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MIAMI BEACH
PLANNING DEPARTMENT

Staff Report & Recommendation — PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: June 25, 2024

FROM: Thomas R. Mooney, AICP
Planning Director

DS for TRM

SUBJECT: **PB24-0661.**
Commercial / Industrial / Residential Height and Setbacks Citywide
(f.k.a. North Beach Development Regulations)

RECOMMENDATION
Discuss the proposed ordinance amendment and continue it to the September 24, 2024 meeting.

HISTORY
On January 31, 2024, at the request of Commissioner Alex Fernandez, the City Commission referred a discussion item (C4 D) regarding development regulations in multi-family and commercial districts, to the Land Use and Sustainability Committee (LUSC) and the Planning Board. Commissioner Laura Dominguez is a co-sponsor of the item.

On February 26, 2024, the LUSC discussed the item and recommended that the Planning Board transmit an ordinance to the City Commission with a favorable recommendation.

BACKGROUND
The ordinance was deferred from the April 25, 2024 meeting and re-advertised for the June 25, 2024 meeting.

REVIEW CRITERIA
Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

   Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

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Consistent – The proposed amendment does not create an isolated district unrelated to adjacent or nearby districts.

3. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

Consistent - The proposed ordinance will modify the scale of development to make it more compatible with historic development patterns, as such, it is not out of scale with the needs of the neighborhood.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure as the maximum floor area ratio (FAR) is not modified.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable – The proposed amendment does not modify district boundaries.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The need to ensure that new development is compatible with existing development patterns in the Miami Beach Architectural District and surrounding areas in light of changes to state laws makes the passage of the proposed change necessary.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent – The proposed ordinance will not create or increase traffic congestion from what is currently permitted, as the maximum allowable intensity (FAR) in the applicable zoning districts is not being modified by this ordinance.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed change will improve light and air on adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

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Consistent – The proposed change will not adversely affect property values in adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Partially Consistent – The proposed change may be a deterrent to the improvement or development of certain properties in the City.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not applicable.

13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

(1) Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

(2) Whether the proposal will increase the resiliency of the City with respect to sea level rise.

Consistent – The proposal will not impact the resiliency of the City with respect to sea level rise.

(3) Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

BACKGROUND

On March 24, 2023, the Florida Legislature adopted Senate Bill 102, known as the "Live Local Act" which, in pertinent part, provides development incentives and overrides certain local zoning regulations for developments that provide 40% workforce housing in commercial, industrial, and mixed-use districts. Specifically, the Live Local Act amends section 166.04151, Florida Statutes, entitled "Affordable Housing," to add the following text:

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(7)(a) A municipality must authorize multifamily and mixed use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any land in the municipality where residential development is allowed.

(c) A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the municipality's land development code, and the major transit stop is accessible from the development.

(f) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

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For reference, section 420.0004, defines affordable as follows:

> *"Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (9), subsection (11), subsection (12), or subsection (17).*
>
> *(9) "Extremely-low-income persons" means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.*
>
> *(11) "Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.*
>
> *(12) "Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.*
>
> *(17) "Very-low-income persons" means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.*

The Live Local Act allows for development to provide housing for "Moderate-income persons," which is for households with an income that is less than 120 percent of the *median annual adjusted gross income for households within the metropolitan statistical area (MSA)*. This definition is more closely related to the City of Miami Beach's definition of workforce housing, which allows for incomes up to 140 percent of the median family income.

ANALYSIS

The Live Local Act applies to mixed use, commercial, and industrial zoning districts. In North Beach (north of 63rd Street), this includes the CD-1, CD-2, TC-2, TC-1, TC-C, and MXE districts. In Mid Beach, this includes the CD-1 and CD-3 districts along 41st Street. Modifications to the CD-1, CD-2, and I-1 districts north of Dade Boulevard, including the Sunset Harbour Neighborhood,

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are also included in the proposed ordinance. Modifications to applicable development regulations affecting areas of the City south of 23rd street were adopted by the City Commission on February 21, 2024.

In North Beach maximum building heights for development projects proposed pursuant to the Live Local Act could increase up to 235 feet, as they are within a one-mile proximity of the following districts that have a maximum height limit of between 200 and 235 feet (see attached map).

- TC-C: Maximum height limit of 220 feet.
- RM-3: Maximum height limit of 200 feet.
- MXE and CD-2 within Ocean Terrace Overlay: Maximum height limit of 235 feet.

