

Miami Beach Resiliency Code and LDR Update

Draft Proposed Code Covering Memo

June 15, 2022.

Background

After contract award in August 2020 the consulting team commenced the code update process by engaging in substantive scenario planning with City staff. This included an analysis of future trends, projected impacts of climate change and sea level rise, as well as other factors such as population growth, transportation and mobility, hazard mitigation and the preservation and protection of cultural and architectural resources. This scenario planning has resulted in an ideal framework for the recommendations that will be included as part of the draft of the Resiliency Code.

In 2021, City staff organized a number of focus group workshops involving stakeholders from a wide variety of interests and disciplines, including residents, developers, property owners, attorneys, design professionals and neighborhood groups. Because of the size of the workshops, multiple meetings were held, primarily using virtual platforms, due to the pandemic.

Meetings

- May 27, 2021
 - Resiliency Code Focus Group Meeting Homeowner Associations
- June 2, 2021
 - Resiliency Code Focus Group Meeting - CMB Chamber of Commerce
 - Resiliency Code Focus Group Meeting CMB Convention Center & GMCVB
 - Resiliency Code Focus Group Meetings Land Use and Sustainability Committee
- June 3, 2021
 - Resiliency Code Focus Group Meeting HPB – MDPL
 - Resiliency Code Focus Group - Design Review Board
 - Resiliency Code Focus Group - Land Use Attorneys
- June 10, 2021
 - Resiliency Code Focus Group - Landowner and Developer
 - Resiliency Code Focus Group Meeting PB & BOA- Board Members
 - Resiliency Code Focus Group Meeting – Architects
- February 10, 2022
 - Tom Mooney – Brief to Miami Beach Chamber of Commerce
- June 1, 2022
 - Resiliency Code to Land Use and Sustainability
- June 3, 2022
 - Community Meeting/ Workshop- PB

Future Meetings

- June 17, 2022
 - Community Meeting/ Workshop- PB
- July 26, 2022
 - Transmittal Hearing

Goals of the Code Update

- Address climate adaptation and resilience
- Modernize, simplify and update the Code while protecting quality of life
- Safeguard historic preservation
- Ensure clarity and transparency in Code, Land Use Boards and permitting process
- Allow flexibility for Code updates over time

Draft Proposed Code

The enclosed document is a working draft of the proposed Miami Beach Resiliency Code as of mid-June, 2022. The Administration and the consultant team are continuing to work together to refine recommendations for Code updates. Feedback from LUSC and the Planning Board will also be considered for incorporation into the final draft document which is anticipated to be transmitted by the Planning Board to the City Commission on July 26, 2022.

Proposed Changes by Chapter

The following provides a summary of substantive proposed changes to each chapter of the Code and should be read with the draft Code document. In addition to the substantive proposed changes noted below and highlighted in the draft Code document minor changes have been made such as reordering of content for readability and removal of redundant regulations. Section references are highlighted or shown in red text as these will be updated when the draft Code is finalized.

Chapter 1: General Provisions (formerly Chapter 114: General Provisions)

- Article II: Definitions
 - All definitions currently distributed throughout the Code have been consolidated in Article II: Definitions
 - Definitions have been categorized for easier reference
 - Use definitions have been categorized to correspond to new use tables introduced in Chapter 7: Zoning Districts and Regulations
 - New and revised definitions are highlighted in the draft Code document
- New section: 1.3.6 Administration of Regulations
 - New section has been added to clarify the role of the planning director to interpret the land development regulations, the standards for administrative interpretation and the appeal process in case of disagreement

Chapter 2: Administration and Review Procedures (formerly Chapter 118: Administration and Review Procedures)

- Consolidated and standardized provisions for appointment and conduct of Land Use Boards
- Consolidated, standardized and updated application and hearing procedures for land use approvals
- Created new annual zoning cycle
- Created new process and standards for commission approval allowing exemption up to 25% from design parameters for specific projects
- No changes to historic preservation regulations

Chapter 3: Concurrency Management and Mobility Fees (formerly Chapter 122 Concurrency Management and Mobility Fees)

- No major changes proposed

- Parks Department is updating concurrency management and this will be inserted when complete

Chapter 4: Landscape Requirements (formerly Chapter 126: Landscape Requirements)

