 142-338. - Setback requirements.

(a) The setback requirements for the CD-3 commercial, high intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	5 feet	5 feet	5 feet	5 feet If abutting an alley—0 feet
Subterranean, pedestal and tower (non-oceanfront)	0 feet <u>Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)</u>	10 feet when abutting a residential district, otherwise none <u>Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)</u> <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming side, interior pedestal setbacks.</u>	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none <u>Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)</u>	5 feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be 0 feet. <u>Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)</u> <u>Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming rear pedestal setbacks.</u>
Subterranean, pedestal and	Pedestal—15 feet	Commercial uses—10 feet	Commercial uses—10 feet	25% of lot depth, 75 feet minimum from the

tower (oceanfront)	Tower—20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247) <u>Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing non-conforming side, interior pedestal setbacks.</u>	Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	bulkhead line whichever is greater Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)
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- (b) The tower setback shall not be less than the pedestal setback.
- (c) Parking lots and garages: If located on the same lot as the main structure the above setbacks shall apply. If primary use the setbacks are listed in subsection 142-1132(n).
- (d) Mixed use buildings: Calculation of ~~setbacks and floor area ratio~~:
- (1) ~~Setbacks. When more than 25 percent of the total area of a building is used for residential or hotel units, any floor containing such units shall follow the RM-1, 2, 3 setback regulations.~~
 - (2) Floor area ratio. When more than 25 percent of the total area of a building is used for residential or hotel units, the floor area ratio range shall be as set forth in the RM-3 district.

Section 5. Chapter 142, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," at Division 13, entitled "MXE Mixed Use Entertainment District," is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. - DISTRICT REGULATIONS

* * *

DIVISION 13. -MXE Mixed Use Entertainment District

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Sec. 142-545. - Development regulations.

The development regulations in the MXE mixed use entertainment district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)
All uses—2.0 Except convention hotel development (as set forth in section 142-841)—3.5	N/A	N/A	Existing structures: Apartment units—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—in a local historic district/site—200 Otherwise: 15%: 300—335 85%: 335+ New construction: Apartment units—550 Hotel units: 15%: 300—335 85%: 335+ <u>Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.</u>	Existing structures: Apartment units—550 Hotel units—N/A New construction: Apartment units—800 Hotel units—N/A	Architectural district: Oceanfront—150 Non-oceanfront—50 (except as provided in section 142-1161) All other areas—75 (except as provided in section 142-1161) Notwithstanding the above, the design review board or historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab. This provision shall not apply to existing historic districts or existing overlay districts (existing as of 7/26/2017), or commercial buildings immediately adjacent to residential district not separated by a street. However, an applicant may seek approval from the historic preservation board or design review board, as may be applicable, to increase height in accordance with

					the foregoing within any historic district or overlay district created after 7/26/2017
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SECTION 6. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 7. 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 8. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 9. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2019.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION

Rafael Granado 10-7-19
City Attorney Date

First Reading: October 16, 2019

Second Reading: October 30, 2019

Verified By: _____

Thomas R. Mooney, AICP
Planning Director