To minimize potential impacts on surrounding historic districts, reducing the maximum height limits in the TC-C, RM-3, and Ocean Terrace areas is proposed.

The North Beach area includes the following historic districts:

- Normandy Isles
- North Shore
- Altos del Mar
- Harding Townsite

Only the Normandy Isles and Harding Townsite Historic Districts contain commercial (CD-2) or mixed-use (MXE) parcels that are affected by the Live Local Act. There are no industrial sites in the North Beach area. However, since the LUSC provided their recommendation to the Planning Board, modifications to the I-1 zoned area, and CD-2 zoning citywide, which includes portions of the Sunset Harbour area, have been incorporated into the attached ordinance.

Within the Normandy Isles Historic District, there is only one (1) parcel that falls within an affected district (CD-2). However, the remainder of the Normandy Isles commercial district does fall within the Normandy Isles National Register District, which consists of a relatively low scale character. To protect this character, the following amendments are proposed for the CD-2 Districts located on Normandy Isles:

- Establish a minimum front tower setback requirement of 110 feet.
- Establish a minimum rear tower setback requirement of 5 feet.
- Establish a minimum side facing a street tower setback requirement of 45 feet.
- Establish a minimum interior side tower setback requirement of 45 feet.
- Limit lot aggregation to no more than three (3) platted lots.

  For reference, ***Tower*** means that portion of a building or structure which exceeds 50 feet in height above design flood elevation (DFE), except as defined differently in district regulations.

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The portions of the Harding Townsite Historic District that are east of Collins Avenue are in the CD-2 and MXE districts and located within the Ocean Terrace Overlay, which, as mentioned above, has a height limit of 235 feet. The proposal includes lowering the height for the overlay district from a maximum of 235 feet to 150 feet.

The area west of Collins Avenue is in the CD-2 district and consists of lower scale commercial buildings. To protect the established character within this area, the following amendments are proposed for the CD-2 properties in the Harding Townsite Historic District located west of Collins Avenue:

- Establish a minimum front tower setback requirement of 140 feet.
- Establish a minimum rear tower setback requirement of 5 feet.
- Establish a minimum side facing a street tower setback requirement of 45 feet.
- Establish a minimum interior tower side setback requirement of 45 feet.
- Limit lot aggregation to no more than two (2) platted lots.

For areas that are not located within an historic district, including CD-1, CD-2, CD-3, and I-1 zoning districts, the proposed ordinance establishes tower setbacks that follow the tower setback requirements of the RM-2 zoning district, regardless of the use. Additionally, when any floor contains residential units, the pedestal and tower setbacks of the RM-2 district would apply to these commercial districts. This would apply the Sunset Harbour Neighborhood and help preserve the lower scale character of the commercially and industrial zoned parcels in that neighborhood.

For reference, the following chart denotes the setback requirements for the RM-2 district:

BUILDING SETBACKS		
Front Setback Ⓐ	OCEANFRONT	NON-OCEANFRONT
Subterranean Pedestal	20 feet	
Tower	20 feet + 1 foot for every 1 foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant.	
Side, Facing a Street Setback Ⓑ Lots less than 65 feet in width	OCEANFRONT	NON-OCEANFRONT
Subterranean Pedestal	7.5 feet	

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Tower	10 feet or 8% of lot width, whichever is greater, and the minimum sum of the side yards shall equal 16% of lot width.	
Side, Facing a Street Setback Ⓑ Lots equal or greater than 65 feet in width	OCEANFRONT	NON-OCEANFRONT
Subterranean	10 feet or 8% of lot width, whichever is greater, and the minimum sum of the side yards shall equal 16% of lot width.	
Pedestal		
Tower		
Side, Interior Setback Ⓒ Lots less than 65 feet in width	OCEANFRONT	NON-OCEANFRONT
Subterranean	7.5 feet (1)	
Pedestal Up to 60 feet in height		
Tower above 60 feet in height	7.5 feet plus 10% of the height of the tower portion of the building. (1) 50 feet maximum	
Side, Interior Setback Ⓒ Lots equal or greater than 65 feet in width	OCEANFRONT	NON-OCEANFRONT
Subterranean	10 feet or 8% of lot width, whichever is greater, and the minimum sum of the side yards shall equal 16% of lot width. (1)	
Pedestal Up to 60 feet in height		
Tower above 60 feet in height	The required pedestal setback plus 10% of the height of the tower portion of the building. (1) 50 feet maximum.	
Rear Setback Ⓓ	OCEANFRONT	NON-OCEANFRONT
Subterranean		10% of lot depth (1)
Pedestal	20 % of lot depth, 50 feet from the bulkhead line whichever is greater (1)	
Tower	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater (1)	15% of lot depth (1)

