

**Faena District Overlay – Revised Building Height Limit**

**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," SECTION 142-869, ENTITLED "COMPLIANCE WITH REGULATIONS," TO AMEND THE MAXIMUM ALLOWABLE HEIGHT 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 is a priority for the City Commission and the citizens of Miami Beach; and

**WHEREAS**, development incentives for additions and/or new buildings can incentivize the preservation and restoration of historic structures 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:**

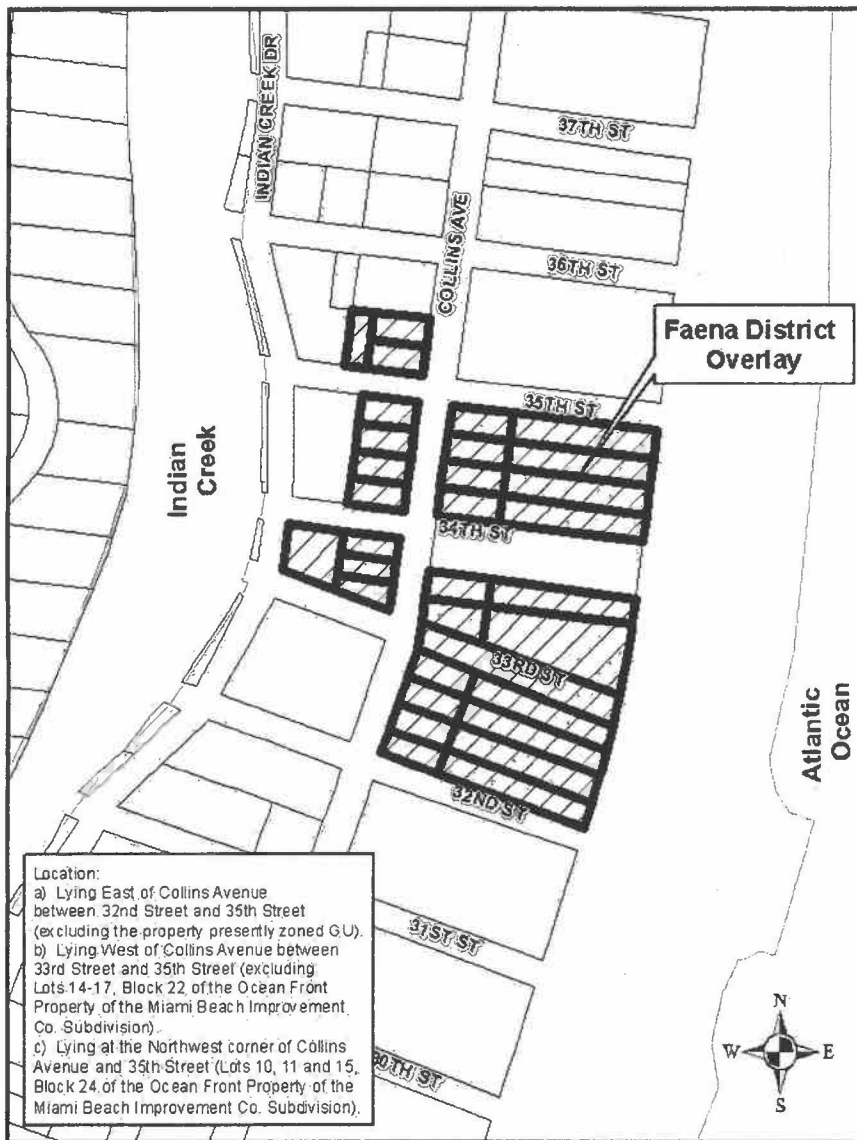
**SECTION 1.** Chapter 142, entitled "Zoning Districts and Regulations," Article III, entitled "Overlay Districts," Division 10, entitled "Faena District Overlay," is hereby amended as follows:

**DIVISION 10. FAENA DISTRICT OVERLAY**

\* \* \*

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

The overlay regulations of this division shall apply to the properties identified in the Overlay Map below:



The purpose of this overlay district is to allow limited flexibility of uses, 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 district regulations shall apply, except as follows:

\* \* \*

(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~~ 221 feet.

i. Any building with a height exceeding 203 feet shall have a front setback of 75 feet as measured to the closest face of a balcony.

\* \* \*

**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 \_\_\_\_\_, 2021.

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

ATTEST:

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

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

\_\_\_\_\_  
City Attorney *NK* 3-5-21  
Date

First Reading: March 17, 2021  
Second Reading: April 21, 2021

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