

# MIAMI BEACH

## PLANNING DEPARTMENT

**City of Miami Beach**, 1700 Convention Center Drive, Miami Beach, Florida 33139

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July 10, 2019

Graham Penn  
Bercow Radell Fernandez & Larkin  
200 South Biscayne Blvd., Suite 850  
Miami, FL 33131

**Subject: Request for Zoning Interpretation - Floor Area Ratio (FAR)**  
**500 Alton Road**  
**Miami Beach, Florida**

Dear Mr. Penn:

This correspondence is in response to your June 6, 2019 request (attached) for a zoning determination letter regarding floor area. Specifically, you requested a determination as to whether the following constitutes floor area:

1. The portion of mezzanine levels where no floor exists.
2. Voids in floors to accommodate elevator shafts,
3. Voids in floors to accommodate mechanical/ventilation/trash shafts.
4. Voids in floors to accommodate stairwells, including voids to accommodate stairwell within accessory garages.

In accordance with Section 114-1 of the City's Land Development Regulations, floor area is defined as follows:

*The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the exterior face of an architectural projection, from the centerline of walls separating two attached buildings. However, the floor area of a building shall not include the following unless otherwise provided for in these land development regulations:*

- (1) Accessory water tanks or cooling towers.*
- (2) Uncovered steps.*
- (3) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.*
- (4) Terraces, breezeways, or open porches.*
- (5) Floor space used for required accessory off-street parking spaces. However, up to a maximum of two spaces per residential unit may be provided without being included in the calculation of the floor area ratio.*
- (6) Commercial parking garages and noncommercial parking garages when such structures are the main use on a site.*

- (7) Mechanical equipment rooms located above main roof deck.
- (8) Exterior unenclosed private balconies.
- (9) Floor area located below grade when the top of the slab of the ceiling is located at or below grade. However, if any portion of the top of the slab of the ceiling is above grade, the floor area that is below grade shall be included in the floor area ratio calculation. Despite the foregoing, for existing contributing structures that are located within a local historic district, national register historic district, or local historic site, when the top of the slab of an existing ceiling of a partial basement is located above grade, one-half of the floor area of the corresponding floor that is located below grade shall be included in the floor area ratio calculation.
- (10) Enclosed garbage rooms, enclosed within the building on the ground floor level.

The portion of a mezzanine level where no floor exists does not count as floor area. However, voids in floors which accommodate elevator shafts, mechanical/ventilation/trash shafts, and stairwells, including stairwells within accessory garages, do count as floor area. This is consistent with prior administrative determinations, as well as administrative determinations that were upheld by the Miami Beach Board of Adjustment in 1994 (BOA File No. 2377) and in 1999 (BOA File No. 2404).

If we may be of further assistance, please do not hesitate to contact this department again.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Mooney', is written over the printed name.

Thomas R. Mooney, AICP  
Planning Director