- General
 - Enhancements to promote drought tolerant, salt tolerant species suitable for Miami Beach
- Section 4.2.3: Minimum standards
 - Soil volumes added for street trees to improve street tree health
- Section 4.2.7 Landscaped areas in permanent parking lots & Sec. 4.2.8 Temporary and provisional parking lot standards
 - New requirements to promote permeability for stormwater management

Chapter 5: Off-Street Parking (formerly Chapter 130: Off-Street Parking)

- Replaced parking districts 1-9 with parking tiers 1-3, creating a structure of areas with reduced parking requirements that in future can be expanded to align further with transit corridors and hubs as identified by the City's Comprehensive Plan and Transportation Master Plan
- Tier 1 (highest parking requirements)
 - Tier 1 is composed of former parking district 1 and applies to all areas outside of other parking districts/tiers
 - Parking requirements have been consolidated for some uses but no changes have been made
- Tier 2 (intermediate parking requirements)
 - Tier 2 is composed of former parking districts 5, 6 and 9
 - Lower parking requirements are specified for some uses
 - Tier 1 requirements apply for uses for which no parking requirements are specified
 - If parking requirements for districts 5, 6 and 9 differed the lowest requirement was generally chosen
 - Geographic exceptions preserve specifics of former districts 5, 6 and 9
- Tier 3 (lowest parking requirements)
 - Tier 3 is composed of former parking districts 2, 3, 4, 7 and 8
 - Lower parking requirements are specified for some uses
 - If parking requirements for districts 2, 3, 4, 7 and 8 differed the lowest requirement was generally chosen
 - For uses for which no parking requirements are specified the parking requirement is 0 (which is consistent with the former parking districts)
 - Geographic exceptions preserve specifics of former districts 2, 3, 4, 7 and 8
- Parking requirements are provided in tables organized by use, similar to use tables in Chapter 7: Zoning Districts and Regulations
- Section 5.2.5: Bicycle off-street parking requirements
 - Short term and long term bicycle parking requirements have been applied city-wide for commercial non-retail, retail, restaurants, bars, nightclubs, hotel and multifamily residential
 - Bicycle parking is permitted to apply towards vehicle parking reductions up to a maximum which increases in each tier
- Section 5.2.8: Off-site parking facilities

- Made maximum distance for offsite parking consistent across the city at 1,200 feet from the property
- New Section 5.2.9: Non-conforming parking lots
 - New regulations for the repair and/or rehabilitation of nonconforming parking lots
- Parking regulations formerly in Chapter 142: Zoning Districts and Regulations have been consolidated in Chapter 5: Off-street Parking
- Removed Supplementary Convention Center Parking Article as authority to issue supplementary convention center parking permits expired in 1993

Chapter 6 Signs (formerly Chapter 138: Signs)

- Clarified design review requirements
- Clarified interpretation of maximum sign sizes
- Standardized terminology for different types of signs and added definitions
- Updated graphic exhibits

Chapter 7: Zoning Districts and Regulations (formerly Chapter 142: Zoning Districts and Regulations and Chapter 133 Sustainability and Resiliency)

Note: Changes relating to the relocation of content are shown in grey

7.1 GENERAL TO ALL ZONING DISTRICTS

7.1.2 Resilience and Adaptation Standards

- Placed in this the first section and combined it with 'Exterior building and lot standards', which regulate yard height, an adaptation response. Chapter 133 – Sustainability and Resiliency is current location of these standards.
- Whenever possible clarified and streamlined vertical measurements and tied them to Base Flood Elevation. Because this vertical measurement is in flux, this allows the code to remain up to date as Base Flood Elevation migrates upwards over time.
- New and Updated Definitions:
 - Pedestal definition was updated from '50 feet measured from the sidewalk elevation' to '50 feet measured from BFE'.
 - New Use definition: Neighborhood Impact Lot: Developments on properties greater than 20,000 square feet of lot area.
 - New Use definition: Neighborhood Impact Structure: New construction of structures 50,000 square feet and over (even when divided by a district boundary line), which review shall be the first step in the process before the review by any of the other land development boards.
 - Neighborhood Impact Establishment was updated by lower the occupancy that triggers a Conditional Use Permit for alcohol from 300 to 150; and for alcohol with entertainment from 200 to 10. (Sec 142-1361)

