

## COMMERCIAL HEIGHT STANDARDS

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE, BY AMENDING CHAPTER 114, "GENERAL PROVISIONS," BY AMENDING SECTION 114-1, "DEFINITIONS," AND BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", BY AMENDING DIVISION 4, "CD-1, COMMERCIAL, LOW-INTENSITY DISTRICT," SECTION 142-276, "DEVELOPMENT REGULATIONS, AND DIVISION 5, "CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT," SECTION 142-306, "DEVELOPEMENT REGULATIONS," AND DIVISION 6, "CD-3, COMMERCIAL, HIGH-INTENSITY DISTRICT, "SECTION 142-336, "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," AND DIVISION 13, "MXE, MIXED USE ENTERTAINMENT DISTRICT," SECTION 142-545, "DEVELOPMENT REGULATIONS," AND DIVISION 18, "PS, PERFORMANCE STANDARD DISTRICT," SECTION 142-698, "COMMERCIAL PERFORMANCE STANDARD AREA REQUIREMENTS," AND DIVISION 20, "TC NORTH BEACH TOWN CENTER DISTRICTS," SECTION 142-737, "DEVELOPMENT REGULATIONS," TO MODIFY ALLOWABLE HEIGHTS FOR THE PURPOSE OF SEA-LEVEL RISE MITIGATION; AND BY AMENDING ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 5, "HEIGHT REGULATIONS," SECTION 142-1161, "HEIGHT REGULATION EXCEPTIONS," TO ALLOW FOR SOLAR PANELS, WIND TURBINE AND SUSTAINABLE ROOFING SYSTEMS; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Beach seeks to encourage and incentivize new development and the preservation and restoration of structures located within the City; and

**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 recognizes Sea level rise and its responsibility to the citizens to adapt to meet those needs; and

**WHEREAS**, the City of Miami Beach understands how important it is to build resilient buildings that will be able to survive Sea Level Rise; and

**WHEREAS**, to mitigate the impacts of Climate Change the City must allow for the residents and buildings to reduce their vulnerability; and

**WHEREAS**, the City of Miami Beach understands that to combat the harmful effects of Climate Change, Local Municipalities are the front line of adaptation and must if there is no example to follow; and

**WHEREAS**, it is in the best interest of the City to promote the economic environmental health in the City through sustainable and environmentally friendly design and construction which reduces demand for energy and reduces greenhouse gas emissions; and

**WHEREAS**, studies have indicated that green buildings have lower maintenance costs associated with low energy consumption, which will improve the City's long-term economic well-being; and

**WHEREAS**, it is in the interest of the health, safety and welfare of the residents of the City to ensure sustainable construction and to ensure that the City safeguard natural resources and ensure that efficient buildings are constructed; 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.** Amending Chapter 114 of the City Code, entitled "General Provisions," Section 114-11, "Definitions," of the Land Development Regulations, is hereby amended to read as follows:

## **Chapter 114 – GENERAL PROVISIONS**

### **Sec. 114-1 – Definitions**

Blue roof means a non-vegetated source control to detain storm-water. A blue roof slows or stores storm-water runoff by using various kinds of flow controls that regulate, block, or store water instead of vegetation.

\* \* \*

Cool roof see white roof

\* \* \*

Green roof means a green space created by layers of growing medium and vegetation added on top of a traditional roofing system. It may also include additional layers such as a root barrier and drainage and irrigation systems.

\* \* \*

*Height of building* means the vertical distance from the lowest floor according to the following, as applicable:

- (a) When the minimum finished floor elevation is located between grade and base flood elevation plus "City of Miami Beach Freeboard", height shall be measured from the minimum finished floor elevation to the highest point of the roof;

(b) When the minimum finished floor elevation is located above the base flood elevation plus Freeboard, height shall be measured from the base flood elevation plus Freeboard.

The highest point of a roof is as follows:

1. The highest point of a flat roof;
2. The deck line of a mansard roof;
3. The average height between eaves and ridge for gable hip and gambrel roofs; or
4. The average height between high and low points for a shed roof.

(c) ~~As all rights of way have not yet been elevated,~~ For commercial properties, height shall be measured from the base flood elevation, plus freeboard, provided that the height of the first floor shall be tall enough to allow the first floor to eventually be elevated to base flood elevation, plus minimum freeboard, with a future minimum interior height of at least twelve (12) feet as measured from the height of the future elevated ~~once the adjacent right-of-way, is elevated~~ as provided under the City's Public Works Manual.

