

**FAENA DISTRICT OVERLAY**

**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 III, ENTITLED "OVERLAY DISTRICTS," AMENDING DIVISION 10, ENTITLED "FAENA DISTRICT OVERLAY," TO AMEND THE PARKING REQUIREMENT FOR PLACE OF ASSEMBLY USE; AMEND THE ALLOWABLE HEIGHT FOR RM-3 OCEANFRONT LOTS GREATER THAN 70,000 SQUARE FEET IN SIZE, WHICH ALSO CONTAIN A CONTRIBUTING HISTORIC STRUCTURE; AND AMEND THE ALLOWABLE SETBACKS AND REQUIRED YARDS FOR RM-3 OCEANFRONT LOTS GREATER THAN 70,000 SQUARE FEET IN SIZE, WHICH ALSO CONTAIN A CONTRIBUTING HISTORIC STRUCTURE; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach ("City") desires to encourage private property owners to redevelop and manage properties under common ownership comprehensively rather than in a piecemeal manner; and

**WHEREAS**, the City seeks to encourage and incentivize new development and the preservation and restoration of structures located within the Collins Avenue corridor; and

**WHEREAS**, contributing historic structures located within the Collins Avenue corridor pre-date the City's land development regulations and therefore do not meet the zoning standards and are frequently permitted as legal nonconforming structures; and

**WHEREAS**, the preservation and restoration of the City's historic buildings and character furthers the general welfare and is especially important to the citizens of Miami Beach; and

**WHEREAS**, the preservation and restoration of historic structures is often possible through the construction of additions and/or new buildings on the same property; and

**WHEREAS**, the amendment set forth below is 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, Article III entitled "Overlay Districts", Division 10 "Faena District Overlay" is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

\* \* \*

**ARTICLE III  
OVERLAY DISTRICTS**

\* \* \*

**DIVISION 10. FAENA DISTRICT OVERLAY**

**Sec. 142-867. Location and purpose.**

The purpose of this overlay district is to allow limited flexibility of uses, ~~and~~ limited increases in heights, and limited flexibility in setbacks because of the common ownership and operation of the properties within the overlay district and the value of preserving historic buildings within the overlay district.

\* \* \*

**Sec. 142-869. Compliance with regulations.**

The following overlay regulations shall apply to the Faena District Overlay. All development regulations in the underlying regulations shall apply, except as follows:

\* \* \*

(a) One place of assembly may be permitted as a main permitted use, within the areas that have an underlying zoning designation of RM-2, in accordance with the following minimum requirements:

\* \* \*

xvii. The required parking for a place of assembly is one space per eighty (80) square feet of floor area available for seating.

\* \* \*

(g) Within areas that have an underlying zoning designation of RM-3, lots which are oceanfront lots with a lot area greater than 70,000 sq. ft. that also contain a contributing historic structure shall have a maximum height of 250 feet.

(h) Within areas that have an underlying zoning designation of RM-3, lots which are oceanfront lots with a lot area greater than 70,000 sq. ft. that also contain a contributing historic structure:

i. The required pedestal and tower side street setback for alterations to and extensions of a contributing historic structure shall be equal to the existing setback of the contributing historic structure.

ii. The required pedestal side street setback for attached or detached additions to a contributing historic structure that are located on the ground is 0'.

iii. The required pedestal street side setback for a detached ground level addition is 2'-10" for the first and second floor.

- iv. The required pedestal street side setback for a detached ground level addition is 8" for the third and fourth floor.
- v. The required tower street side setback for a detached ground level addition is 8".
- vi. There are no required sum of the side yard setbacks for pedestal or tower side setbacks.
- vii. The required subterranean street side setback is 0'.
- viii. The required subterranean rear setback is 46' from the bulkhead line.
- ix. The required subterranean front setback is 15'.
- x. The required front setback for at-grade parking and driveways is 8'-6".
- xi. The required setback in the Dune Preservation Overlay Zone from the Erosion Control Line for a fence is 5'.
- xii. The required side setback in the Oceanfront Overlay Zone for fences is 5'.
- xiii. The required pedestal street side setback for a fence is 5'.
- xiv. The maximum permitted width of a porte-cochere is 52% of the width of the building's frontage.
- xv. The maximum permitted height of a porte-cochere is 19'.
- xvi. The term "grade, average existing" which means the average grade elevation calculated by averaging spot elevations of the existing topography taken at ten-foot intervals along the property lines, shall be substituted for the term "grade" for purposes of fence and wall heights and setbacks. However, a fence or wall which faces Collins Avenue shall be measured from grade (the city sidewalk elevation at the centerline of the front of the property).
- xvii. Security guardhouses, not to exceed 200 square feet, may be permitted to encroach eight (8') feet into the required front pedestal setback. The number of guardhouses shall be limited to two (2) per property, and the location and design of security guardhouses shall be subject to the review and approval of the historic preservation board, in accordance with the certificate of appropriateness review criteria.

## **SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

## **SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber  
Mayor

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney                      \_\_\_\_\_  
Date

First Reading:  
Second Reading:

Verified by: \_\_\_\_\_  
Thomas Mooney, AICP  
Planning Director

Underscore denotes new language  
~~Strikethrough~~ denotes removed language