- Created a new hierarchy of regulations supported by exhibits in the following order:
 - o **7.1.2.2 Resilience and Adaptation Standards for Buildings.** These include:
 - Subterranean (formerly Sec 142-870.17. Design and Resilience Standards (b))
 - Understory
 - Residential First Habitable Level and
 - Non Residential First Habitable Level

Placed current 'Article III. Ground Floor Standards for Nonresidential Buildings', nearly unchanged, except for increasing the minimum floor-to-ceiling height to 12 feet for residential FHL and 14 feet for non-residential FHL in the new 'First Habitable Level Standards' section, in order to create a longer lifespan/looser fit which will ease the retrofit process. The 5 feet additional height currently awarded through DRB is now by right if the 14 feet at the non-residential first habitable level are provided.

- o **7.1.2.3 Resilience and Adaptation Standards for Exterior Building and Lot.** These include:
 - Minimum and Maximum Yard Elevations (Relocated some of the Exterior building and lot standards and yard standards in the RS zoning districts as well as RM-1, and RM-2). Standards were converted to tables.
 - Updated elevation of minimum required yards from 5 feet NAVD to Future Adjusted Grade (if Future Crown of the Road is known), and BFE minus 1 foot (if Future Crown of the Road is not known) in order to keep up with a portion of IPCC's projections.

7.1.3 Environmental Mitigation Standards

- Placed Green Buildings and Rating Systems in this section in order to emphasize the close relationship between 'adaptation' which precedes this section, and 'mitigation.' Source: Chapter 133 – Sustainability and Resilience, Article 1. Green Buildings.
- Created a section for 'Original Green Standards' that would deal with passive cooling, daylighting, and other environmental measures that are not related to rating systems and higher tech solutions. Held in 'Reserved'.

7.1.4 Frontages

- Created a new section which shows the idealized cross-sections of new construction and future retrofit. This is inspired by Smart Code but illustrates how the frontage relates to the future crown of the road.

7.1.5 Minimum Unit Sizes

- Created a new section for minimum unit sizes that makes them consistent citywide, unless regulated in each district, overlay, or historic district. Most districts have the same minimum unit sizes. This allows for them to be deleted in each zoning district, thereby shortening the code.
- Removed 'Average Unit Sizes' in order to simplify calculations and enforcement of the code and to make the projects more market friendly.

7.1.6 Parking Screening Standards

- Relocated and enhanced 'Ground Floor Requirements' from RMs, CDs and other districts and renamed it '7.1.6 Parking Screening Standards'. This enabled the code to be shortened and improves frontage quality. Rewrote provision to require liner buildings for parking so that it is consistent with the terms 'understory' and 'First Habitable Level (FHL)' as used elsewhere in the proposed code.

7.1.7 Colors

- Clean up but no significant changes.

7.1.8 Prohibited Uses

- Relocated Sec. 142-1. Prohibiting Gambling and Casinos to Prohibited Uses to this section.
- Relocated 'Assisted living facilities and medical uses' to supplementary use section.

7.2 DISTRICT REGULATIONS

All Zoning Districts

- Cleaned up and created a consistent and clear District section structure. All Districts include:
 - o Purpose
 - o Uses (with tables)
 - o Development Regulations (with tables and exhibits) and
 - o Additional Regulations if any
- Numbering throughout the code was made consistent and simplified so that the code can be amended and expanded without having to leave 'Reserved' sections.
- All zoning districts remain except for a few that were removed because they had not been deployed in the zoning map. Districts removed were RO-2 and RO-3.
- Districts were reorganized as a gradient from less intense (such as Single Family Residential and Townhome Districts) to more intense (such as Mixed Use Entertainment and Town Center Districts) and Civic Districts (Government Use, Special Public Facilities Districts) and Special Districts (Golf Course and Waterway Districts)
- Most Overlay Districts remain except for a few that were incorporated into the underlying zoning district, such as the 40th Street Overlay (that affected only a few properties in the RS-2 and RS-4 Districts)
- Converted permitted, conditional, accessory and prohibited uses paragraphs into tables. Supplemental use regulations remain and are referenced on the tables. This makes the code easier to interpret and consistent.
- Combined the Development Regulations Table or text with the Setback Requirements to create one larger table. All standards in all Districts have the same table structure. This makes the code shorter and more user friendly.
- Added FAR from the Comprehensive Plan to all Development Regulations Tables. This allows the code to be more user friendly and clear.
- Relocated and enhanced 'Ground Floor Requirements' and 'For New Construction' to General to All Districts and renamed it '7.1.6 Parking Screening Standards' and refer to that section in all applicable Districts. This enabled the code to be shortened and improves frontage quality.

