

**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; 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 district and sites;

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

**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** the Planning Board, at its meeting dated December 18, 2018 by a vote of \_\_\_\_\_ recommended in favor of the Ordinance; 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, "Zoning Districts And Regulations," Article II, "District Regulations", Division 5, "CD-2, Commercial, Medium-Intensity District," Section 142-306, "Development Regulations," is hereby amended as follows:

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**Sec. 142-306. - Development regulations.**

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

Maximum Floor Area	Minimum Lot Area (Square	Minimum Lot Width	Minimum Apartment Unit Size	Average Apartment Unit Size	Maximum Building Height	Maximum Number
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Ratio	Feet)	(Feet)	(Square Feet)	(Square Feet)	(Feet)	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 and Guidelines for the	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 <sup>th</sup> Street to Collins Canal - 60 feet.	5 (except as provided in section 142-1161) Self-storage warehouse: 4

			<p>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 foot minimum unit size is maintained.</p>			
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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.

Subject to conditional use approval from the planning board, existing sites as of January 1, 2019, which are located outside of historic districts and are greater than 50,000 square feet in area that currently contain or previously contained a single building that remains standing as of

January 1, 2019, and that is nonconforming as to height, may be redeveloped with a building not to exceed the existing or previously existing nonconforming height as long as:

(1) The portion of a single building or a building that exceed 60 feet in height cannot exceed the footprint area of the existing or demolished building that is non-conforming in terms of building height.

(2) The portion of a building or a single building that exceed 60 feet in height cannot exceed the FAR above 60 feet of the existing or demolished building that is nonconforming in terms of building height.

(3) The portion of a building or a single building that exceed 60 feet in height can be located anywhere on the site.

(4) The redevelopment of the site does not exceed the maximum floor area ratio permitted under these regulations.

**SECTION 2. REPEALER.**

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

**SECTION 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.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

APPROVED AS TO

FORM AND LANGUAGE  
& FOR EXECUTION

First Reading: \_\_\_\_\_, 2019  
Second Reading: \_\_\_\_\_, 2019

Verified by: \_\_\_\_\_  
Thomas R. Mooney, AICP  
Planning Director

\_\_\_\_\_  
City Attorney                      \_\_\_\_\_  
Date