

## ORDINANCE NO.

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**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142 OF THE CITY CODE, ENTITLED, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, ENTITLED, "DISTRICT REGULATIONS", DIVISION 3, ENTITLED, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION IV, ENTITLED, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AMENDING SECTION 142-217, ENTITLED, "AREA REQUIREMENTS" AND SECTION 142-218, ENTITLED, "SETBACK REQUIREMENTS" TO INCENTIVIZE TALLER AND MORE SLENDER DEVELOPMENT WITH INCREASED PERMEABLE AREA ON CERTAIN UNIQUELY SITUATED PROPERTIES OF TEN ACRES OR MORE, FRONTING BISCAYNE BAY, AND WITH SPLIT RM-2 AND RM-3 ZONING; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; 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**, in recent years the City has prioritized resilience and improvements to stormwater management; and

**WHEREAS**, properties developed with buildings with smaller footprints and greater permeable area drain more effectively and contribute less to the City's stormwater management system; and

**WHEREAS**, taller and more slender buildings have smaller impermeable footprints and therefore allow for developed properties to provide increased permeable areas through the use of native landscaping, bioswales, and permeable materials; and

**WHEREAS**, the Urban Land Institute's 2018 Stormwater Management and Climate Adaptation Review recommended changes to the City's Land Development Regulations that incentivize taller buildings to mitigate stormwater and sea level rise impacts; and

**WHEREAS**, properties located within the RM-2 District that front Biscayne Bay and the east of West Avenue are among the lowest elevated properties in the City; and

**WHEREAS**, incentivizing taller buildings in this area furthers the Urban Land Institute's recommendations by incentivizing taller development that preserves permeable area in an area of the City that is vulnerable to flooding; and

**WHEREAS**, certain properties of ten (10) acres or more, fronting Biscayne Bay, and with split RM-2 and RM-3 zoning are vested with significant development rights; and

**WHEREAS**, the existing RM-2 District regulations impose a 140-foot height limitation that forces vested development rights to be distributed horizontally on properties rather than vertically; and

**WHEREAS**, the current 140-foot height limitation in the RM-2 District results in the development of short and squat buildings that maximize lot coverage and minimize permeable area; and

**WHEREAS**, the current side yard setback requirements that increase the required setback with increasing height also limit development to short and squat buildings; and

**WHEREAS**, development of such short and squat buildings is detrimental to the City's resilience and stormwater management objectives; and

**WHEREAS**, development of taller more slender buildings provides numerous public benefits in comparison to the development permitted under the current RM-2 regulations, including enhanced views of Biscayne Bay from taller buildings, larger view corridors to Biscayne Bay that mitigate impacts on views from neighboring properties, cast a more slender shadow, and provide more expansive views from public rights of way; 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, "Zoning Districts and Regulations," at Article II, entitled "District Regulations," at Division 3, entitled "Residential Multifamily Districts" of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

**CHAPTER 142  
ZONING DISTRICTS AND REGULATIONS**

**ARTICLE II  
DISTRICT REGULATIONS**

\* \* \*

**DIVISION 3  
RESIDENTIAL MULTIFAMILY DISTRICTS**

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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	<p>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 hotel structures located within the Collins Park District, generally bounded by the erosion control line on the east, the east side of Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south, hotel units shall be a minimum of 200 square feet. 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</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Rehabilitated buildings—550 Hotel units—N/A</p>	Historic district—50 (except as provided in section 142-1161)
				<p>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</p>

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
		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.		<div>Properties fronting Biscayne Bay with split zoning of RM-2 and RM-3 larger than 10 acres in size may increase height up to a maximum building height of 300 ft.</div> <div>Lots fronting Atlantic Ocean over 100,000 sq. ft.—140</div> <div>Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary—200</div>

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	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. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear pedestal setbacks. Notwithstanding the foregoing and the requirements of Section 118-395(b), properties fronting Biscayne Bay with split zoning of RM-	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. Notwithstanding the foregoing, rooftop additions to non-oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear pedestal setbacks.

	Front	Side, Interior	Side, Facing a Street	Rear
		2 and RM-3 larger than 10 acres in size that provide a smaller tower setback as allowed and described further below, may have a minimum sum of side yards in the RM-2 portion of a property equal to  <u>27 feet, 5 inches.</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. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear pedestal setbacks.	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0.10 of the height of the tower portion of the building. The total required setback shall not exceed 50 feet. Notwithstanding the foregoing, rooftop additions to contributing structures in a historic district and individually designated historic district buildings may follow existing nonconforming side, interior pedestal setbacks. Notwithstanding the foregoing and the requirements of Section 118-395(b), properties fronting	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. Notwithstanding the foregoing, rooftop additions to non- oceanfront contributing structures in a historic district and individually designated historic buildings may follow existing nonconforming rear pedestal setbacks.

	Front	Side, Interior	Side, Facing a	Rear
		Biscayne Bay with split zoning of RM- 2 and RM-3 larger than 10 acres in size may provide a Side Interior Setback of 27 feet, 5 inches for a maximum of 25% of the length of the side property line.		

## **SECTION 2. REPEALER.**

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

## **SECTION 3. 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 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 \_\_\_\_\_, 2021.

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

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE AND  
FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading: \_\_\_\_\_, 2021

Second Reading: \_\_\_\_\_, 2021

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