

Attachment "A"

DIVISION 5. - WEST AVENUE BAY FRONT OVERLAY

Sec. 142-842. - Location and purpose.

- (a) The subject overlay district shall be bounded by the south bulkhead line of the Collins Canal on the north, the south side of 11th Street inclusive of Lot 8, Block 84, on the south, and between the centerline of Alton Court on the east and the Biscayne Bay bulkhead line on the west.
- (b) The purpose in identifying this subject overlay district is to provide district specific land development regulations and land-use incentives to property owners and developers who retain existing structures and/or provide new infill structures that maintain the low-scale, as-built character predominant in the existing low intensity (RM-1) and medium intensity (RM-2) underlying residential zoning district of the subject overlay area.
- (c) The intent of the overlay regulations of this division relating to minimum and maximum developable lots within the underlying RM-1 zoning district shall be to bring into conformance existing undersized lot configurations that currently do not meet code and to further regulate new infill development upon aggregated lots to an incremental lot configuration of generally one or two contiguous parcels aggregated along existing side property lines.
- (d) The overlay regulations of this division relating to residential offices, suites hotel or bed and breakfast inns shall only apply to existing low scale properties, which were designed and constructed to be no more than three stories in height, and are located in the subject overlay district.

(Ord. No. 2002-3374, § 1, 6-19-02; Ord. No. 2004-3458, § 1, 10-13-04)

Sec. 142-843. - Compliance with regulations.

- (a) The following overlay regulations shall apply to those areas of the subject district which have an underlying zoning designation of (RM-1) Residential Multifamily Low Intensity and (RM-2) Residential Multifamily Medium Intensity. In particular, the overlay regulations shall allow the additional main permitted uses specified in this division, in the RM-1 and RM-2 of the subject area only if all the required criteria herein have been satisfied.
- (b) As specified in chapter 118, article VI, design review regulations, applications for a building permit shall be reviewed and approved in accordance with design review procedures.
- (c) The residential offices, suites hotel or bed and breakfast inn may only be permitted in structures that have been rehabilitated in general accordance with the U.S. Secretary of the Interior's standards for rehabilitation of historic buildings as determined by the planning director or his designee, or in buildings that have been substantially rehabilitated or where a request for a building permit will result in the building being substantially rehabilitated.
- (d) All development regulations and setback requirements in the underlying land-use zoning district shall remain. However, a residential office, suites hotel or bed and breakfast inn may only be established where:
 - (1) Demolition to the original building envelope does not exceed ten percent of the area of the original building lot coverage. At-grade additions that demolish or conceal primary facades (i.e., main entry porticoes and facades facing a street) shall not be permitted.
 - (2) The area of rooftop additions to existing multi-family structures does not exceed 50 percent of the area of the original floor immediately below. Such rooftop additions shall be set back a minimum of 15 feet from the facade of the existing building fronting a primary public-right-of-way with an established street wall.

- (3) The area of rooftop additions to existing single-family structures does not exceed 50 percent of the area of the original lot coverage of the structure. The maximum height of the altered main structure shall not exceed ½ the original lot width up to a maximum of 33 feet.
- (4) On sites where unity of title has combined two or more lots, the original rear setbacks for the main structure shall conform to the underlying zoning regulations. However, building additions may encroach into side setbacks which have become internal to the parcel. In addition to the allowable encroachments as outlined in section 142-1132, loggias (covered walkways), gazebo structures and pools may encroach into original rear and/or side setbacks that have become internal to the assembled lot.
- (e) All development regulations and setback requirements in the underlying (RM-1) zoning district shall remain except that the following regulations regarding minimum and maximum developable lot shall apply:
 - (1) The maximum developable lot area shall be limited to no more than two contiguous lots joined along the side property lines.
 - (2) The maximum developable lot area shall not be achieved through the assembly of two contiguous lots assembled along the rear property line.
 - (3) Minimum and maximum lot dimensions shall be as follows:

West Avenue Overlay

Developable Lot Regulations Within The Existing RM-1

Existing Platted Lot Depth	Minimum Developable Lot Width		Maximum Developable Lot Width	Minimum Developable Lot Area	Maximum Developable Lot Area
100ft. @ Blocks 67-A, 67-B 79-A, 79-B, 79-C	Interior	50ft.	100ft.	5000sq. ft.	10,000 sq. ft.
			125ft. @Blk.67-A		12,500 sq. ft. @Blk.67-A
	Corner	60ft.	110ft.	6000sq. ft.	11,000 sq. ft.
			135ft. @Blk.67-A		13,500 sq. ft. @Blk.67-A
105ft. @ Block 81	Interior	50ft.	100ft.	5250 sq. ft.	15,000 sq. ft.
	Corner	65ft.	115ft.	6825 sq. ft.	17,250 sq. ft.
112ft. @ Block 79-	Interior	50ft.	100ft.	5600 sq. ft.	11,200 sq. ft.

