

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Planning Board

TO: Chairperson and Members
Planning Board

DATE: September 26, 2017

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: **PB 17-0156. Below grade parking – Minimum requirements and criteria.**

REQUEST

PB 17-0159. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE III, "DESIGN STANDARDS," BY CREATING BELOW GRADE OFF-STREET PARKING CRITERIA; BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," TO MODIFY THE MINIMUM SETBACK REQUIREMENTS FOR SUBTERANEAN LEVELS IN CERTAIN ZONING DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

RECOMMENDATION:

Transmit the Ordinance to the City Commission with a favorable recommendation.

HISTORY

On May 17, 2017, at the request of the City Commission, the subject ordinance was referred to the Land Use and Development Committee for consideration and recommendation (Item R5T).

On June 14, 2017, the Land Use Committee discussed the proposed Ordinance and recommended that the City Commission refer the item to the Planning Board. Commissioner John Elizabeth Aleman is the sponsor of the proposed Ordinance.

On July 26, 2017, the City Commission referred the proposed Ordinance amendment to the Planning Board.

REVIEW CRITERIA

In accordance with Section 118-163(3), when reviewing a request for an amendment to these land development regulations, the Board shall consider the following where applicable:

1. **Whether the proposed change is consistent and compatible with the**

comprehensive plan and any applicable neighborhood or redevelopment plans.

Consistent – The proposed modifications are 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.**

Consistent – The proposed Ordinance will not change district boundaries.

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

Consistent – The proposed Ordinance is not out of scale with 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 increase the intensity or density of development.

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

Not Applicable – The proposed Ordinance will not change district boundaries.

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

Consistent – In an effort to create more resilient building construction, an increase in subterranean setbacks is warranted.

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

Consistent – The proposed change should 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 change will not have any impact the levels of service set forth in the Comprehensive Plan.

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

Consistent – The proposal will not reduce light and air to adjacent areas.

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

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

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

Consistent – The proposal should not be a deterrent to the improvement or development of adjacent property.

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 133-50(b) of the Land Development Regulations 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.**

Satisfied

The Ordinance affects properties that are vulnerable to the impact of sea level rise.

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

Satisfied

The increased subterranean setbacks will potentially increase resiliency within the city, provided the necessary safeguards are in place to ensure that the required pumping capability does not fail at any time.

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

Satisfied; See No. 2 above.

ANALYSIS

On May 17, 2017, the City Commission approved a separate ordinance establishing Land Use Board criteria pertaining to sea level rise and resiliency. As part of the original draft Ordinance, a prohibition on below grade parking was considered and discussed. In lieu of prohibiting below grade parking, the City Commission referred a separate Ordinance amendment to the Land Use and Development Committee to address the following:

1. Providing sufficient setbacks for ramping and access to below grade levels from adjacent streets and rights-of-way, in order to ensure sufficient dimensions to accommodate the future raising of public sidewalks, streets and public right-of-way, and without ramps encroaching into the public right-of-way.
2. Increasing the minimum setback requirements for all below grade structures to meet the applicable pedestal setback requirements, in order to allow for permeable areas on the site and natural drainage of storm water.
3. Providing sufficient pumping capacity to ensure all below grade levels remain dry without affecting surrounding properties.
4. For properties containing a 'contributing' building, and located within a Local Historic District or Designated Historic Site, the Historic Preservation Board shall have the ability to waive the setback requirements for below grade parking levels, in accordance with the applicable Certificate of Appropriateness criteria.

The attached draft ordinance contains the above noted criteria, as revised per the recommendation of the Land Use Committee. These review criteria will provide additional tools for ensuring that future below grade parking structures will be more environmentally sensitive and resilient. In addition to the criteria proposed for Chapter 130 in the attached draft ordinance, setback modifications for all zoning districts in Chapter 142 that allow subterranean levels have also been made part of the proposed legislation.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the Ordinance to the City Commission with a favorable recommendation.

