

## SUNSET HARBOR HEIGHT AND SETBACKS

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

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS", DIVISION 5, "CD-2, COMMERCIAL, MEDIUM-INTENSITY DISTRICT," SECTION 142-306, "DEVELOPMENT REGULATIONS," BY AMENDING THE SETBACKS AND MAXIMUM PERMITTED HEIGHT AND NUMBER OF STORIES FOR MIXED-USE DEVELOPMENT IN THE SUNSET HARBOUR AREA; 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 City of Miami Beach Land Development Regulations ("LDRs") provides for the regulation of land within the City; and

**WHEREAS**, the City seeks to encourage well-designed mixed-use projects on parcels fronting on southern Purdy Avenue and Dade Boulevard in the Sunset Harbour neighborhood

**WHEREAS**, the Planning Board, at its meeting dated December 15, 2016, by a vote of 5-2, recommended in favor of the Ordinance; and

**WHEREAS**, the amendments set forth below are necessary to accomplish 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 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 5, "CD-2 Commercial, Medium Intensity District," of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

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

\* \* \*

The height and setbacks of mixed-use buildings in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, shall be further governed as follows:

- (a) Mixed-use buildings on lots with a platted frontage equal to or greater than 150 feet with a lot line on Purdy Avenue south of 18<sup>th</sup> Street shall have a maximum height of 90 feet and seven (7) stories. All floors above 50 feet in height shall consist solely of residential units.

- (b) Mixed-use buildings with a lot line on Dade Boulevard shall have a maximum height of 60 feet and six (6) stories regardless of lot frontage.
- (c) Setbacks for the residential uses in mixed-use buildings on lots with a platted frontage equal to or greater than 150 feet with a lot line on Purdy Avenue south of 18<sup>th</sup> Street or with a lot line on Dade Boulevard shall follow Section 142-307, except that pedestal or tower floors including residential units shall have a twenty-five (25) foot front setback, five (5) foot rear setback, and ten (10) foot interior side setbacks for a maximum building depth of seventy-five (75) feet regardless of lot depth. Balconies may intrude up to fifty (50) percent into required front setbacks. The maximum footprint of allowable residential floors above fifty (50) feet in height shall not exceed forty (40) percent of the size of a lot.

**SECTION 2. 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 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" may be 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 \_\_\_\_\_, 2017.

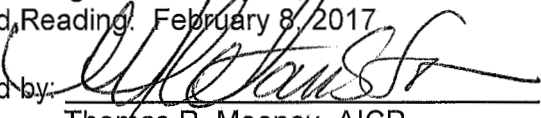
**ATTEST:**

\_\_\_\_\_  
Philip Levine, Mayor


\_\_\_\_\_  
Rafael E. Granado, City Clerk

First Reading: January 11, 2017

Second Reading: February 8, 2017

Verified by:   
Thomas R. Mooney, AICP  
Planning Director

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 12-22-16  
\_\_\_\_\_  
City Attorney Date  
NK

Underline denotes new language

~~Strikethrough~~ denotes deleted language