

## OCEAN TERRACE OVERLAY – BALCONY AND PARKING AMENDMENTS

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 130, OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "OFF-STREET PARKING," ARTICLE II "DISTRICTS; REQUIREMENTS," TO ALLOW OFF-STREET PARKING TO BE PROVIDED IN PARKING DISTRICT NO. 4 FOR USES THAT DO NOT HAVE REQUIRED PARKING, WHICH ADDITIONAL PARKING SHALL NOT COUNT TOWARDS THE CALCULATION OF FLOOR AREA RATIO FOR A STRUCTURE WITH SUCH USES; AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS, AT ARTICLE III "OVERLAY DISTRICTS", DIVISION 11 "OCEAN TERRACE OVERLAY," AT SECTION 142-870.1, ENTITLED "COMPLIANCE WITH REGULATIONS," TO ALLOW EXTERIOR UNENCLOSED PRIVATE BALCONIES FOR BUILDINGS SITUATED ON PROPERTIES WITH AN UNDERLYING DESIGNATION OF MXE TO ENCROACH TEN (10) FEET INTO THE FRONT YARD SETBACK; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize new development within the North Beach area; and

**WHEREAS**, there is generally a shortage of available parking spaces in the North Beach area of the City; and

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize new development within the North Beach area; and

**WHEREAS**, Parking District No. 4 is the parking district that covers most of North Beach; and

**WHEREAS**, the City of Miami Beach desires to allow new construction to provide parking for uses that do not have required parking in Parking District No. 4 without penalizing the builder of the parking spaces by allowing said parking spaces to not count towards the calculation of the floor area ratio; and

**WHEREAS**, additional provided parking in the North Beach area will improve the overall economic viability of the North Beach area; and

**WHEREAS**, consumer preferences in Miami Beach, especially for properties near the ocean, are to have large exterior balconies; and

**WHEREAS**, the City of Miami Beach desires to allow new construction to meet the consumer preferences for large exterior balconies as long as the balconies meet other performance criteria provided in the land development regulations; and

**WHEREAS**, the amendment set forth below is 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.** That Chapter 130, Article II entitled "Districts; Requirements", is hereby amended as follows:

\* \* \*

**Sec. 130-33. - Off-street parking requirements for parking districts nos. 2, 3, 4, 5, 6, and 7.**

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

Except as otherwise provided in these land development regulations, when any building or structure is erected or altered in parking districts nos. 2, 3, 4 and 5 accessory off-street parking spaces shall be provided for the building, structure or additional floor area as follows. There shall be no off-street parking requirement for uses in this parking district except for those listed below:

\* \* \*

- (8) Any building or structure erected in parking district no. 4 may provide required parking on site as specified in parking district no. 1. Such required parking, if provided, shall be exempt from FAR, in accordance with the regulations specified in chapter 114 of these land development regulations.

**SECTION 2.** That Chapter 142, Article III, Division 11 entitled "Ocean Terrace Overlay", is hereby amended as follows:

\* \* \*

**Sec. 142-870.1. – Compliance with regulations.**

\* \* \*

- (b) Allowable encroachments and projections, consistent with Section 142-1132(o), within required yards.

- (1) Exterior unenclosed private balconies and pool decks.

- a. For buildings situated on properties with an underlying designation of CD-2, allowable encroachment is 7.5 feet into any required yard.
- b. For buildings situated on properties with an underlying designation of MXE:

1. Allowable front yard encroachments are:
  - i. Twelve feet for the pedestal, and

- ii. Ten (10) ~~Eight (8)~~ feet for the tower.

**SECTION 3. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 4. REPEALER.**

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

**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 \_\_\_\_\_, 2017.

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

APPROVED AS TO  
FORM AND LANGUAGE  
& FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading: April 26, 2017

Second Reading: May 17, 2017

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

Underscore denotes new language  
~~Strikethrough~~ denotes removed language