

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 17-0159. Height Limit Measurement – Removal of Limits on Stories.**

REQUEST

PB 17-0159. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTION 142-155, SUBDIVISION III, "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," AT SECTION 142-185, SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AT SECTION 142-217, SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," AT SECTION 142-246, DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," AT SECTION 142-276, DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-306, DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SECTION 142-337, DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT," AT SECTION 142-365, DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," AT SECTION 142-486, DIVISION 12, "MR MARINE RECREATION DISTRICT," AT SECTION 142-515, DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," AT SECTION 142-545, DIVISION 14, "RO RESIDENTIAL/OFFICE DISTRICT," AT SECTION 142-575, SUBDIVISION III, "RO-2 RESIDENTIAL/OFFICE LOW INTENSITY," AT SECTION 142-589, SUBDIVISION IV, "RO-3 RESIDENTIAL/OFFICE MEDIUM INTENSITY," AT SECTION 142-596, DIVISION 15, "TH TOWNHOME RESIDENTIAL DISTRICT," AT SECTION 142-605, DIVISION 16, "WD-1 WATERWAY DISTRICT," AT SECTION 142-635, DIVISION 17, "WD-2 WATERWAY DISTRICT," AT SECTION 142-665, DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," AT SECTIONS 142-696, 142-698, AND 142-701, DIVISION 19, "SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT," AT SECTION 142-733, DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS," AT SECTION 142-737, ARTICLE III, "OVERLAY DISTRICTS," DIVISION 9, "ALTON ROAD – HISTORIC DISTRICT BUFFER OVERLAY," AT SECTION 142-864, DIVISION 11, "OCEAN TERRACE OVERLAY," AT SECTION 142-870.1, TO MODIFY THE BUILDING HEIGHT REQUIREMENTS BY REMOVING LIMITS ON NUMBERS OF STORIES IN THESE ZONING DISTRICTS AND

OVERLAY 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 10, 2017, the Land Use and Development Committee requested that a separate discussion item be placed on the June 14, 2017 agenda regarding the measurement of 'stories' in relation to overall height. This discussion was tangential to the proposed North Beach National Register District Neighborhood Conservation District Overlay, which was recommended for referral to the Planning Board by the Land Use Committee on May 10, 2017.

On June 14, 2017, the Land Use Committee discussed the item and recommended that the City Commission refer an Ordinance amendment to the Planning Board, which removes limitations on the number of 'stories' as part of overall building height measurement city wide. The discussion centered around simplifying the design process by removing stories, and keeping today's height standards. 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 light of changes to the measurement of building height, the proposed change is necessary in order to allow more flexibility in building design, while maintaining the current limits on the allowable Floor Area Ratio (FAR).

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 potentially increase light and air to adjacent properties compared to the current zoning regulations, by potentially reducing overall building footprints.

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 city-wide, with the exception of single family properties.

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

Satisfied

The Ordinance has the potential to decrease building footprints, which in turn should increase pervious areas and increase resiliency.

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

Satisfied

ANALYSIS

In the Land Development Regulations (LDR) (Section 114-1), Story is defined as follows:

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor next above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story if its ceiling is equal to or greater than four feet above grade.

Under the Florida Building Code (FBC), the following are the pertinent definitions:

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (also see "Basement," "Building height," "Grade plane" and "Mezzanine"). It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

BASEMENT (for flood loads). The portion of a building having its floor subgrade (below ground level) on all sides. This definition of "Basement" is limited in application to the

provisions of Section 1612, FBC.

BASEMENT. A story that is not a story above grade plane (see “Story above grade plane”). This definition of “Basement” does not apply to the provisions of Section 1612, FBC for flood loads.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

1. More than six (6) feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

Until recently, building height was measured from grade, which is the elevation of the sidewalk at the center of the property. The City Code was amended in 2014 to allow the measurement of building height starting from the base flood elevation. In 2015, the Code was amended to allow the measurement of building height starting from base flood elevation plus up to the maximum freeboard.

All zoning districts have an overall maximum height limit in feet, as measured from base flood elevation plus allowable freeboard; within this allowable number of feet is a corresponding limit on the number of stories. For example, in the RM-1 district, the maximum height limit is 50 feet and five (5) stories, and in the RM-3 district the maximum height for oceanfront lots is 200 feet and 22 stories.

It is important to note that the amount of horizontal floor area within a building, which correlates to the number of ‘stories’, is limited by maximum allowable FAR within a particular zoning district. In order to simplify the overall measurement of building height, the Land Use Committee recommended the removal of the existing limits on number of stories altogether. In this regard, the fixed maximum height, measured in feet from BFE plus freeboard, would remain. This measurement is constant and the number of horizontal floors would continue to be limited by the maximum FAR for the district.