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The tower setback modifications noted above would ensure that future developments above 50 feet in height are setback away from street frontages and adjacent properties. This would minimize the potential impact of any tower on adjacent properties, rights of way, and public parks. The limitation on lot aggregation would ensure that new development is consistent with the development patterns of the respective areas and that the mass of future buildings would not be excessive in relation to the surrounding areas.

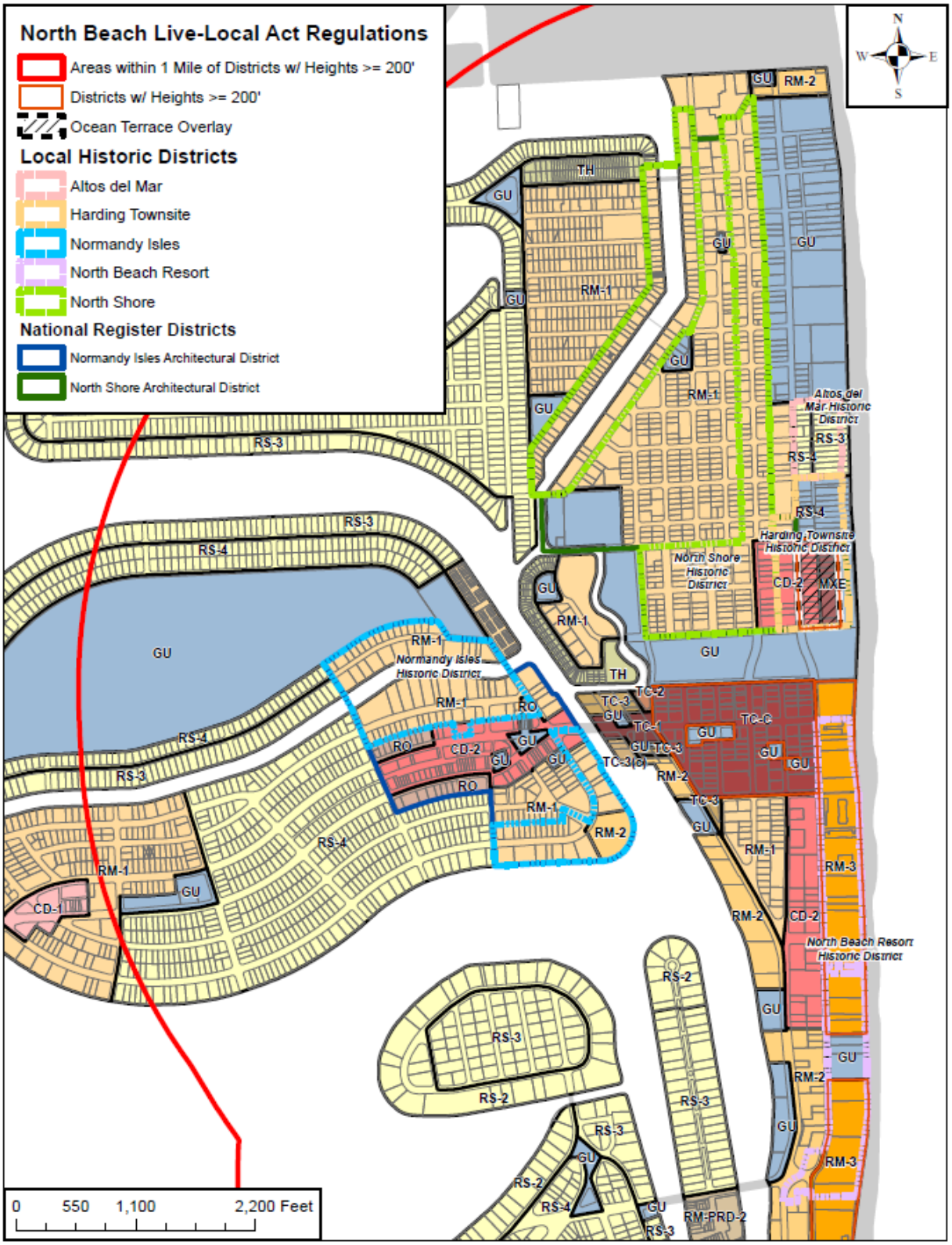
SUMMARY

The subject ordinance is broad in scope and would impact a large number of properties within the specified zoning districts. Prior to the Planning Board transmitting the ordinance to the City Commission, the item sponsor has requested that it be discussed and continued to the September Planning Board meeting, so that the initial input of the Planning Board, as well as any comments from the public, can be considered and further studied.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board discuss the proposed ordinance amendment and continue it to the September 24, 2024, meeting.