TRM/MAB

BELOW GRADE PARKING – MINIMUM REQUIREMENTS AND CRITERIA

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, "OFF-STREET PARKING," ARTICLE III, "DESIGN STANDARDS," BY CREATING BELOW GRADE OFF-STREET PARKING CRITERIA; BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," TO MODIFY THE MINIMUM SETBACK REQUIREMENTS FOR SUBTERANEAN LEVELS IN CERTAIN ZONING DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Comprehensive Plan Future Land Use Element Policy 3.6 requires that the City "Maximize unpaved landscape to allow for more storm water infiltration. Encourage planting of vegetation that is highly water absorbent, can withstand the marine environment, and the impacts of tropical storm winds. Encourage development measures that include innovative climate adaption and mitigation designs with creative co-benefits where possible;" and

WHEREAS, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 2.12 provides that "Salt tolerant landscaping and highly water-absorbent, native or Florida friendly plants shall continue to be given preference over other planting materials in the plant materials list used in the administration of the landscape section of the Land Development Regulations and the design review process;" and

WHEREAS, Comprehensive Plan Conservation/Coastal Zone Management Element Objective 13 provides policies to "Increase the City's resiliency to the impacts of climate change and rising sea levels by developing and implementing adaptation strategies and measures in order to protect human life, natural systems and resources and adapt public infrastructure, services, and public and private property;" and

WHEREAS, the Miami Beach Comprehensive Plan designates the entire City as an Adaptation Action Area (AAA) containing one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning; and

WHEREAS, Comprehensive Plan Conservation/Coastal Zone Management Element Policy 13.4 states that "the City will develop and implement adaptation strategies for areas vulnerable to coastal flooding, tidal events, storm surge, flash floods, stormwater runoff, salt water intrusion and other impacts related to climate change or exacerbated by sea level rise, with the intent to increase the community's comprehensive adaptability and resiliency capacities;" 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 130, "Off-Street Parking", Article III, "Design Standards," is amended, as follows:

Sec. 130-60. – Criteria for below grade off-street parking.

All off-street parking, whether required parking or not, located below current sidewalk grade, including, but not limited to, below grade, basement or subterranean parking, shall comply with the following:

- a. Ramping and access to all below grade parking levels from adjacent streets and rights-of-way shall be provided within the confines of the property; no ramps shall encroach into the public right-of-way. Additionally, the design and dimensions of all proposed ramping and access to below grade parking levels shall be able to accommodate a minimum future elevation of 3.7 NAVD for adjacent and abutting public sidewalks, streets and public right-of-way.
- b. The minimum setback requirements for all below grade parking levels shall meet the applicable pedestal setback requirements within the underlying zoning district.
- c. All below grade floors shall include excess water pumping capability, in a manner consistent with the Public Works Manual, as may be amended.
- d. For properties containing a 'contributing' building, and located within a Local Historic District or Designated Historic Site, the Historic Preservation Board shall have the ability to waive the applicable pedestal setback requirements for below grade parking levels, in accordance with the Certificate of Appropriateness criteria in Chapter 118, Article X.

SECTION 2. That Chapter 142, entitled "Zoning Districts and Regulations," of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Chapter 142

ZONING DISTRICTS AND REGULATIONS

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ARTICLE II. - DISTRICT REGULATIONS

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DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICT

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Subdivision II. - RM-1 Residential Multifamily Low Intensity

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Sec. 142-156. - Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (c) below is applicable	20 feet	Five (5) feet, or five percent (5%) of lot width, whichever is greater	Five (5) feet, or five percent (5%) of lot width, whichever is greater	Non-oceanfront lots—five (5) feet Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
<u>Subterranean and Pedestal</u>	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + one (1) foot for every one (1) foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of	The required pedestal setback plus 0.40 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

	the Amended Plat of First Ocean Front Subdivision—50 feet			
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Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

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Sec. 142-218. - Setback requirements.