\* \* \*

Roof top farm means a garden on the roof of a building including roof plantings that may provide food, temperature control, hydrological benefits, architectural enhancement, recreational opportunities, and in large scale ecological benefits.

\* \* \*

White roof means a roof that has been painted white or is surfaced with some other light or reflective material.

\* \* \*

**SECTION 2.** Amending Chapter 142 of the City Code, entitled "Zoning Districts and Regulations," Article II. "District Requirements," Section 142-276, "Development Regulations," of the Land Development Regulations, is hereby amended to read as follows:

## **Chapter 142 - ZONING DISTRICTS AND REGULATIONS**

\* \* \*

## **ARTICLE II. - SUPPLEMENTARY DISTRICT REGULATIONS**

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## **DIVISION 4. – CD-1 COMMERCIAL, LOW INTENSITY DISTRICT**

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**Sec. 142-276. - Development regulations.**

The development regulations in the CD-1 commercial, low intensity district are as follows:

\* \* \*

Maximum  
Building  
Height  
(Feet)

40 (except as provided in section 142-1161)

Notwithstanding the above, the Design Review Board or Historic Preservation Board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

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

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

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

\* \* \*

Maximum  
Building  
Height  
(Feet)

50 (except as provided in section 142-1161).

Notwithstanding the above, the Design Review Board or Historic Preservation Board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height, not to exceed a maximum height of 55 feet. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

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 and commercial buildings that include structured parking for properties on the west side of Alton Road from 6th Street to Collins Canal - 60 feet.

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## **DIVISION 6. – CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT**

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### **Sec. 142-337. - Development regulations and area requirements.**

(a) The development regulations in the CD-3 commercial, high intensity district are as follows:

(1) Max FAR: Lot area equal to or less than 45,000 sq. ft.—2.25; Lot area greater than 45,000 sq. ft.—2.75; Oceanfront lots with lot area greater than 45,000 sq. ft.—3.0.

(2) Notwithstanding the above, oceanfront lots in architectural district shall have a maximum FAR of 2.0.

(3) Notwithstanding the above, lots located between Drexel Avenue and Collins Avenue and between 16th Street and 17th Street shall have a maximum FAR of 2.75.

(4) Notwithstanding the above, lots which, as of the effective date of this ordinance (November 14, 1998), are oceanfront lots with a lot area greater than 100,000 sq. ft. with an existing building, shall have a maximum FAR of 3.0; however, additional FAR shall be available for the sole purpose of providing hotel amenities as follows: the lesser of 0.15 FAR or 20,000 sq. ft.

(b) However, the floor area ratio maximum for residential development, inclusive of hotels, in the architectural district shall be 2.50.

(c) The lot area, lot width, unit size and building height requirements for the CD-3 commercial, high intensity district are as follows:

\* \* \*

Maximum  
Building  
Height  
(Feet)

75 feet.

Lots within the architectural district: 50 feet.

Lots fronting on 17th Street: 80 feet.

City Center Area (bounded by Drexel Avenue, 16th Street, Collins Avenue and the south property line of those lots fronting on the south side of Lincoln Road): 100 feet.

Notwithstanding the above, the Design Review Board or Historic Preservation Board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

Notwithstanding the foregoing requirement for City Center Area, the following additional shall apply:

The height for lots fronting on Lincoln Road and 16th Street between Drexel Avenue and Washington Avenue are limited to 50 feet for the first 50' of lot depth.

The height for lots fronting on Drexel Avenue is limited to 50 feet for the first 25' of lot depth (except as provided in section 142-1161).

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## **DIVISION 13. – MXE MIXED USE ENTERTAINMENT DISTRICT**

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### **Sec. 142-545. - Development regulations.**

The development regulations in the MXE mixed use entertainment district are as follows:

\* \* \*

Maximum  
Building  
Height  
(Feet)

Architectural district:

Oceanfront—150

Non-oceanfront— 50 (except as provided in section 142-1161)

All other areas—75 (except as provided in section 142-1161)

Notwithstanding the above, the Design Review Board or Historic Preservation Board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

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## **DIVISION 18. – PS PERFORMANCE STANDARD DISTRICT**

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### **Sec. 142-698. – Commercial Performance standard area requirements.**

(b)The commercial performance standard area requirements are as follows:

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C-PS1

Maximum

Building  
Height

40 feet; 75 feet for the Block 51 Properties, the Block 51 Swap Property, Block 52 Properties, and Block 1 Properties

C-PS2

Maximum  
Building  
Height

50 feet—East of Lenox Avenue

75 feet—West of Lenox Avenue

C-PS3

Maximum  
Building  
Height

Non-oceanfront—80 feet  
Oceanfront—100 feet

C-PS4

Maximum  
Building  
Height

150

Notwithstanding the above, the Design Review Board or Historic Preservation Board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

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## **DIVISION 20. - TC NORTH BEACH TOWN CENTER DISTRICTS**

### **Section 142-737. Development Regulations.**

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

TC-1 Town Center Core: 125 feet / 12 stories.