The attached draft ordinance amends the development regulations in all multi-family and commercial zoning districts, as well as applicable overlays and special use district regulations, by removing references to the allowable number of ‘stories’. The existing maximum overall height, as measured in feet, remains unchanged in all of the aforementioned zoning districts and overlays. This proposal has no change on the maximum height currently permitted within a zoning district, and would have no negative impact on the distribution of allowable volume.

The attached ordinance referral is citywide. For single-family districts, which are a bit more complex, a separate referral has been made to the Land Use Committee. Currently, single-family districts (RS zoned properties) have a maximum height limit measured in feet from base flood elevation plus allowable freeboard (maximum of BFE plus five feet). Additionally, the RS districts have a story limit of two habitable floors above base flood elevation plus allowable freeboard.

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

F:\PLAN\SPLB\2017\9-26-17\PB 17-0159 - ORD - Removal of stories from height measurement\PB17-0159 - Height - Removal of stories PB staff rpt 9-26-17.docx

HEIGHT LIMIT MEASUREMENT – REMOVAL OF LIMITS ON STORIES

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AT SECTION 142-155, SUBDIVISION III, "RM-PRD MULTIFAMILY, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," AT SECTION 142-185, SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY, MEDIUM INTENSITY," AT SECTION 142-217, SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY, HIGH INTENSITY," AT SECTION 142-246, DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," AT SECTION 142-276, DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," AT SECTION 142-306, DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AT SECTION 142-337, DIVISION 7, "CCC CIVIC AND CONVENTION CENTER DISTRICT," AT SECTION 142-365, DIVISION 11, "I-1 LIGHT INDUSTRIAL DISTRICT," AT SECTION 142-486, DIVISION 12, "MR MARINE RECREATION DISTRICT," AT SECTION 142-515, DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," AT SECTION 142-545, DIVISION 14, "RO RESIDENTIAL/OFFICE DISTRICT," AT SECTION 142-575, SUBDIVISION III, "RO-2 RESIDENTIAL/OFFICE LOW INTENSITY," AT SECTION 142-589, SUBDIVISION IV, "RO-3 RESIDENTIAL/OFFICE MEDIUM INTENSITY," AT SECTION 142-596, DIVISION 15, "TH TOWNHOME RESIDENTIAL DISTRICT," AT SECTION 142-605, DIVISION 16, "WD-1 WATERWAY DISTRICT," AT SECTION 142-635, DIVISION 17, "WD-2 WATERWAY DISTRICT," AT SECTION 142-665, DIVISION 18, "PS PERFORMANCE STANDARD DISTRICT," AT SECTIONS 142-696, 142-698, AND 142-701, DIVISION 19, "SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT," AT SECTION 142-733, DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS," AT SECTION 142-737, ARTICLE III, "OVERLAY DISTRICTS," DIVISION 9, "ALTON ROAD – HISTORIC DISTRICT BUFFER OVERLAY," AT SECTION 142-864, DIVISION 11, "OCEAN TERRACE OVERLAY," AT SECTION 142-870.1, TO MODIFY THE BUILDING HEIGHT REQUIREMENTS BY REMOVING LIMITS ON NUMBERS OF STORIES IN THESE ZONING DISTRICTS AND OVERLAY DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City Code was amended in 2014 to allow the measurement of building height starting from the base flood elevation, and

WHEREAS, the City Code was again amended in 2015 to allow the measurement of building height starting from the base elevation plus up to the maximum freeboard, and

WHEREAS, a limit on the number of stories does not impact the maximum height or maximum floor area ratio (FAR), that can be constructed on a site, and

WHEREAS, the removal of limits on stories would have no negative impact on the distribution of allowable FAR for a property, and

WHEREAS, the removal of limits on stories would potentially allow the same FAR to be provided on a site in a comparatively smaller, more compact footprint compared to current limitations , and

WHEREAS, the potential reduction in building footprints can increase the pervious space available on site, and

WHEREAS, the increase in potential pervious area will aid in the resiliency of the City, 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 2. 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

* * *

ARTICLE II. - DISTRICT REGULATIONS

* * *

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICT

* * *

Subdivision II. - RM-1 Residential Multifamily Low Intensity

* * *

Sec. 142-155. - Development regulations and area requirements.