The setback requirements in the RM-2 residential multifamily, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (b) below is applicable	20 feet	Five (5) feet, or five percent (5%) of lot width, whichever is greater	Five (5) feet, or five percent (5%) of lot width, whichever is greater	Non-oceanfront lots—Five (5) feet Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
<u>Subterranean and Pedestal</u>	20 feet Except lots A and 1— 30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater

			greater	
Tower	20 feet + one (1) foot for every one (1) foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0.40 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

- (b) In cases where the city commission approves after public hearing a public-private parking agreement for a neighborhood based upon an approved street improvement plan, the minimum front yard setback for parking subject to the agreement shall be zero feet. The street improvement plan must be approved by the design review board if outside an historic district, or the historic preservation board if inside an historic district.

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Subdivision V. - RM-3 Residential Multifamily, High Intensity

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Sec. 142-247. - Setback requirements.

- (a) The setback requirements for the RM-3 residential multifamily, high intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	20 feet	Five (5) feet, or five percent (5%) of lot width, whichever is	Five (5) feet, or five percent (5%) of lot width, whichever is	Non-oceanfront lots—Five (5) feet Oceanfront lots—50 feet

		greater	greater	from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater. (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Subterranean and Pedestal	20 feet Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet from the bulkhead line whichever is greater
Tower	20 feet + one (1) foot for every one (1) foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	The required pedestal setback plus 0-10 10% of the height of the tower portion of the building. The total required setback shall not exceed 50 feet	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater

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DIVISION 4. – CD-1 COMMERCIAL, LOW INTENSITY DISTRICT

Sec. 142-277. - Setback requirements.

(a) The setback requirements for the CD-1 commercial, low intensity district are as follows:

	Front	Side,	Side, Facing	Rear
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		Interior	a Street	
At-grade parking lot on the same lot	Five (5) feet	Five (5) feet	Five (5) feet	Five (5) feet If abutting an alley—zero (0) feet
Subterranean	0 feet	0 feet	0 feet	0 feet
Subterranean, Pedestal and tower (non-oceanfront)	Zero (0) feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	10 feet when abutting a residential district, otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Five (5) feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be zero (0) feet. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)
Subterranean, Pedestal and tower (oceanfront)	Pedestal—15 feet Tower—20 feet + one (1) foot for every one (1) foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)

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DIVISION 5. - CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT

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Sec. 142-307. - Setback requirements.

(a) The setback requirements for the CD-2 commercial, medium intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	Five (5) feet	Five (5) feet	Five (5) feet	Five (5) feet If abutting an alley— zero (0) feet
Subterranean	0 feet	0 feet	0 feet	0 feet
<u>Subterranean,</u> Pedestal and tower (non- oceanfront)	Zero (0) feet Residential uses shall follow the RM- 1, 2, 3 setbacks (See sections 142- 156, 142-218 and 142-247)	10 feet when abutting a residential district, otherwise none Residential uses shall follow the RM- 1, 2, 3 setbacks (See sections 142-156, 142- 218 and 142- 247)	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142- 218 and 142- 247)	Five (5) feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be zero (0) feet. Residential uses shall follow the RM- 1, 2, 3 setbacks (See sections 142- 156, 142-218 and 142-247)
<u>Subterranean,</u> Pedestal and tower (oceanfront)	Pedestal—15 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. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142- 156, 142-218 and 142-247)	Commercial uses—10 feet Residential uses shall follow the RM- 1, 2, 3 setbacks (See sections 142-156, 142- 218 and 142- 247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142- 218 and 142- 247)	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater Residential uses shall follow the RM- 1, 2, 3 setbacks (See sections 142- 156, 142-218 and 142-247)

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DIVISION 6. - CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT

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Sec. 142-338. - Setback requirements.