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COMMERICAL / INDUSTRIAL / RESIDENTIAL HEIGHT AND SETBACK REGULATIONS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE MIAMI BEACH RESILIENCY CODE, BY AMENDING CHAPTER 7, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "ZONING DISTRICT REGULATIONS," BY AMENDING SECTION 7.2.5, ENTITLED "DEVELOPMENT REGULATIONS (RM-2)" AT SUBSECTION 7.2.5.3, ENTITLED "DEVELOPMENT REGULATIONS (RM-2)" BY REDUCING THE MAXIMUM BUILDING HEIGHT; AND BY AMENDING SECTION 7.2.6, ENTITLED "DEVELOPMENT REGULATIONS (RM-3)" AT SUBSECTION 7.2.6.3, ENTITLED "DEVELOPMENT REGULATIONS (RM-3)" BY REDUCING THE MAXIMUM BUILDING HEIGHT; AND BY AMENDING SECTION 7.2.10, ENTITLED "CD-1 COMMERCIAL LOW INTENSITY ZONING DISTRICT" AT SUBSECTION 7.2.10.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-1)" BY IMPLEMENTING ADDITIONAL SETBACK REQUIREMENTS; AND BY AMENDING SECTION 7.2.11, ENTITLED "CD-2 COMMERCIAL MEDIUM INTENSITY ZONING DISTRICT" AT SUBSECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-2)" BY IMPLEMENTING ADDITIONAL SETBACK REQUIREMENTS AND BY PLACING LIMITS ON LOT AGGREGATION; AND BY AMENDING SECTION 7.2.12, ENTITLED "CD-3 COMMERCIAL HIGH INTENSITY ZONING DISTRICT" AT SUBSECTION 7.2.11.3, ENTITLED "DEVELOPMENT REGULATIONS (CD-3)" BY IMPLEMENTING ADDITIONAL SETBACK REQUIREMENTS; AND BY AMENDING SECTION 7.2.14, ENTITLED "NORTH BEACH TOWN CENTER CORE DISTRICT (TC)" AT SUBSECTION 7.2.14.6, ENTITLED "TOWN CENTER-CENTRAL CORE (TC-C) DISTRICT" BY REDUCING THE MAXIMUM BUILDING HEIGHT AND AMENDING THE PUBLIC BENEFITS PROGRAM; AND BY AMENDING SECTION 7.2.23, ENTITLED "I-1 LIGHT INDUSTRIAL DISTRICT" AT SUBSECTION 7.2.23.3 ENTITLED "DEVELOPMENT REGULATIONS (I-1)" BY IMPLEMENTING ADDITIONAL SETBACK REQUIREMENTS; AND BY AMENDING ARTICLE III, ENTITLED "OVERLAY DISTRICTS," BY AMENDING SECTION 7.3.6, ENTITLED "OCEAN TERRACE OVERLAY," AT SUBSECTION 7.3.6.2, ENTITLED "COMPLIANCE WITH REGULATIONS (OCEAN TERRACE OVERLAY)" BY REDUCING THE MAXIMUM BUILDING HEIGHT; AND BY AMENDING AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, implementing reduced building height restrictions can mitigate the visual impact of tall structures, preserving the aesthetic character and skyline of the cityscape; and

WHEREAS, increasing building setbacks provides enhanced opportunities for green space, landscaping, and outdoor amenities, contributing to a more sustainable and livable urban environment; and

WHEREAS, reduced building heights and increased setbacks can improve access to natural light and ventilation, promoting healthier indoor environments and reducing energy consumption for heating and cooling; and

WHEREAS, such measures can enhance pedestrian comfort and safety by reducing the sense of enclosure and improving the overall walkability of neighborhoods; and