* * *

(b) The lot area, lot width, unit size and building height requirements for the RM-1 residential multifamily, low density district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories

5,600	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—400 Hotel units: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>	<p>New construction—800 Non-elderly and elderly low and moderate income housing: See section 142-1183 Rehabilitated buildings—550</p>	<p>Historic district—40 Flamingo Park Local Historic District—35 (except as provided in section 142-1161) Otherwise—50</p>	<p>Historic district—4 Flamingo Park Local Historic District—3 (except as provided in section 142-1161) Otherwise—5</p>
-------	----	---	---	--	---

* * *

Subdivision III. - RM-PRD Multifamily, Planned Residential Development District

* * *

Sec. 142-185. - Development regulations.

The development regulations in the RM-PRD multifamily, planned residential development district are as follows:

- (1) Maximum floor area ratio is 1.6.
- (2) Minimum lot area is ten acres.
- (3) Minimum lot width is not applicable.
- (4) Minimum unit size for new construction is 750 square feet.
- (5) Average unit size for new construction is no less than 1,000 square feet.
- (6) Maximum building height is 120 feet.
- (7) ~~Maximum number of stories is 13.~~
- (8) Lots, plots, and parcels of land that were designated RM-PRD under this section on October 1, 1989 (the "parent tract"), whether improved or unimproved or building site, as defined under the land development regulations of this Code, designated by number, letter or other description in a plat of a subdivision, may be further divided or split under this section, as long as all development on the parent tract collectively is in compliance with this section. Such division or split shall be considered to be in compliance with the regulations of this subdivision, and shall not be reviewed under city land development regulations section 118, article VII. Development under this section shall be subject to review under the design review procedures pursuant to chapter 118, article VI of this Code. The design review board, in reviewing projects proposed for this district, shall take into consideration the contextual relationship of existing and approved projects, and the buildout of the remainder of the district. This section shall be retroactive to include all parcels and buildings existing as of March 18, 2003.

* * *

* * *

* * *

Subdivision IV. - RM-2 Residential Multifamily, Medium Intensity

* * *

Sec. 142-217. - Area requirements.

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

Minimum Lot Area (Square	Minimum Lot Width	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height	Maximum Number of Stories

Feet)	(Feet)			(Feet)	
7,000	50	<p>New construction—550 Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—400</p> <p>Hotel units: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and sizes of at least 200 square feet shall be permitted. Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>	<p>New construction—800</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—550</p> <p>Hotel units—N/A</p>	<p>Historic district—50 (except as provided in section 142-1161)</p> <p>Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—75</p> <p>Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—75</p> <p>Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—85</p> <p>Otherwise—60</p> <p>Lots fronting Biscayne Bay less than 45,000 sq. ft.—100</p> <p>Lots fronting Biscayne Bay over 45,000 sq. ft.—140</p> <p>Lots fronting Atlantic Ocean over 100,000 sq. ft.—140</p> <p>Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space Park</p>	<p>Historic district—5 (except as provided in section 142-1161)</p> <p>Area bounded by Indian Creek Dr., Collins Ave., 26th St., and 44th St.—8</p> <p>Area fronting west side of Alton Rd. between Arthur Godfrey Rd. and W. 34th St.—8</p> <p>Area fronting west side of Collins Ave. btwn. 76th St. and 79th St.—8</p> <p>Otherwise—6</p> <p>Lots fronting Biscayne Bay less than 45,000 sq. ft.—14</p> <p>Lots fronting Biscayne Bay over 45,000 sq. ft.—15</p> <p>Lots fronting Atlantic Ocean over 100,000 sq. ft.—15</p> <p>Lots fronting Atlantic Ocean with a property line within 250 feet of North Shore Open Space parking Boundary—24</p>

				Boundary—200	
--	--	--	--	--------------	--

* * *

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

* * *

Sec. 142-246. - Development regulations and area requirements.

* * *

(b) The lot area, lot width, unit size and building height requirements for the RM-3 residential multifamily, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
7,000	50	<p>New construction—550</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—400</p> <p>Hotel units: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration and</p>	<p>New construction—800</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Rehabilitated buildings—550</p> <p>Hotel units—N/A</p>	<p>150</p> <p>Oceanfront lots—200</p> <p>Architectural dist.: New construction—120; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—50 (except as provided in section 142-1161)</p>	<p>16</p> <p>Oceanfront lots—22</p> <p>Architectural dist.: New construction—13; ground floor additions (whether attached or detached) to existing structures on oceanfront lots—5 (except as provided in section 142-1161)</p>

		<p>sizes of at least 200 square feet shall be permitted.</p> <p>Additionally, the existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>			
--	--	---	--	--	--

* * *

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

Sec. 142-276. - Development regulations.

The development regulations in the CD-1 commercial, low intensity district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.0	Commercial— None Residential— 5,600	Commercial— None Residential— 50	Commercial— N/A New construction— 550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183	Commercial— N/A New construction— 800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183	40 (except as provided in section 142-1161)	4 (except as provided in section 142-1161)

			Hotel unit: 15%: 300—335 85%: 335+	Hotel units—N/A		
--	--	--	--	-----------------	--	--

* * *

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

* * *

Sec. 142-306. - Development regulations.