- Deleted setback requirements for At-Grade parking lots from all districts on the same lot because a table was added to the Parking Chapter which establishes general standards for surface parking lots.
- Whenever there is a mention of a geographic area in the district regulations a reference to a map key was added and mapped in GIS. This map appears on the Gridics Platform directly accessible through the text.
- Deleted Video Game Arcade from uses regulations because this is not used anymore.
- Included Accessory Uses listed in the 'Article IV Supplementary District Regulations' to the District's Uses tables. Any specific supplementary regulations remain in '7.5.4 supplementary use regulations'.

7.1.2 RS

- Created a consistent maximum height of 28 feet (flat roofs) / 31 feet (sloped roofs) across the 4 districts. This allows the buildings to have a long life span. The additional height allows for floor height to be adjusted over time without compromising comfortable ceiling height and will ensure that houses can adapt to future revisions of Base Flood Elevation. It is not uncommon to find similar height maximums in analogous zoning districts in other municipalities (RS, RSF, T-3). Best practice shows that there is not necessarily a correlation between platting increment and maximum height in historic communities around the Country. In other words, more spacious lots do not imply greater maximum height.
- Understories are allowed without having to go through DRB or HPB approval. If a single-family house has an Understory, the height may be increased by 3 ft. An Understory with a minimum height of 10 feet places the Residential First Habitable Level (FHL) above the maximum Design Flood Elevation. Therefore 3 additional feet are awarded to ensure comfortable and climate responsive ceiling heights.
- Consolidated setback table with other development standards to create one table, making the code more user friendly and clear.
- Eliminated parapet setbacks because this is inauthentic to the detailing of parapets in art deco and streamlined moderne buildings.
- Relocated other yard requirements to the text and notes immediately following the table. (7.2.2.3 vii Exterior Building and Lot Standards (RS))
- Altos del Mar Historic District
 - o Preserved the maximum height of 37 feet but changed the calculation of height so that it is measured from DFE rather than from grade, in order to ease future retrofit and promote a long lifespan/loose fit and to be consistent in the way height is measured throughout the code.
- 'Commercial Use of Single-Family Homes Prohibited' currently Sec. 142-109, was moved to supplemental uses section in RS.
- 'Provisions for the demolition of single-family homes located outside of historic districts' was moved to 7.7.7.4 Additional Regulations (RS)

7.1.3 TH

- Relocated public-private parking agreement paragraph and 'Sec. 142 607 Design Review' to '7.2.3.4 Additional Regulations (TH)'

7.1.4 RM-1

- Added Hostels as a prohibited use.

- Because 'Exterior Lot Standards' has been relocated in Section 7.1.2, deleted it from RM-1 and refer to that section.
- Relocated standards for the 'Flamingo Park Local Historic District' to '7.2.4.4 Additional Regulations (RM-1)'
- Relocated the 'North Beach Private and Public School Overlay District' to section 7.2.4.5 as part of the RM-1 District. This Overlay only affects a few properties in RM-1 and it is more appropriate as part of the District Regulations.

7.1.5 RM-2

- Added Hostels as a prohibited use.
- Because 'Exterior Lot Standards' has been relocated in Section 7.1.2, deleted it from RM-2 and refer to that section.
- Relocated regulations for properties that front the west side of Alton Road and Julia Tuttle Causeway to '7.2.5.4 Additional Regulations'

7.1.6 RM-3

- Added Hostels as a prohibited use.
- Organized many of the remaining regulations into a section, 'Additional Development Regulations.'

7.1.7 RM-PRD

- Added Supplemental minimum unit sizes because it differed from those found in Article 1.

