

Century Lane and Farrey Lane Overlay District - LDR Regulations

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," AT SECTION 7.2.4, ENTITLED "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," BY CREATING SUBSECTION 7.2.4.6, ENTITLED "CENTURY LANE AND FARREY LANE OVERLAY DISTRICT," TO PROVIDE SPECIFIC DEVELOPMENT REGULATIONS FOR THE OVERLAY, INCLUDING AMENDING THE MAIN PERMITTED, PROHIBITED, AND CONDITIONAL USES, MODIFICATIONS TO THE LOT AGGREGATION REQUIREMENTS, AND INCLUSION OF DESIGN AND RESILIENCY STANDARDS; AND PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, APPLICABILITY, AND AN EFFECTIVE DATE.

WHEREAS, both Century Lane and Farrey Lane were primarily originally developed with single-story bungalows constructed in 1940 and 1941; and

WHEREAS, although the properties are zoned RM-1, residential multifamily, low intensity, the majority of the originally platted lots are some of the smallest RM-1 lots in the City, ranging from under 3,000 SF to approximately 4,500 SF; and

WHEREAS, concerns have been expressed regarding the development of the remaining small lots on Century Lane and Farrey Lane, and the resulting change of character; and

WHEREAS, the City desires to establish regulations that are sensitive and compatible with the character of the neighborhood, including further restrictions on lot aggregations; and

WHEREAS, both Century Lane and Farrey Lane have limited 20-foot rights-of-way, with no sidewalks; and

WHEREAS, due to the limited rights-of-way and residential character of the overlay, further limitations on the allowable uses are warranted; and

WHEREAS, the City of Miami Beach desires to also promote the resilience of existing structures and new development; 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. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Section 7.2.4, entitled "RM-1 Residential Multifamily Low Intensity," is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.4 RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY

* * *

7.2.4.6 CENTURY LANE AND FARREY LANE OVERLAY DISTRICT

a. Location and Purpose (Century Lane and Farrey Lane Overlay District – RM-1).

- i. The overlay regulations of this division shall apply to all new and existing properties located in the RM-1 Residential Multifamily Low Intensity zoning district, with a lot line on Century Lane or Farrey Lane.
- ii. In the event of a conflict between this section and the regulations of the underlying RM-1 zoning district, the provisions herein shall control.
- iii. The purpose of this overlay district is to:
 1. To promote resilience of both existing structures and new development.
 2. To ensure that the scale and massing of new development is sensitive to and compatible with the established context of the existing residential neighborhood.

b. Uses.

- i. The main permitted uses within the overlay shall be apartment, townhome and single-family dwelling.
- ii. There shall be no conditional or accessory uses in the overlay.
- iii. Day care facility, religious institutions, private and public institutions, schools, as well as commercial or noncommercial parking lots and garages shall be prohibited uses in the overlay.

c. Lot Aggregation Guidelines.

- i. A maximum of three (3) platted lots may be combined, pursuant to the requirements in this subsection (c). Where a development is proposed on three (3) lots, the following shall apply:
 1. Eligibility to aggregate up to 3 lots shall be limited to a single-family dwelling only; apartment or townhomes shall not be permitted on more than two (2) aggregated lots.
 2. New construction shall acknowledge the original platting of the assembled parcels through separation of buildings and appropriate architectural treatment within the building's façade.
 3. The maximum building height for the entire portion of at least one of the aggregated lots shall not exceed 35 feet

4. A property may only be eligible for the single-family lot aggregation incentive set forth in this subsection (c) if the property owner voluntarily elects, at the owner's sole discretion, to execute a restrictive covenant running with the land, in a form approved by the planning director and city attorney, affirming that no portion of the approved building on the property shall be leased or rented for a period of less than six months and one day.
5. For unified development sites containing a non-conforming hotel use, up to three (3) platted lots may be aggregated and the foregoing subsections 1 to 4 shall not apply. For unified development sites within the overlay that contain a non-conforming hotel use, the aggregation of up to three (3) platted lots shall only be permitted if any lots fronting Farrey Lane are used for the sole purpose of providing vehicular circulation and do not contain any enclosed structures.

d. Design and Resiliency Standards.

- i. All levels of an existing structure located below Base Flood Elevation plus one (1) foot (BFE +1') may be repurposed with non-habitable uses.
- ii. Subterranean levels shall only be permitted in the event that the space is purposed and designed as part of a storm water management plan, including but not limited to storm water collection and cisterns for reuse of captured water.
- iii. New construction shall be designed to incorporate naturally landscaped areas at the ground level, in addition to the minimum setback requirements, which is equal to or greater than five (5) percent of the total lot area. In lieu of this requirement, a green roof(s) may be provided with a minimum area of 25% of the total roof area.
- iv. For raised yards requiring a retaining wall, the exterior of such wall, on all sides, shall be designed and finished in a manner that result in a high-quality appearance when seen from adjoining properties.
- v. In all instances where the existing elevation of a site is modified, a site shall be designed with adequate infrastructure to retain all stormwater on site in accordance with all applicable state and local regulations.
- vi. Notwithstanding the foregoing, (i) and (iv) above shall not apply to lots containing a nonconforming hotel use.

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 4. 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 renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 5. 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 ____ day of 2023

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: October 18, 2023
Second Reading: December 13, 2023

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney NK

10-10-23
Date