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

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.5	Commercial—None Residential—7,000	Commercial—None Residential—50	Commercial—N/A New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel unit:	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—	50 (except as provided in section 142-1161). Self-storage warehouse - 40 feet, except that the building height shall be limited to 25 feet within 50	5 (except as provided in section 142-1161) Self-storage warehouse ÷ 4

			<p>15%: 300—335</p> <p>85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet. Additionally, existing room configurations for the above described</p>	N/A	<p>feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley</p> <p>Mixed-use and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.</p>	
--	--	--	---	-----	---	--

			<p>hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons.</p>			
--	--	--	---	--	--	--

* * *

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

* * *

Sec. 142-337. - Development regulations and area requirements.

* * *

(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
Commercial— None Residential—	Commercial— None Residential—	Commercial—N/A New construction—550 Rehabilitated buildings—400	Commercial— N/A New construction—800	75 feet. Lots within the architectural district: 50 feet. Lots fronting on	7 stories. Lots within the agricultural district: 5

7,000	50	<p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Hotel unit: 15%: 300—335 85%: 335+</p> <p>For contributing hotel structures, located within an individual historic site, a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards and Guidelines for the Rehabilitation of Historic Structures as amended, retaining the existing room configuration shall be permitted, provided all rooms are a minimum of 200 square feet.</p> <p>Additionally, existing room configurations for the above described hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per</p>	<p>Rehabilitated buildings—550</p> <p>Non-elderly and elderly low and moderate income housing: See section 142-1183</p> <p>Hotel units—N/A</p>	<p>17th Street: 80 feet.</p> <p>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet.</p> <p>Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply:</p> <p>The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth.</p> <p>The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).</p>	<p>stories.</p> <p>Lots fronting on 17th Street: 7 stories.</p> <p>City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 11 stories,</p> <p>subject to the applicable height restrictions (except as provided in section 142-1161).</p>
-------	----	---	--	--	---

		hotel room does not exceed 4 persons.			
--	--	---	--	--	--

* * *

DIVISION 7. - CCC CIVIC AND CONVENTION CENTER DISTRICT

* * *

Sec. 142-365. - Development regulations and area requirements.

- (a) The development regulations in the CCC civic and convention center district are as follows:
 - (1) Max. FAR: 2.75.
- (b) There are no lot area, lot width or unit size requirements for the CCC civic and convention center district. Building height and story requirements are as follows:
 - (1) Maximum building height for hotels: 300 feet; for all other uses: 100 feet.
 - ~~(2) Maximum number of stories for hotels: 30; for all other uses: 11.~~

* * *

DIVISION 11. - I-1 LIGHT INDUSTRIAL DISTRICT

* * *

Sec. 142-486. - Development regulations.

There are no lot area, lot width or unit area or unit size requirements in the I-1 light industrial district. The maximum floor area ratio, building height and story requirements are as follows:

- (1) Maximum floor area ratio is 1.0.
- (2) Maximum building height is 40 feet.
- ~~(3) Maximum number of stories is four.~~

* * *

* * *

DIVISION 12. - MR MARINE RECREATION DISTRICT

* * *

Sec. 142-515. - Development regulations.

There are no lot area, lot width or unit area or unit size requirements in the MR marine recreation district. The maximum floor area ratio, building height and story requirements are as follows:

- (1) Maximum floor area ratio is 0.25, except that required parking for adjacent properties not separated by road or alley shall not be included in permitted floor area.
- (2) Maximum building height is 40 feet.
- (3) ~~Maximum number of stories is four.~~

* * *

DIVISION 13. - MXE MIXED USE ENTERTAINMENT DISTRICT.

* * *

Sec. 142-545. - Development regulations.

The development regulations in the MXE mixed use entertainment district are as follows:

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
All uses—2.0 Except convention hotel development (as set forth in section 142-841)—3.5	N/A	N/A	Existing structures: Apartment units—400 Hotel units— in a local historic district/site—200 Otherwise: 15%: 300—335 85%: 335+ New construction: Apartment units—550 Hotel units:	Existing structures: Apartment units—550 Hotel units—N/A New construction: Apartment units—800 Hotel units—N/A	Architectural district: Oceanfront—150 Non-oceanfront—50 (except as provided in section 142-1161) All other areas—75 (except as provided in section 142-1161)	Architectural district: Oceanfront—16 —Non-oceanfront—5 (except as provided in section 142-1161) All other areas—8 (except as provided in section 142-1161)

			15%: 300—335 85%: 335+			
--	--	--	------------------------------	--	--	--

* * *

DIVISION 14. - RO RESIDENTIAL/OFFICE DISTRICT

* * *

Subdivision I. - RO Residential/Office

* * *

Sec. 142-575. - Development regulations.

