

Altos Del Mar Historic District – Height Exceptions

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 2, ENTITLED “RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS,” BY AMENDING SECTION 147-107, ENTITLED “DEVELOPMENT REGULATIONS FOR THE ALTOS DEL MAR HISTORIC DISTRICT,” TO AMEND HEIGHT MEASUREMENTS DEVELOPMENT REGULATIONS OF RS-3 ZONED PROPERTIES; AND 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, the first Principle of the City’s Comprehensive Plan provides that “the City shall encourage redevelopment that contributes to community resiliency by meeting all required peril of flood mitigation and storm hazard standards for on-site development and shall also prioritize energy efficient development that provides stormwater mitigation, and co-benefit features that contribute to the City’s resiliency as a whole”; and

WHEREAS, Comprehensive Plan Objective RLU 2.4 seeks to “[i]dentify and implement resilient and sustainable development best practices to encourage effective long-term investments that sustain and/or the quality of life for residents; and

WHEREAS, the Miami Beach Comprehensive Plan designates the entire City as an Adaptation Action Area (“AAA”) containing one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning; and

WHEREAS, Comprehensive Plan Climate Resiliency and Sustainability Element Policy RSE 1.1.4 states that “the City will develop and implement adaptation strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise, with the intent to increase the community’s comprehensive adaptability and resiliency capacities”; and

WHEREAS, the City Code provides specific regulations for the measurement of height of new homes in the Altos Del Mar Historic District, which differs from the measurement of height in all other portions of the City; and

WHEREAS, the City Commission now desires to amend the method in which the height of new homes is measured in the Altos Del Mar Historic District, in order to promote resiliency and address current and future impacts of sea level rise; 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. The following provisions of Chapter 142 of the City Code, entitled "Development regulations for the Altos Del Mar Historic District," is hereby amended as follows:

Sec. 142-107. - Development regulations for the Altos Del Mar Historic District.

(c) Maximum unit size:

RS-3: 4,700 square feet for habitable major structures.

1,700 square feet for the understructure and nonhabitable major structures. An additional 600 square feet shall be allowed for the garage. The unit size associated with elevator or stair enclosures to a roof deck shall not count toward the maximum permitted unit size.

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(e) Maximum building height:

RS-3: 37 feet above grade from the required Base Flood Elevation for the lot, plus one (1) foot of freeboard provided that:

1. Only 1/3 of the floor area of habitable major structures may be located above 25 feet in height.
2. For every one square foot of floor area above 25 feet in height, there shall be one square foot of courtyard or garden space, open to the sky, at ground level within the buildable area of the lot.
3. The understructure of habitable major structures shall be designed to be contiguous with perimeter walls above and shall enhance the experience of courtyard and exterior spaces directly adjacent.
4. The height regulation exceptions contained in Section 142-1162 shall not apply, except for the following:
 - a. Chimneys, and
 - b. ~~a~~Air vents,
 - c. Parapet walls or guardrails associated with a roof deck, provided the top of such parapet or guard rails does not exceed three and one half (3'-6") above the main roof line.

- d. Elevator and stairwell enclosures that are centrally located and do not exceed ten (10') feet above the main roof line are permitted.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 re-numbered or re-lettered 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 on the _____ day of _____ 2021.

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