WHEREAS, adopting reduced height limits and expanded setbacks aligns with principles of smart growth and urban design, fostering more balanced and harmonious development patterns that respect the scale and context of surrounding built environments, 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 7.2.5, entitled "Development Regulations (RM-2)," at Subsection 7.2.5.3, entitled "Development Regulations (RM-2)" is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

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ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.5 RM-2, RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY

* * *

7.2.5.3. Development Regulations (RM-2)

a. **The development regulations in the RM-2 residential multifamily, medium intensity district are as follows:**

* * *	
BUILDING HEIGHT	
Maximum Height Ⓔ	60 feet
Historic district (except as provided in section 7.5.2) (MAP EXHIBIT-7)	50 feet
Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St. (MAP EXHIBIT-8)	75 feet
Area fronting west side of Collins Ave. between 76th St. and 79th St.	75 feet
Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St. (MAP EXHIBIT-9)	85 feet
For properties outside a local historic district with a ground level consisting of non-habitable parking and/or amenity uses	65 feet

Lots fronting Biscayne Bay less than 45,000 square feet	100 feet
Lots fronting Biscayne Bay over 45,000 square feet	140 feet
Lots fronting Atlantic Ocean over 100,000 square feet.	140 feet
Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park Boundary (MAP EXHIBIT-10)	~~200~~ 150 feet

* * *

SECTION 2. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Section 7.2.6., entitled "Development Regulations (RM-3)," at Subsection 7.2.6.3, entitled "Development Regulations (RM-3)" is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

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ARTICLE II: DISTRICT REGULATIONS

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7.2.6 RM-3, RESIDENTIAL MULTIFAMILY, HIGH INTENSITY

* * *

7.2.6.3. Development Regulations (RM-3)

b. **The development regulations in the RM-3 residential multifamily, ~~medium~~ high intensity district are as follows:**

* * *

BUILDING HEIGHT	
Maximum Height Ⓔ	150 feet (5) (6)
~~Oceanfront lots~~	~~200 feet north of 23rd Street; 150 feet south of 23rd Street~~
Architectural district, New Construction	120 feet (5)
Ground floor additions (whether attached or detached) to existing structures on oceanfront lots	50 feet (3)

* * *

SECTION 3. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "Zoning District Regulations," Section 7.2.10, entitled "CD-1 Commercial Low Intensity Zoning District," at

Subsection 7.2.10.3, entitled "**Development Regulations (CD-1),**" is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

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ARTICLE II: DISTRICT REGULATIONS

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7.2.10 CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

* * *

7.2.10.3. Development Regulations (CD-1)

* * *

BUILDING SETBACKS	
Front Setback	
Subterranean	0 feet See section 7.1.2.2 d-e
Pedestal	
Side, Facing a Street Setback	
Subterranean	0 feet See section 7.1.2.2 d-e 10 feet (When abutting a residential district, unless separated by a street or waterway)
Pedestal	
Side, Interior Setback	
Subterranean	0 feet 10 feet (when abutting a residential district)
Pedestal	
Rear Setback	
Subterranean	

Pedestal	5 feet 10 feet (When abutting a residential district) 0 feet (separated by a street or waterway)

(1) Notwithstanding the above, any floor containing residential units shall follow the pedestal and tower setback requirements of the RM-2, Residential, Multifamily Medium Intensity District, as specified in Section 7.2.5.3 (a), and when located above the pedestal height, all uses shall be required to comply with the tower setback requirements as specified in Section 7.2.5.3(a).

* * *

SECTION 4. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "Zoning District Regulations," Section 7.2.11, entitled "CD-2 Commercial Medium Intensity District," at Subsection 7.2.11.3, entitled "**Development Regulations (CD-2)**," is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

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ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.11 CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

* * *`

7.2.11.3. Development Regulations (CD-2)

a. **The development regulations in the CD-2 commercial, medium intensity district are as follows:**

* * *

BUILDING SETBACKS	
Front Setback Ⓐ	
Subterranean	0 feet (See section 7.1.2.2) 5 feet (Self-Storage Warehouse)
Pedestal	
Tower	
Side, Facing a Street Setback Ⓑ	
Subterranean	0 feet (See section 7.1.2.2) 10 feet (when abutting a residential district, separated by a street or waterway) 5 feet (Self Storage Warehouse)
Pedestal	
Tower	
Side, Interior Setback Ⓒ	