The development regulations in the RO residential/office district are as follows:

Max. Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Apartment Unit Size (Square Feet)	Average Apartment Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
.75	Residential— 6,000 Office—None	Residential— 50 Office—None	Single- family—1,800 Multifamily— 550 Office—N/A	Single- family—N/A Multifamily— 800 Office—N/A	33 (except as provided in section 142- 1161)	3 (except as provided in section 142- 1161)

* * *

Subdivision III. - RO-2 Residential/Office Low Intensity

* * *

Sec. 142-589. - Development regulations.

The development regulations in the RO-2 residential/office low intensity district are as follows:

Max. Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Maximum Building Height	Maximum Number of Stories (Feet)
--------------------------------	--	-----------------------------------	---	----------------------------	--

.5	6,000	50	1,800	25 (except as provided in section 142-1161)	2 (except as provided in section 142-1161)
----	-------	----	-------	---	--

* * *

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

* * *

Sec. 142-596. - Development regulations.

The development regulations in the RO-3 residential/office medium intensity district are as follows:

Max. Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)	Maximum Number of Stories
1.25	5,600	50	New construction—550 Rehabilitated buildings—400	New construction—800 Rehabilitated buildings—550	Historic district—40 (except as provided in section 142-1161) Otherwise—50	Historic district—4 (except as provided in section 142-1161) Otherwise—5

* * *

DIVISION 15. - TH TOWNHOME RESIDENTIAL DISTRICT

* * *

Sec. 142-605. - Development regulations.

The development regulations in the TH townhome residential district are as follows:

- (1) Maximum floor area ratio is 0.70.
- (2) Minimum lot area is 5,000 square feet.
- (3) Minimum lot width is 50 feet.
- (4) Minimum apartment unit size is 900 square feet.
- (5) Average apartment unit size is 1,100 square feet.
- (6) Maximum building height is 40 feet (except as provided in section 142-1161).

~~(7) Maximum number of stories is four (except as provided in section 142-1161).~~

* * *

DIVISION 16. - WD-1 WATERWAY DISTRICT

* * *

Sec. 142-635. - Development regulations.

The development regulations in the WD-1 waterway district are as follows:

- (1) Maximum floor area ratio is not applicable.
- (2) Minimum lot area is not applicable.
- (3) Minimum lot width is not applicable.
- (4) Maximum floor area of building is 40 square feet.
- (5) Maximum number of buildings per site is one.
- (6) Maximum building height is 12 feet and must use pitched roof.
- ~~(7) Maximum number of stories is one.~~

* * *

DIVISION 17. - WD-2 WATERWAY DISTRICT

* * *

Sec. 142-665. - Development regulations.

The development regulations in the WD-2 waterway district are as follows:

- (1) Maximum floor area ratio is 0.01.
- (2) Minimum lot area is not applicable.
- (3) Minimum lot width is not applicable.
- (4) Minimum apartment unit size is not applicable.
- (5) Average apartment unit size is not applicable.
- (6) Maximum building height is 15 feet.
- ~~(7) Maximum number of stories is one.~~

* * *

DIVISION 18. - PS PERFORMANCE STANDARD DISTRICT

* * *

Sec. 142-696. - Residential performance standard area requirements.

The residential performance standard area requirements are as follows:

	Residential Subdistricts			
<i>Performance Standard</i>	<i>R-PS1</i>	<i>R-PS2</i>	<i>R-PS3</i>	<i>R-PS4</i>
Minimum lot area	5,750 square feet	5,750 square feet	5,750 square feet	5,750 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Required open space ratio	0.60, See section 142-704	0.65, See section 142-704	0.70, See section 142-704	0.70, See section 142-704
Maximum building height*	45 feet Lots 50 feet wide or less—40 feet	45 feet Lots 50 feet wide or less—40 feet	50 feet Lots 50 feet wide or less—40 feet	Nonoceanfront—80 feet; Oceanfront—100 feet; Lots 50 feet wide or less—40 feet
Maximum number of stories	5 Lots 50 feet wide or less—4	5 Lots 50 feet wide or less—4	5 Lots 50 feet wide or less—4	Nonoceanfront—8 Oceanfront—11 Lots 50 feet wide or less—4 In the Ocean Beach Historic District—7
Maximum floor area ratio	1.25	1.50	1.75	2.0
Minimum floor area per apartment unit (square feet); except as provided in section 142-1183 for elderly and low and moderate income non-elderly housing	New construction—700 Rehabilitated buildings—400	New construction—650 Rehabilitated buildings—400	New construction—600 Rehabilitated buildings—400	New construction—550 Rehabilitated buildings—400
Minimum average floor area per apartment unit	New construction—	New construction—	New construction—	New construction—800