(a) The setback requirements for the CD-3 commercial, high intensity district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	Five (5) feet	Five (5) feet	Five (5) feet	Five (5) feet If abutting an alley— zero (0) feet
Subterranean	0 feet	0 feet	0 feet	0 feet
<u>Subterranean,</u> Pedestal and tower (non-oceanfront)	Zero (0) feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	10 feet when abutting a residential district, otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	10 feet when abutting a residential district, unless separated by a street or waterway otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Five (5) feet 10 feet when abutting a residential district unless separated by a street or waterway in which case it shall be zero (0) feet. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)
<u>Subterranean,</u> Pedestal and tower (oceanfront)	Pedestal—15 feet Tower—20 feet + one (1) foot for every one (1) foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	25% of lot depth, 75 feet minimum from the bulkhead line whichever is greater Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)

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DIVISION 14. - RO RESIDENTIAL/OFFICE DISTRICT

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Subdivision IV. - RO-3 Residential/Office Medium Intensity

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Sec. 142-599. - Setback requirements.

(a) The setback requirements for the RO-3 residential/office medium intensity district are: as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot	20 feet	Five (5) feet, or five percent (5%) of lot width, whichever is greater	Five (5) feet, or five percent (5%) of lot width, whichever is greater	Non-oceanfront lots— five (5) feet Oceanfront lots—50 feet from bulkhead line
Subterranean	20 feet	5 feet, or 5% of lot width, whichever is greater (0 feet if lot width is 50 feet or less)	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line
Pedestal <u>and</u> subterranean	20 feet Except lots A and 1—30 of Amended Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	Non-oceanfront lots—10% of lot depth Ocean front lots—20% of lot depth, or 50 feet from the bulkhead line, whichever is greater
Tower	20 feet + one (1) foot for every one (1) foot increase in height above 50 feet, to a maximum of 50 feet, then shall remain constant. Except lots A and 1—30 of	The required pedestal setback plus 10% of the height of the tower portion of the building. The	Sum of the side yards shall equal 16% of the lot width Minimum—7.5 feet or eight	Non-oceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, or 75 feet minimum from

	the Amended Plat Indian Beach Corporation Subdivision and lots 231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	total required setback shall not exceed 50 feet	percent (8%) of lot width, whichever is greater	the bulkhead line, whichever is greater
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DIVISION 18. - PS PERFORMANCE STANDARD DISTRICT

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Sec. 142-697. - Setback requirements in the R-PS1, 2, 3, 4 districts.

(a) The setback requirements in the R-PS1, 2, 3, 4 districts are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot (below building)	Five (5) feet	Five (5) feet	Five (5) feet	Nonoceanfront lots— five (5) feet Oceanfront lots—50 feet from bulkhead line
Subterranean	5 feet	5 feet	5 feet	Nonoceanfront lots—0 feet Oceanfront lots—50 feet from bulkhead line.
<u>Pedestal and subterranean</u>	Five(5) feet	7.5 feet, except when section (e) below applies. Lots 50 feet wide or less—Five (5) feet, however, for residential apartment structures seeking approval under section 142-696.4 above, on lots greater than 50 feet in width, 15 feet for any portion of the pedestal above 35	Five (5) feet	Nonoceanfront lots— 10% of lot depth Oceanfront lots—20% of lot depth, 50 feet minimum from bulkhead line.

		feet in height.		
Tower	50 feet, except that in the R-PS4 within the Ocean Beach historic district, the minimum shall be 60 feet; however, for residential apartment structures seeking approval under section 142-696.4 above, the tower setback shall be determined by the historic preservation board.	The required pedestal setback plus 0-40 <u>10%</u> the height of the building; however, for residential apartment structures seeking approval under section 142-696.4 above, 15 feet.	The required pedestal setback plus 0-40 <u>10%</u> the height of the building.	Nonoceanfront lots—15% of lot depth Oceanfront lots—25% of lot depth, 75 feet minimum from bulkhead line; however, for residential apartment structures seeking approval under section 142-696.4 above, the tower setback shall be the same as the pedestal setback.

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SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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 re-numbered or re-lettered 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 _____, 2017.

ATTEST:

Philip Levine Mayor

Rafael E. Granado City Clerk

First Reading: _____, 2017

Second Reading: _____, 2017

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