Subterranean	0 feet (4) 10 feet (when abutting a residential district) (4) 7.5 feet or 8 percent (8%) of the lot width, whichever is greater (Self-Storage Warehouse)
Pedestal	
Tower	
Rear Setback Ⓓ	
Subterranean	5 feet (4) 10 feet (when abutting a residential district) (4) 0 feet (abutting a residential district separated by a street or waterway (4) 25 feet (Self-storage Warehouse (for lots with a rear property line abutting a residential district)) 7.5 feet (Self-storage Warehouse (for lots with a rear property line abutting an alley))

(1) Notwithstanding the above, any floor containing residential units shall follow the pedestal and tower setback requirements of the RM-2, Residential, Multifamily Medium Intensity District, as specified in Section 7.2.5.3 (a), and when located above the pedestal height, all uses shall be required to comply with the tower setback requirements as specified in Section 7.2.5.3(a), except when located within a National Register or Local Historic District, the following setbacks shall apply as noted below:

(2) When located in the Normandy Isles National Register Historic District, the following setback and lot aggregation requirements shall apply:

a. Pedestal setbacks shall follow the general building setbacks as specified in the table above.

b. Tower setbacks shall be as follows:

i. Front Setback: 110 feet.
ii. Side, Facing a Street Setback: 45 feet.
iii. Side, Interior Setback: 45 feet
iv. Rear Setback: 5 feet.

c. No more than three (3) platted lots shall be aggregated for development purposes.

(3) When located in the Harding Townsite Local Historic District, the following setback and lot aggregations requirements shall apply:

a. Pedestal setbacks shall follow the general building setbacks as specified within the table above.

b. Tower setbacks shall be as follows:

i. Front Setback: 140 feet.
ii. Side, Facing a Street Setback: 45 feet.
iii. Side, Interior Setback: 45 feet
iv. Rear Setback: 5 feet.

c. No more than two (2) platted lots shall be aggregated for development purposes

* * *

SECTION 5. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "Zoning District Regulations," Section 7.2.12, entitled "CD-3 Commercial, High Intensity District," at

Subsection 7.2.11.3, entitled "**Development Regulations (CD-2)**," is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

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ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.12 CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

* * *`

7.2.12.3. Development Regulations (CD-3)

a. **The development regulations in the CD-3 commercial, high intensity district are as follows:**

* * *

BUILDIING SETBACKS	
Front Setback Ⓐ	
Subterranean	0 feet (See section 7.1.2.2)
Pedestal	
Tower	
Side, Facing a Street Setback Ⓑ	
Subterranean	0 feet (See section 7.1.2.2) 10 feet - when abutting a residential district not separated by a street or waterway
Pedestal	
Tower	
Side, Interior Setback Ⓒ	
Subterranean	0 feet 10 feet -when abutting a residential district. (1)
Pedestal	
Tower	
Rear Setback Ⓓ	
Subterranean	5 feet (1) 10 feet - when abutting a residential district not separated by a street or waterway (1) 0 feet - when abutting a residential district separated by a street or waterway (1)
Pedestal	
Tower	

(1) Notwithstanding the above, any floor containing residential units shall follow the pedestal and tower setback requirements of the RM-2, Residential, Multifamily Medium Intensity District, as specified in Section 7.2.5.3 (a), and when located above the pedestal height, all uses shall be required to comply with the tower setback requirements as specified in Section 7.2.5.3(a).

* * *

SECTION 6. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," Section 7.2.14, entitled "North Beach Town Center Core District (TC)," at Subsection 7.2.14.6, entitled "Town Center-Central Core (TC-C) District" is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.14 NORTH BEACH TOWN CENTER CORE DISTRICT (TC-C) DISTRICT