(square feet); except as provided in section 142-1183 for elderly and low and moderate income non-elderly housing	900 Rehabilitated buildings—550	900 Rehabilitated buildings—550	850 Rehabilitated buildings—550	Rehabilitated buildings—550
Minimum floor area per hotel unit (square feet)	N/A	N/A	15% = 300— 335 square feet 85% = 335+ square feet	15% = 300—335 square feet 85% = 335+ square feet
Minimum parking	Pursuant to chapter 130 and section 142-705 requirement.			
Minimum off-street loading	Pursuant to chapter 130, article III.			
Signs	Pursuant to chapter 138.			
Suites hotel	Pursuant to article IV, division 3 of this chapter.			

* Notwithstanding the foregoing provisions regarding maximum building height, in the Ocean Beach historic district, as defined in subsection 118-593(e)(2)f., the maximum building height for a lot located in the R-PS1, R-PS2, or R-PS3 zoning districts:

- (i) With a lot exceeding 50 feet, and
 - (ii) Upon which there exists a contributing structure which has not received a certificate of appropriateness for demolition (or any such approval has expired), shall be 40 feet.
1. Notwithstanding the above height restrictions, existing structures within a local historic district are subject to section 142-1161.
 2. In the R-PS4 zoning district, within the Ocean Beach historic district, when an existing contributing structure is nonconforming with respect to the height regulations in section 142-696, such structure may be repaired, renovated or rehabilitated regardless of the cost of such repair, renovation or rehabilitation, notwithstanding the provisions of chapter 118, article IX, "Nonconformances."
 3. Reserved.
 4. Notwithstanding the above height restrictions, in the R-PS4 zoning district, within the Ocean Beach historic district, for lots 100 feet or more in width, the maximum height shall be 35 feet for the first 60 feet of lot depth, 75 feet thereafter, subject to the line-of-sight analysis of section 142-697(d). However, for residential apartment buildings, on lots 100 feet or more in width, the historic preservation board, in accordance with certificate of appropriateness criteria, may allow an increase in the overall height not to exceed ~~six stories~~, 60 feet for the first 60 feet of lot depth and ~~41 stories~~, 100 feet

thereafter, and on lots 50 feet wide or less may allow an increase in overall height not to exceed 35 feet for the first 60 feet of lot depth and ~~six stories~~, 60 feet thereafter, provided all of the following conditions are satisfied:

- a. The property shall be an oceanfront lot;
- b. The property shall not contain a contributing building;
- c. The ~~sixth~~ top level of the front portion of the new construction on lots 100 feet or more in width shall meet a line-of-sight, which for the purpose of this section, is defined as not being visible when viewed at eye-level (five feet six inches from grade) from the opposite side of the Ocean Drive right-of-way, and on lots 50 feet or less wide shall be subject to the line-of-sight analysis of section 142-697(d);
- d. The proposed building shall be sited and massed in a manner that promotes and protects view corridors. At a minimum, a substantial separation of the tower portion of any structure shall be required;
- e. For lots greater than 50 feet in width, the front portion of the structure shall incorporate a separation in the center of the structure, which is open to sky, and is at least ten feet in width and 25 feet in depth; the exact location of such separation shall be subject to the historic preservation board, in accordance with certificate of appropriateness criteria. Alternatively, the massing and architectural design of the front portion of the structure shall acknowledge the historic pattern of residential structures along Ocean Drive;
- g. Reserved;]
- h. The maximum residential density is 60 units per acre;
- i. All required off-street parking for the building shall be provided on site; required parking may not be satisfied through parking impact fees;
- j. The owner restricts the property to permit only rentals that are no less than six months and one day per calendar year, through language in its condominium or cooperative documents, and by proffering a restrictive covenant, running with the land, or other similar instrument enforceable against the owner(s), acceptable to and approved as to form by the city attorney, which shall be executed and recorded prior to the issuance of a building permit, to ensure that the building remains solely as a residential apartment building for a minimum of 30 years, and that no uses under section 142-902(2)e. are permitted on the premises during that time period;
- k. Accepting that the value in the increased height, and the incremental traffic burden and effect on aesthetics in the district are offset by the conveyance of an easement for an extension of the beachwalk east of their structures, the owner provides an easement, acceptable to and approved as to form by the city attorney, for a public beachwalk on the easterly portion of its property, as more specifically provided in the plans on file with the city's public works department.