7.1.8 RM-PRD-2

- Separated Sec. 142-187 'Purpose and Uses' into two sections, 'Purpose' and 'Uses' to be consistent with other zoning districts.
- Under uses, added a sentence regarding allowance of limited accessory ground floor retail to the Accessory Uses. The sentence had been located, previously, in a part of the document that does not pertain to uses.
- Created 'Additional Use Regulations' in order to gather the use regulations for the St. Francis Hospital Site and place these with other use regulations rather than at the end of the document.
- Reformatted 'Sec. 142-188. Development Regulations' so that the metrics are organized as a table 'RM-PRD-2 Development Regulations Table.'
- Created a new section 'Parking Standards' that organizes those regulations relating to parking.
- Deleted any use regulations, alternative setback or building metrics from Sec. 142-294 Urban and Architecture Design Guidelines and moved these to the master table, leaving only the regulations pertaining to Urban and Architecture Design.

7.1.9 RO

- Removed RO-2 and RO-3 from the District Regulations because they are not deployed in the zoning map. This makes the code shorter.

7.1.10 CD-1

- Removed Tower setbacks because the maximum height is 40 feet, therefore Tower setbacks do not apply. This helps clean up the code.

- FAR for mixed-use buildings refers to the RM-1 district. Brought 1.25 FAR from RM-1 and removed this reference. This makes the code easier to interpret and takes away the burden of having to go to many different districts to find specific regulations.

7.1.11 CD-2

- Relocated 'Special Regulations for Alcoholic Beverage Establishments' to 'Supplemental Use Regulations (CD-2)'
- FAR for mixed use buildings refers to RM-2 district. Got FAR of 2.0 from RM-2 and removed this reference. This makes the code easier to interpret and takes away the burden of having to go to many different districts to find specific regulations.
- Removed setbacks for Oceanfront Lots because there are no Oceanfront lots in CD-2. This helps clean up and make the code leaner.
- Created separate sections and development regulations for:
 - o Washington Avenue (CD-2)
 - o The Wolfsonian Arts District (CD-2)
 - o Alton Road Gateway Area (CD-2)
 - o Alton Road – Historic District Buffer (CD-2)
 - o Sunset Harbour (CD-2)
 - o Alton Road Office Development Overlay (CD-2) (This used to be an Overlay District but now is part of CD-2 regulations)

7.1.12 CD-3

- Relocated 'Special Regulations for Alcoholic Beverage Establishments' to 'Supplemental Use Regulations (CD-3)'
- Supplementary Minimum Unit Sizes specific to CD-3 were included in the development regulations table.
- Relocated 'Lincoln Road Hotel Incentives and Public Benefits Program to '7.2.12.4 Additional Regulations (CD-3)'

7.2.13 MXE

- Relocated 'Sec. 142-546 Additional restrictions for lots fronting Ocean Drive, Ocean Terrace and Collins Avenue' and 'Sec 142-546 Additional regulations' to '7.2.13.2 e Additional Use Regulations (MXE)' section after the uses table.

7.2.14 TC

- Created a Use Table and a Development Regulations Table for each TC sub-district.
- Relocated 'Cultural Use' definition to general uses definitions chapter. This helps clean up the code and have all use definitions in one place.
- Removed FAR for 'properties bounded by 69th Street on the south, Collins Ave on the east, 72nd St on the north and Indian Creek Drive/Dickens Ave on the west' from TC-1, TC-2 and TC-3 tables because this is now part of TC-C.
- Removed Video Game Arcades from uses list.
- Created separate development regulations tables for TC-1, TC-2 and TC-3.
- Removed 'Sec. 142-739 Parking' because it conflicts with the standards in parking district no. 8. (now Tier 3)
- TC-C is now a subdistrict of TC.
- Supplemental minimum unit sizes for TC-C have been added to the development regulations table.

- Setback and encroachments are part of the development regulations table in TC-C.
- Relocated 'Sec. 142-746 Nonconforming structures within unified development sites', Sec. 442-747 Public Benefits Program' and 'Sec. 142-748 North Beach Public Benefits Fund' to 'Additional Regulations (TC-C)'

7.2.15 PS

- Created a new structure and sub-districts for R-PS, C-PS and RM-PS Districts
- Made uses tables consistent with other district's uses tables.
- Incorporated Accessory Uses to uses tables.
- Removed oceanfront lots metrics in C-PS subdistricts because there are no oceanfront lots in C-PS.
- Relocated 'Sec. 142-704 Minimum required yards in relation to minimum open space ratio' to '7.2.15 Additional Regulations (PS)'.
- Removed 'Sec. 142-706 Supplemental Parking Regulations' and incorporate standards into Off-Street Parking Chapter 5.