* * *

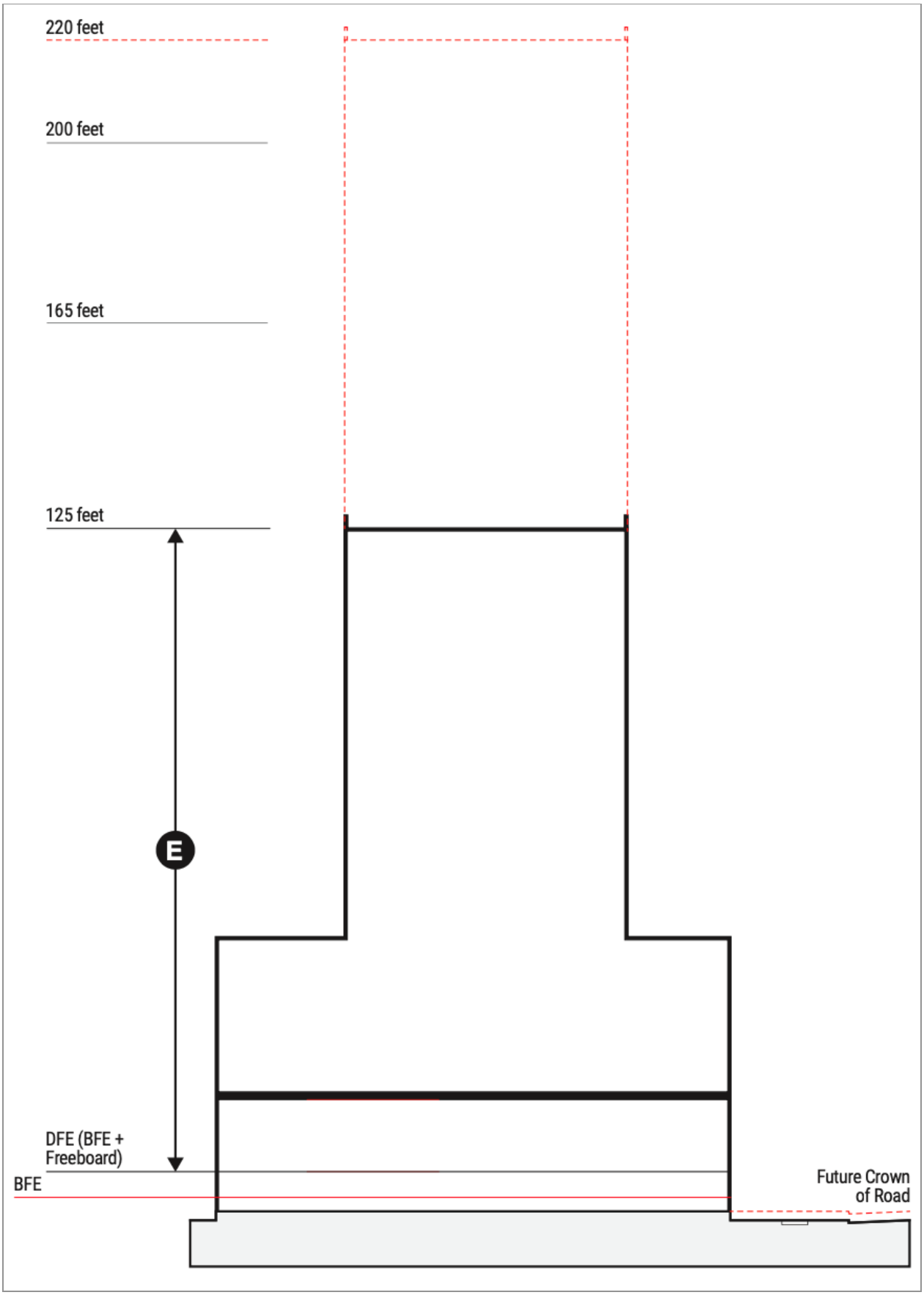
7.2.14.6 Town Center-Central Core (TC-C) District

* * *

c. Development Regulations (TC-C)
The development regulations for the Town Center Central Core District are as follows:

* * *

BUILDING HEIGHT	
Maximum Height Ⓔ	125 feet (3)
Public Benefits Program:	
For lots that are ~~between~~ over 20,000 square feet ~~and 45,000 square feet~~	~~165~~ 150 feet (1) (3)
~~For lots that are greater than 45,000 square feet~~	~~200 feet (1) (3)~~
~~For lots that are greater than 50,000 square feet and located north of 71st Street (MAP EXHIBIT-1)~~	~~220 feet (1) (2) (3)~~


220 feet
200 feet
165 feet
125 feet
E
DFE (BFE +
Freeboard)
BFE
Future Crown
of Road

1. The maximum height for lots that are 20,000 square feet (SF) or larger may be increased through participation in the public benefits program as outlined in section 7.2.14.6.d.2. (public benefit maximum height).

~~2. The design review board, in accordance with the design review criteria in section 2.5.3 of these land development regulations, may waive the maximum height of 200 feet, in order to authorize up to an additional 20 feet of height, not to exceed 220 feet, based upon the merit of the design.~~

3. For the purposes of new construction in this zoning district, heights shall be measured from the City of Miami Beach Freeboard of 5 feet, unless otherwise noted.

