

**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 AT SECTION 130-60, ENTITLED “CRITERIA FOR BELOW GRADE OFF-STREET PARKING;” BY AMENDING CHAPTER 142, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” BY AMENDING ARTICLE II, ENTITLED “DISTRICT REGULATIONS,” TO MODIFY THE MINIMUM SETBACK REQUIREMENTS FOR SUBTERRANEAN LEVELS IN CERTAIN ZONING DISTRICTS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach Comprehensive Plan (hereinafter “Comprehensive Plan”), Future Land Use Element, at Policy 3.6 requires that the City “[m]aximize 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, the Comprehensive Plan, Conservation/Coastal Zone Management Element, at Policy 2.12 provides that “[s]alt 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, the Comprehensive Plan, Conservation/Coastal Zone Management Element, at Objective 13 provides policies to “[i]ncrease 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 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, the Comprehensive Plan, Conservation/Coastal Zone Management Element, at 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:

**CHAPTER 130
OFF-STREET PARKING**

* * *

ARTICLE III - DESIGN STANDARDS

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

* * *

ARTICLE II. - DISTRICT REGULATIONS

* * *

DIVISION 3. - RESIDENTIAL MULTIFAMILY DISTRICT

* * *

Subdivision II. - RM-1 Residential Multifamily Low Intensity

* * *

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</u>	20 feet Except lots A and 1—30 of the Amended	Sum of the side yards shall equal 16% of lot width	Sum of the side yards shall equal	Non-oceanfront lots—10% of lot depth

and Pedestal	Plat Indian Beach Corporation Subdivision and lots 231-237 of the Amended Plat of First Ocean Front Subdivision—50 feet	Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width, whichever is greater	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

* * *

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

Sec. 142-218. - Setback requirements.

(a) 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	20 feet	Five (5) feet, or five percent (5%) of lot width, whichever is	Five (5) feet, or five percent (5%) of lot width,	Non-oceanfront lots—Five (5) feet

(b) below is applicable		greater	whichever is greater	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	Same as pedestal for structures with a total height of 60 feet or less. The required pedestal setback plus 0-10 10% of the height of the tower portion of the building. The total required setback shall not	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

	Amended Plat of First Ocean Front Subdivision—50 feet	exceed 50 feet		
--	---	----------------	--	--

(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.

* * *

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

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 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	Sum of the side yards shall equal 16% of lot width Minimum—7.5 feet or eight percent (8%) of lot width,	Sum of the side yards shall equal 16% of lot width Minimum—7.5	Non-oceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet

	231—237 of the Amended Plat of First Ocean Front Subdivision—50 feet	whichever is greater	feet or eight percent (8%) of lot width, whichever is greater	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

* * *

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, 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
Subterranean, Pedestal and	Zero (0) feet Residential uses	10 feet when abutting a	10 feet when abutting a	Five (5) feet 10 feet when

tower (non-oceanfront)	shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	residential district, otherwise none Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	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)	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)

* * *

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

* * *

Sec. 142-307. - Setback requirements.

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

	Front	Side,	Side, Facing	Rear
--	-------	-------	--------------	------

		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
<u>Subterranean</u>	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	Commercial uses—10 feet Residential uses shall follow the RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and	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)

	RM-1, 2, 3 setbacks (See sections 142-156, 142-218 and 142-247)	142-247)		
--	--	----------	--	--

* * *

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

* * *

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, Pedestal and tower (non-oceanfront)</u>	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)
--	---	---	---	--

* * *

DIVISION 14. - RO RESIDENTIAL/OFFICE DISTRICT

* * *

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

* * *

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 Oceanfront 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 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 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, or 75 feet minimum from the bulkhead line, whichever is greater

* * *

DIVISION 18. - PS PERFORMANCE STANDARD DISTRICT

* * *

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 feet in height.	Five (5) feet	Nonoceanfront lots—10% of lot depth Oceanfront lots—20% of lot depth, 50 feet minimum from bulkhead line.
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	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

	historic preservation board.			same as the pedestal setback.
--	------------------------------	--	--	-------------------------------

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 _____, 2018.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado City Clerk

First Reading: December 13, 2017

Second Reading: January ____, 2018

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