A					
	Corner	60ft.	110ft.	6720 sq. ft.	12,320 sq. ft.
115ft. @ Block 81	Corner	45ft.	150ft	5175 sq. ft.	17,250 sq. ft.
150ft. @ Blocks 45, 66, 66-A, 67-B, 78, 78-A, 81	Interior	50ft.	100ft.	7500 sq. ft.	15,000 sq. ft.
	Corner	50ft.	100ft.	7500 sq. ft.	15,000 sq. ft.
		55ft. @Blk.78	105ft.	8250 sq. ft.	15,750 sq. ft. @Blk. 78
		57ft. @Blk.78-A	107ft.	8550 sq. ft.	16,050 sq.ft. @Blk. 78-A
		60ft.@Blk. 67-B	110ft.	9000 sq. ft.	16,500 sq.ft. @Blk. 67-B
		65ft. @Blk. 81	115ft.	9750 sq. ft.	17,250 sq. ft. @Blk. 81
160ft. @ Block 44	Interior	50ft.	100ft.	8000 sq. ft.	16,000 sq. ft.
	Corner				

(Ord. No. 2002-3374, § 1, 6-19-02; Ord. No. 2004-3458, § 1, 10-13-04)

Sec. 142-844. - Residential Office Overlay Area.

The Residential Office Overlay Area is designed to accommodate the adaptive reuse of existing single-family and multi-family residential structures as of (the effective date of this ordinance) to allow as main permitted uses such uses permitted in the RO Residential/Office district. All other main permitted uses, conditional uses and accessory uses shall be the same as those provided for in the underlying RM-1 or RM-2 land-use designation.

(Ord. No. 2002-3374, § 1, 6-19-02)

Sec. 142-845. - Suites Hotel and Bed and Breakfast Inn Overlay Area.

- (a) The Suites Hotel and Bed and Breakfast Inn Overlay Area is designed to accommodate the adaptive reuse of existing single-family and multi-family residential structures as of (the effective date of this ordinance) to allow for lodging and guest amenities as main permitted uses.
- (1) Suites hotels and bed breakfast inns in the Overlay Area shall not be permitted to have dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open air entertainment establishments.
 - (2) The building identification sign for a suites hotel or bed and breakfast inn shall be the same as allowed for an apartment building in the underlying zoning district in which it is located.
 - (3) The building(s) shall have central air conditioning or flush-mounted wall units; however no air conditioning equipment may face a street or the Bay.
 - (4) The maximum amount of time that any person other than the owner may stay in a suites hotel or bed and breakfast inn during a one-year period shall not exceed six months.
- (b) Suites hotels are permitted in existing multi-family structures and in single-family structures, including those that have been combined with adjacent multi-family or single-family structures through unity of title. The maximum occupancy of such suite hotel units shall be limited to four persons for units less than 500 square feet and six persons for units greater than 500 square feet. Additionally, suite hotels shall be subject to the following conditions:
- (1) Suites hotels may have full cooking facilities in units with a minimum of 400 square feet.
 - (2) The building shall be maintained and operated as a hotel, with a registration desk and a lobby.
 - (3) Should the facility convert from a suites hotel to a multifamily/single-family residential building, the minimum average unit size and all other zoning requirements for the underlying district shall be met.
 - (4) Suites hotels located in the subject district may have accessory uses based upon the below criteria:
 - a. A dining room operated solely for registered hotel guests and their visitors, located inside the building, with no exterior signs, entrances or exits except as required by the South Florida Building Code. Such dining room shall not be licensed separately, not licensed as a restaurant, and shall not be permitted to have a commercial kitchen, but may have separate areas for food preparation and storage, provided there are not cook-tops, stoves, ovens or broilers, and exterior kitchen ventilation is not required.
 - b. Other accessory uses customarily associated with the operation of an apartment building, as referenced in subsection 142-902(2), for the use of registered hotel guests and their visitors only.
- (c) Bed and breakfast inns are permitted only in existing single-family structures as of (the effective date of this section) and shall be subject to the following conditions:
- (1) The owner/operator of the bed and breakfast inn shall permanently reside in the structure.
 - (2) The structure shall have originally been constructed as a single-family residence. The structure may have original auxiliary structures such as a detached garage or servant's residence that may or may not be used as part of the inn.
 - (3) The structure shall maintain main public rooms (living room/dining room) for use of the guests.
 - (4) Original auxiliary structures, such as detached garages and servants' residences, may be converted to guestrooms or other appropriate use. New bedrooms constructed shall have a minimum size of 200 square feet and shall have a private bathroom.
 - (5) There shall be no cooking facilities/equipment in guestrooms. One small refrigerator with maximum capacity of five cubic feet shall be permitted in each guestroom. All cooking equipment, which may exist, shall be removed from the structure with the exception of the single main kitchen of the house.