7.2.16 GU

- No significant formatting or content changes

7.2.17 CCC

- Changed one measurement for the 17th Street and Convention Center Drive Front Setbacks to be related to DFE rather than from grade.
- 'Sec. 142-367. Notice of public hearing; vote' and 'Sec. 142-368 Off-site parking' to Additional Regulations (CCC)

7.2.18 SPE

- Converted Development Regulations and Uses into tables.

7.2.19 HD

- Reformatted the section for minimum yards and maximum height as part of the table.
- Deleted Sec. 142-454. Master plan for hospital development as this was supposed to have occurred by 1990.
- Relocated 'Sec. 142-455 Special use regulations' to '7.2.19.2 Uses (HD)'
- Removed setbacks for St. Francis, South Shore and Heart Institute because they are obsolete.

7.2.20 MR

- Removed tower setbacks because at a maximum height of 40 feet, tower setbacks do not apply.

7.2.21 WD

- Combined WD-1 and WD-2 and made them 2 separate sub-districts of WD with their separate uses and development regulations tables.

7.2.22 GC

- The regulations limiting waste collection hours of operation moved to the noise regulations section because they were formerly located in setback requirements and have nothing to do with building setbacks.
- Removed setbacks for properties fronting 17th Street and Convention Center Drive because the Miami Beach Golf Club is designated GU not GC.

7.2.23 I-1

- Relocated 'Sec. 142-488. Special regulations for alcohol beverage establishments' to supplemental use regulations.

7.3 OVERLAY DISTRICTS

- Overlay Districts did not change except for renumbering of sections and used a consistent section structure:
 - o Location and Purpose
 - o Compliance with Regulations

7.3.1 Dune Preservation and Oceanfront Overlays District

- Combined into 1 overlay district with specific location and purpose and regulations for each.

7.3.2 Convention Hotel Overlay District

- No significant formatting or content changes

7.3.3 West Avenue Bay Front Overlay District

- No significant formatting or content changes

7.3.4 Collins Park Arts District Overlay District

- Removed map from text and create an exhibit code to view map on Griddics platform.
- No significant formatting or content changes

7.3.5 Faena District Overlay District

- Removed map from text and create an exhibit code to view map on Griddics platform.
- No significant formatting or content changes

7.3.6 Ocean Terrace Overlay District

- Removed map from text and create an exhibit code to view map on Griddics platform.
- No significant formatting or content changes

7.3.7 Art Deco MIMO Commercial Character Overlay District

- Removed map from text and create an exhibit code to view map on Griddics platform.
- No significant formatting or content changes

7.3.8 North Beach National Register Conservation Overlay District

- No significant formatting or content changes

7.3.7 Sunset Harbour Mixed-Use Neighborhood Overlay District

- Removed map from text and create an exhibit code to view map on Griddics platform.
- No significant formatting or content changes

7.4 NEIGHBORHOOD CONSERVATION DISTRICTS

7.4.1 Gilbert M. Fein Neighborhood Conservation Overlay District

- Created a new category for Conservation Districts and placed it in the section.
- Removed map from text and create an exhibit code to view map on Griddics platform.
- No significant formatting or content changes.

7.5 SUPPLEMENTARY DISTRICT REGULATIONS

- No significant formatting or content changes

7.5.2 Height Regulations

- No significant formatting or content changes

7.5.3 Supplementary Yard Regulations

- No significant formatting or content changes

7.5.4 Supplementary Use Regulations

- Relocated 'Division 2. Accessory Uses' Under supplementary Use Regulations.
- Relocated Use definitions to the General Use Definitions Chapter. This allows the code to be clearer.
- Removed 'Sec. 142-1104 Video Game and machines in commercial districts'.
- Cleaned-up '7.5.4.13 Accessory Uses'
- Removed and Relocated 'Solar Panels' in accessory Uses. This is not a use.
- Landing or storage areas for helicopter, or other aircraft pads are only allowed in HD District.