* * *

Sec. 142-698. - Commercial performance standard area requirements.

* * *

- (b) The commercial performance standard area requirements are as follows:

	Commercial Subdistricts			
Performance Standard	C-PS1	C-PS2	C-PS3	C-PS4
Minimum lot area	6,000 square feet	6,000 square feet	6,000 square feet	6,000 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet
Maximum building height	40 feet; 75 feet for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties, and Block 1 Properties	50 feet—East of Lenox Avenue 75 feet—West of Lenox Avenue	Non-oceanfront—80 feet Oceanfront—100 feet	150
Maximum number of stories	4; 8 for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties; Block 1 Properties	5—East of Lenox Avenue 7—West of Lenox Avenue	Non-oceanfront—8 Oceanfront—11	16
Maximum floor area ratio	1.0; 1.5 for the Block 51 Properties and Block 52 Properties, and 2.0 for the Block 1 Properties	2.0	2.5	2.5
Residential and/or hotel development	Pursuant to all R-PS2 district regulations, except maximum building height for residential and mixed use	Pursuant to all R-PS3 district regulations, except maximum building height for residential and mixed use	Pursuant to all R-PS4 district regulations except maximum floor area ratio shall be 2.5; on the Goodman Terrace and Hinson Parcels, the FAR shall	Pursuant to all R-PS4 district regulations, except maximum floor area ratio shall be 2.5, and open space ratio

	buildings shall be 75 feet	buildings shall be 75 feet	be that necessary to achieve 305,500 sq. ft. (estimated at 3.2 FAR), 30 stories and 300 ft. height maximum for the Goodman Terrace and Hinson Parcels, and open space ratio 0.60 measured at or above grade	0.60 measured at or above grade
Minimum apartment unit size (square feet)	New construction—650 Rehabilitated buildings—400	New construction—600 Rehabilitated buildings—400	New construction—550 Rehabilitated buildings—400	New construction—550 Rehabilitated buildings—400
Average apartment unit size (square feet)	New construction—900 Rehabilitated buildings—550	New construction—850 Rehabilitated buildings—550	New construction—800 Rehabilitated buildings—550	New construction—800 Rehabilitated buildings—550
Minimum floor area per hotel unit (square feet)	15% = 300—335 square feet; 85% = 335 + square feet in all districts.			
Minimum parking requirements	Pursuant to chapter 130 and section 142-702 requirement.			
Minimum off-street loading	Pursuant to chapter 130.			
Signs	Pursuant to chapter 138.			

* * *

Sec. 142-701. - Residential limited mixed use performance standards.

Residential limited mixed use performance standards shall be as follows:

Mixed Subdistricts	
Performance Standard	RM-PS1

Minimum site area	120,000
Minimum site width	350 feet
Required open space ratio	0.60
Maximum building height	60 feet above ground or above enclosed parking
Maximum number of stories	6 stories above ground or above enclosed parking
Maximum floor area ratio	1.5
Minimum floor area per apartment unit (square feet)	600
Minimum average floor area per apartment unit (square feet)	1,000
Minimum floor area per hotel unit (square feet)	N/A
Minimum parking	Pursuant to chapter 130 and subsection 142- 706(c) requirement herein
Minimum off-street loading	Pursuant to chapter 130, article IV
Signs	Pursuant to chapter 138
Suites hotel	N/A

* * *

DIVISION 19. - SPE SPECIAL PUBLIC FACILITIES EDUCATIONAL DISTRICT

* * *

Sec. 142-733. - Development regulations.

These development regulations shall be applicable to uses in the district:

- (1) Maximum FAR is 2.50.
- (2) Notwithstanding subsection (1) above, the maximum FAR for the Fana Holtz High School Parcel shall be 3.0 and the maximum FAR for the Mikveh Parcel shall be 1.0.