TC-2 Town Center Mixed-use: 50 feet / 5 stories

TC-3 Town Center Residential Office: 45 feet / 4 stories. Waterfront lots—50 feet / 5 stories

Notwithstanding the above, the Design Review Board or Historic Preservation Board, in accordance with the applicable review criteria, may allow up to an additional five (5) feet of height. In order to utilize the additional height, the first floor shall provide at least 12 feet in height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.

**SECTION 3.** Amending Chapter 142 of the City Code, entitled “Zoning Districts and Regulations,” Article IV, “Supplementary District Regulations,” Division 5, “Height Regulations,” Section 142-1161, “Height Regulation Exceptions,” of the Land Development Regulations, is hereby amended to read as follows:

## **DIVISION 5. – HEIGHT REGULATIONS**

### **Sec. 142-1161. - Height regulation exceptions.**

For all districts, except RS-1, 2, 3 and 4 (single-family residential districts).

- (a) The height regulations as prescribed in these land development regulations shall not apply to the following when located on the roof of a structure or attached to the main structure. For exceptions to the single-family residential districts, see subsection 142-105(e).
  - (1) Air conditioning, ventilation, electrical, plumbing equipment or equipment rooms.
  - (2) Chimneys and air vents.
  - (3) Decks, not to exceed three feet above the main roofline and not exceeding a combined deck area of 50 percent of the enclosed floor area immediately one floor below.
  - (4) Decorative structures used only for ornamental or aesthetic purposes such as spires, domes, belfries, not intended for habitation or to extend interior habitable space. Such structures shall not exceed a combined area of 20 percent of the enclosed floor area immediately one floor below.
  - (5) Elevator bulkheads or elevator mechanical rooms.
  - (6) Flagpoles subject to the provisions of section 138-72.
  - (7) Parapet walls, not to exceed three and one-half feet above the main roofline unless otherwise approved by the design review board up to a maximum of 25 feet in height.
  - (8) Planters, not to exceed three feet in height above the main roofline.
  - (9) Radio, television, and cellular telephone towers or antennas, and rooftop wind turbines.
  - (10) Stairwell bulkheads.
  - (11) Skylights, not to exceed five feet above the main roofline.
  - (12) Stage towers or scenery lofts for theaters.
  - (13) Swimming pools, whirlpools or similar structures, which shall have a four-foot wide walkway surrounding such structures, not to exceed five feet above the main roofline.
  - (14) Trellis, pergolas or similar structures that have an open roof of cross rafters or latticework.



(15) Water towers.

(16) Bathrooms required by the Florida Building Code, not to exceed the minimum size dimensions required under the Building Code, provided such bathrooms are not visible when viewed at eye level (five feet, six inches from grade) from the opposite side of the adjacent right-of-way; for corner properties. Such bathrooms shall also not be visible when viewed at eye level (five feet, six inches from grade) from the diagonal corner at the opposite side of the right-of-way and from the opposite side of the side street right-of-way.

(17) Solar Panels, wind turbines and other alternative energy fixtures.

(18) Sustainable roofing systems.

(b) The height of all allowable items in subsection (a) of this section, unless otherwise specified, shall not exceed 25 feet above the height of the roofline of the main structure. With the exception of items described in subsection (a)(17) of this section, when any of the above items are freestanding, they shall follow the height limitations of the underlying zoning district (except flagpoles which are subject to section 138-72).

(c) Notwithstanding other provisions of these regulations, the height of all structures and natural growth shall be limited by the requirements of the Federal Aviation Agency and any airport zoning regulations applicable to structure and natural growth.

#### **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. 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 7. EFFECTIVE DATE.**

This ordinance shall take effect 10 days after adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

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MAYOR

ATTEST:

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

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

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

\_\_\_\_\_  
Date

First Reading: June 7, 2017

Second Reading: July 26, 2017

Verified By: \_\_\_\_\_

Thomas R. Mooney, AICP  
Planning Director

Underline = new language

~~Strikethrough~~ = deleted language

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