- (6) The bed and breakfast inn may serve meals to registered guests and their visitors only. Permitted meals may be served in common rooms, guestrooms or on outside terraces (see subsection 142-1401(9)). The meal service is not considered an accessory use and is not entitled to an outside sign.
- (7) Permitted meals may be served in areas outside of the building under the following conditions:
 - a. The area shall be landscaped and reviewed under the design review process. Landscape design shall effectively buffer the outdoor area used for meals from adjacent properties and the street.
 - b. All meals served outdoors shall be prepared for service from inside facilities. Except for the use of a barbecue, all outdoor preparation, cooking as well as outdoor refrigeration and storage of food and beverages shall be prohibited.

(d) Hostels shall be prohibited within the subject overlay area.

(Ord. No. 2002-3374, § 1, 6-19-02; Ord. No. 2017-4107, § 2, 6-7-17)

Sec. 142-846. - Off-street parking regulations.

In general, off-street parking within the required front yard setback is discouraged in residential neighborhoods as outlined by the underlying zoning designation, however, in the subject area parking may be permitted in the front yard setback subject to the following regulations:

Minimum Lot Width	Minimum Building Front Setback	Maximum Driveway Curb Cut Width	Max. No. of Parking Spaces Permitted per Platted Lot	Orientation of Spaces	Fundamental Design Requirements
50 ft.	20 ft.	12 ft.	Two (2) spaces	Parallel to street	Buffer parking from street view with landscaping. No asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2) 18" tire strips per space, No asphalt
50 ft.	30 ft.	12 ft.	Three (3) spaces	Parallel to street	Buffer parking from street view with landscaping. No asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2) 18" tire strips per space, No asphalt
60 ft.	20 ft.	12 ft.	Four (4) spaces	Parallel to street	Buffer parking from street view with landscaping. No

					asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2) 18" tire strips per space, No asphalt
60 ft.	30 ft.	12 ft.	Six (6) spaces	Parallel to street	Buffer parking from street view with landscaping. No asphalt or concrete hardscaping
		17 ft.	Two (2) spaces	Perpendicular to street	Two (2), 18" tire strips per space, No asphalt

- (a) *Corner lots.* The above regulations shall allow off-street parking for only one yard facing a street, generally the secondary or narrow elevation of the building.
- (b) *Bay Front culs-de-sac.* The regulations as outlined in the chart above shall not apply to those yards facing 16th Street and Lincoln Terrace between Bay Road and Biscayne Bay.
- (c) *Parking impact fee program exemption.* Residential offices, suites hotels and bed and breakfast inns as outlined in sections 142-844 and 142-845 of this division shall be exempt from the off-street parking requirements as outlined in sections 130-130—130-132.
- (d) *Curb-cuts.* Access driveways shall be setback a minimum of three feet from any side property line. Access driveways for corner properties shall be located such that the edge of the drive is either a minimum of three feet from the end of the curb return or a minimum of 25 feet from the intersection of two non-arterial streets, whichever is greater. All curb and driveway modifications shall require a driveway permit from the Miami Beach Public Works Department prior to construction.
- (e) *Hardscape.* All proposed hardscape shall consist of pavers set in sand or a like material of equal quality. Asphalt is prohibited.
- (f) *Parking spaces.* All permitted parking spaces shall be in compliance with the minimum standards as outlined herein:
 - (1) *Wheel stops.* Each permitted parking space shall require a wheel stop placed at least 18 inches from the edge of landscaped areas as protection from vehicular encroachment.
 - (2) *Markings.* All permitted parking areas shall be bordered in a subtle manner using a different pattern or contrasting color of a like material. Parking spaces shall also be delineated using a different pattern or a contrasting color of a like material of equal quality.
 - (3) *Wheel strips.* All permitted parking areas, which are perpendicular to the street, shall be constructed of no more than two strips per car of a paver material and/or integral color concrete and shall be no more than 18 inches in width and no more than 18 feet in length. Asphalt is prohibited.
- (g) *Screening.* In order to buffer automobiles from the street, solid evergreen hedges, masonry walls or a combination of the two must be incorporated into the design as follows:

- (1) *Hedges.* Shrubs shall be planted a minimum of 30 inches in height, not less than 24 inches on center, and branches shall touch at the time of planting. Shrubs shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one year after time of planting.
 - (2) *Masonry walls.* Masonry walls shall be setback a minimum of two feet from the property line in order to provide a landscaped buffer in front of the wall.
- (h) *Required landscape material.* All permitted parking areas shall be in compliance with the minimum standards as outlined herein:
- (1) One specimen or accent tree shall be planted on site for every proposed off-street parking space.
 - (2) Where tire strips are proposed, a durable sod or ground cover shall be planted between the strips.
 - (3) All significant trees and shrubs removed in order to construct new off-street parking shall be relocated and/or replaced on site with equivalent trees and shrubs.
 - (4) Street trees shall be planted in accordance with the West Avenue/Bay Road Neighborhood Streetscape Master Plan.

(Ord. No. 2002-3374, § 1, 6-19-02)

Secs. 142-847—142-849. - Reserved.