

Planning Board
File No. 21-0424

RM-3 Ground Floor and Rooftop Additions in the Architectural District



Presentation by Law Offices of Kent Harrison Robbins, P.A.
on behalf of the Dempsey-Vanderbilt and the Setai Resort and
Residences Condominium Association, Inc.

April 27, 2021



DEMPSEY-VANDERBILT HOTEL, MIAMI BEACH, FLORIDA

G-549

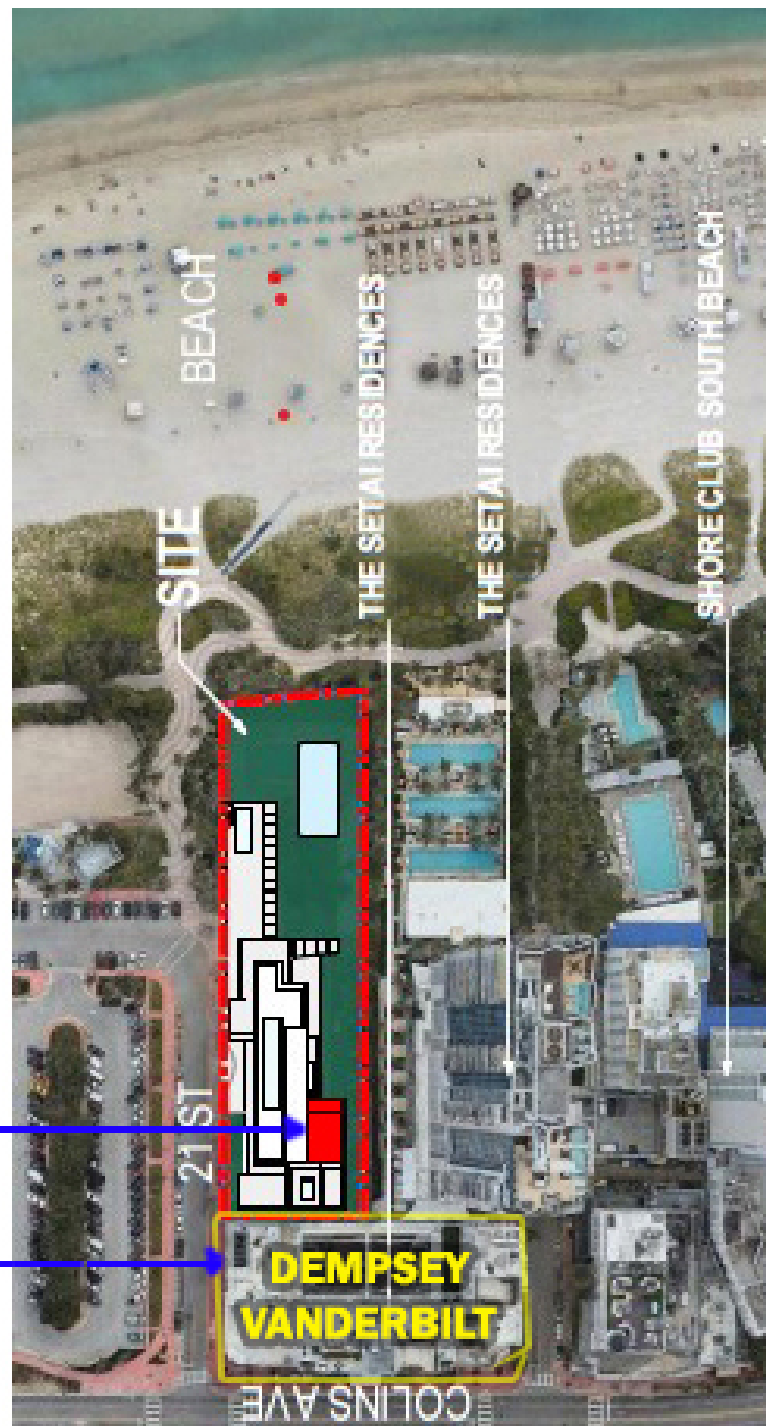


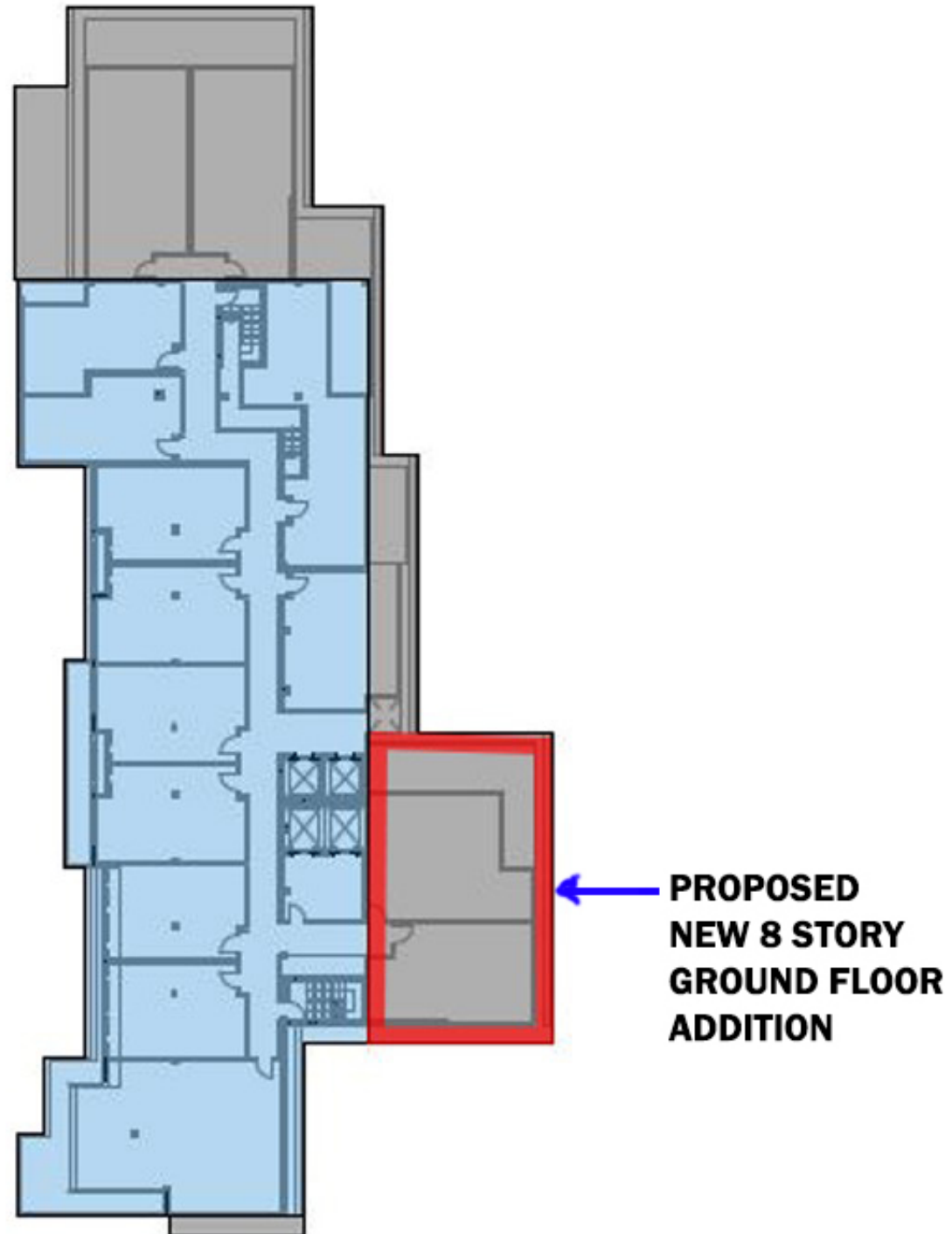




8 STORIES

7 STORIES





OCEANFRONT LOT HEIGHT REQUIREMENTS IN THE ARCHITECTURAL DISTRICT

CURRENT ORDINANCE
(Now Codified as §142-246(d))

In 2007, Ordinance No.2007-3589 was approved providing for height limits for additions on oceanfront lots located in the Architectural District:

The proposed addition **shall not substantially reduce existing or established view corridors**, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the Historic Preservation Board.