4. The maximum residential density may be increased by up to 80 percent (80%) beyond the maximum residential density if the development incorporates certified workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units.

5. Co-living units that are less than 550 square feet shall count as half of a unit for the purposes of calculating the maximum allowable density.

6. Amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; kitchens; club rooms; business center; retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses whether operated by the condo or another operator. Bars and restaurants shall count no more than 50 percent (50%) of the total co-living amenity space requirements. These amenities may be combined with the amenities for micro-hotels, provided residents and hotel guests have access. No variances are permitted from these provisions.

7. Amenity space includes the following types of uses, whether indoor or outdoor, including roof decks: restaurants; bars; cafes; hotel business center; hotel retail; screening rooms; fitness center; spas; gyms; pools; pool decks; and other similar uses customarily associated with a hotel uses whether operated by the hotel or another operator. Bars and restaurants shall count no more than 50 percent (50%) of the total amenity space requirements. These amenities may be combined with the amenities for co-living units, provided residents and hotel guests have access. No variances are permitted from these provisions

* * *

SECTION 7. Chapter 7, entitled "Zoning Districts and Regulations," Article II, entitled "Zoning District Regulations," Section 7.2.23, entitled "I-1 Light Industrial District," at Subsection 7.2.23.3, entitled "**Development Regulations (I-1)**," is hereby amended as follows:

ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II: DISTRICT REGULATIONS

* * *

7.2.23 I-1 LIGHT INDUSTRIAL DISTRICT

* * *

7.2.23.3. Development Regulations (I-1)

a. **The development regulations in the I-1 Light Industrial District are as follows:**

* * *

BUILDING SETBACKS	
Front Setback Ⓐ	
Subterranean	0 feet 20 feet (when abutting a residential district)
Pedestal	
Tower	
Side, Facing a Street Setback Ⓑ	
Subterranean	0 feet 10 feet (when abutting a residential district)
Pedestal	
Tower	
Side, Interior Setback Ⓒ	
Subterranean	0 feet 10 feet (when abutting a residential district)
Pedestal	
Tower	
Rear Setback Ⓓ	
Subterranean	0 feet 10 feet (when abutting a residential district)
Pedestal	
Tower	

* * *

(2) Notwithstanding the above, any floor containing residential units shall follow the pedestal and tower setback requirements of the RM-2, Residential, Multifamily Medium Intensity District, as specified in Section 7.2.5.3 (a), and when located above the pedestal height, all uses shall be required to comply with the tower setback requirements as specified in Section 7.2.5.3(a).

SECTION 8. Chapter 7, entitled "Zoning Districts and Regulations," Article III, entitled "Overlay Districts," Section 7.3.6, entitled "Ocean Terrace Overlay," at Subsection 7.3.6.2 entitled "**Compliance with Regulations (Ocean Terrace Overlay)**." is hereby amended as follows:

CHAPTER 7
ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE III: OVERLAY DISTRICTS

* * *

7.3.6 OCEAN TERRACE OVERLAY

* * *`

7.3.6.2 Compliance with Regulations (Ocean Terrace Overlay)

The following overlay regulations shall apply to the Ocean Terrace Overlay. All development regulations in the underlying regulations shall apply, except as follows:

* * *

c. Height.

1. For main use residential buildings: Lot area less than 20,000 square feet—The maximum height is based on the underlying zoning regulations; lot area equal to or greater than 20,000 square feet and having frontage on both Collins Avenue and Ocean Terrace—~~235~~ 150 feet.

2. For main use hotel buildings: Lot area less than 20,000 square feet—The maximum height is based on the underlying zoning regulations; lot area equal to or greater than 20,000 square feet and having frontage on both Collins Avenue and Ocean Terrace—125 feet.

3. All other buildings the maximum height is as provided in the underlying zoning regulations.

* * *

SECTION 8. 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 9. 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 10. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 11. EFFECTIVE DATE,

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2024

_____
Steven Meiner, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

_____
City Attorney Date

First Reading: _____, 2024
Second Reading: _____, 2024

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

F:\PLAN\$PLB\2024\6-25-2024\PB24-0661 - ORD - LDR Commercial, Industrial, Residential Heights and Setbacks\PB24-0661 - Commercial Industrial Residential Height and Setbacks Citywide PB ORD 6-25-2024.docx