

DRAFT AMENDMENT FOR CD-3 OFFICE USE HEIGHT 80'

Sec. 142-337. Development regulations and area requirements.

- (a) The development regulations in the CD-3 commercial, high intensity district are as follows:
 - (1) Max FAR: Lot area equal to or less than 45,000 square feet—2.25; lot area greater than 45,000 square feet—2.75; oceanfront lots with lot area greater than 45,000 square feet—3.0.
 - (2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.
 - (3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.
 - (4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 square feet with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 square feet.
- (b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.
- (c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, 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)
None	None	New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 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	New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/A. The number of units may not exceed the maximum density set forth in the comprehensive plan.	75 feet. Lots on the north side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue, with a minimum lot area of 30,000 square feet, and which contain a contributing building and an attached addition providing a minimum of 100 hotel units, where the addition is set back at least 75 feet from the Lincoln Road property line, and has a street side setback of no less than 25 feet - 75 feet. Notwithstanding the foregoing requirements for lots within the architectural district,

		<p>shall be a minimum of 200 square feet.</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being 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 shall be permitted, provided all rooms are a minimum of 200 square feet.</p> <p>Additionally, 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.</p> <p>For new hotel units within attached or detached additions to contributing buildings on the north side of Lincoln Road, between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area dedicated to amenity space, the minimum unit size shall be 200 square feet.</p>		<p>for lots fronting on James Avenue, bounded by 17th Street to the north and Lincoln Road to the south, the historic preservation board, in accordance with the certificate of appropriateness criteria in chapter 118, article X, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property and provided further that a minimum setback of 75 feet shall be required from Collins and Washington Avenue for any portion of a building above 50 feet in height.</p> <p>Lots within the architectural district: 50 feet.</p> <p>Lots fronting on 17th Street: 80 feet.</p> <p><u>Lots fronting Washington Avenue between Lincoln Road and 17th Street for main use office building: 80 feet</u></p> <p>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet.</p> <p>Notwithstanding the above, the design review board or</p>
--	--	---	--	---

				historic preservation board, in accordance with the applicable review criteria, may allow up to an additional five feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.
		For new hotel units within attached or detached additions to contributing buildings on the south side of Lincoln Road, between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area dedicated to amenity space, the average unit size shall be 250 square feet. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.		Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply: The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth. The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).

(d) *Lincoln Road hotel incentives and public benefits program.* In order for a hotel on Lincoln Road to be constructed with a minimum unit size of 200 square feet (as applicable to hotels on the north side of Lincoln Road) or a minimum average unit size of 250 square feet (as applicable to hotels on the south side of Lincoln Road), and in order to construct a hotel on Lincoln Road that is taller than 50 feet, the portion of Lincoln Lane abutting the subject property, as well as the remaining portion of Lincoln Lane from block-end to block-end, shall be fully improved subject to the review and approval of the public works department. Additionally, for a hotel to be eligible for the unit size and height incentives set forth herein, participation in a public benefits program, as further set forth below, shall be required:

- (1) *Provide ground-floor public benefit space.* On-site, ground floor space within the building in which the hotel is located shall be provided, with a minimum area of 500 square feet, for use by Miami Beach-based not-for-profit entities and/or artisans, as workshops, or for display or demonstration purposes, either of which shall be open to public view ("public benefit space"). Any required land use board approvals associated with a public benefit space approved pursuant to this paragraph shall be the responsibility of the non-profit entity or artisan, respectively.

-
- (2) *Contribution to Art in Public Places fund.* In addition to providing an on-site public benefit space pursuant to subsection (d)(1) above, a hotel shall provide a contribution to the city's Art in Public Places fund, the amount of which shall be equal to 0.5% of the total of all construction costs associated with the proposed hotel project, regardless of the number of permits associated with the project or whether the applicant intends to construct the hotel in phases. Full payment of the contribution shall be made prior to the issuance of a certificate of occupancy.
 - (3) *Final approval.* Prior to the issuance of a final certificate of occupancy for the property, a covenant executed by the property owner shall be submitted to the city, in a form approved by the city attorney and city manager, which covenant shall, at a minimum, identify the location of the public benefit space, and require a hotel owner and/or operator to maintain the public benefit space for so long as the hotel use on the subject property remains active, unless a shorter term is approved by resolution of the city commission.
 - (4) *[Limitation.]* There shall be a limit of 500 hotel units constructed between Pennsylvania Avenue and Lenox Avenue, which utilize the unit size and/or height incentives set forth in this subsection (d).

(Ord. No. 89-2665, § 6-8(A)(1), (B), eff. 10-1-89; Ord. No. 90-2722, eff. 11-21-90; Ord. No. 92-2778, eff. 3-28-92; Ord. No. 92-2784, eff. 6-28-92; Ord. No. 94-2949, eff. 10-15-94; Ord. No. 94-2954, eff. 11-30-94; Ord. No. 96-3050, § 2, 7-17-96; Ord. No. 97-3097, § 2, 10-8-97; Ord. No. 98-3107, § 1, 1-21-98; Ord. No. 3149, § 1, 11-4-98; Ord. No. 98-3150, § 1, 11-4-98; Ord. No. 2005-3483, § 7, 5-18-05; Ord. No. 2011-3744, § 9, 10-19-11; Ord. No. 2014-3851, § 2, 4-23-14; Ord. No. 2015-3960, § 1, 9-2-15; Ord. No. 2016-4007, § 5, 4-13-16; Ord. No. 2017-4124, § 2, 7-26-17; Ord. No. 2017-4148, § 10, 10-18-17; Ord. No. 2017-4149, § 9, 10-18-17; Ord. No. 2018-4158, § 2, 1-17-18; Ord. No. 2018-4225, § 1, 12-12-18; Ord. No. 2019-4275, § 4, 6-5-19; Ord. No. 2019-4303, §§ 2, 3, 10-16-19; Ord. No. 2019-4315, § 4, 10-30-19)