

## Collins Avenue MXE Height Amendments

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," BY AMENDING ARTICLE II, ENTITLED "DISTRICT REGULATIONS," AT DIVISION 13, ENTITLED "MXE MIXED USE ENTERTAINMENT DISTRICT," TO AMEND SECTION 142-545, ENTITLED "DEVELOPMENT REGULATIONS," TO MODIFY THE MAXIMUM BUILDING HEIGHT REQUIREMENTS ALONG COLLINS AVENUE; BY AMENDING ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," AT DIVISION 5, ENTITLED "HEIGHT REGULATIONS," TO AMEND SECTION 142-1161 TO MODIFY THE REQUIREMENTS FOR ROOF TOP ADDITIONS ON COLLINS AVENUE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; 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 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, entitled "Zoning Districts and Regulations," Article II, entitled "District Regulations," at Division 13, entitled "MXE Mixed Use Entertainment District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

### CHAPTER 142 ZONING DISTRICTS AND REGULATIONS

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#### ARTICLE II. – DISTRICT REGULATIONS

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

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

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

Maximum Floor Area Ratio	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Minimum Unit Size (Square Feet)	Average Unit Size (Square Feet)	Maximum Building Height (Feet)
All uses—2.0 Except	N/A	N/A	Existing structures:	Existing structures:	Architectural district:

convention hotel development (as set forth in section 142- 841)—3.5			Apartment units—400 Non-elderly and elderly low and moderate income housing—400 Workforce housing—400 Hotel units— in a local historic district/site— 200 Otherwise: 15%: 300— 335 85%: 335+ New construction: Apartment units—550 Hotel units: 15%: 300— 335 85%: 335+. Hotel units within rooftop additions or within ground level additions to contributing structures in a historic district and individually designated historic buildings— 200.	Apartment units—550 Hotel units— N/A New construction: Apartment units—800 Hotel units— N/A	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 feet of height, as measured from the base flood elevation plus maximum freeboard, to the top of the second floor slab.
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(b) Height regulations for properties along Collins Avenue. Notwithstanding the foregoing height limitations, the Historic Preservation Board, at its sole discretion, may approve new construction, including ground level additions and multi-story rooftop additions, for existing buildings on the east side of Collins Avenue, that exceed 50 feet in height, but not to exceed a maximum height of 75 feet, in accordance with the following:

- 1) The main use on the property shall be residential, office or hotel; non-office commercial uses shall not be permitted as a main use.
- 2) The voluntary height incentive set forth in this subsection (b) shall only be available if a property owner elects, at the owner's sole discretion, to voluntarily execute a restrictive covenant running with the land, in a form approved by the city attorney, affirming that, in perpetuity, none of the residential units on the property shall be leased or rented for a period less than six months and one day.
- 3) The property shall contain at least one contributing building. Any contributing building shall be renovated in accordance with the Secretary of Interior's Standards for Rehabilitation, including public interior spaces and all guest rooms.
- 4) The building shall have central air conditioning or flush-mounted wall units; however, no air conditioning equipment may face a street.
- 5) All non-impact resistant windows and doors shall be replaced with impact-resistant windows and doors.
- 6) Any portion of a proposed building constructed at a height in excess of 50 feet shall not be visible when viewed from the east side of Ocean Drive.
- 7) All additions proposed pursuant to this subsection (b) shall be evaluated in accordance with the Certificate of Appropriateness criteria in chapter 118 of these land development regulations, as well as the following additional criteria: (i) whether the addition enhances the architectural contextual balance of the surrounding area; (ii) whether the addition is appropriate to the scale and architecture of the existing building; (iii) whether the addition maintains the architectural character of the existing building in an appropriate manner; and (iv) whether the addition minimizes the impact of existing mechanical equipment or other rooftop elements.
- 8) There shall be no variances from the provisions of this subsection (b).

**SECTION 2.** Chapter 142, entitled "Zoning Districts and Regulations," Article IV, entitled "Supplementary District Regulations," at Division 5, entitled "Height Regulation Exceptions," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

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**ARTICLE IV. – SUPPLEMENTARY DISTRICT REGULATIONS**

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**DIVISION 5. – HEIGHT REGULATION EXCEPTIONS**

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

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

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**(d) Rooftop additions.**

(1) *Restrictions.* There shall be no rooftop additions to existing structures in the following areas: oceanfront lots within the Miami Beach Architectural District in the RM-3 or CD-3 zoning districts; non-oceanfront lots fronting Ocean Drive in the MXE zoning district. No variance from this provision shall be granted.

(2) *Additional regulations.* Existing structures within an historic district shall only be permitted to have habitable one-story rooftop additions (whether attached or detached), with a maximum floor to ceiling height of 12 feet except as hereinafter provided. No variance from this provision shall be granted. The additions shall not be visible when viewed at eye level (5'—6" from grade) from the opposite side of the adjacent right-of-way; for corner properties, said additions shall also not be visible when viewed at eye level 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. Notwithstanding the foregoing, the line-of-sight requirement may be modified as deemed appropriate by the historic preservation board based upon the following criteria: (i) the addition enhances the architectural contextual balance of the surrounding area; (ii) the addition is appropriate to the scale and architecture of the existing building; (iii) the addition maintains the architectural character of the existing building in an appropriate manner; and (iv) the addition minimizes the impact of existing mechanical equipment or other rooftop elements.

(3A) *Collins Avenue additions.* Multi-story roof-top additions may be permitted in accordance with the requirements and standards set forth in Section 142-545(b).

(3) *Lincoln Road hotel additions.* Notwithstanding the foregoing, a multistory rooftop addition, for hotel uses only, may be permitted for properties on Lincoln Road, located between Pennsylvania Avenue and Lenox Avenue, in accordance with the following provisions:

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**SECTION 3. 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 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 renumbered or relettered 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Dan Gelber, Mayor

ATTEST:

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Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

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

\_\_\_\_\_  
Date

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

Underline denotes new language

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

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