

CD-2 HEIGHT AND EXISTING NONCONFORMING BUILDINGS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED, "LAND DEVELOPMENT REGULATIONS," CHAPTER 142, ENTITLED, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED, "DISTRICT REGULATIONS," DIVISION 5, ENTITLED "CD-2 COMMERCIAL, MEDIUM-INTENSITY DISTRICT," AT SECTION 142-306, ENTITLED "DEVELOPMENT REGULATIONS," BY AMENDING THE MAXIMUM PERMITTED HEIGHT FOR SITES WITH PREVIOUSLY EXISTING NONCONFORMING BUILDINGS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach recognizes the unique issues created by the difficulty of renovating nonconforming commercial buildings outside of the City's historic districts; and

WHEREAS, while nonconforming buildings may be prohibitively expensive to renovate, they are often developed at heights exceeding current Code requirements, making their replacement often economically impossible; and

WHEREAS, the City Commission seeks to encourage the redevelopment of sites with nonconforming buildings outside of historic districts by permitting property owners to retain existing nonconforming heights in new construction; and

WHEREAS, at its meeting on December 18, 2018, the Planning Board recommended in favor of this Ordinance by a unanimous vote; 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 142 of the City Code, entitled "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium-Intensity District," is hereby amended as follows:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

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ARTICLE II. DISTRICT REGULATIONS

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

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Sec. 142-306. - Development regulations.

(a) 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: 15%: 300—335 85%: 335+ For contributing hotel structures, located within a local historic district or a national register district, which are being renovated in accordance with the Secretary of the Interior Standards	Commercial—N/A New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing: See section 142-1183 Hotel units—N/A	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 feet from the rear property line for lots abutting an alley; and within 60 feet from a residential district for blocks with no alley; Mixed-Use Buildings that include structured parking for properties located on the west side of Alton Road from 6 th Street to Collins Canal - 60 feet.	5 (except as provided in section 142-1161) Self-storage warehouse : 4

			<p>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 hotel structures may be modified to address applicable life-safety and accessibility regulations, provided the 200 square feet minimum unit size is maintained.</p>			
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(b) Notwithstanding the above regulations, the maximum floor area ratio (FAR) for self-storage warehouses shall be 1.5. The floor area ratio provision for mixed use buildings in section 142-307(d)(2) shall not apply to self-storage warehouse development.

(c) Subject to conditional use approval from the planning board, as of January 1, 2019, sites which (i) sites which are located outside of historic districts, (ii) are greater than 50,000 square feet in area, and (iii) that contain an existing building that is nonconforming as to height (hereinafter "existing building"),

may be redeveloped with a new building, which new building shall not exceed the existing building's height. The portion of any new building exceeding 60 feet in height may be placed on a pedestal and shall not exceed 2.25 times of the footprint area for the existing building, and may be located on any portion of the site. Additionally, open space not less than the 25% of the square feet of the non-conforming building footprint (i.e. the formerly existing building) shall be provided at ground level, and shall be directly accessible from a public sidewalk. Such open space may be located in different areas on the site. Under no circumstance shall the redevelopment of the site exceed the maximum floor area ratio permitted under the zoning district regulations.

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 renumbered or relettered 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 _____, 2019.

ATTEST:

Dan Gelber, Mayor

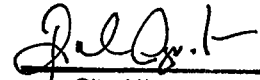
Rafael E. Granado, City Clerk

First Reading: January 16, 2019
Second Reading: February 13, 2019

(Sponsored by Commissioner John Elizabeth Alemán)

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

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-5-19

Date