

Height Increase for Office Buildings in the CD-3 District

Ordinance No. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING CHAPTER 142, ENTITLED "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, ENTITLED "DISTRICT REGULATIONS," DIVISION 6, ENTITLED "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," BY AMENDING SECTION 142-337, ENTITLED "DEVELOPMENT REGULATIONS AND AREA REQUIREMENTS," TO INCREASE THE HEIGHT LIMIT FOR OFFICE USES MEETING CERTAIN LOCATION REQUIREMENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the City's Land Development Regulations ("LDRs") provide for the regulation of land within the City; and

WHEREAS, the City desires to facilitate the construction of new office buildings, which promote a live, work and play environment; and

WHEREAS, with the construction of new office development, the City would be able to diversify its largely tourism-based economy; and

WHEREAS, this Ordinance provides for a height increase for buildings with office as the main use, located in the CD-3 district, and fronting Washington Avenue between Lincoln Road and 17th Street.

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 6, "CD-3 Commercial, High Intensity District," is hereby amended as follows:

CHAPTER 142 - ZONING DISTRICTS AND REGULATIONS

* * *

ARTICLE II. - DISTRICT REGULATIONS

* * *

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

* * *

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 square feet—2.25; lot area greater than 45,000 square feet—2.75; oceanfront lots with lot area greater than 45,000 square feet—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 square feet 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 square feet.
- (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:

Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
None	None	New construction—550 Rehabilitated buildings—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel unit: 15%: 300—335 85%: 335+ For hotel structures located within the Collins Park District, generally bounded by the erosion control line on the east, the east side of	New construction—800 Rehabilitated buildings—550 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units—N/A. The number of units may not exceed the maximum density set forth in the comprehensive plan.	75 feet. Lots on the north side of Lincoln Road between Pennsylvania Avenue and Lenox Avenue, with a minimum lot area of 30,000 square feet, and which contain a contributing building and an attached addition providing a minimum of 100 hotel units, where the addition is set back at least 75 feet from the Lincoln Road property line,

	<p>Washington Avenue on the west, 23rd Street on the north, and 17th Street on the south, hotel units shall be a minimum of 200 square feet. For contributing hotel structures, located within an individual historic site, 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 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,</p>		<p>and has a street side setback of no less than 25 feet - 75 feet. Notwithstanding the foregoing requirements for lots within the architectural district, for lots fronting on James Avenue, bounded by 17th Street to the north and Lincoln Road to the south, the historic preservation board, in accordance with the certificate of appropriateness criteria in chapter 118, article X, shall have discretion to allow up to 75 feet in height for those properties that provide a minimum of five stories of parking, of which a minimum of 250 spaces must be unencumbered by any use at the property and provided further that a minimum setback of 75 feet shall be required from Collins and Washington Avenue for any portion of a building above 50 feet in height.</p>
--	--	--	---

		<p>provided the 200 square feet minimum unit size is maintained, and provided the maximum occupancy per hotel room does not exceed 4 persons. For new hotel units within attached or detached additions to contributing buildings on the north side of Lincoln Road, between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area dedicated to amenity space, the minimum unit size shall be 200 square feet.</p>		<p>Lots within the architectural district: 50 feet. Lots fronting on 17th Street: 80 feet. <u>Lots fronting Washington Avenue between Lincoln Road and 17th Street for main use office building: 80 feet</u> 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 feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.</p>
		<p>For new hotel units within attached or detached</p>		<p>Notwithstanding the foregoing requirement for City Center</p>

		<p>additions to contributing buildings on the south side of Lincoln Road, between Pennsylvania Avenue and Lenox Avenue, with at least 5% of the total floor area dedicated to amenity space, the average unit size shall be 250 square feet. Hotel units within rooftop additions to contributing structures in a historic district and individually designated historic buildings—200.</p>		<p>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).</p>
--	--	---	--	---

* * *

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith 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" maybe 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 _____, 2022.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk.

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION



City Attorney

3-29-22

Date

First Reading: April 6, 2022
Second Reading: May 4, 2022

NK

Underline denotes new language

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