- (3) For each setback area within the Hebrew Academy School Parcel and the 1.1 Acre Parcel which is adjacent to municipal owned land or a public right-of-way as of the effective date of the ordinance from which this division is derived, the front, side and rear yard setback may be zero feet from the applicable property line.
- (4) With respect to the Hebrew Academy Elementary School Parcel and the 1.1 Acre Parcel, parking shall be permitted within the public swale adjacent to any public road provided that a minimum ten feet setback shall be provided from the curb or edge of said road pavement. Notwithstanding the foregoing, parking in the swale area is only permitted to the extent allowed pursuant to the settlement agreement dated October 17, 1995, and entered into between the city, the Hebrew Academy, the Citizens for Greenspace and the Daughters of Israel, Inc.
- (5) To the extent development regulations (setbacks, height, signs, etc.) for SPE lands are not specified in this section, then the applicable development regulations shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission, except as provided in subsection (8) below.
- (6) With respect to the Hebrew Academy Elementary School Parcel and the 1.1 Acre Parcel, the maximum building height shall be ~~the lesser of 60 feet above grade or five stories above a single level of parking~~; provided, however, with respect to those certain portions of the buildings indicated in that certain site plan approved by the city commission of October 17, 1995, (and referenced in subsection (10) below) as "three stories," the maximum building height for those portions of buildings shall be ~~the lesser of 40 feet above grade or three stories above a single level of parking~~.
- (7) The parking ratio for the Hebrew Academy Elementary School Parcel, the 1.1 Acre Parcel and the Fana Holtz High School Parcel, shall be one parking space per 3,000 square feet of air-conditioned building space. There shall be no impact fees for parking or landscaping, and SPE properties shall be prohibited from participating in the parking impact fee program set forth in chapter 130, article V of this Code. The parking may be sited below the structures in whole or in part, provided same is in accordance with the development regulations set forth herein.
- (8) Notwithstanding anything to the contrary contained in the land development regulations, the existing improvements as of the effective date of the ordinance from which this division is derived, in any district designated as SPE, shall be permitted as to height, setbacks, parking, landscaping and all other development regulations and ratios, and may be rebuilt in substantially the same building configurations, parking provisions, landscape provisions, setbacks and other applicable development provisions, notwithstanding the provision of chapter 118, article IX of this Code.
- (9) In the event that GU designated property adjacent to an SPE designated property is acquired by the owner of the SPE property, then the zoning designation for the GU land may be designated SPE after approval at a public hearing before the city commission with notice pursuant to Florida Statute, and in a manner consistent with the comprehensive plan.
- (10) That certain site plan and settlement agreement approved by the city commission on October 17, 1995, among the city, Greater Miami Hebrew Academy, Daughters of Israel, Inc., and the Citizens for Greenspace, Inc., shall be used for purposes of permitting development pursuant to these development regulations with respect to the properties identified in section 142-731.

* * *

DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS

* * *

Sec. 142-737. - Development regulations.

(a) The development regulations in the TC-1, TC-2 and TC-3 town center districts are as follows:

District	Maximum Floor Area Ratio (FAR)	Maximum Building Height	Maximum Number of Stories
TC-1 Town Center Core	For lots equal to or less than 45,000 sq. ft.—2.25 For lots greater than 45,000 sq. ft.—2.75	125 feet. Buildings fronting on 71st Street shall be subject to the additional setbacks as follows: stories 1—4 shall be setback 10 feet and above the fourth story the building shall be setback 25 feet.	12 stories.
TC-2 Town Center Mixed-use	1.5; except for mixed-use buildings where more than 25 percent of the total area of a building is used for residential or hotel units, the maximum FAR shall be 2.0.	50 feet	5 stories
TC-3 Town Center Residential Office	1.25	45 feet Waterfront lots—50 feet Parking garages as a main use—See subsection 130-68(9). The facade of buildings facing the lot front adjacent to streets shall not exceed 23 feet in height to the top of the roof deck. Any portion of the building above 23 feet shall be set back an additional 1 foot for every 1 foot in height above 23 feet. The rear facade of buildings shall be set back an additional 1 foot for every 1 foot in height above 33 feet.	4 stories Waterfront lots—5 stories

* * *

ARTICLE III. - OVERLAY DISTRICTS

* * *

DIVISION 9. - ALTON ROAD - HISTORIC DISTRICT BUFFER OVERLAY

* * *

Sec. 142-864. - Development regulations.

The following overlay regulations shall apply within the Alton Road - Historic District Buffer Overlay District. All development regulations applicable to and/or in the underlying zoning district shall apply, except as follows:

- (a) *Maximum building height.* The maximum building height in this district shall be 50 feet ~~and a maximum of five stories~~, except that building height shall be limited to 28 feet within 40 feet from the rear property line for lots abutting an alley (Lenox Court) and within 60 feet from the RM-1 district for blocks with no alley, between 8th Street and 11th Street. There shall be no variances for building height.

* * *

DIVISION 11. - OCEAN TERRACE OVERLAY

* * *

Sec. 142-870.1. - Compliance with regulations.

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 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.

~~(4) The maximum number of stories is 22 stories.~~

* * *

SECTION 2. REPEALER.

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

SECTION 3. 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 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this ____ day of _____, 2017.

Philip Levine
Mayor

ATTEST:

Rafael E. Granado
City Clerk

First Reading: _____, 2017

Second Reading: _____, 2017

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