(emphasis added)

OCEAN FRONT LOT HEIGHT REQUIREMENTS
ARCHITECTURAL DISTRICT

ORDINANCE NO. 2007-3589

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, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS", BY AMENDING SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY HIGH INTENSITY", TO MODIFY THE MAXIMUM BUILDING HEIGHT REQUIREMENTS FOR PROPERTIES LOCATED IN THE ARCHITECTURAL DISTRICT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the protection, enhancement and retention of the established architectural scale, character and context of the City's multifamily zoning districts; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to have procedures for the review of new construction within the City's multifamily zoning districts; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to adopt procedures to preserve, enhance and protect the unique architectural character and context of oceanfront lots within the Architectural District in Miami Beach; and

WHEREAS, The City of Miami Beach Historic Preservation and Planning Boards strongly endorse the proposed amendments to the Code herein; 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. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision V, "RM-3 Residential Multifamily High Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

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

(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)	Maximum Number of Stories
7,000	50	New construction--550 Elderly housing: See section 142-1183 Rehabilitated buildings--400 Hotel unit: 15%: 300--335 85%: 335+	New construction--800 Elderly housing: See section 142-1183 Rehabilitated buildings--550 Hotel units--N/A	150 Oceanfront lots--200 Architectural district: New construction on vacant lots -120; ground floor additions on the same development site (whether attached or detached) to existing structures on oceanfront lots--50 (except as provided in section 142-1161)	16 Oceanfront lots--22 Architectural district: New construction on vacant lots --13; ground floor additions on the same development site (whether attached or detached) to existing structures on oceanfront lots--5 (except as provided in section 142-1161)

Notwithstanding the above, for oceanfront lots located in the architectural district, the overall height of an attached addition may exceed 5 stories and 50 feet, but shall not exceed the height of the roof line of the structure attached to, provided all of the following conditions are satisfied:

- (1) The proposed addition shall consist of the expansion of existing hotel units only and shall not result in an increased number of units.
- (2) The proposed addition shall be for hotel units only. A restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the City Attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the City Manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.
- (3) The proposed addition shall not be attached to front, street side or oceanfront elevations, nor along any other principal elevations or facades, as determined by the Historic Preservation Board.
- (4) The proposed addition shall not substantially reduce existing or established view corridors, nor impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the Historic Preservation Board.

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 relettered 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 6. EFFECTIVE DATE.

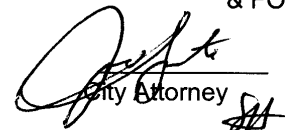
This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this 12th day of December, 2007.


MAYOR Matti H. Bower

ATTEST: 
CITY CLERK Robert Parcher

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

12/21/07
Date

First Reading: October 17, 2007
Second Reading: December 12, 2007

Verified by: 
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language
12/13/2007

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OCEANFRONT LOT HEIGHT REQUIREMENTS IN THE ARCHITECTURAL DISTRICT

PROPOSED
TEXT CHANGE

ADDED LANGUAGE

(d) Notwithstanding the above, for oceanfront lots with no frontage on Collins Avenue located in the architectural district, the overall height of an attached ground floor addition~~s~~ may exceed five stories and 50 feet, but shall not exceed the height of the roof line of the structure attached to, provided all of existing contributing structure plus the height of any rooftop addition approved by the historic preservation board in accordance with 142-1161(d)(5), up to a maximum height of 120 feet,~~if~~ the following conditions are satisfied:

~~(1) The proposed addition shall consist of the expansion of existing hotel units only and shall not result in an increased number of units.~~

~~(2) The proposed additions shall be for hotel units only. A restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the city attorney, shall be required to ensure that the units remain as hotel units for a minimum of 30 years. If the applicant is unable to provide such a covenant, this requirement may be waived by the city manager if it is demonstrated that the project provides an extraordinary public benefit to the surrounding area.~~

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(2) The proposed addition~~s~~ shall not substantially reduce existing or established view corridors, ~~nor~~ impede the appearance or visibility of architecturally significant portions of an existing structure, as determined by the historic preservation board.

~~(e) A ground floor addition relocating existing hotel units shall also meet the following conditions,~~

OCEANFRONT LOT HEIGHT REQUIREMENTS IN THE ARCHITECTURAL DISTRICT

PROPOSED
TEXT CHANGE

REMOVED LANGUAGE

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The text change deletes the legal protection of the existing and established view corridors of the Condo Association, the Dempsey Vanderbilt Hotel and its Unit Owners, by striking the text that additions shall not “substantially reduce existing or established view corridors.”

THIS ZONING CHANGE CONSTITUTES

- SPOT ZONING**
- CONTRACT ZONING**
- A BERT J. HARRIS TAKING**
- INVERSE CONDEMNATION**